


I MINA'TRENTA NA LIHESLATURAN GUÅHANO
2009 (FIRST) Regular Session

JUN 23 AM 11:00

Bill No. 46 (COR)

Introduced by:

Adolpho B. Palacios, Sr. 

AN ACT TO AMEND SUBSECTIONS 3101.(d) AND
3101.(o), CHAPTER 3, TITLE 16 GUAM CODE
ANNOTATED TO PERMIT THE USE OF MOTORCYCLE
LICENSES ISSUED BY ANY OTHER TERRITORY,
COMMONWEALTH, OR STATE OF THE UNITED
STATES PURSUANT TO §3101.(d),(o).

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

- 1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds
2 that many residents that possess a valid motorcycle operator license issued in
3 another territory, Commonwealth or state of the United States are finding it
4 difficult to obtain a motorcycle operators license in the Territory of Guam.
5 *I Liheslaturan Guahan* further finds that Title 16 Guam Code Annotated
6 Chapter 3 Section 3101.(d) provides reciprocity for persons who possess a
7 valid operators and chauffeur's license issued in another territory,

1 Commonwealth or state of the United States, by waiving the requirement for a
2 written or demonstration exam in order to get a Guam license, but, makes no
3 mention of motorcycles licenses.

4 *I Liheslaturan Guahan* further finds that the latest Cycle Safety Information
5 Sheet released by the Motorcycle Safety Foundation indicates that 49 of 50
6 states in the nation already require some form of primary skills test and or
7 written examination prior to issuing a motorcycle operators license. In
8 addition, the information sheet also indicates that all 50 states have a
9 reciprocal license waiver program that recognizes licenses issued by other
10 states or territories.

11 It is therefore, the intent of *I Liheslaturan Guahan* to permit the use of
12 motorcycle licenses issued by any other territory, Commonwealth, or state of
13 the United States by amending Title 16 Guam Code Annotated, Chapter 3,
14 Subsection 3101 (d) and (o).

15 **Section 2.** §3101.(d) of Chapter 3, Title 16, Guam Code
16 Annotated, is hereby *amended* to read as follows:

1 “(d) A person having in his immediate possession a valid operator’s,
2 ~~license or~~ chauffeur’s or motorcycle operator’s license issued by any other
3 territory, Commonwealth, or state of the United States, may drive a motor
4 vehicle or a motorcycle upon the roads and highways for a period not
5 exceeding thirty (30) days from the date such person arrived on Guam.
6 However, upon the expiration of such thirty (30) day period, such person
7 must have been issued a Guam driver’s license in order to continue driving on
8 Guam. Such person shall be exempted from taking the written driver’s license
9 examination or demonstration test. Upon issuance of the Guam driver’s
10 license, such person shall surrender the driver’s license previously issued by
11 the other United States jurisdiction, to the Division of Motor Vehicles of the
12 Department of Revenue and Taxation, unless the Director of Revenue and
13 Taxation has adopted other procedures for the disposition of the previously
14 issued license from the other United States jurisdiction.

15 The thirty (30) days period herein may be extended for a period equal to
16 the earlier of one (1) year from the date the licensee arrived on Guam or the
17 expiration date of the out-of-Guam license, provided that the licensee (i)

1 registers his or her license with the Department of Revenue and Taxation, and
2 (ii) pays a registration fee to the Treasurer of Guam not to exceed Twenty-five
3 Dollars (\$25). Upon approval, the Department of Revenue and Taxation shall
4 issue a Certificate of Registration that states (i) the name and age of the
5 licensee, (ii) the expiration date of the Certificate and (iii) the licensee's out-of-
6 Guam driver's licensee number.

7 The Department of Revenue and Taxation may withhold registration of
8 an out-of-Guam license if (i) the Department of Revenue and Taxation cannot
9 verify or has cause to doubt the validity of such out-of-Guam license, (ii) the
10 licensee is unable to document the date of entry into Guam, or (iii) the out-of-
11 Guam license has been revoked or suspended by the jurisdiction issuing the
12 license. The Department of Revenue and Taxation may require a prospective
13 registrant to validate his license through passage of a written exam, road test
14 or both."

15 **Section 3.** §3101 (o) of Chapter 3, Title 16, Guam Code Annotated,
16 is hereby *amended* to read as follows:

17 “(o) After passing an examination as required under Subsection (g) to

1 include an actual demonstration of ability to exercise ordinary and reasonable
2 control in the operation of a motorcycle, or upon qualifying under subsection
3 (d) of this section an applicant may have his operator's, ~~or~~ chauffeur's or
4 motorcycle permit endorsed by the Director of Revenue and Taxation, or his
5 designee, authorizing the applicant to operate a motorcycle on the highways
6 of Guam. The Director of Revenue and Taxation may in his discretion accept
7 evidence of a military motorcycle permit in lieu of this examination and
8 endorsement. No person shall operate a motorcycle on the highway without
9 first complying with this Section except that a person having in his immediate
10 possession a valid motorcycle operator's license issued by any other territory
11 or state of the United States, or by a foreign country, may operate a
12 motorcycle upon the highways for a period not exceeding thirty (30) days
13 from the date such person arrived in Guam. The requirement that the person
14 pass an examination and receive an endorsement for operation of a
15 motorcycle shall not be applicable to the operation of a motorcycle or when a
16 sidecar is attached to the motorcycle. Any person who operates a motorcycle
17 in violation of this Title shall be guilty of a petty misdemeanor."