

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAR 16 2016

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 191-33 (LS) "AN ACT TO AMEND SUBSECTIONS (a) AND (b) OF § 12104, SUBITEM (3) OF § 12106(a), AND SUBSECTION (b) OF § 12107, AND TO ADD A NEW SUBSECTION (d) TO § 12104 AND A NEW § 12110, ALL OF CHAPTER 12, TITLE 16, GUAM CODE ANNOTATED; AND TO AMEND SUBITEM (1) OF SUBSECTION (a) OF § 77135 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO TOWING NOTICE REQUIREMENTS, RATE REGULATION, LIENS, PENALTIES, AND DEPOSIT OF FINES," which I signed into law on March 4, 2016, as Public Law 33-127.

Senseramente,


EDDIE BAZA CALVO

33-16-1438
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 3/16/16
Time: 10:50 A.M
Received By: CARL CRK

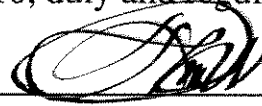
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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

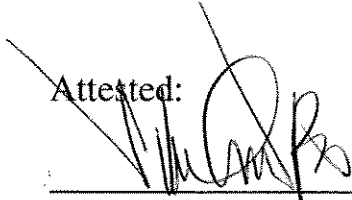
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN

This is to certify that **Substitute Bill No. 191-33 (LS), "AN ACT TO AMEND SUBSECTIONS (a) AND (b) OF § 12104, SUBITEM (3) OF § 12106(a), AND SUBSECTION (b) OF § 12107, AND TO ADD A NEW SUBSECTION (d) TO § 12104 AND A NEW § 12110, ALL OF CHAPTER 12, TITLE 16, GUAM CODE ANNOTATED; AND TO AMEND SUBITEM (1) OF SUBSECTION (a) OF § 77135 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO TOWING NOTICE REQUIREMENTS, RATE REGULATION, LIENS, PENALTIES, AND DEPOSIT OF FINES,"** was on the 18th day of February 2016, duly and regularly passed.



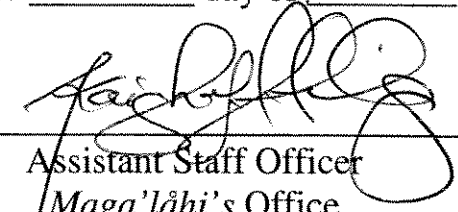
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 22ND day of FEBRUARY,
2016, at 2:59 o'clock P.M.



Assistant Staff Officer
Maga'låhi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: MAR 04 2016

Public Law No. 33-127

I MINA'TRENTAI TRES NA LIHESLATURAN GUÁHAN
2015 (FIRST) Regular Session

Bill No. 191-33 (LS)

As amended and substituted by the Sponsor;
and further amended on the Floor.

Introduced by:

Brant T. McCreddie
T. C. Ada
Michael F.Q. San Nicolas
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SUBSECTIONS (a) AND (b) OF § 12104, SUBITEM (3) OF § 12106(a), AND SUBSECTION (b) OF § 12107, AND TO *ADD* A NEW SUBSECTION (d) TO § 12104 AND A NEW § 12110, ALL OF CHAPTER 12, TITLE 16, GUAM CODE ANNOTATED; AND TO *AMEND* SUBITEM (1) OF SUBSECTION (a) OF § 77135 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO TOWING NOTICE REQUIREMENTS, RATE REGULATION, LIENS, PENALTIES, AND DEPOSIT OF FINES.

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

2 **Section 1. Towing Notice Requirements.** § 12104(a) of Chapter 12, Title
3 16, Guam Code Annotated, is *amended* to read:

1 “(a) Unless a vehicle is impounded under § 3606 of Article 6,
2 Chapter 3 of this Title 16, after performing a tow truck service, the person
3 operating the tow truck business *shall*:

4 (1) complete a vehicle condition report, as defined in §
5 12101(f) of this Chapter;

6 (2) within one (1) hour of arriving at the place of storage or
7 impound of the vehicle, contact the law enforcement agency having
8 jurisdiction over the area from which the vehicle was towed and
9 notify the agency of the:

10 (A) location of the vehicle;

11 (B) date, time, and location from which the vehicle
12 was removed;

13 (C) reasons for the removal of the vehicle;

14 (D) person who requested the removal of the vehicle;
15 and

16 (E) vehicle’s description, including its identification
17 number and license number; and

18 (3) within seven (7) days of performing the tow truck
19 service, make reasonable efforts via phone call to the last known
20 phone number of the legal owner, registered owner, vehicle insurer
21 and lienholder (obtained from the DRT Division of Motor Vehicles)
22 and send a certified letter to the last known address of the legal owner,
23 registered owner, vehicle insurer and lienholder, where applicable, of
24 the vehicle (obtained from the DRT Division of Motor Vehicles),
25 notifying them of the:

26 (A) location of vehicle;

1 (B) date, time, and location from which the vehicle
2 was removed;

3 (C) reasons for the removal of the vehicle;

4 (D) person who requested the removal of the vehicle;

5 (E) vehicle's description, including its identification
6 number and license number;

7 (F) costs and procedures to retrieve the vehicle; and

8 (G) a copy of the vehicle condition report required by
9 Subsection (a)(1) of this Section.

10 (4) For purposes of this Section, the Division of Motor
11 Vehicles *shall*, upon the presentation of a declaration made under
12 penalty of perjury that a vehicle has been towed and taken into the
13 possession of a tow truck business, provide tow truck businesses with
14 the last known address and telephone numbers of the legal owner,
15 registered owner, vehicle insurer, and lienholder, where applicable, of
16 the vehicle in question. The tow truck business *shall* furnish the
17 Division of Motor Vehicles with a copy of the notice sent pursuant to
18 Subsection (a)(3) of this Section within seven (7) days via certified
19 mail after the release of the addresses of the legal owner, registered
20 owner, vehicle insurer and lienholder, where applicable.”

21 **Section 2. Release of a Vehicle.** § 12104(b) of Chapter 12, Title 16,
22 Guam Code Annotated, is *amended* to read:

23 “(b) The legal owner, registered owner, insurer or lienholder seeking
24 the release of a vehicle that is lawfully towed is responsible for paying the
25 towing, impound, and storage fees incurred by the tow truck business in
26 towing, impounding, and storing such vehicle in order to obtain its release;
27 provided, however, that if the tow truck business has failed to comply with

1 the requirements of Subsection (a)(3) and Subsection (d) of this Section, all
2 such fees *shall* be forfeited, and the vehicle *shall* be delivered to said legal
3 owner, registered owner, or lienholder immediately upon demand. Any tow
4 truck business or other person responsible for or authorizing the towing,
5 impounding or storage of a vehicle relative to this Section, but failing to
6 comply with Subsection (a)(3) and Subsection (d) of this Section *shall* be
7 guilty of a misdemeanor, and *shall* be liable to the legal owner, registered
8 owner, insurer or lienholder, where applicable, of said vehicle for an amount
9 equal to three (3) times the damages incurred by them as a consequence of
10 said failure, together with their costs of the suit and reasonable attorneys'
11 fees.”

12 **Section 3. Towing Notice Requirements for Company Vehicles.** A new
13 § 12104(d) is *added* to Chapter 12, Title 16, Guam Code Annotated, to read:

14 “(d) After performing a tow truck service of a vehicle bearing the
15 logo of the company of ownership, including, but not limited to, rental car
16 businesses and car dealerships, the person operating the tow truck business
17 *shall* within one (1) hour of arriving at the place of storage or impound of
18 the vehicle, contact the company to which the vehicle belongs via phone call
19 notifying it of the:

- 20 (1) location of vehicle;
- 21 (2) date, time, and location from which the vehicle was
22 removed;
- 23 (3) reasons for the removal of the vehicle;
- 24 (4) person who requested the removal of the vehicle;
- 25 (5) vehicle’s description, including its identification number
26 and license number;
- 27 (6) costs and procedures to retrieve the vehicle; and

1 (7) a copy of the vehicle condition report required by
2 Subsection (a)(1) of this Section.”

3 **Section 4. Tow Truck and Impound Regulation; Rates.** § 12106(a)(3),
4 Chapter 12, Title 16, Guam Code Annotated, is *amended* to read:

5 “(3) any other call.”

6 **Section 5. Lien on Towed Vehicles; Lien Holders’ Sale.** § 12107(b) of
7 Chapter 12, Title 16, Guam Code Annotated, is *amended* to read:

8 “(b) Notwithstanding any other provision of law, § 39106 of Title
9 18, Guam Code Annotated, concerning a lien in excess of Three Hundred
10 Dollars (\$300.00), *shall not* apply to tow truck services rendered to vehicles
11 towed and taken into possession for impound or storage by a tow truck
12 business, including, without limitation, tow truck services provided in
13 response to a peace officer dispatch call; a Motor Vehicle Division call; and
14 any other call.”

15 **Section 6. Penalties.** A new § 12110 is *added* to Chapter 12, Title 16,
16 Guam Code Annotated, to read:

17 “§ 12110. **Penalty.**

18 (a) A violation of any provision of this Chapter is a civil
19 violation.

20 (b) Each violation *shall* be subject to the following penalties:

21 (1) First offense *shall* be subject to a penalty of up to
22 One Hundred Dollars (\$100.00);

23 (2) Second offense of the same provision within a
24 twelve (12)-month period *shall* be subject to a penalty of up to
25 Four Hundred Dollars (\$400.00) but no less than One Hundred
26 Dollars (\$100.00);

1 (3) Third offense of the same provision within a
2 twelve (12)-month period *shall* be subject to a penalty of no
3 less than One Thousand Dollars (\$1,000.00);

4 (4) Fourth offense of the same provision within a
5 twelve (12)-month period *shall* be punishable as a misdemeanor
6 and the business license *shall* be suspended for up to one (1)
7 year or until the violation has been cured.

8 (c) All fines imposed under this Section *shall* be deposited
9 into the Police Patrol Vehicle and Equipment Revolving Fund
10 pursuant to § 77135, Chapter 77, 10 GCA.”

11 **Section 7. Deposit of Fines.** § 77135(a)(1) of Chapter 77, Title 10, Guam
12 Code Annotated, is *amended* to read:

13 “(1) The Police Patrol Vehicle and Equipment Revolving Fund *shall*
14 be funded by, but is not limited to, OVIS fees collected and allocated in
15 accordance with § 3602(b) of Article 3, Chapter 3, and fines imposed under
16 § 12110 of Chapter 12, both of Title 16, Guam Code Annotated.”

17 **Section 8. Severability.** If any provision of this law or its application to
18 any person or circumstance is found to be invalid or contrary to law, such
19 invalidity *shall not* affect other provisions or applications of this law that can be
20 given effect without the invalid provisions or application, and to this end the
21 provisions of this law are severable.