



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

2009 FEB - 5 PM 12: 05
cpm

04 FEB 2009

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 234(LS), "AN ACT TO AMEND §§1102 AND 1103, AND TO ADD NEW §§3307.1, 3308.1 AND 3308, TO TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE (EPAMD)" which was signed into law on January 30, 2009 as Public Law 29-139.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 2/05/09
Time
Received by [Signature]

30-09-0222

0217

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

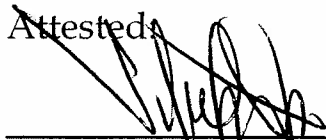
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 234 (LS)**, "AN ACT TO AMEND §§1102 AND 1103, AND TO ADD NEW §§3307.1, 3308.1, AND 3308, TO TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE (EPAMD)," was on the 23rd day of December, 2008, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

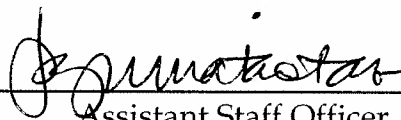
Attested:



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

.....

This Act was received by *I Maga'lahaen Guåhan* this 31 day of Dec, 2008, at
3:10 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 30 JAN 2009

Public Law No. 29-139

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 234 (LS)

As amended by the Committee on
Public Safety, Criminal Justice & Youth,
and further amended.

Introduced by:

Judith P. Guthertz, DPA
R. J. Respicio
Tina Rose Muña Barnes
B. J.F. Cruz
Frank F. Blas, Jr.
Edward J.B. Calvo
James V. Espaldon
Mark Forbes
Frank T. Ishizaki
J. A. Lujan
A. B. Palacios, Sr.
v. c. pangelinan
Dr. David L.G. Shimizu
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §§1102 AND 1103, AND TO *ADD NEW*
§§3307.1, 3308.1, AND 3308, TO TITLE 16, GUAM CODE
ANNOTATED, RELATIVE TO THE ELECTRIC PERSONAL
ASSISTIVE MOBILITY DEVICE (EPAMD).**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 personal travel device options are available in the marketplace for the citizens of
4 Guam, and for the benefit of Guam’s visitors. One such device is the “Electric
5 Personal Assistive Mobility Device” (EPAMD). The EPAMD is a self-balancing, two
6 (2)–wheeled device designed to transport only one (1) person, *solely* powered by an

1 electric propulsion system, with a maximum speed of twelve and a half (12.5) miles
2 per hour.

3 The EPAMD employs advances in technology and energy efficiency to fully
4 and safely integrate the user with pedestrian transportation, while enabling individuals
5 to travel farther and carry more without the use of traditional vehicles. This can result
6 in gains in productivity, minimize environmental impact, and facilitate better use of
7 public spaces.

8 *I Liheslaturan Guåhan* finds that Guam’s motor vehicle code must include the
9 Electric Personal Assistive Mobility Device to address the use of this new technology
10 for the community of Guam.

11 **Section 2.** In order to distinguish the Electric Personal Assistive Mobility
12 Device (EPAMD) from a bicycle, and a bicycle with a motor, paragraphs (a), (s) and
13 (oo) contained in Title 16, Guam Code Annotated, Chapter 1, §1102, “Definitions,”
14 are hereby *amended* to read:

15 “(a) A *bicycle equipped with a motor* is a two (2) tandem wheeled
16 vehicle or a three (3)-wheeled vehicle equipped with a motor having a power
17 rating *not* in excess of two (2) horsepower and is designed to travel on *not* more
18 than three (3) wheels in contact with the ground.”

19 “(s) A *motor vehicle* is a vehicle which is self-propelled excluding
20 bicycle, bicycle equipped with a motor, and electric personal assistive mobility
21 device (EPAMD).”

22 “(oo) A *vehicle* is a device in, upon *or* by which any person *or* property
23 is *or* may be propelled, moved *or* drawn upon a highway, *except* a device
24 moved by human power *or* used exclusively upon stationary rails *or* tracks *or*
25 an electric personal assistive mobility device.”

1 **Section 3.** §1103 of Chapter 1, Title 16, Guam Code Annotated, is *amended*
2 to read:

3 “**§1103. Definition: Bicycle.** A *bicycle* is a motorless contrivance
4 operated with two (2) tandem wheels but *not more than* three (3) wheels in
5 contact with the ground and propelled by human power.”

6 **Section 4.** A new Subitem (rr) is *added* to §1102 of Chapter 1, Title 16,
7 Guam Code Annotated, to read:

8 “(rr) An Electric Personal Assistive Mobility Device (EPAMD) is a self-
9 balancing two (2) non-tandem-wheeled device with an electric propulsion
10 system with an average of seven hundred fifty (750) watts (1 horsepower) that
11 limits the maximum speed of the device to twelve and a half (12.5) miles per
12 hour *or* less and that is designed to transport only one (1) person at a maximum
13 speed of twelve and a half (12.5) miles per hour. An Electric Personal Assistive
14 Mobility Device (EPAMD) *shall* have a maximum footprint of thirty-nine and a
15 half (39.5) inches in width by twenty-six and a half (26.5) inches in length by
16 fifty (50) inches high and *shall* weigh *no* greater than one hundred fifty (150)
17 pounds.”

18 **Section 5.** A new §3307.1, is hereby *added* to Title 16, Guam Code
19 Annotated, Article 4, Chapter 3, to read:

20 “**§3307.1 Electric Personal Assistive Mobility Device: Riding on**
21 **Sidewalks, Roadways and Bicycle Paths.**

22 (a) Electric Personal Assistive Mobility Devices (EPAMD) *shall*
23 be allowed to operate on and use safety zones, bicycle paths, and
24 sidewalks. An Operator of an Electric Personal Assistive Mobility
25 Device (EPAMD) *shall* exercise due care to avoid colliding with, and

1 *shall* yield the right-of-way to, persons traveling on foot and those
2 utilizing mobility aids.

3 (b) Only *if* safety zones, bicycle paths, and sidewalks are *not*
4 available, *or if* available sidewalks are *not* Americans with Disabilities
5 Act (ADA) compliant, *shall* EPAMDs be allowed to use Guam's
6 roadways where the posted speed limit is twenty-five (25) miles per hour
7 *or less*.

8 (c) Persons operating an EPAMD on a roadway *shall* ride as near
9 to the right side of the roadway as practicable, exercising due care when
10 passing a standing vehicle *or* one (1) proceeding in the same direction.
11 They *shall* ride in single file; provided that upon paths *or* parts of
12 roadways set aside for the exclusive use of bicycles, bicycles equipped
13 with motors, *or* Electric Personal Assistive Mobility Devices, riding two
14 (2) abreast *shall* be permitted, unless otherwise prohibited by rule or
15 regulation adopted by the Director of Public Works.

16 (d) An operator of an EPAMD *shall be no less than* sixteen (16)
17 years of age with one (1) exception: Operators may be twelve to fifteen
18 (15) years old *if* accompanied and supervised by an adult who is at least
19 eighteen (18) years old. Operators under sixteen (16) years of age are
20 required to wear a Consumer Products Safety Commission-approved
21 bicycle helmet.

22 (e) EPAMD tour operators *shall* limit tour customers to a
23 maximum speed of eight (8) mph while operating within Tumon Bay, as
24 defined in paragraph C, §3701, Title 16, Guam Code Annotated.

25 (f) An EPAMD operator *shall* give an audible signal before
26 overtaking and passing any pedestrian.

1 (g) An EPAMD *shall* be equipped with reflectors and a headlamp
2 when operating between one-half (1/2) hour after sunset and one-half
3 (1/2) hour before sunrise.

4 (h) Any person violating any part of this §3307.1 is guilty of a
5 misdemeanor and upon conviction thereof *shall* be punished by a fine *not*
6 *to exceed* One Hundred Dollars (\$100.00).”

7 **Section 6.** A new §3308.1 is *added* to Title 16, Guam Code Annotated,
8 Article 4, Chapter 3, to read:

9 “**§3308.1 Operation of EPAMD.** While operated on any highway, an
10 EPAMD *shall* be considered a vehicle for all purposes of highway traffic
11 operation regulations and control as set forth in this Code.”

12 **Section 7. Severability.** *If* any provision of this Act or its application to any
13 person or circumstances is held invalid, the invalidity shall *not* affect other provisions
14 or applications of this Act which can be given effect without the invalid provision or
15 application, and to this end the provisions of this Act are severable.