

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (Second) Regular Session

RECEIVED

Bill No. 316-30(LS)

Introduced by:

T.C. Ada 
A.B. Palacios, Sr. 
F. F. Blas, Jr. 

AN ACT TO ADD NEW DEFINITIONS (j), (k), AND (jj) TO §1102 OF CHAPTER 1, TITLE 16; TO ADD A NEW §3102.2, §3102.3, §3102.4 TO CHAPTER 3, TITLE 16, TO ADD A NEW §6233 OF ARTICLE 2, CHAPTER 6, TITLE 4; ALL OF GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING CHARGES AND COMPENSATION FOR DEPARTMENT OF REVENUE AND TAXATION EXAMINERS WHO PERFORM OFF-DUTY EXAMINATIONS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 commercial vehicle drivers provide an integral service in facilitating the movement of
4 people, supplies, materials, and commodities throughout the island. Over the next few
5 years, as a result of the military buildup, the demand for Commercial drivers licenses will
6 significantly increase; further adding to the workload of an already understaffed Drivers
7 License Examination Branch of the Motor Vehicle Division within the Department of
8 Revenue of Taxation.

9 In anticipation of the increase demand and the current backlog existing at the
10 Department of Revenue and Taxation in conducting road examinations for Commercial
11 licenses, *I Liheslaturan Guåhan* finds that it is critical that Department of Revenue and
12 Taxation be provided the necessary authority and resource to address this "choke point" in

1 the transportation of people, supplies, materials, and commodities around the island of
2 Guam.

3 *I Liheslaturan Guåhan* further finds that as a consequence of the backlog, private sector
4 employees are not qualified to receive higher paying commercial driving jobs or
5 promotions because they are unable to obtain a commercial license; which can translate up
6 to a 40% increase in salary for an individual employee.

7 *I Liheslaturan Guåhan* intends to authorize the Department of Revenue and Taxation to
8 administer “off-duty” road examinations for commercial drivers licenses. This
9 authorization requires that the Department of Revenue and Taxation develop and
10 implement rules and regulations that would address the procedures for this *Service*.

11 **Section 2. Definitions.** New definitions are added to §1102 of Chapter 1, Title 16
12 GCA as follows:

13 “(j) ‘Examiner’ means an Examiner duly employed by the
14 Department of Revenue and Taxation Agency, government of Guam,
15 authorized to administer a commercial road examination.

16 (k) ‘Fund’ means the Examiner Off-Duty Services Fund.

17 (jj) ‘Services’ means Chauffeurs License Endorsement B, C, D and G
18 road examinations.”

19 **Section 3.** New Subsections 3102.2, 3102.3, 3102.4, are hereby *added* to Chapter 3,
20 Title 16 GCA to read as follows:

21 “§3102.2 Charges for Examiner Off-Duty Services.

22 (a) Charges for Services by Department of Revenue and Taxation
23 Examiners. Any person that require the Services of an Examiner(s) upon
24 special request, subject to the approval of the Director, on Saturdays,

1 Sundays, or holidays between the hours of 8:00 a.m. and 5:00 p.m. shall be
2 charged for services as are rendered by examiners as follows:

3 (i) for the first hour or fraction thereof, a rate of three (3)
4 times the Examiner's, or Examiners', hourly wage (3.0 x hourly wage
5 rate) for each Examiner requested to perform Services.

6 (ii) after the first hour, but only after fifteen (15) minutes
7 have elapsed, a rate one and a half (1½) times each Examiner's hourly
8 wage rate during such hour, or each hour thereafter, but not to exceed a
9 maximum charge of Two Hundred Seventy-five Dollars (\$275.00) per
10 Examiner per examination.

11 (b) Non-Performance of Services. If Services have been
12 requested and the Examiner(s) has reported to work, and the Services are not
13 performed by reason of circumstances beyond the control of the Examiner(s)
14 concerned, the requesting party shall be charged in accordance with
15 §3102.2(a) on the same basis as though the services had actually been
16 performed during the time the Examiner was ordered to report for duty and
17 did so report, and the time the Examiner was notified that the Examiner's
18 services would not be required.

19 (c) Other Charges. In addition to charges authorized under §3102.2(a)
20 and (b), all other commercial driver license fees and charges apply."

21 “§3102.3 Payment.

22 (a) Payments Due. All person(s) requesting the Services of
23 Department of Revenue and Taxation Examiner(s), under §3102.2, shall make
24 payments to the 'Treasurer of Guam' no later than the day prior to the delivery
25 of services and shall provide a copy of the payment receipt to the assigned
26 Examiner prior to the examination."

27 “§3102.4. Examiner Off-Duty Services Fund.

28 (a) Fund Established. There is hereby established within the

1 Department of Revenue and Taxation Agency, the 'Examiner Off-Duty Services
2 Fund' which shall be separate and apart from the General Fund, and for
3 which independent records shall be maintained.

4 (b) Deposits. All monies received in accordance with this Act
5 shall be deposited into the Fund.

6 (c) Authorized Expense(s). All authorized expenses for
7 providing examination service(s) pursuant to this Act, shall be paid by the
8 Treasurer of Guam from the Examiners Off-Duty Services Fund upon the
9 submittal of vouchers certified by the Director of Revenue and Taxation. The
10 Director shall use overtime funds authorized under Public Law 30-55 to pay
11 for services pursuant to this Act which shall be immediately reimbursed from
12 funds deposited into the Examiners Off-Duty Services Fund. Each examiner
13 shall be responsible for employer retirement contributions which may be
14 applicable on their behalf.

15 (d) Report. In the first January after the enactment of this Act,
16 and every six (6) months thereafter, the Director of Revenue and Taxation
17 shall prepare and transmit via I Maga'lahañ Guåhan to the Speaker of I
18 Liheslaturan Guåhan a detailed report on the status of the Examiner Off-Duty
19 Services Fund to include an itemization of expenditures charged against the
20 Fund."

21 **Section 4.** A new Section 6233 is hereby added to Article 2, Chapter 6 of Title 4 of
22 the Guam Code Annotated as follows:

23 "Section 6233. Department of Revenue and Taxation Examiner:
24 Compensation. Any Examiner who has performed off-duty services
25 pursuant to this Act shall be compensated at the rate of three (3.0) times the
26 examiner's hourly wage rate for the first hour of service provided, and one
27 and a half times (1½) the examiner's hourly wage rate after the first hour of
28 said service; provided, that the examiner shall perform no less than fifteen (15)

1 minutes of service for the second hour, or each hour thereafter, before
2 receiving credit and compensation for the full hour.”

3 **Section 5. Severability.** *If any provision of this Law or its application to any*
4 person or circumstance is found to be invalid or contrary to law, such
5 invalidity shall not affect other provisions or applications of this Law which
6 can be given effect without the invalid provisions or application, and to this
7 end the provisions of this Law are severable.