

MINA' TRENTA NA LIHESLATURAN GUÅHAN

2009 (FIRST) Regular Session

225-30(COR)

Bill No. ____ ()

Introduced by:

B.J.F. Cruz
T.R. Muña-Barnes

2009 SEP -3 PM 2:24

**AN ACT TO AMEND §3305 OF CHAPTER 3, TITLE 16, GUAM
CODE ANNOTATED; RELATIVE TO MOTORCYCLE
SAFETY HELMETS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds

that in 1997, Public Law 24-02 repealed the then existing law requiring the
mandatory use of helmets for motorcyclists on Guam. The legislative intent of
Public Law 24-02 was to change the motorcycle helmet laws due to the relaxation
of federal mandates that allowed states and territories to determine their own
highway requirements and safety standards without the threat of losing federal
highway funding. *I Liheslaturan Guåhan* finds that twenty (20) states, the District
of Columbia, the Northern Mariana Islands, Puerto Rico, and the United States
Virgin Islands currently have laws requiring the mandatory usage of helmets for
motorcycle riders. Guam is the only United States territory with no such law in

1 effect. In the past two months, Guam has had one motorcycle fatality with another
2 motorcyclist severely injured. According to the National Highway Traffic Safety
3 Administration (NHTSA), head injury is the leading cause of death in motorcycle
4 crashes. An unhelmeted motorcyclist is forty percent (40%) more likely to suffer a
5 fatal head injury. The NHTSA estimates that motorcycle helmets reduce the
6 likelihood of a crash fatality by thirty-seven percent (37%). A Crash Outcome
7 Data Evaluation System study found that motorcycle helmets are sixty-seven
8 percent (67%) effective in preventing brain injuries and that unhelmeted
9 motorcyclists involved in crashes were three (3) times more likely to suffer brain
10 injuries than those wearing helmets. After the first year of the enactment of
11 universal helmet laws, the following reductions of motorcycle fatalities occurred:
12 California, thirty-seven percent (37%); Oregon, thirty-three percent (33%);
13 Nebraska, thirty-two percent (32%); Texas, twenty-three percent (23%); Maryland,
14 twenty percent (20%); and Washington State, fifteen percent (15%). Therefore, it
15 is the intent of *I Liheslaturan Guåhan* to amend §3305 of Chapter 3, Title 16,
16 Guam Code Annotated to mandate the use of motorcycle helmets on Guam by
17 including drivers and passengers of all ages and by further increasing the fines,
18 should a person be in violation, in order to encourage the use of helmets.

19 **Section 2.** §3305 of Chapter 3 of Title 16, Guam Code Annotated is hereby
20 *amended* to read:

21 “§ 3305. Mandatory Safety Helmets.
22 Any driver ~~under eighteen (18) years of age~~ and any passenger ~~under eighteen (18)~~
23 ~~years of age~~ shall wear a safety helmet, of a type approved by the Department of
24 Revenue and Taxation, when riding on a motorcycle, including a bicycle equipped
25 with a motor. Anyone who violates this section shall be subject to a fine of not less
26 than ~~Fifty Dollars (\$50.00)~~ One Hundred Dollars (\$100.00) and not more than ~~Five~~
27 ~~Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00).”

1 **Section 3.** This Act shall be effective upon enactment.

2 **Section 4. Severability.** If any of the provisions of this Act, or the
3 application thereof to any person or circumstance, is held invalid, such invalidity
4 shall not affect any other provision or application of this Act, which can be given
5 effect without the invalid provision or application, and to this end, the provisions
6 of this code are severable.