

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

Bill No. 364-33 (COR)

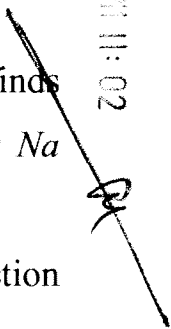
Introduced by:

FRANK B. AGUON, JR.



**AN ACT TO AMEND § 3602 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE RECALCULATION OF THE OFFICIAL VEHICLE INSPECTION SAFETY FEES (OVIS FEES) FOR THE ACQUISITION AND REPAIR OF THE GUAM POLICE DEPARTMENT PATROL VEHICLES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that in Bill 294-32, which became Public Law 32-205, *I Mina' Trentai Dos Na*  
4 *Liheslatura* made extensive findings, to wit:

5 *"I Liheslaturan Guåhan* finds that the annual vehicle safety inspection  
6 program is an effective tool to keep dangerous vehicles off the roadways and keep  
7 our community safe. However, *I Liheslatura* realizes that it is the police officer  
8 that patrols the beat who is key to ensuring the safety and security of the  
9 community every day of the year. *I Liheslaturan Guåhan* also finds that the  
10 number of cars in the Guam Police Department's fleet that are in-service and  
11 available for patrolling our streets and neighborhoods has dropped to an  
12 unacceptable level, delaying police services to our community and hindering  
13 response to emergencies, thus endangering the lives of our residents. In order to  
14 keep the Guam Police Department's vehicle fleet operating, GPD has had to rely on

1 generous donations of patrol cars, motorcycles and scooters from private business,  
2 as well as the occasional identification of federal funds to ensure that the heart of  
3 our economic center in Tumon is protected. Additionally, throughout the Guam  
4 Police Department, our dedicated public servants have been spending their  
5 personal funds for many years to keep the Guam Police Department's aging fleet  
6 and equipment operating, so that they can continue to serve and protect our  
7 community, island-wide.”

8 *I Mina' Trentai Tres Na Liheslatura* wholeheartedly adopts and republishes  
9 those findings.

10 *I Liheslaturan Guåhan* further finds that Patrol Vehicle and Equipment  
11 Revolving Fund, is funded by the administrative fees (also known as the Official  
12 Vehicle Inspection Safety (OVIS) Fee) of the current vehicle safety inspection fee  
13 of Fifteen Dollars (\$15). The OVIS fee is calculated at twenty percent (20%) or  
14 Three dollars (\$3) of the current vehicle safety inspection fee.

15 *I Liheslaturan Guåhan* further finds that the revenue collected in Fiscal Year  
16 2015 from the OVIS fees totaled the amount of Three Hundred Thirty-Three  
17 Thousand, Four Hundred Eighteen Dollars (\$333,418). This permitted the Guam  
18 Police Department to submit requisitions totaling Two Hundred Thirty-Three  
19 Thousand, Three Hundred Ninety-Two Dollars (\$233,392) to General Services  
20 Agency (GSA) for the maintenance and repair of its fleet and for the purchase of  
21 four (4) marked Police Sport Utility Vehicles (SUVs) through the procurement  
22 process.

23 *I Liheslaturan Guåhan* further finds that the Chief of Police re-implemented  
24 the Fifty Dollar (\$50) Special Vehicle Permit Fee requirement for automobile  
25 dealers to transport new vehicles from the port to their respective car lots. As a  
26 further matter, the Chief of Police discontinued the practice of approving and  
27 continuing previous waivers of the Fifty Dollar (\$50) Special Vehicle Permit Fee

1 in an attempt to provide an additional funding source to purchase new patrol  
2 vehicles, special purposes vehicles and to purchase parts and make repairs to our  
3 current vehicle fleet each and every year.

4 *I Liheslaturan Guåhan* further finds that the Department of Motor Vehicles  
5 (DMV) registered approximately ten thousand nine hundred (10,900) new vehicles  
6 in calendar year 2013; approximately twelve thousand nine hundred (12,900) new  
7 vehicles in calendar year 2014; and approximately thirteen thousand four hundred  
8 (13,400) new vehicles in calendar year 2015. Based on the number of newly  
9 registered vehicles with DMV and the reimplementation of the Fifty Dollar (\$50)  
10 Special Vehicle Permit Fee, the revenue potential would have positively impacted  
11 patrol operations while granting some relief with respect to budgetary management  
12 and considerations.

13 *I Liheslaturan Guåhan* further finds that a Preliminary Injunction was  
14 granted by the Superior Court of Guam to the Guam Automobile Dealers  
15 Association (GADA) which allowed qualified dealers and distributors to operate  
16 motor vehicles from the Port Authority of Guam to their place of business pursuant  
17 to 16 GCA § 7127. The Preliminary Injunction (Civil Case No. CV1151-15)  
18 further orders the Defendants Guam Police Department and the government of  
19 Guam from issuing traffic citations to dealers and distributors, their agents and  
20 employees, for operating vehicles on the roadways without a special permit as set  
21 forth in 16 GCA § 7103 until further order by the court.

22 *I Liheslaturan Guåhan* further finds that the “Cars for the Community  
23 CAPE Fleet Use Agreement” between Atkins Kroll, Inc., dba Toyota Rent-A-Car  
24 (“TRAC”) and the Guam Police Department (“GPD”) is set to expire on December  
25 of this year. This Agreement temporarily provided GPD with an additional fifteen  
26 (15) Toyota Prius’ which enhanced Neighborhood Watch Programs by creating an  
27 immense impact in patrol visibility in our villages. With a fleet capability of

1 twenty to twenty-five (20-25) marked patrol vehicles on duty for all precincts, the  
2 fifteen (15) Toyota Prius' account for forty to forty-five percent (40%-45%) of the  
3 patrol fleet.

4 It is, therefore, the intent of *I Liheslaturan Guåhan* to recalculate the Official  
5 Vehicle Inspection Safety Fees from twenty percent (20%) or Three dollars (\$3) to  
6 forty percent (40%) or Six Dollars (\$6) of the current vehicle safety inspection fee  
7 for the acquisition and repair of patrol vehicles.

8 **Section 2.** § 3602 of Article 6, Chapter 3, Title 16, Guam Code Annotated,  
9 is hereby *amended*, to read:

10 **“§ 3602. Regulations: Fee.** (a) (1) The Director of Revenue and  
11 Taxation is hereby authorized to make necessary rules and regulations,  
12 subject to the approval of *I Maga'låhi Guåhan*, for the administration and  
13 enforcement of inspections required under § 3601, including designation of  
14 the period or periods of time within which said inspections shall be made  
15 and for the issuance and use of decalomania or other identification to be  
16 attached to vehicles with reference to inspection status.

17 (2) The Director shall, commencing on January 1, 2015, and every  
18 two (2) years thereafter, review the safety inspection fee, and may increase  
19 the fee by an amount not to exceed ten percent (10%) of the fee on  
20 December 31, 2014. This adjustment shall not require the concurrence of *I*  
21 *Liheslaturan Guåhan* (the Legislature) nor require compliance with the  
22 AAL, but the Director shall cause a notice describing the original fee and the  
23 increase to be published on its website and in a newspaper of general  
24 circulation in Guam; and to be given to the media and to the Speaker of *I*  
25 *Liheslaturan Guahan* at least sixty (60) days prior to the implementation  
26 date. A proposed increase in excess of ten percent (10%) of the fee on  
27 December 31, 2014, shall require the Director to conduct the rate review and

1 adoption process of the proposed increase pursuant to Article 3, Chapter 9  
2 (Administrative Adjudication Law), Division 1, Title 5, Guam Code  
3 Annotated.

4 (b) (1) The fee to be charged for each such inspection shall be Fifteen  
5 Dollars (\$15.00), inclusive of the administrative fee (also known as the  
6 ‘*Official Vehicle Inspection Safety (OVIS) Fee*’), which shall be calculated  
7 at ~~twenty-four~~ percent (~~240~~%) of the current fee; provided, that the existing  
8 OVIS Fee of ~~Three-Six~~ Dollars (\$~~36~~.00) shall not be adjusted below this  
9 amount.

10 (2) The fee for re-inspection done pursuant to § 3601(c)(3) shall be  
11 Two Dollars (\$2.00).

12 (3) Commercial and Armed Forces of the United States vehicle safety  
13 inspection stations shall retain all fees collected, as payment for inspection  
14 services rendered, however, such stations shall be required to purchase  
15 official inspection administrative forms from the Department of Revenue  
16 and Taxation.

17 (4) All OVIS Fees shall be deposited into the "Police Patrol Vehicle  
18 and Equipment Revolving Fund", a separate account established pursuant to  
19 § 77135 of Article 1, Chapter 77, Title 10, Guam Code annotated, for that  
20 purpose.”