


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

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LW

Bill No. 148 (cor)

Introduced by:

Adolpho B. Palacios, Sr. 

AN ACT TO AMEND §3401(d) OF CHAPTER 3, ARTICLE 4, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO DISPLAY OF LICENSE PLATE OR REMOVABLE WINDSHIELD PLACARD TO QUALIFIED PERSONS WITH DISABILITY AS SUCH IS DEFINED IN §7120.1, CHAPTER 7, TITLE 16, GUAM CODE ANNOTATED, TO PROVIDE FOR DISMISSAL OF A CITATION ISSUED TO VEHICLES FOR FAILURE TO PROPERLY DISPLAY THE SPECIAL LICENSE PLATE OR THE REMOVABLE WINDSHIELD PLACARD.

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

2 **Section 1. Legislative Findings and Intent.** Accessible parking for persons with
3 disabilities speaks for itself. It is only for persons with a disability as determined by a physician
4 pursuant to law. The Department of Revenue and Taxation, in coordination with the Department of
5 Integrated Service for Individuals with Disabilities (DISID), issues special license plates and/or
6 removable windshield placard to qualified persons with disabilities for their vehicle, to permit the
7 vehicle to be parked in designated accessible parking areas. *I Liheslaturan Guåhan* finds that on
8 occasions, the license plate may be missing from, or the removable placard may not be displayed on
9 a vehicle that is parked in the designated area. *I Liheslaturan Guåhan* finds that §3401(d) of Chapter
10 3, Article 4, Title 16, Guam Code Annotated, does not provide for a consideration of mitigating
11 circumstances for vehicles that are parked in designated areas. *I Liheslaturan Guåhan* believes that
12 mitigating circumstances, such as failure to notice the plate missing or inadvertent failure to properly

1 display the removable windshield placard, should be considered if this fact is the only infraction that
2 existed.

3 It is therefore the intent of *I Liheslaturan Guåhan* to provide for dismissal of a citation issued
4 to vehicles if such issuance was just for the failure to properly display the special license plate or the
5 removable windshield placard under mitigating circumstances.

6 **Section 2.** Subsection (d) of §3401, Chapter 3, Article 4, Title 16, Guam Code Annotated, is
7 hereby amended to read:

8 “(d) No person shall park any vehicle in a designated accessible parking
9 space for persons with disabilities which on public property or private property
10 available for public use, unless the vehicle displays a special license plate, a
11 removable windshield placard or a temporary removal windshield placard issued
12 pursuant to 16 GCA §7120.1, except that any vehicle so cited as a result of a failure to
13 display the special license plate, the removable windshield placard, or the temporary
14 removable windshield placard so issued pursuant to 16 GCA §7120.1, shall cause the
15 citation to be dismissed upon presentation to the court of the plate or the placard, or
16 presentation of any competent documentary evidence that the vehicle so cited has a
17 current and valid plate or placard, and such vehicle is not in violation of any other
18 provision of law.”