

MINA' TRENTA NA LIHESLATURAN GUAHAN  
THIRTIETH GUAM LEGISLATURE  
2010 (SECOND) Regular

2010 JUN 11 PM 4:23  
*Da*  
*[Signature]*

Bill No. 417-30 (COR)

Introduced by:

FRANK B. AGUON, JR. *[Signature]*

1 AN ACT TO MAKE GUAM'S STREETS SAFER  
2 BY LOWERING THE LEGAL BLOOD ALCOHOL  
3 LEVEL FOR MOTOR VEHICLE OPERATORS  
4 FROM 0.08% TO 0.05%; BY AMENDING  
5 SUBSECTIONS (b), (d), and (e) OF §18102 OF  
6 ARTICLE 1, CHAPTER 18, TITLE 16, GUAM  
7 CODE ANNOTATED, SAFE STREETS ACT;  
8 AND BY AMENDING SUBSECTION (g) OF  
9 §18102 RELATIVE TO MINORS; THIS ACT  
10 SHALL BE KNOWN AS THE AMENDED SAFE  
11 STREETS ACT.

12  
13 BE IT ENACTED BY THE PEOPLE OF GUAM:

14 **Section 1. Legislative Finding and Intent:** *I Liheslaturan Guahan*  
15 finds it unacceptable that the number of tragic accidents caused by drivers  
16 determined to be significantly over the current legal blood alcohol level of  
17 0.08% or more, by weight, is so high. In an effort to lower the number of  
18 deaths and injuries, numerous states have lowered their legal limits to  
19 0.05% or more, by weight, in an effort to motivate persons who consume

1 alcohol, and intend to subsequently drive a motor vehicle, to refrain from  
2 consuming such quantities of alcohol as to pose a serious threat to others.

3 It is the intent of *I Liheslaturan Guahan* to further strengthen the  
4 statutory limit and prohibition of a motor vehicles operator blood alcohol  
5 content from exceeding five one-hundredths of one percent (0.05%) or  
6 more, by weight, of alcohol in his or her blood. It is further, the intent of *I*  
7 *Liheslaturan Guahan* to strengthen, as well, the statutory limit and  
8 prohibition for minors operating motor vehicles, by prohibiting the  
9 operators' blood alcohol content from exceeding two one-hundredths of  
10 one percent (0.02%) or more, by weight, of alcohol in his or her blood.

11 **Section 2.** Subsection (b) of §18102, Article 1, Chapter 18, Title 16,  
12 Guam Code Annotated, is amended, to read:

13 “(b) It is unlawful for any person, while having five [~~eight~~] one-  
14 hundredths of one percent (0.05%) [~~0.08~~] or more, by weight, of  
15 alcohol in his or her blood to operate or be in physical control of a  
16 motor vehicle.”

17 **Section 3.** Subsection (d) of §18102, Article 1, Chapter 18, Title 16,  
18 Guam Code Annotated, is amended, to read:

19 “(d) It is unlawful for any person, while having five [~~eight~~] one-  
20 hundredths of one percent 0.05% [~~0.08~~] or more, by weight, of alcohol  
21 in his or her blood to operate or be in physical control of a motor

1 vehicle and, when doing so, do any act forbidden by law or neglect  
2 any duty imposed by law in the driving of the vehicle, which act or  
3 neglect proximately causes bodily injury to any person other than the  
4 driver.”

5 **Section 4.** Subsection (e) of §18102, Article 1, Chapter 18, Title 16,  
6 Guam Code Annotated, is amended, to read:

7 “(e) In any prosecution under this section, it is a rebuttable  
8 presumption that the person with eight one-hundredths of one  
9 percent (0.08%) or more, by weight, of alcohol in his or her blood at  
10 the time of operating or in actual physical control of a motor vehicle  
11 is under the influence of alcohol if the person had eight one-  
12 hundredths of one percent (0.08%) or more, by weight, of alcohol in  
13 his or her blood at the time of the performance of a blood or breath  
14 test within three (3) hours after the driving.”

15 **Section 5.** Subsection (g) of §18102, Article 1, Chapter 18, Title 16,  
16 Guam Code Annotated, is amended, to read:

17 “(g) (1) Notwithstanding the other provisions of this section, a person  
18 under the age of eighteen (18) shall be guilty of a violation of  
19 subsections (b) or (d) of this section if such person shall be found  
20 within three (3) hours of his or her arrest for a violation of this section

1 to have two [~~four~~] one-hundredths of one percent (0.02%) [~~0.04~~] or  
2 more, by weight, of alcohol in his or her blood.”

3 **Section 6.** Subsection (a) of §18101, Article 1, Chapter 18, Title 16,  
4 Guam Code Annotated, is amended, to read:

5 “(a) *Driving under the influence (“DUI”) or while intoxicated*  
6 means any person driving a vehicle under the influence of an  
7 alcoholic beverage or a controlled substance or a combination thereof,  
8 when as a result of consuming such alcoholic beverage or controlled  
9 substance or the combination thereof, his or her physical or mental  
10 abilities are impaired to such a degree that he or she no longer has  
11 the ability to drive a vehicle with the caution characteristics of a sober  
12 person of ordinary prudence, under the same or similar  
13 circumstance, and includes any person operating or in actual physical  
14 control of a motor vehicle who has five [~~eight~~] one-hundredths of one  
15 percent (0.05%) [~~(0.08%)~~] or more, by weight, of alcohol in his or her  
16 blood.”

17 **Section 7.** All other Sections, Subsections, Parts and Items, etc., of  
18 Article 1, Chapter 18, Title 16, Guam Code Annotated, shall be deemed to  
19 be amended so as to recognize and conform to the blood alcohol level by  
20 weight for *“Driving under the influence (“DUI”) or while intoxicated”*, as  
21 established pursuant to Sections 1 through 6 of this Act.