



I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN

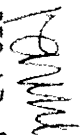
2013 (First) Regular Session

Bill No. 236-32(CAR)

Introduced by

Aline A. Yamashita, PhD   
T.C. Ada 

**AN ACT TO ADD NEW SECTION 3102.5 AND SECTION 3102.6 THROUGH SECTION 3102.8 TO CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE DEPARTMENT OF REVENUE AND TAXATION TO OUTSOURCE THE DRIVER TESTING REQUIREMENT FOR CERTAIN COMMERCIAL DRIVER'S LICENSES, AND TO THE RECIPROCATION OF COMMERCIAL DRIVER'S LICENSES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guáhan* finds  
3 there is a high demand for vehicle licenses to operate commercial vehicles,  
4 inclusive of trucks, school buses and other passenger vehicles. Naturally, the  
5 demand for such licenses will increase as a result of population growth and  
6 economic development.

7 *I Liheslaturan* further finds that current budget constraints have inhibited  
8 the Drivers License Examination Branch of the Motor Vehicle Division within the  
9 Department of Revenue & Taxation from employing adequate staffing levels  
10 needed to administer the road tests for Commercial Driver's Licenses (CDL) in a  
11 timely manner. Currently, the queue is approximately six (6) months.  
12 Furthermore, if the applicant fails the initial road test, the wait for a subsequent  
13 test date could be an additional six (6) months. While *I Liheslatura* appreciates  
14 the efforts of DRT to employ and train additional staff for the Motor Vehicle

1 Division, such delays in public services present challenges for businesses,  
2 government agencies and residents that transport people, supplies, materials and  
3 commodities around the island.

4 *I Liheslatura* intends to authorize the DRT Motor Vehicle Division to  
5 outsource the road testing function for Commercial Driver’s Licenses to selected  
6 private entities who have been certified by DRT as having met all the perquisites  
7 established by the Motor Vehicle Division. Concomitantly, the DRT shall assume  
8 the responsibility for quality assurance of the performance of the selected testing  
9 companies.

10 Furthermore, *I Liheslatura* also finds that Guam lacks any reciprocity  
11 policy for individuals who hold current CDLs and U.S. Department of  
12 Transportation regulated endorsements issued in the United States. Therefore, *I*  
13 *Liheslatura* intends to set in place policy to allow the DRT Motor Vehicle  
14 Division to recognize CDL holders who have received training above and beyond  
15 those required on Guam for CDL.

16 **Section 2.** A new §3102.5 is hereby added to Chapter 3 of Title 16 GCA,  
17 to read as follows:

18 **“§3102.5. Outsource Road Test Examinations**

19 The DRT Division of Motor Vehicles *may* contract a business entity to  
20 conduct and certify behind-the-wheel road tests for persons applying for a  
21 Commercial Driver’s License Operators License Class C and Class D.”

22 **Section 3.** A new §3102.6 is hereby added to Chapter 3 of Title 16, GCA  
23 to read as follows:

1           **“§3102.6. Commercial Driver’s License: Reciprocity.** The territory of  
2           Guam shall recognize a Commercial Driver’s License (CDL) issued in the U.S.  
3           Applicants shall furnish to the Department of Revenue and Taxation Division of  
4           Motor Vehicles (DMV) proof of qualifications and a copy of their current CDL in  
5           order to waive the requirement for a CDL skills tests. The DMV shall be  
6           responsible for verifying the validity of the endorsements stated on the CDL as  
7           well as the Commercial Motor Vehicle (CMV) which the applicant is qualified to  
8           operate.”

9           **Section 4.** A new §3102.7 is hereby added to Chapter 3 of Title 16, GCA  
10          to read as follows:

11          **§3102.7. Commercial Driver’s License: Exemptions.** The territory  
12          shall exempt, in accordance with §3101(b) of this Chapter and pursuant to the  
13          requirements of Title 49 of the Code of Federal Regulations, Part 383 (49 CFR  
14          383), individuals who operate CMVs for military purposes from having to obtain  
15          a CDL. This exception is applicable to active duty military personnel; members  
16          of the military reserves; member of the national guard on active duty, including  
17          personnel on full-time national guard duty, personnel on part-time national guard  
18          training, and national guard military technicians (civilians who are required to  
19          wear military uniforms); and active duty U.S. Coast Guard personnel. This  
20          exception is not applicable to U.S. Reserve technicians.”

21          **Section 5.** A new §3102.8 is hereby added to Chapter 3 of Title 16, GCA  
22          to read as follows:

1           **“§3102.8. Rules.** The Department of Revenue and Taxation shall, within  
2           180 days from the effective date of this Act, develop rules and regulations, in  
3           compliance with the Administrative Adjudication Law, to carry out the purposes  
4           of this Act, including, but not limited to, the qualification criteria of testing  
5           entities, the process for selection of a testing entity, the administrative  
6           requirements that must be maintained by the testing entity to ensure  
7           accountability, recertification requirements, quality assurance measures, key  
8           performance indices, and other parameters that may be required to ensure the  
9           integrity of the testing function.

10           **Section 6. Effective Date.** This Act shall become effective upon  
11           enactment.

12           **Section 7. Severability.** If any of the provisions of this law or its  
13           application to any person or circumstance is found to be invalid or contrary to  
14           law, such invalidity shall not affect other provisions or applications of this law  
15           which can be given effect without the invalid provisions or application, and to this  
16           end the provisions of this law are severable.”