

SIXTH GUAM LEGISLATURE
1961 (FIRST) Regular Session

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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 86, "An Act to repeal Subsection 19541.02 of Section 19541 of the Government Code of Guam, and to add a new Chapter 3 to Title XX, Government Code of Guam, entitled "Annual Excise and Admission Taxes", was on the 11th day of July, 1961, duly and regularly passed.



A. B. WON PAT
Speaker

ATTESTED:



V. B. BAMBA
Legislative Secretary

This Act was received by the Governor this 24th day
of July, 1961 at 4:00 o'clock P. M.

MANUEL F. LEON GUERRERO
Secretary of Guam

APPROVED:

7s' BILL DANIEL

BILL DANIEL
Governor of Guam

DATED: Aug. 23, 1961

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SIXTH GUAM LEGISLATURE

Bill No. 86

Substitute bill by Committee on
Finance and Taxation

AN ACT TO REPEAL SUBSECTION 19541.02 OF SECTION
19541 OF THE GOVERNMENT CODE OF GUAM, AND TO ADD
A NEW CHAPTER 3 TO TITLE XX, GOVERNMENT CODE OF
GUAM, ENTITLED "ANNUAL EXCISE AND ADMISSION TAXES."

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

2 Section 1. Subsection 19541.02 of Section 19541 of the Government
3 Code of Guam, entitled "Tax Upon Amusements" is hereby repealed.

4 Section 2. A new Chapter 3 is hereby added to Title XX, Govern-
5 ment Code of Guam, to read as follows:

6 "CHAPTER 3

7 Annual Excise and Admission Taxes

8 SUBCHAPTER A

9 Tax on Amusement Devices

10 Section 19200. Imposition. An excise tax is hereby imposed on
11 each of the following amusement devices which are operating to produce re-
12 venue in Guam on the effective date of this Chapter (apportioned in accordance
13 with Section 19200.4), or thereafter manufactured or constructed in, imported
14 into Guam, maintained or permitted in Guam, and operated to produce revenue
15 in Guam, and annually thereafter on July 1, at the rate stated:

16 (a) On each pinball machine, \$75.00

17 (b) On each multiple-coin pinball machine, \$250.00

18 (c) On each coin-activated phonograph or other coin-
19 activated music producing machine, \$75.00 plus \$15.00 for
20 each coin slot in excess of one;

21 (d) On each coin-activated kiddie ride, designed for
22 the use of children, \$25.00;

23 (e) On each coin-activated amusement device not included
24 under (a), (b), (c), or (d), \$50.00;

25 Section 19200.1. Definitions. As used in this Subchapter:

26 (a) 'Pinball machine' means any coin-activated amusement

1 device consisting of a game or machine in which one or more
2 balls or marbles are projected against obstacles governing
3 their course toward or away from various slots or receptacles,
4 and in which the user of such device is limited to one coin per
5 operation and cannot earn or otherwise acquire extra balls during
6 any one operation of such device.

7 (b) "Multiple-coin pinball machine" means any pinball
8 machine as defined in subparagraph (a) of Section 19200.1 of
9 this subchapter which in addition permits the user of such
10 device to use more than one coin per operation and permits the
11 user to earn or otherwise acquire extra balls during any one
12 operation of such device.

13 (c) "Coin-activated kiddie ride" means any coin-activated
14 amusement device consisting of a machine intended for the use of
15 children which simulates a ride on an animal or in an animal-or-
16 motor-propelled vehicle.

17 (d) "Coin-activated amusement device" includes any amuse-
18 ment device consisting of a game or machine which may be activated
19 by the insertion of a coin, or which was originally designed to
20 be so activated. It does not include any machine used primarily
21 for the sale of merchandise as determined by the Commissioner.

22 (e) "Coin" includes token or similar object.

23 (f) "Amusement device" means any such device taxed under
24 this Subchapter.

25 Section 19200.2. Registration. Every amusement device shall be
26 registered with the Commissioner in accordance with regulations. Such
27 regulations may provide for a suitable identification certificate, tag or
28 decalcomania for each device required to be registered. It shall be a
29 misdemeanor for any person to own, lease, operate, be in possession of,
30 any such amusement device, or for any person owning, leasing, or occupying
31 any premises to have or permit thereon any such amusement device which is
32 not registered in accordance with regulations.

1 Subchapter shall not apply with respect to admissions received by any person
2 entitled to an exemption under Subsections 19543.02, 19543.03, 19543.04, or
3 19543.05 (subject to compliance by such person with the conditions set forth
4 in Subsection 19543.09) of Section 19543, Subchapter B, Chapter 6, of this
5 Title, and provided that all profits from such operation shall be used
6 exclusively for, or in furtherance of, the regular activities of such person
7 and shall not accrue in whole or in part to the benefit of any private stock-
8 holder or individual.

9 Section 19201.3. Complimentary Admissions and Reduced Rate of
10 Admissions. The tax imposed by this Subchapter shall apply to complimentary
11 admissions, and admissions at a reduced rate, when and under circumstances
12 under which an admission charge is made to other persons and in an amount
13 equivalent to the tax on the amount paid by such other persons for the same
14 or similar accommodations. Exceptions may be made by the Commissioner by
15 regulation in the case of bona fide employees of the place, performers, and
16 other persons whose duties are the sole reason for their presence and free
17 admission.

18 Section 19201.4. Collection. Every person receiving any taxable
19 payment for admission on which a tax is imposed upon the payer thereof under
20 this Subchapter shall collect the amount of the tax from the person making
21 such payment, and the amount so collected shall be held for and paid over to
22 the Commissioner at such time and by such means, including returns, stamps,
23 tickets, or such other reasonable devices or methods, as shall be prescribed
24 by the Commissioner by regulation. For purposes of administration and enforce-
25 ment, such person shall be deemed a 'taxpayer' with regard to Subchapter A,
26 Chapter 6, of this Title, as made applicable by Section 19203, Subchapter D,
27 of this Chapter.

28 Section 19201.5. Liability for Failure to Collect. Any person
29 who, having the obligation to collect the tax imposed by this Subchapter,
30 fails to do so, shall be personally liable therefor and shall account to the
31 Commissioner therefor as if he had collected the tax.

32 Section 19201.6. Wilful Failure to Collect or Pay Over Tax. Any

1 person required under this Subchapter to collect, account for, and pay over
2 the tax imposed by this Subchapter who wilfully fails to collect or truthfully
3 accounts for and pay over such tax shall, in addition to other penalties
4 provided by law, be guilty of a felony and, upon conviction thereof, shall be
5 fined not more than ten thousand dollars (\$10,000), or imprisoned not more
6 than five (5) years, or both, together with the costs of prosecution.
7 Evidence of personal use of any such tax so collected by the person charged
8 with collection, either in his business or otherwise, shall constitute prima
9 facie evidence of wilful failure to truthfully account for and pay over such
10 tax in violation of this Section.

11 Section 19201.7. Printing of Price on Ticket: Numbering. The
12 price (exclusive of the tax to be paid by the person paying for admission)
13 at which every admission ticket or card is sold and the amount of the tax
14 separately stated, together with the name of the vendor, shall be conspicuously
15 and indelibly printed, stamped, or written on the face or back of a portion of
16 such ticket or card, which portion shall be taken up by the person collecting
17 the tax in accordance with regulations of the Commissioner. All tickets shall
18 be numbered consecutively and registered with the Commissioner prior to sale.
19 Any person who sells an admission ticket or card on which the name of the
20 vendor and the price and tax are not printed, stamped, or written, or which
21 has not been registered prior to sale, or is not numbered consecutively, as
22 provided in this Section, or at a price in excess of the price so printed,
23 stamped, or written thereon, is guilty of a misdemeanor.

24 SUBCHAPTER C

25 Tax on Recreation Facilities

26 Section 19202. Imposition. An excise tax is hereby imposed on
27 each of the following recreation facilities in Guam on the effective date
28 of this Chapter (apportioned in accordance with Section 19202.3), or there-
29 after manufactured or constructed in Guam, imported into Guam, maintained
30 or permitted in Guam, and used in connection with any commercial business
31 enterprise engaged in for profit wherein such facility is offered for patro-
32 nage, and annually thereafter on July 1, at the rate stated:

1 (a) On each regulation bowling alley or regulation
2 ten-pin alley, \$10.00 for each individual alley;

3 (b) On each regulation golf course, \$100.00 for each
4 nine holes or fraction thereof;

5 (c) On each golf driving range, or miniature golf
6 course, \$100.00;

7 (d) On each pool or billiard table, \$5.00;

8 (e) On each skating rink, dance hall, or shooting gallery,
9 \$100.00.

10 Section 19202.1. Registration. Every recreation facility on
11 which a tax is imposed by this Subchapter shall be registered with the Com-
12 missioner in accordance with regulations. Such regulations may provide for
13 a suitable identification certificate, tag or decalcomania for each facility
14 required to be registered. It shall be a misdemeanor for any person to own,
15 lease, operate, or be in possession of, any such facility which is not
16 registered in accordance with regulations.

17 Section 19202.2. Liability for Tax. The tax imposed by this Sub-
18 chapter shall be the liability of any owner or lessee of the facility, or
19 any person operating or managing any such facility or any commercial business
20 enterprise where such facility is offered for patronage. This Section shall
21 not be construed as imposing the tax more than once in a single year.

22 Section 19202.3. Apportionment. When the tax attaches subsequent
23 to July 1st in any tax year, it shall apply on the basis of one-fourth of
24 the annual rate for each full quarter and fraction thereof remaining in the
25 tax year.

26 SUBCHAPTER D

27 General

28 Section 19203. Administration and Enforcement. The provisions
29 of Subchapter A, Chapter 6, of this Title, notwithstanding Section 19512
30 hereof, shall, except as otherwise provided in this Chapter, apply to taxes
31 imposed under this Chapter.

32 Section 19203.1. Definitions. As used in this Chapter:

1 (a) 'Commissioner' means the Commissioner of Revenue
2 and Taxation, government of Guam.

3 (b) 'Person' means any individual, firm, copartnership,
4 joint venture, association, corporation, estate, trust, or
5 other group or combination acting as a unit.

6 Section 19203.2. Collection. The payment of taxes imposed by
7 this Chapter shall be at such times and by such means, including returns,
8 stamps, tickets, decalcomanias, or such other reasonable devices or methods,
9 as shall be prescribed by the Commissioner by regulation.

10 Section 19203.3. Penalty. There is hereby imposed a penalty at
11 the rate of 25% of the amount of any tax imposed by this Chapter for each
12 quarter or fraction of a quarter that any such tax remains unpaid to the
13 Commissioner after the due date. The penalties imposed by Subsection 19514.01
14 and Subsection 19514.02, Subchapter A, Chapter 6, of this Title, shall not
15 apply to taxes imposed by this Chapter.

16 Section 19203.4. Wilful Failure to File Return, Supply Informa-
17 tion, or Pay Tax. Any person required under this Chapter to pay any tax,
18 or by regulations made under authority thereof to make a return, keep any
19 records, or supply any information, who wilfully fails to pay such tax, make
20 such return, keep such records, or supply such information, at the time or
21 times required by law or regulations, shall, in addition to other penalties
22 provided by law, be guilty of a misdemeanor.

23 Section 19203.5. Penalty for Misdemeanor. Any person convicted
24 of a misdemeanor under this Chapter shall be fined not more than One Thousand
25 Dollars (\$1,000), or imprisoned not more than one (1) year, or both, together
26 with the costs of prosecution."

27 Section 3. This Act is an urgency measure and shall take effect
28 on the first day of the second month following approval by the Governor.