

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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Bill No. 420-31(Gov)

Introduced by:

Adolpho B. Palacios, Sr. *[Signature]*

**AN ACT TO AMEND SUBSECTIONS (j) AND (m) OF
§3101, ARTICLE 1, CHAPTER 3, TITLE 16 OF THE
GUAM CODE ANNOTATED, RELATIVE TO
REQUIREMENTS FOR A GUAM DRIVER'S
LICENSE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that the privilege of driving a motor vehicle on Guam must be reserved
4 for citizens who respect the safety of others. The operation of various types
5 of motor vehicles on public roadways requires practice, examination and
6 continued compliance with applicable traffic and safety regulations ensuring
7 the safe movement of drivers, passengers and cargo.

8 A person's attainment of a Guam Driver's License recognizes his or
9 her ability to drive the type of motor vehicle in which he or she is licensed to
10 operate and further demonstrates that he or she understands basic traffic and
11 safety rules of the road. *I Liheslatura* finds that a person operating a motor
12 vehicle, and whose driving record involves multiple traffic violations, poses
13 a serious threat to other persons and property.

14 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §3110(j)
15 and §3110(m) of Article 1, Chapter 3 of Title 16, Guam Code Annotated,
16 and require that individuals convicted of violating Guam's traffic laws

1 complete a course in drivers' safety, ensuring their awareness of basic traffic
2 and safety regulations.

3 *I Liheslatura* further intends for this new requirement to serve as a
4 mechanism for the Department of Revenue and Taxation, Guam Police
5 Department and Judiciary of Guam to identify and appropriately deal with
6 individuals who place other persons, passengers and property at risk of
7 injury/damage.

8 **Section 3. License: Requirement.** Subsections (j) and (m) of §3101,
9 Article 1, Chapter 3, Title 16 of the Guam Code Annotated, are hereby
10 *amended*, to read:

11 “(j) The Director of Revenue and Taxation may disapprove the
12 application:

13 (1) If he is satisfied that the applicant is not entitled thereto
14 under the provisions of this Title.

15 (2) If the applicant has failed to furnish the Department of
16 Revenue and Taxation the information required in the
17 application or any reasonable additional information
18 requested by the Department.

19 (3) If he determines that the applicant has made or permitted to
20 be made, unlawful use of any operator's or chauffeur's
21 license.

22 (4) If he determines that the applicant has used a false or
23 fictitious name in any application for a license, or knowingly
24 made a false statement or knowingly concealed a material
25 fact or otherwise committed any fraud in any such
26 application.

1 (5) If he determines that the applicant is a negligent or
2 incompetent operator of a motor vehicle. An applicant shall
3 submit a Traffic Court Clearance, from the Judiciary of
4 Guam, detailing any conviction(s) for traffic violations and
5 traffic accidents for the preceding thirty-six (36) months.
6 Any person who has been convicted on four (4) or more
7 occasions within a consecutive period of twelve (12)
8 months, or six (6) or more occasions within a consecutive
9 period of twenty-four (24) months, or eight (8) or more
10 occasions within a consecutive period of thirty-six (36)
11 months of moving violations of the ~~provisions of the~~ Vehicle
12 Code₂ involving the safe operation of vehicles on the
13 highway₂ and which are by law required to be reported to the
14 Department of Revenue and Taxation shall prima facie be
15 presumed to be a “negligent operator of a motor vehicle.”

16 The operator’s, chauffeur’s, or other class of driver’s
17 license of a negligent operator of a motor vehicle, as defined
18 in this section, shall not be issued until such person has
19 attended a program in driver safety, as approved by the
20 Department of Revenue and Taxation, and has obtained a
21 certificate evidencing successful completion of such
22 program. This provision shall be applied in addition to any
23 conditions imposed by a court.”

24 “(m) Every operator’s or chauffeur’s license hereafter issued
25 shall expire three (3) years after the first anniversary of the date of
26 birth of any applicant occurring after the date of issuance. The
27 anniversary of the date of birth of any applicant born on February

1 twenty-ninth (29th) shall, for the purposes of this Section, during the
2 years in which there is no February twenty-ninth (29th), be considered
3 as March first (1st). Every such license shall be renewable for a like
4 period within ninety (90) days prior to its expiration. Any license that
5 would otherwise expire on a Saturday or legal holiday shall be valid
6 until the next business day. An applicant for renewal of license shall
7 make application therefore in the same manner as in the case of an
8 original application for a license upon such form as may be required.
9 The Director of Revenue and Taxation at his discretion may require
10 an examination of the applicant as upon an original application. ~~To~~
11 ~~the extent its facilities permit,~~ the Department of Revenue and
12 Taxation shall, ~~in the course of its investigation, check the record of~~
13 ~~the applicant for conviction(s) for traffic violations and traffic~~
14 ~~accidents,~~ may withhold or refuse certification of eligibility for a
15 license or renewal of a license unless the provisions of §3101(j)(5) of
16 this Chapter have been satisfied ~~upon reasonable proof that the~~
17 ~~applicant can and will operate a motor vehicle safely.”~~

18 **Section 4. Effective Date.** This Act shall be effective upon
19 enactment.