

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
83-36 (COR) As substituted on the Floor; and amended in the Committee of the Whole.	Tina Rose Muña Barnes James C. Moylan	AN ACT TO AMEND §§5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO REPEAL §5103 AND §5105, AND TO ADD §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.	3/15/21 1:52 p.m.	3/19/21	Committee on Education, Self-Determination and Historic Preservation, Infrastructure, Border Safety, Federal and Foreign Affairs, and Maritime Transportation	5/18/21 11:00 a.m.	7/8/21 10:03 a.m.	Request: 3/22/21 4/12/21	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
	1/21/22	AN ACT TO AMEND §§ 5101, 5104, 5107, 5109(b)(1)(F), 5109(b)(2), 5109(c), 5112, 5114(c), 5114(e), 5114(f), AND 5118; TO REPEAL AND REENACT § 5114(h); TO REPEAL §§ 5103 AND 5105; AND TO ADD NEW §§ 5119 AND 5120, ALL OF CHAPTER 5, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.	1/28/22	1/28/22	2/9/22				



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I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
Thirty-Sixth Guam Legislature

January 28, 2022

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are **Bill Nos. 142-36 (LS), 174-36 (LS) and 185-36 (COR); and Substitute Bill Nos. 83-36 (COR), 162-36 (COR), 173-36 (LS), 229-36 (LS), and 230-36 (LS)** which were passed by *I Mina'trentai Sais Na Liheslaturan Guåhan* on January 28, 2022.

Sincerely,

AMANDA L. SHELTON
Legislative Secretary

Enclosure (8)

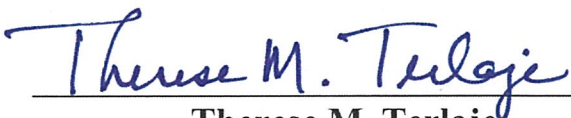


COPY

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Substitute Bill No. 83-36 (COR), "AN ACT TO AMEND §§ 5101, 5104, 5107, 5109(b)(1)(F), 5109(b)(2), 5109(c), 5112, 5114(c), 5114(e), 5114(f), AND 5118; TO REPEAL AND REENACT § 5114(h); TO REPEAL §§ 5103 AND 5105; AND TO ADD NEW §§ 5119 AND 5120, ALL OF CHAPTER 5, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES,"** was on the 28th day of January 2022, duly and regularly passed.


Therese M. Terlaje
Speaker

Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 28th day of January
2022, at 7:38 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 83-36 (COR)

As substituted on the Floor;
and amended in the Committee of the Whole.

Introduced by:

Tina Rose Muña Barnes

James C. Moylan

V. Anthony Ada

Frank Blas Jr.

Joanne Brown

Christopher M. Dueñas

Telena Cruz Nelson

Clynton E. Ridgell

Joe S. San Agustin

Amanda L. Shelton

Telo T. Taitague

Jose "Pedro" Terlaje

Therese M. Terlaje

Mary Camacho Torres

AN ACT TO *AMEND* §§ 5101, 5104, 5107, 5109(b)(1)(F), 5109(b)(2), 5109(c), 5112, 5114(c), 5114(e), 5114(f), AND 5118; TO *REPEAL* AND *REENACT* § 5114(h); TO *REPEAL* §§ 5103 AND 5105; AND TO *ADD* NEW §§ 5119 AND 5120, ALL OF CHAPTER 5, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds

that the designation of haul roads on Guam is necessary to transport products from

the Commercial Port of Guam to warehouses in Harmon and other areas where

1 products can be unloaded, sorted, stored, and transported on delivery trucks that
2 meet the requirements of the bridge formula and more weight restrictive regulations.
3 This legislation does not eliminate the bridge formula needed to protect island
4 bridges, especially south of the Commercial Port of Guam. It classifies specific haul
5 roads in order to efficiently and affordably assist commerce. This legislation also
6 updates and modernizes specific sections of the law concerning the size of the trucks
7 traveling on Guam's roads.

8 **Section 2.** § 5101 of Chapter 5, Title 16, Guam Code Annotated, is hereby
9 *amended* to read as follows:

10 **“§ 5101. Definitions.**

11 As used in this Chapter, the following definitions will hold true:

12 (a) Axle: The common axis of rotation of one (1) or more wheels,
13 whether in one (1) or more segments and regardless of the number of wheels
14 carried thereon.

15 (b) Axle Group: An assemblage of two (2) or more consecutive axles
16 considered together in determining their combined load effect on a bridge or
17 pavement structure.

18 (c) Axle Load: The total weight transmitted to the road by a single
19 axle.

20 (d) Connecting Mechanism: An arrangement of parts
21 interconnecting two (2) or more consecutive axles to the frame of a vehicle in
22 such a manner as to equalize the load between the axles.

23 (e) Designated Haul Road Highway: Designated haul road highways
24 with a reconstructed lane in each direction and a higher standard design
25 recognized by the U.S. Department of Transportation Federal Highway
26 Administration and approved by the Director allowing for the movement of
27 heavier vehicles shall include the following:

1 Route 1;
2 Route 8;
3 Route 11;
4 Route 16; and
5 other highways designated by the Director of Public Works as they are
6 reconstructed for heavier use.

7 (f) Gross Combination Weight (GCW): The total weight of the
8 power unit and the total weight of the towed unit and any load thereon.

9 (g) Gross Combination Weight Rating (GCWR): The value
10 specified by the manufacturer as the loaded weight of a combination
11 (articulated) motor vehicle. In the absence of a value specified by the
12 manufacturer, GCWR will be determined by adding the GVWR of the power
13 unit and the total weight of the towed unit and any load thereon.

14 (h) Gross Vehicle Weight (GVW): The total weight of the loaded
15 vehicle. This includes the vehicle itself and the cargo that is loaded within that
16 vehicle.

17 (i) Gross Vehicle Weight Rating (GVWR): The value specified by
18 the manufacturer as the loaded weight of a single motor vehicle.

19 (j) Gross Weight: The weight of a vehicle and/or vehicle
20 combination without load, plus the weight of any load thereon.

21 (k) Height: The total vertical dimension of any vehicle above the
22 ground surface, including any load and load holding device thereon.

23 (l) Highway: The entire width between the boundary lines of every
24 publicly maintained surface, when any part thereof is open to the use of the
25 public for purposes of vehicular travel; synonymous and interchangeable in
26 usage with "street."

1 (m) Length: The total longitudinal dimension of any vehicle or
2 combination of vehicles, including any load or load holding devices thereon.

3 (n) Lift Axle: An axle designed to be raised when not in use and
4 lowered to help reduce the weight imposed on an axle group.

5 (o) Load: A weight or quantity of anything resting upon a support.

6 (p) Motor Vehicle: A vehicle which is self-propelled.

7 (q) Owner: A person, other than a lien holder, having the property in
8 or title to a vehicle, including a person entitled to use and possession of a
9 vehicle subject to a security interest in another person, but excluding a lessee
10 under a lease not intended as security.

11 (r) Portable Scales: A movable weighing device.

12 (s) Primary Road: A primary road is a road with two (2) or more
13 lanes each way, or any road with at least two (2) contiguous miles with a speed
14 limit of thirty-five (35) miles per hour or greater.

15 (t) Scale Tolerance: An allowable variation in the static weight of
16 an axle load in accordance with, but not exceeding, the precision of the scale
17 involved.

18 (u) Secondary Road: A secondary road is any road, paved or
19 unpaved, that does not meet the definition of "primary road" as herein stated.

20 (v) Semi-Trailer: A vehicle designed for carrying persons or
21 property and drawn by a truck-tractor on which parts of its weight and load
22 rests.

23 (w) Single Axle: An assembly of two (2) or more wheels, whose
24 centers are on one (1) transverse vertical plane or may be included between
25 two (2) parallel transverse vertical planes forty (40) inches or less apart
26 extending the full width of the vehicle.

1 (x) Single Axle Weight: The total weight transmitted to the road by
2 a single axle.

3 (y) Special Permit: A written authorization to move or operate on a
4 highway, a vehicle or vehicles with indivisible load of a size and/or weight
5 exceeding the limits prescribed for vehicles in regular operation.

6 (z) Static Scales: An immovable measuring scale, similar to a ruler,
7 that is attached to the edge of an optical comparator screen.

8 (aa) Tandem Axle: Any two (2) or more consecutive axles whose
9 centers are more than forty (40) inches and not more than ninety-six (96)
10 inches apart, and are individually attached and/or articulated from a common
11 attachment to the vehicle, including a connecting mechanism designed to
12 equalize the load between the axles.

13 (bb) Tandem Axle Weight: The total weight transmitted to the road
14 by a tandem axle.

15 (cc) Trailer: A vehicle designed for carrying persons or property and
16 drawn by a motor vehicle which carries no part of the weight and load of the
17 trailer on its own wheels.

18 (dd) Tridem Axle: Any three (3) or more consecutive axles whose
19 centers are more than eighty (80) inches but not more than one hundred forty-
20 four (144) inches apart, and are individually attached, or articulated from a
21 common attachment to the vehicle, including a connecting mechanism
22 designed to equalize the load between the axles.

23 (ee) Tridem Axle Weight: The total weight transmitted to the road by
24 a tridem axle.

25 (ff) Truck: A motor vehicle designed, used or maintained primarily
26 for the transportation of property.

1 (gg) Truck-Tractor: A motor vehicle designed for drawing other
2 vehicles, but not for a load other than a part of the weight of the vehicle and
3 load drawn.

4 (hh) Vehicle: A device in, upon or by which any person or property
5 may be transported or drawn upon a highway.

6 (ii) Vehicle Combination: A truck-tractor and semi-trailer,
7 either with or without a full trailer, or a truck with one (1) or more full trailers.

8 (jj) Weigh-in-Motion Scales: Weighing-in-Motion (WIM) is,
9 as the name implies, the process of weighing a vehicle as it is moving along
10 the highway in an effort to estimate the equivalent static weight of the vehicle.

11 (kk) Wheel Load: The total load transmitted to the road by a
12 wheel. Dual wheels that share an axle mounting are considered a single wheel
13 for load requirements.

14 (ll) Width: The total outside transverse dimension of a vehicle,
15 including any load or load holding devices thereon, but excluding approved
16 safety devices and tire bulge due to load.”

17 **Section 3.** § 5103 of Chapter 5, Title 16, Guam Code Annotated, is hereby
18 *repealed*.

19 **Section 4.** § 5104 of Chapter 5, Title 16, Guam Code Annotated, is hereby
20 *amended* to read as follows:

21 **“§ 5104. Height, Length, and Width of Vehicles and Loads.**

22 A vehicle, including any load and load holding devices thereon, shall
23 not exceed a total height of fifteen (15) feet, or a width of eight and a half
24 (8.5) feet, or a length of sixty-five (65) feet, for public roads, streets or
25 highways, and shall not exceed a length of eighty-five (85) feet on designated
26 haul road highways. Any vehicle or loads exceeding the dimensions in height,

1 length, or width shall obtain a Special Permit from the Director of the
2 Department of Public Works as specified in this Chapter.”

3 **Section 5.** § 5105 of Chapter 5, Title 16, Guam Code Annotated, is hereby
4 *repealed*.

5 **Section 6.** § 5107 of Chapter 5, Title 16, Guam Code Annotated, is hereby
6 *amended* to read as follows:

7 **“§ 5107. Gross Weight, Axle, and Wheel Loads.**

8 No motor vehicle or combination of vehicles equipped wholly with
9 pneumatic tires, which has a gross weight, an axle load, or a wheel load in
10 excess of the limits set forth in this Section shall be operated or moved upon
11 any public road, street, or highway; and no vehicle or combination of vehicles
12 shall be operated on or moved over any bridge or other highway structure if
13 the gross weight, including vehicle and load, exceeds the posted maximum
14 gross weight limitation for the bridge or other highway structure.

15 (a) Except for designated haul road highways, the total gross weight,
16 in pounds, imposed on any public road, street, or highway, by any axle group
17 on a vehicle or combination of vehicles shall not exceed the following when
18 the distance between the first and last axles of the group under consideration
19 is:

20 (1) forty (40) inches or less; the axle load shall not exceed
21 twenty thousand (20,000) pounds, or the axle manufacturer’s rating,
22 whichever is less;

23 (2) more than forty (40) inches, but not more than eight (8)
24 feet; the tandem axle weight imposed shall not exceed thirty-six
25 thousand (36,000) pounds;

1 (3) more than eighty-six (86) inches, but not more than one
2 hundred forty-four (144) inches; the tridem axle weight imposed shall
3 not exceed fifty thousand (50,000) pounds; and

4 (4) any additional lift axle designed to help distribute weight
5 shall not exceed twenty thousand (20,000) pounds, or the axle
6 manufacturer's rating, whichever is less.

7 (b) The total gross weight, in pounds, imposed on any public road,
8 street, or highway, except on designated haul road highways, by any axle
9 group on a vehicle or combination of vehicles shall not exceed that resulting
10 from application of the Bridge Formula:

11 $W = 500 (LN/(N-1) + 12N + 36)$ when the distance between the
12 first and last axles of the axle group under consideration is over eight
13 (8) feet and where

14 W = maximum gross weight in pounds carried on any axle group,
15 L = distance in feet between the outer axles of any axle group, to
16 the nearest foot, and

17 N = number of axles in group under consideration; provided that
18 two (2) consecutive sets of tandem axles may carry a gross load of
19 thirty-six thousand (36,000) pounds each providing the overall distance
20 between the first and last axles of such consecutive sets of tandem axles
21 is thirty-six (36) feet or more; and provided also that the overall gross
22 weight does not exceed eighty thousand (80,000) pounds.

23 (c) The total gross weight, in pounds, imposed on any designated
24 haul road highway, by any axle group on a vehicle or combination of vehicles
25 shall not exceed the following when the distance between the first and last
26 axles of the group under consideration is:

1 (1) forty (40) inches or less; the axle load shall not exceed
2 twenty thousand (20,000) pounds, or the axle manufacturer's rating,
3 whichever is less;

4 (2) more than forty (40) inches, but not more than eight (8)
5 feet; the tandem axle weight imposed shall not exceed:

6 (A) thirty-six thousand (36,000) pounds upon
7 completion of construction of the haul road highway to a higher
8 design standard;

9 (B) forty thousand (40,000) pounds upon completion of
10 construction of the haul road highway to a higher design
11 standard; and

12 (C) forty-eight thousand (48,000) pounds upon
13 completion of construction of the haul road highway to a higher
14 design standard;

15 (3) more than eighty-six (86) inches, but not more than one
16 hundred forty-four (144) inches; the tridem axle weight imposed shall
17 not exceed:

18 (A) forty-six thousand (46,000) pounds upon
19 completion of construction of the haul road highway to a higher
20 design standard; and

21 (B) fifty-two thousand (52,000) pounds upon
22 completion of construction of the haul road highway to a higher
23 design standard;

24 (4) any additional lift axle designed to help distribute weight
25 shall not exceed twenty thousand (20,000) pounds, or the axle
26 manufacturer's rating, whichever is less.

1 (d) No vehicle or combination of vehicles shall be used or operated
2 on any public road, street, or highway with:

3 (1) a load upon any single or tandem or tridem axle or
4 combination of axles which exceeds the carrying capacity of the axles
5 specified by the manufacturer; or

6 (2) with a total weight in excess of its designed capacity as
7 indicated by its designed gross vehicle weights or gross combination
8 weights.

9 (e) The single axle weight shall not exceed twenty thousand (20,000)
10 pounds.

11 (f) Maximum weight shall be eighty thousand (80,000) pounds,
12 gross vehicle weight, for a combination of truck tractor and semi-trailer
13 combinations but not more than ninety-five thousand (95,000) pounds on
14 designated haul roads.

15 (g) The maximum wheel load imposed upon any public road, street,
16 or highway shall not exceed eight hundred (800) pounds per inch of tire tread
17 width or the tire manufacturer's rating listed on the tire, whichever is less.

18 (h) The Director of the Department of Public Works (DPW Director)
19 may place and maintain signs to limit the gross weight of a vehicle or
20 combination of vehicles traveling over a bridge or other highway structure in
21 the interest of public safety when it is determined that the theoretical load
22 carrying capacity of the bridge or structure is less than the maximum gross
23 vehicular weight allowed by this Chapter.

24 (i) The DPW Director may issue a special permit for a vehicle that
25 meets the axle group load requirements of the formula in Subsection (a) of
26 this Section, but with a gross vehicle weight in excess of the allowable weight

1 provided under this Section. Such special permit shall be issued in accordance
2 with § 5114 of this Chapter.”

3 **Section 7.** § 5109(b)(1)(F) of Chapter 5, Title 16, Guam Code Annotated,
4 is hereby *amended* to read as follows:

5 “(F) every peace officer, or DMV/MCSAP inspector may assist in the
6 enforcement of this Chapter and of all rules adopted pursuant to this Chapter
7 and may issue citations for violations as appropriate; and”

8 **Section 8.** § 5109(b)(2) of Chapter 5, Title 16, Guam Code Annotated, is
9 hereby *amended* to read as follows:

10 “(2) Department of Public Works (DPW):

11 (A) operate the Truck Enforcement Screening Station (TESS)
12 Facility located on Route 11 to weigh vehicles and/or combinations of
13 vehicles operating on Guam’s roads, streets, or highways;

14 (B) every peace officer or DPW inspector having reason to
15 believe that the weight or dimension of a vehicle operating on a public
16 road, street or highway, including designated haul road highways,
17 either with or without load, is in violation of the provisions of this
18 Chapter, shall be authorized to require the driver to stop and submit to
19 an inspection of same by means of portable scales, static scales, or
20 weigh-in-motion scales, or as otherwise appropriate, except that any
21 motor carrier with military cargo shall be permitted to proceed, unless
22 safety to the general public dictates otherwise, to the vehicle’s
23 destination for appropriate review therein and such action shall not be
24 a violation of this Chapter. Violations for any dimensions or GVW in
25 excess of permissible limits, as established by the provisions of this
26 Chapter, shall be subject to the penalties provided in the DPW rules and
27 regulations promulgated pursuant to § 5112(a) of this Chapter;

1 (C) whenever a peace officer or DPW inspector, upon
2 weighing a vehicle and load, as provided above, determines that the
3 GVW exceeds allowable limits, such peace officer or DPW inspector
4 may require the driver to stop the vehicle in a suitable area where
5 corrective action can be determined by the peace officer or DPW
6 inspector. Corrective action may include removal of the non-
7 conforming portion of the load and distribution to another vehicle, or
8 allowance of the vehicle to proceed to another location for unloading.
9 Nothing herein is intended to waive any applicable fines;

10 (D) any DMV/MCSAP trained and certified peace officer or
11 DPW inspector may assist in the enforcement of this Chapter and of all
12 rules and regulations adopted pursuant to this Chapter and issue
13 citations for violations as appropriate;

14 (E) fines collected from citations issued by DPW inspectors
15 for violations of this Subsection shall be deposited in the TESS Facility
16 Fund and shall be expended in accordance with § 5118 of this Chapter.”

17 **Section 9.** § 5109(c) of Chapter 5, Title 16, Guam Code Annotated, is
18 hereby *amended* to read as follows:

19 “(c) Any driver of a vehicle who fails or refuses to stop and submit
20 the vehicle, either with or without load, to an inspection and/or weighing, or
21 who fails or refuses when directed by a peace officer, DMV inspector, or
22 DPW inspector upon inspection and/or weighing of the vehicle to discontinue
23 the operation of the vehicle and otherwise comply with the provisions of this
24 Section shall be guilty of a civil violation, and subject to fines and penalties
25 as provided in the DPW rules and regulations.”

26 **Section 10.** § 5112 of Chapter 5, Title 16, Guam Code Annotated, is hereby
27 *amended* to read as follows:

1 **“§ 5112. Penalties.**

2 (a) Every person, entity or organization convicted of a violation of
3 any of the provisions of this Chapter for which another penalty is not provided
4 shall be guilty of a civil violation and subject to a fine as provided in the DPW
5 rules and regulations.

6 (b) Should a person, entity or organization be found guilty of a third
7 violation of the weight limitations established by this Chapter within six (6)
8 months after a second violation, such person, entity or organization shall be
9 guilty of a civil violation and subject to a fine as provided in the DPW rules
10 and regulations, and the responsible party, as defined in Subsection (d) of this
11 Section, may have their Guam business license revoked in accordance with
12 the following:

13 (1) The Director of the Department of Public Works (DPW
14 Director) shall notify the responsible party (respondent), in writing, of
15 the finding of a third violation of this Section.

16 (2) The respondent may request, in writing, an administrative
17 hearing to dispute the findings of the Director. Said request for a
18 hearing must be delivered, in writing, to the Office of the DPW Director
19 within fifteen (15) calendar days from the date of receipt of the DPW
20 Director’s findings.

21 (3) Notwithstanding § 9220 of Chapter 9, Title 5, Guam Code
22 Annotated, the hearing shall be conducted by the DPW Director who
23 shall be the hearing officer. The Office of the Attorney General or a
24 Special Assistant Attorney General, appointed by the Attorney General,
25 shall assist in providing advice to the DPW Director when matters of
26 law arise. The hearing process shall be subject to the procedures of
27 Chapter 9 of Title 5, Guam Code Annotated, with the exception noted

1 above, to § 9220 of the same. The findings of the Director, upon the
2 delivery to the respondent, shall fulfill the requirements of § 9201 of
3 Chapter 9, Title 5, Guam Code Annotated.

4 (4) In the event that the DPW Director affirms the finding of
5 a third violation is valid, or if no hearing is requested in writing within
6 fifteen (15) calendar days from the date of receipt of the findings by the
7 respondent, the DPW Director may request, in writing, that the
8 appropriate licensing entity revoke the respondent's license to do
9 business on Guam immediately, for a period of up to three (3) years, as
10 determined by the Director. Upon receipt of the DPW Director's written
11 recommendation, the appropriate licensing entity may suspend such
12 license to do business on Guam in accordance with the recommendation
13 of the DPW Director. The hearing required of this Subsection shall
14 fulfill the requirements to suspend a business license found in Chapter
15 9 of Title 5 GCA.

16 (c) Any person found to be in violation of the dimensional
17 limitations established by this Chapter shall be guilty of a civil violation and
18 subject to fines and penalties as provided in the DPW rules and regulations.

19 Up to 5 feet	\$ 50.00
20 Over 5 feet and up to 10 feet	\$100.00
21 Over 10 feet and up to 15 feet	\$150.00
22 Over 15 feet	\$200.00,
23 plus \$10.00 for each additional foot.	

24 (d) Promulgation of Rules. DPW shall promulgate rules and
25 regulations authorized by this Section, or which it may deem necessary or
26 appropriate to give effect to this Section, pursuant to the Administrative
27 Adjudication Law.

1 (e) All fines levied by a DMV/MCSAP inspector in accordance with
2 the applicable provisions of this Chapter shall be deposited in the Better Public
3 Service Fund of the Department of Revenue and Taxation, to be used by the
4 Division of Motor Vehicles in accordance with § 16101 of Chapter 16, Title
5 11, Guam Code Annotated.

6 (f) All fines levied by a DPW/TESS inspector and any permits and
7 administrative fees collected by the Department of Public Works in
8 accordance with this Chapter shall be deposited in the TESS Facility Fund and
9 shall be expended in accordance with § 5118 of this Chapter.

10 (g) Responsible Party.

11 (1) Import Shipping Containers Under Seal. Any importer or
12 consignee, whether an individual or an entity, organization, or
13 company, whose shipping container placed under seal has been
14 determined to be in violation of § 5107 of this Chapter shall be
15 responsible for any fine, penalty, handling, additional transportation or
16 other associated cost (including storage).

17 (2) Export Shipping Containers Under Seal. Any exporter,
18 whether an individual or an entity, organization, or company, whose
19 shipping container placed under seal has been determined to be in
20 violation of § 5107 of this Chapter shall be responsible for any fine,
21 penalty, handling, additional transportation or other associated cost
22 (including storage).

23 (3) Local Containers Under Seal. Any individual and any
24 organization, entity, or company loading a shipping container under
25 seal not designated for export that has been determined to be in
26 violation of § 5107 of this Chapter shall be responsible for any fine,

1 penalty, handling, additional transportation or other associated cost
2 (including storage).

3 (4) All Other Local Transport Not Under Seal. Any individual
4 or any cargo transporting entity, organization, or company determined
5 to be in violation of § 5107 of this Chapter shall be responsible for any
6 fine, penalty, handling, additional transportation or other associated
7 cost (including storage) prescribed in this Section.

8 (h) The fine schedules of the Superior Court of Guam and the
9 Commercial Vehicle Safety Alliance (CVSA) for violations cited during
10 roadside inspections, and the method for penalty assessment outlined in the
11 Federal Uniform Fine Assessment (UFA) Program, specifically for violations
12 identified as a result of a Compliance Review, are hereby adopted pursuant to
13 fines and fees as applicable to Guam.

14 (i) For the purposes of this Section, *person* means the driver of the
15 vehicle, unless the driver is an employee and is operating the vehicle in the
16 scope and course of employment, in which case *person* means the employer
17 of the driver. In the case of the transportation of a sealed container or
18 transportation by flatrack, *person* means:

19 (1) the individual or company the cargo is consigned to; or

20 (2) the individual or company located on Guam shipping the
21 cargo.

22 The owner of the vehicle or combination of vehicles may request
23 the operator be held harmless and the citation be transferred to that
24 owner of the vehicle or combination of vehicles. The consignee or the
25 shipper shall not be cited if the power units' (tractors') drive axle group
26 is overweight, and the weight is not more than that allowed for a tandem
27 axle with any applicable tolerances.

1 (j) All permit and administrative fees, fines, and reimbursements
2 generated under this Chapter (applicable to the Department of Public Works)
3 shall be deposited in the TESS Facility Fund, and shall not lapse at the end of
4 the fiscal year, but shall roll over into the next fiscal year or until expended in
5 accordance with § 5118 of this Chapter.”

6 **Section 11.** Subsections (c), (e), and (f) of § 5114, Chapter 5, Title 16, Guam
7 Code Annotated, are hereby *amended* to read as follows:

8 “(c) The application for any such permit shall specifically describe
9 the vehicle or combination of vehicles and load to be operated or moved, and
10 the particular highways for which the permit to operate is requested.”

11 “(e) At the discretion of the Director of Public Works or his
12 authorized representative, blanket permits may be issued for over-sized
13 vehicles already registered with the Department of Revenue and Taxation, and
14 said over-sized vehicles may be subject to time-of-operations restrictions.”

15 “(f) Every such permit shall be carried in the vehicle or combination
16 of vehicles to which it refers and shall be open to inspection by any peace
17 officer. It shall be unlawful for any person to violate any of the terms or
18 conditions of such permits.”

19 **Section 12.** § 5114(h) of Chapter 5, Title 16, Guam Code Annotated, is
20 hereby *repealed* and *reenacted* to read as follows:

21 “(h) Promulgation of Rules. DPW shall promulgate rules and
22 regulations authorized by this Section, or which it may deem necessary or
23 appropriate to give effect to this Section, pursuant to the Administrative
24 Adjudication Law.”

25 **Section 13.** § 5118 of Chapter 5, Title 16, Guam Code Annotated, is hereby
26 *amended* to read as follows:

1 **“§ 5118. Truck Enforcement Screening Station (TESS) Facility**
2 **Fund.**

3 Notwithstanding any law to the contrary, a revolving fund, designated
4 as the TESS Facility Fund (Fund), shall be established separate and apart from
5 other funds of the government of Guam, and separate records shall be kept
6 therefore. The Director of Public Works shall administer the Fund and shall
7 issue vouchers properly certifying the use of the Fund’s monies. The DPW
8 Director is authorized to use revenues in the Fund and any interest derived
9 therefrom for purposes provided under Article 1 of Chapter 54, Title 5, Guam
10 Code Annotated, for the operation and maintenance of the TESS Facility, or
11 to establish, operate and maintain similar compliance facilities or programs.
12 All monies in the Fund are hereby appropriated and are not subject to *I*
13 *Maga'håga’s* transfer authority.”

14 **Section 14.** A new § 5119 is hereby *added* to Chapter 5 of Title 16, Guam
15 Code Annotated, to read as follows:

16 **“§ 5119. Exemptions.**

17 (a) Tow trucks shall be exempt from weight limitations under this
18 Chapter. Tow trucks may tow any disabled truck or other motor vehicle or
19 combination of vehicles to a place for repairs, parking, or storage from the
20 point that the vehicle was disabled; provided, that all axles on the tow vehicle
21 shall have an operational braking system.

22 (b) Non-Commercial Vehicles: Well-drilling rigs, concrete pumps,
23 cranes, boom trucks and bucket trucks, and other heavy equipment that do not
24 carry cargo may be registered and licensed as a Special Equipment (SE plate)
25 vehicle. If such vehicles do not meet the height, width, and weight restrictions,
26 they may travel on the highways subject to a special permit issued under this
27 Chapter.

1 (c) Fire Trucks, Ambulances and Other Emergency Vehicles: Fire
2 trucks, ambulances, and other emergency vehicles utilized by government of
3 Guam agencies are exempt from Guam laws governing size, weight, and
4 load.”

5 **Section 15.** A new § 5120 is hereby *added* to Chapter 5 of Title 16, Guam
6 Code Annotated, to read as follows:

7 **“§ 5120. Rules and Regulations.**

8 The Department of Public Works shall promulgate rules and
9 regulations as may be necessary to carry out the purposes of this Chapter
10 within one hundred eighty (180) days after the enactment of this Act. All
11 current fines and penalties will remain in effect until the rules and regulations
12 promulgated by the Department of Public Works are adopted. Such rules and
13 regulations shall be adopted in conformance with the Administrative
14 Adjudication Law.”

15 **Section 16. Severability.** If any provision of this Act or its application to any
16 person or circumstance is found to be invalid or contrary to law, such invalidity shall
17 not affect other provisions or applications of this Act that can be given effect without
18 the invalid provision or application, and to this end the provisions of this Act are
19 severable.

20 **Section 17. Effective Date.** Section 15 of this Act shall be effective upon
21 enactment. The remaining provisions of this Act shall be effective upon the
22 promulgation and adoption of the rules and regulations by the Department of Public
23 Works in conformance with the Administrative Adjudication Law, as provided in 16
24 GCA, Chapter 5, § 5120.