



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

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DEC 30 2010
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JWC

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Substitute Bill No. 486-30 (COR) "AN ACT TO REPEAL AND REENACT §3401(d); TO REPEAL AND REENACT §3401.1(a), (b), (d) AND (e); AND TO ADD A NEW §3401.1(M), ALL OF ARTICLE 4 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ACCESSIBLE PARKING IN GUAM", which I signed into law on December 30, 2010 as **Public Law 30-229**.

Sins eru yan Magåhet,

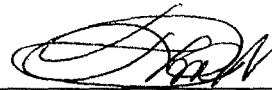
FELIX P. CAMACHO
I Maga'låhen Guahan
Governor of Guahan

Attachment: copy of Bill

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

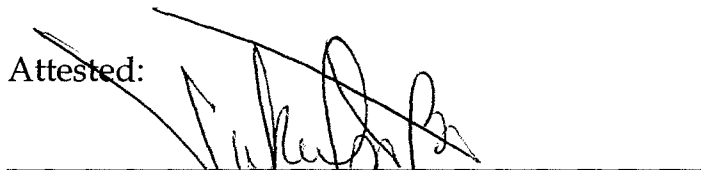
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 486-30 (COR), "AN ACT TO REPEAL AND REENACT §3401(d); TO REPEAL AND REENACT §3401.1(a),(b),(d) AND (e); AND TO ADD A NEW §3401.1(m), ALL OF ARTICLE 4 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO ACCESSIBLE PARKING IN GUAM," was on the 22nd day of December, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:

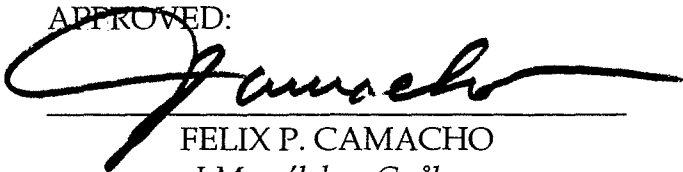


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this _____ day of _____, 2010, at
_____ o'clock _____.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahen Guåhan

Date: 12/30/2010

Public Law No. 30-229

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

Bill No. 486-30 (COR)

As substituted by the Committee on Public Safety,
Law Enforcement and Senior Citizens,
and amended on the Floor.

Introduced by:

Judith P. Guthertz, DPA
Judith T. Won Pat, Ed.D.
Adolpho B. Palacios, Sr.
T. R. Muña Barnes
T. C. Ada
V. Anthony Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio

**AN ACT TO *REPEAL* AND *REENACT* §3401(d); TO
REPEAL AND *REENACT* §3401.1(a),(b),(d) AND (e); AND
TO *ADD* A NEW §3401.1(m), ALL OF ARTICLE 4 OF
CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED,
RELATIVE TO ACCESSIBLE PARKING IN GUAM.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that parking for individuals with disabilities is quite often a challenge, especially
4 when persons disembarking from vehicles utilize assistive devices such as

1 wheelchairs and other related aids, or individuals whose disability requires
2 adequate clearance. There is a sentiment of inequity and disservice experienced by
3 individuals with disabilities requiring the services of adequately identified and
4 properly utilized assigned areas for parking and disembarking from vehicles.

5 There is also a challenge in the enforcement and adjudication processes
6 relative to ensuring that accessible and van-accessible parking stalls are utilized by
7 persons who require the additional parking considerations

8 It is the intent of *I Liheslaturan Guåhan* to address issues, such as the failure
9 to properly display an accessible access placard; persons who possess a valid
10 placard *not* disembarking from a vehicle; persons improperly parking in van-
11 accessible aisles; and to facilitate a broader understanding by the island community
12 regarding the rights and needs of individuals with disabilities to freely and without
13 encumbrance utilize accessible and van-accessible parking stalls.

14 **Section 2.** §3401(d) of Article 4, Chapter 3, Title 16, Guam Code
15 Annotated, is *repealed* and *reenacted* to read:

16 “(d) *No* person shall park any vehicle(s) within a designated,
17 accessible parking space for persons with disabilities on public or private
18 property made available for public use; *unless* the vehicle displays a special
19 license plate, a removable windshield placard, or a temporary-removal
20 windshield placard issued pursuant to Title 16 GCA § 7120.1.”

21 **Section 3.** §3401.1(a) and (b) of Article 4, Chapter 3, Title 16, Guam Code
22 Annotated are hereby *repealed* and *reenacted* to read:

23 “(a) Any person committing or attempting to commit an act of
24 deception or fraud, by one (1) or more of the following methods, is guilty of
25 a misdemeanor:

26 (1) The intentional providing of false information, including
27 statements made on or within a physician’s or optometrist’s

1 certification, submitted in order to obtain or assist another individual
2 in acquiring a special license plate, removable windshield placard, or
3 a temporary-removable windshield placard, issued pursuant to Title
4 16 GCA §7120.1;

5 (2) the alteration, modification or sale of a special license
6 plate, removable windshield placard, or a temporary-removable
7 windshield placard, issued pursuant to Title 16 GCA § 7120.1; or

8 (3) the copying, forging, or use of a fraudulent special
9 license plate, removable windshield placard, or a temporary-
10 removable windshield placard, issued pursuant to Title 16 GCA §
11 7120.1;

12 (b) Any person:

13 (1) parking within a designated accessible parking space(s)
14 without a special license plate, removable windshield placard, or a
15 temporary-windshield placard on public or private property made
16 available for public use; or

17 (2) blocking access to aisle(s) adjacent to accessible parking
18 space(s) on public or private property made available for public use, is
19 guilty of a violation.”

20 **Section 4.** §3401.1(d) and (e) of Article 4, Chapter 3, Title 16, Guam Code
21 Annotated, are hereby *repealed* and *reenacted* to read:

22 “(d) Penalty. Any person with a disability, who has applied for and
23 received a special license plate, removable windshield placard, or a
24 temporary-removable windshield placard, and who allows another individual
25 usage of assigned special license plate or placard, is in violation of this Act
26 and guilty of a violation.

1 (e) A violation of Subsections (b), (c), or (d) of this Section is
2 punishable by a fine *no less than* Three Hundred Dollars (\$300.00) and *no*
3 *more than* Five Hundred Dollars (\$500.00). A violation of Subsections
4 (b)(1) or (c) of this Section, or of Title 16 GCA Chapter 3, or §3401(d) by
5 any individual(s) qualifying as a disabled person, as defined within Title 16
6 GCA §7120.1(a)(2), may have citation(s) dismissed upon the presentation of
7 a special license plate or a removable windshield placard obtained pursuant
8 to §7120.1 of Title 16, GCA before the Court. The Courts may, at its
9 discretion and by direction, create a methodology and system that authorizes
10 the administrative support services of the Courts to certify the presentation
11 of a placard by a person with a disability for the purposes of dismissal in
12 order to forgo the need of a personal court appearance, and that such
13 methodology and system strongly consider the potential for abuse.

14 All fines imposed hereunder by the Court *shall* be deposited into the
15 Accessible Parking Fund, maintained by the Guam Police Department
16 pursuant to Title 5 GCA § 50111(c). Additionally, any vehicle(s) illegally
17 parked pursuant to this Subsection, may be towed; and the owner of such
18 vehicle(s) will be liable for reasonable towing expenses, which *shall*
19 constitute a lien against the offending vehicle.”

20 **Section 5.** A new §3401.1(m) is hereby *added* to Article 4 of Chapter 3,
21 Title 16, Guam Code Annotated, to read:

22 “(m) When issuing a special license plate, a removable windshield
23 placard, a Guam drivers license, a Guam motorcycle license, or a vehicle
24 registration, the Department of Revenue and Taxation *shall* distribute
25 literature detailing the appropriate use of a special license plate, removable
26 windshield placard, or a temporary-removable placard, covering Title 16
27 GCA, Chapter 3, §3401.1(a), (b), (c), (d) and (e), and §3401(d). The

1 aforementioned informative literature *shall* be produced with funds from the
2 Accessible Parking Fund, maintained by the Guam Police Department,
3 within sixty (60) days upon the passage of this provision into law.”

4 **Section 6. Effective Date.** This Act *shall* take effect upon enactment into
5 law.

6

I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 12/22/10

VOTING SHEET

SBill No. 486-30(COR)

Resolution No. _____

Question: _____

| <u>NAME</u> | <u>YEAS</u> | <u>NAYS</u> | <u>NOT VOTING/ ABSTAINED</u> | <u>OUT DURING ROLL CALL</u> | <u>ABSENT</u> |
|-----------------------------------|-------------|-------------|----------------------------------|---------------------------------|---------------|
| ADA, Thomas C. | ✓ | | | | |
| ADA, V. Anthony | ✓ | | | | |
| AGUON, Frank B., Jr. | | | | | EA |
| BLAS, Frank F., Jr. | ✓ | | | | |
| CALVO, Edward J.B. | ✓ | | | | |
| CRUZ, Benjamin J. F. | ✓ | | | | |
| ESPALDON, James V. | ✓ | | | | |
| GUTHERTZ, Judith Paulette | ✓ | | | | |
| MUNA-BARNES, Tina Rose | ✓ | | | | |
| PALACIOS, Adolpho Borja, Sr. | ✓ | | | | |
| PANGELINAN, vicente (ben) cabrera | ✓ | | | | |
| RESPICIO, Rory J. | ✓ | | | | |
| TAITAGUE, Telo | ✓ | | | | |
| TENORIO, Ray | ✓ | | | | |
| WON PAT, Judith T. | ✓ | | | | |

TOTAL

14 _____ _____ _____ 1

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence



**Thirtieth
Guam Legislature**

Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Ray Tenorio
Vice Chairman

Speaker Judith T. Won Pat
Member

Senator Thomas C. Ada
Member

Senator Frank B. Aguon, Jr.
Member

Senator Matt Rector
Member

Senator Edward J.B. Calvo
Member

Senator James V. Espaldon
Member

Other Committee
Chairmanship/Membership:

- Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology
- Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary
- Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs
- Member, Committee on Rules
- Member, Committee on Education

**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**
I Mina'Trenta na Liheslaturan Guåhan
SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

December 14, 2010

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trenta na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: Committee Report – Bill No. 486-30 (COR) as Substituted

Dear Speaker Won Pat:

The Committee on Public Safety, Law Enforcement & Senior Citizens, to which was referred **Bill No. 486-30 (COR)** – “AN ACT TO REPEAL AND REENACT SUB SECTION 3401(D) AND TO REPEAL AND REENACT SUB ITEM (A)(1)(2)(3)(C)(D)(E) AND AD SUB ITEMS (B)(1)(2) AND (M) TO SUB SECTION 3401.1. OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO ACCESSIBLE PARKING IN GUAM,” hereby reports out with the recommendation **TO PASS**.

Committee votes are as follows:

| | | |
|--|----------|---------------------------|
| • Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology | <u>4</u> | TO PASS |
| • Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary | <u>0</u> | NOT TO PASS |
| • Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs | <u>2</u> | TO REPORT OUT ONLY |
| • Member, Committee on Rules | <u>0</u> | ABSTAIN |
| • Member, Committee on Education | <u>0</u> | INACTIVE FILE |

Sincerely,

ADOLPHO B. PALACIOS, SR., MPA, BS/CJA
Chairperson

2010 DEC 20 11:10:07

mw



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

**COMMITTEE
REPORT
ON**

BILL NO. 486-30 (COR)
As Substituted
by Senator Judith P. Guthertz, DPA

**AN ACT TO REPEAL AND REENACT SUB SECTION
3401(D) AND TO REPEAL AND REENACT SUB ITEM
(A)(1)(2)(3)(C)(D)(E) AND AD SUB ITEMS (B)(1)(2)
AND (M) TO SUB SECTION 3401.1. OF ARTICLE 4,
CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED
RELATIVE TO ACCESSIBLE PARKING IN GUAM.**



Thirtieth
Guam Legislature

**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

December 13, 2010

Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Ray Tenorio
Vice Chairman

Speaker Judith T. Wan Pat
Member

Senator Thomas C. Ada
Member

Senator Frank B. Aguon, Jr.
Member

Senator Matt Rector
Member

Senator Edward J.B. Calvo
Member

Senator James V. Espaldon
Member

Other Committee
Chairmanship/Membership:

- Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology
- Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary
- Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs
- Member, Committee on Rules
- Member, Committee on Education

MEMORANDUM

TO: ALL MEMBERS
Committee on Public Safety, Law Enforcement, & Senior Citizens

FROM: Senator Adolpho B. Palacios, Sr. *abp*
Committee Chairman

SUBJECT: Committee Report on Bill No. 486-30 (COR) as Substituted.

Transmitted herewith for your consideration is the Committee Report on **Bill No. 486-30 (COR) as Substituted** – An act to repeal and reenact sub section 3401(D) and to repeal and reenact sub item (A)(1)(2)(3)[(C)](D)(E) and ad sub items (B)(1)(2) and (M) to sub section 3401.1. of Article 4, Chapter 3, Title 16, Guam Code Annotated relative to accessible parking in Guam – by Senator Judith P. Guthertz, DPA.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 486-30 (COR) as Substituted
- Copy of Bill No. 486-30 (COR) as introduced
- Public Hearing Sign-in Sheets
- Copies of testimony submitted and supporting documents
- Copy of COR Referral of Bill No. 486-30 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous related documents

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

Si Yu'os ma'åse!

Office/Mailing Address: 155 Hesler Pl., Hagatha GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR. CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

VOTING SHEET ON:

Bill No. 486-30 (COR) as Substituted - AN ACT TO REPEAL AND REENACT SUB SECTION 3401(D) AND TO REPEAL AND REENACT SUB ITEM (A)(1)(2)(3)[(C)](D)(E) AND AD SUB ITEMS (B)(1)(2) AND (M) TO SUB SECTION 3401.1. OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO ACCESSIBLE PARKING IN GUAM.

Table with 7 columns: SENATOR, SIGNATURE, TO PASS, NOT TO PASS, TO REPORT OUT ONLY, ABSTAIN, INACTIVE FILE. Rows include Adolpho B. Palacios, Sr. Chairman, Ray Tenorio Vice Chairman, Speaker Judith T. Won Pat Member, Thomas C. Ada Member, Frank B. Aguon, Jr. Member, Edward J.B. Calvo Member, and James V. Espaldon Member. Includes handwritten signatures and dates like 12/3/10 and 12/13/10.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

COMMITTEE REPORT DIGEST

Bill No. 486-30 (COR) – “An act to repeal and reenact sub section 3401(D) and to repeal and reenact sub item (A)(1)(2)(3)(C)(D)(E) and ad sub items (B)(1)(2) and (M) to sub section 3401.1. of Article 4, Chapter 3, Title 16, Guam Code Annotated relative to accessible parking in Guam” – Senator Judith P. Guthertz, DPA.

I. OVERVIEW

The Committee on Public Safety, Law Enforcement and Senior Citizens convened the public hearing on November 18, 2010 at 9:20 a.m. in I Liheslatura’s Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 486-30 (COR) - “An act to repeal and reenact sub section 3401(D) and to repeal and reenact sub item (A)(1)(2)(3)(C)(D)(E) and ad sub items (B)(1)(2) and (M) to sub section 3401.1. of Article 4, Chapter 3, Title 16, Guam Code Annotated relative to accessible parking in Guam” sponsored by Senator Judith P. Guthertz, DPA.

Public Hearing Requirements

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on November 9, 2010 (5-day Notice) and on November 15, 2010 (48-Hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature’s website.

Senators Present

Senator Adolpho B. Palacios, Sr., Chairman
Senator Judith P. Guthertz, member

Individual(s) Registered for oral or written testimony:

Joseph Branch, Community Assisted Policing Effort volunteer, In Favor of the Bill.
Sergeant James Buccat, Program Manager, Community Assisted Policing Effort, Guam Police Department, In Favor of the Bill.

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. convened the public hearing for the Committee on Public Safety, Law Enforcement and Senior Citizens at 9:20 am, read the title of the Bill No. 486-30 (COR) and allowed Senator Judith P. Guthertz to make a presentation.

Senator Guthertz thanked Lynn Tydingco and Lee Perez-Cruz. She stated that the legislature has made great efforts to be accessible to persons with disabilities, including sight problems.

Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

Ms. Tydingco and Mr. Perez-Cruz were concerned that legislation is not available in Braille. Guam Cedars Office at UOG prepared this bill in Braille. She said that the bill is further step based upon Chairman Palacios' work to improve the accessible parking law. The bill is intended to improve access to parking for persons with a disability. She stated that there will be increased strain on accessible parking during the military buildup. She thanked members of the disabled community and their advocates for their input into the bill. Chairman Palacios called Josef Branch and James Buccat to the panel.

Josef Branch introduced himself as a CAPE volunteer and a rehabilitation counselor at DISID. He supports the bill. He stated that the Americans with Disabilities Amendment Act has changed the accessibility standards for parking spaces. CAPE volunteers have witnessed problems that wheelchair bound and persons with mobility disabilities have with existing accessible parking. The parking placards often not displayed correctly and sometimes used when the disabled person is not using the vehicle.

Chairman Palacios stated that the misuse of the placard is a problem of enforcement, not the existing law. Mr. Branch brought up instances when someone had been cited and stated that they would have their relative present the accessible parking placard in their defense. Senator Guthertz stated that the bill may help with that issue, because it clarifies the process.

Sergeant James Buccat stated that Mr. Branch has been a volunteer for four (4) years. He said that there are cases where an individual is cited with a violation, but the court sometimes dismisses at the presentation of a placard, even if it was not used properly. He stated that there is a difference between an access aisle and access ramp. In many cases, someone may have parked with a placard in a space with an access aisle, but blocked the access aisle. The access aisle is for persons with a manual or motorized wheelchair. He fully supports the bill.

Chairman Palacios stated that Ginger Porter submitted testimony in support of the bill. Senator Guthertz said that Chairman Palacios' prior bill was a major improvement, but there are loopholes that should be closed so that judges do not have excessive discretion to dismiss cases.

Josef Branch asked whether the amended ADA will be followed and Senator Guthertz responded that the latest models will be followed. Chairman Palacios stated that he wants to improve enforcement and that this bill should be a step toward better enforcement of the law and its intent. He stated that he intends to act on this bill during this term.

Chairman Palacios declared Bill No. 486-30 (COR) duly heard, then concluded the hearing and requested that written testimony be submitted within the next ten (10) days. He adjourned the hearing at 12:03 p.m.

III. WRITTEN TESTIMONIES

Roland Taimanglo thanked Senator Guthertz and Chairman Palacios for their advocacy for people with disabilities and their efforts to improve accessible parking. He stated that the bill will improve the lives of individuals with disabilities, including delineating the usages of parking spaces specified in the Americans with Disabilities Act. He cited issues with interpretation of the existing statute and how these are addressed in the bill. He urges the Legislature to pass Bill 486-30 (COR). (*See attached written testimony.*)

Ginger S. Porter, professional staff member of the Center for Developmental Disabilities Education, Research, and Service, commended Roland Taimanglo for his efforts to improve Guam's Accessible Parking law. She stated that Bill 486 addresses the shortcomings of present legislation. She listed a number of provisions which she believes to be most helpful to improving accessible parking. She supports the passage of Bill 486. (*See attached written testimony.*)

Manuel Quitugua Cruz, Executive Director of the Guam Developmental Disabilities Council, wrote that he supports Bill 486-30 (COR). He suggested that a number of changes be made to the legislation, including:

1. Require more frequent renewal of accessible parking permits.
2. Implement technical counter-measures to deter fraud and abuse.
3. Take steps to increase local enforcement of accessible parking violations by using volunteers.
4. Require vertical signs displaying a message about the consequences of violations.
5. Place stricter requirements on the authorization for disability certification in the permit application process by the Department of Revenue & Taxation.

(*See attached written testimony.*)

No additional written testimony was received within the ten (10) day period after the public hearing.

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Law Enforcement and Senior Citizens hereby reports out **Bill No. 486-30 (COR), as Substituted**, with the recommendation **TO PASS**.

I MINA'TRENTA NA LIHESLATURAN GUÁHAN
2010 (SECOND) REGULAR SESSION

Bill No. 486-30 (COR)

As substituted by the Committee on Public Safety,
Law Enforcement and Senior Citizens

Introduced by:

Judith P. Guthertz, DPA

AN ACT TO REPEAL AND REENACT SUB SECTION 3401(D) AND TO REPEAL AND REENACT SUB ITEMS (A)(1)(2)(3)[(C)](D)(E) AND ADD SUB ITEMS (B)(1)(2) AND (M) TO SUB SECTION 3401.1. OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO ACCESSIBLE PARKING IN GUAM.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that
3 parking for individuals with disabilities is quite often a challenge especially when
4 persons disembarking from vehicles utilize assistive devices such as wheelchairs and
5 other related aids or individuals whose disability requires adequate clearance. There is
6 a sentiment of inequity and disservice experienced by individuals with disabilities
7 requiring the services of adequately identified and properly utilized assigned areas for
8 parking and disembarking from vehicles.

9 There is also a challenge in the enforcement and adjudication processes relative
10 to ensuring that accessible and van-accessible parking stalls are utilized by persons who
11 require the additional parking considerations

12 It is the intent of *I Liheslaturan Guahan* to address issues such as the failure to
13 properly display an accessible access placard; persons who possess a valid placard not
14 disembarking from a vehicle; and persons improperly parking in van-accessible aisles

1 and to facilitate a broader understanding by the island community regarding the rights
2 and needs of individuals with disabilities to freely and without encumbrance utilize
3 accessible and van-accessible parking stalls.

4 **Section 2.** "Sub Section 3401(d) of Article 4, Chapter 3, Title 16, Guam Code
5 Annotated and Sub Items 3401.1(a)(1)(2)(3)[(e)](d)(e) are hereby repealed and reenacted
6 and sub items 3401.1(b)(1)(2) and (m) relative to accessible parking in Guam are hereby
7 added to read:

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

20 (d) No person shall park any vehicle(s) within a designated, accessible parking
21 space for persons with disabilities on public or private property made available for
22 public use; unless the vehicle displays a special license plate, a removable windshield
23 placard, or a temporary-removal windshield placard issued pursuant to 16 GCA §
24 7120.1.

25 § 3401.1. Accessible Parking for Persons With Disabilities

26 (a) ~~Any person who commits, or attempts to commit a deception or fraud by one~~
27 ~~or more of the following methods is guilty of a misdemeanor:~~

1 ~~(1) intentionally making a false statement of material fact to obtain or~~
2 ~~assist an individual in obtaining a special license plate, removable windshield~~
3 ~~placard, or temporary removable wind shield placard, issued pursuant to 16~~
4 ~~GCA § 7120.1, including any statement made on the physician's or optometrist's~~
5 ~~certification submitted for purposes of obtaining the license plate or placard;~~

6 ~~(2) altering, modifying, or selling a removable special license plate,~~
7 ~~removable windshield placard, or temporary removable windshield placard~~
8 ~~issued pursuant to 16 GCA § 7120.1; or~~

9 ~~(3) copying or forging a special license plate, removable windshield~~
10 ~~placard, or temporary removable windshield placard issued pursuant to 16 GCA~~
11 ~~§ 7120.1, or using any such copied or forged license plate or placard;~~

12 (a) Any person committing or attempting to commit an act of deception or fraud,
13 by one or more of the following methods, is guilty of a misdemeanor:

14 (1)The intentional providing of false information, including statements
15 made on or within a physician or optometrists' certification, submitted in order
16 to obtain or assist another individual in acquiring a special license plate,
17 removable windshield placard, or a temporary-removable windshield placard,
18 issued pursuant to 16 GCA §7120.1;

19 (2) the alteration, modification or sale of a special license plate, removable
20 windshield placard, or a temporary-removable windshield placard, issued
21 pursuant to 16 GCA § 7120.1; or

22 (3) the copying, forging, or use of a fraudulent special license plate,
23 removable windshield placard, or a temporary-removable windshield placard,
24 issued pursuant to 16 GCA § 7120.1;

25 **(b) Any person:**

26 (1) parking within a designated accessible parking space(s) without a
27 special license plate, removable windshield placard, or a temporary-windshield

1 placard on public or private property made available for public use, is guilty of a
2 violation; or

3 (2) blocking access to aisle(s) adjacent to accessible parking space(s) on
4 public or private property made available for public use, is guilty of a violation.

5 ~~[(c) Any person who parks in a designated accessible parking space, or who~~
6 ~~blocks access to aisles adjacent to an accessible parking space on public property or~~
7 ~~private property available for public use, using a vehicle with a special license plate,~~
8 ~~removable windshield placard, or temporary removal windshield placard obtained~~
9 ~~pursuant to § 7120.1, Title 16, Guam Code Annotated, and who is not a qualified person~~
10 ~~with a disability as defined in § 7120.1(a)(2), Title 16, Guam Code Annotated, is guilty of~~
11 ~~a violation, unless such person is using the vehicle or placard in connection with the~~
12 ~~transportation of a qualified person with a disability. For the purpose of this Subsection~~
13 ~~(c), it shall not be a violation of this Subsection (c) that the qualified person with a~~
14 ~~disability, as defined in § 7120.1(a)(2), Title 16, Guam Code Annotated, remains in the~~
15 ~~vehicle so parked in an accessible parking space, while his or her companion leaves the~~
16 ~~vehicle for the purpose of conducting business in behalf and for the benefit of the~~
17 ~~qualified person with a disability. Furthermore, it shall not be a violation of Subsection~~
18 ~~(c) that the driver remains in the vehicle waiting for the qualified person to return.~~

19 ~~(c) Any person parking in a designated accessible parking space(s), on public or~~
20 ~~private property made available for public use, who is not qualified as defined within~~
21 ~~16 GCA §7120.1(a)(2) and using a vehicle with a special license plate, removable~~
22 ~~windshield placard, or a temporary removable placard obtained pursuant to 16 GCA §~~
23 ~~7120.1, is guilty of a violation; unless such person is transporting an individual who is~~
24 ~~embarking or disembarking from the vehicle to which such license plate or placard has~~
25 ~~been registered pursuant to 16 GCA § 7120.1(a)(2).]~~

26 ~~(d) Penalty. Any qualified person with a disability who has applied for and~~
27 ~~received a special license plate, a removable windshield placard, or a temporary~~

1 ~~removable windshield placard, and who permits another individual not a qualified~~
2 ~~person with a disability to use the vehicle with the special license plate or placard in~~
3 ~~violation of this Act is guilty of a violation.~~

4 (d) Penalty. Any person with a disability, who has applied for and received a
5 special license plate, removable windshield placard, or a temporary-removable
6 windshield placard, and who allows another individual usage of assigned special
7 license plate or placard, is in violation of this Act and guilty of a violation.

8 ~~(e) A violation of Subsections (b), (c) or (d) of this Section shall be punishable by~~
9 ~~a fine of not less than Three Hundred Dollars (\$300.00) and no more than Five Hundred~~
10 ~~Dollars (\$500.00). All fines that are imposed hereunder by the court shall be deposited~~
11 ~~into the Accessible Parking Fund maintained by the Guam Police Department pursuant~~
12 ~~to §50111(e), Title 5, Guam Code Annotated. Additionally, a vehicle which is illegally~~
13 ~~parked pursuant to this Subsection may be towed, and the owner of the vehicle shall be~~
14 ~~liable for reasonable towing expenses which shall constitute a lien against the offending~~
15 ~~vehicle. When a citation issued in violation of Subsections (b), (c), or (d) of this Section~~
16 ~~is contested, and a hearing date is set, the scheduling of the hearing shall not be~~
17 ~~conditioned on the posting of any monetary amount.~~

18 (e) A violation of Subsections (b), (c), or (d) of this Section is punishable by a fine
19 no less than Three Hundred Dollars (\$300.00) and no more than Five Hundred Dollars
20 (\$500.00). A violation of Subsections (b)(1) or Subsection (c) of this Section or of 16 GCA
21 Chapter 3 Subsections 3401(d) by any individual(s) qualifying as a disabled person, as
22 defined within 16GCA § 7120.1(a)(2), may have citation(s) dismissed upon the
23 presentation of special license plate or removable windshield placard obtained
24 pursuant to 7120.1 before the Court. The Courts may, at its discretion and by direction,
25 create a methodology and system that authorizes the administrative support services of
26 the Courts to certify the presentation of a placard by a person with a disability for the

1 purposes of dismissal in order to forgo the need of a personal court appearance, and
2 that such methodology and system strongly consider the potential for abuse.

3 All fines imposed hereunder by the court shall be deposited into the Accessible
4 Parking Fund, maintained by the Guam Police Department pursuant to Title 5 GCA §
5 50111(c). Additionally, any vehicle(s) illegally parked pursuant to this Subsection, may
6 be towed; and the owner of such vehicle(s) will be liable for reasonable towing
7 expenses, which shall constitute a lien against the offending vehicle.

8 (m) When issuing a special license plate, removable windshield placard, Guam
9 Driver License, a Guam Motorcycle License, or a vehicle registration, The Department
10 of Revenue and Taxation shall distribute literature detailing the appropriate use of a
11 special license plate, removable windshield placard, or a temporary-removable placard,
12 covering 16 GCA Ch. 3 § 3401.1(a), 3401.1(b), 3401.1(c), 3401.1(d), 3401.1(e), and 3401(d).
13 The aforementioned informative literature shall be produced with funds from the
14 Accessible Parking Fund, maintained by the Guam Police Department, within sixty (60)
15 days upon the passage of this provision into law."

16 **Section 3.** Effective Date. This Act shall take effect upon enactment into law."

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) REGULAR SESSION

Bill No. 486-30 (COR)

Introduced by:

Judith P. Guthertz, DPA 

AN ACT TO REPEAL AND REENACT SUB SECTION 3401(D) AND TO REPEAL AND REENACT SUB ITEMS (A)(1)(2)(3)(C)(D)(E) AND ADD SUB ITEMS (B)(1)(2) AND (M) TO SUB SECTION 3401.1. OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO ACCESSIBLE PARKING IN GUAM.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that
3 parking for individuals with disabilities is quite often a challenge especially when
4 persons disembarking from vehicles utilize assistive devices such as wheelchairs and
5 other related aids or individuals whose disability requires adequate clearance. There is
6 a sentiment of inequity and disservice experienced by individuals with disabilities
7 requiring the services of adequately identified and properly utilized assigned areas for
8 parking and disembarking from vehicles.

9 There is also a challenge in the enforcement and adjudication processes relative
10 to ensuring that accessible and van-accessible parking stalls are utilized by persons who
11 require the additional parking considerations

12 It is the intent of *I Liheslaturan Guahan* to address issues such as the failure to
13 properly display an accessible access placard; persons who possess a valid placard not
14 disembarking from a vehicle; and persons improperly parking in van-accessible aisles
15 and to facilitate a broader understanding by the island community regarding the rights

1 and needs of individuals with disabilities to freely and without encumbrance utilize
2 accessible and van-accessible parking stalls.

3 **Section 2.** "Sub Section 3401(d) of Article 4, Chapter 3, Title 16, Guam Code
4 Annotated and Sub Items 3401.1(a)(1)(2)(3)(c)(d)(e) are hereby repealed and reenacted
5 and sub items 3401.1(b)(1)(2) and (m) relative to accessible parking in Guam are hereby
6 added to read:

7 ~~(d) No person shall park any vehicle in a designated accessible parking space for
8 persons with disabilities which is on public property or private property available for
9 public use, unless the vehicle displays a special license plate, a removable windshield
10 placard or a temporary removable windshield placard issued pursuant to § 7120.1 of
11 Title 16, Guam Code Annotated, except that the initial citation of a vehicle as a result of
12 a failure to display the special license plate, the removable windshield placard, or the
13 temporary removable windshield placard so issued pursuant to § 7120.1 of Title 16,
14 Guam Code Annotated, shall be dismissed upon presentation to the court of the plate or
15 the placard, by the person to whom the plate or placard was issued or upon
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.~~

19 (d) No person shall park any vehicle(s) within a designated, accessible parking
20 space for persons with disabilities on public or private property made available for
21 public use; unless the vehicle displays a special license plate, a removable windshield
22 placard, or a temporary-removal windshield placard issued pursuant to 16 GCA §
23 7120.1.

24 § 3401.1. Accessible Parking for Persons With Disabilities

25 ~~(a) Any person who commits, or attempts to commit a deception or fraud by one~~
26 ~~or more of the following methods is guilty of a misdemeanor:~~

1 ~~(1) intentionally making a false statement of material fact to obtain or~~
2 ~~assist an individual in obtaining a special license plate, removable windshield~~
3 ~~placard, or temporary removable wind shield placard, issued pursuant to 16~~
4 ~~GCA § 7120.1, including any statement made on the physician's or optometrist's~~
5 ~~certification submitted for purposes of obtaining the license plate or placard;~~

6 ~~(2) altering, modifying, or selling a removable special license plate,~~
7 ~~removable windshield placard, or temporary removable windshield placard~~
8 ~~issued pursuant to 16 GCA § 7120.1; or~~

9 ~~(3) copying or forging a special license plate, removable windshield~~
10 ~~placard, or temporary removable windshield placard issued pursuant to 16 GCA~~
11 ~~§ 7120.1, or using any such copied or forged license plate or placard;~~

12 (a) Any person committing or attempting to commit an act of deception or fraud,
13 by one or more of the following methods, is guilty of a misdemeanor:

14 (1)The intentional providing of false information, including statements
15 made on or within a physician or optometrists' certification, submitted in order
16 to obtain or assist another individual in acquiring a special license plate,
17 removable windshield placard, or a temporary-removable windshield placard,
18 issued pursuant to 16 GCA §7120.1;

19 (2) the alteration, modification or sale of a special license plate, removable
20 windshield placard, or a temporary-removable windshield placard, issued
21 pursuant to 16 GCA § 7120.1; or

22 (3) the copying, forging, or use of a fraudulent special license plate,
23 removable windshield placard, or a temporary-removable windshield placard,
24 issued pursuant to 16 GCA § 7120.1;

25 **(b) Any person:**

26 (1) parking within a designated accessible parking space(s) without a
27 special license plate, removable windshield placard, or a temporary-windshield

1 placard on public or private property made available for public use, is guilty of a
2 violation; or

3 (2) blocking access to aisle(s) adjacent to accessible parking space(s) on
4 public or private property made available for public use, is guilty of a violation.

5 ~~(c) Any person who parks in a designated accessible parking space, or who~~
6 ~~blocks access to aisles adjacent to an accessible parking space on public property or~~
7 ~~private property available for public use, using a vehicle with a special license plate,~~
8 ~~removable windshield placard, or temporary removal windshield placard obtained~~
9 ~~pursuant to § 7120.1, Title 16, Guam Code Annotated, and who is not a qualified person~~
10 ~~with a disability as defined in § 7120.1(a)(2), Title 16, Guam Code Annotated, is guilty of~~
11 ~~a violation, unless such person is using the vehicle or placard in connection with the~~
12 ~~transportation of a qualified person with a disability. For the purpose of this Subsection~~
13 ~~(c), it shall not be a violation of this Subsection (c) that the qualified person with a~~
14 ~~disability, as defined in § 7120.1(a)(2), Title 16, Guam Code Annotated, remains in the~~
15 ~~vehicle so parked in an accessible parking space, while his or her companion leaves the~~
16 ~~vehicle for the purpose of conducting business in behalf and for the benefit of the~~
17 ~~qualified person with a disability. Furthermore, it shall not be a violation of Subsection~~
18 ~~(c) that the driver remains in the vehicle waiting for the qualified person to return.~~

19 (c) Any person parking in a designated accessible parking space(s), on public or
20 private property made available for public use, who is not qualified as defined within
21 16 GCA §7120.1(a)(2) and using a vehicle with a special license plate, removable
22 windshield placard, or a temporary-removable placard obtained pursuant to 16 GCA §
23 7120.1, is guilty of a violation; unless such person is transporting an individual who is
24 embarking or disembarking from the vehicle to which such license plate or placard has
25 been registered pursuant to 16 GCA § 7120.1(a)(2).

26 ~~(d) Penalty. Any qualified person with a disability who has applied for and~~
27 ~~received a special license plate, a removable windshield placard, or a temporary~~

1 ~~removable windshield placard, and who permits another individual not a qualified~~
2 ~~person with a disability to use the vehicle with the special license plate or placard in~~
3 ~~violation of this Act is guilty of a violation.~~

4 (d) Penalty. Any person with a disability, who has applied for and received a
5 special license plate, removable windshield placard, or a temporary-removable
6 windshield placard, and who allows another individual usage of assigned special
7 license plate or placard, is in violation of this Act and guilty of a violation.

8 ~~(e) A violation of Subsections (b), (c) or (d) of this Section shall be punishable by~~
9 ~~a fine of not less than Three Hundred Dollars (\$300.00) and no more than Five Hundred~~
10 ~~Dollars (\$500.00). All fines that are imposed hereunder by the court shall be deposited~~
11 ~~into the Accessible Parking Fund maintained by the Guam Police Department pursuant~~
12 ~~to §50111(e), Title 5, Guam Code Annotated. Additionally, a vehicle which is illegally~~
13 ~~parked pursuant to this Subsection may be towed, and the owner of the vehicle shall be~~
14 ~~liable for reasonable towing expenses which shall constitute a lien against the offending~~
15 ~~vehicle. When a citation issued in violation of Subsections (b), (c), or (d) of this Section~~
16 ~~is contested, and a hearing date is set, the scheduling of the hearing shall not be~~
17 ~~conditioned on the posting of any monetary amount.~~

18 (e) A violation of Subsections (b), (c), or (d) of this Section is punishable by a fine
19 no less than Three Hundred Dollars (\$300.00) and no more than Five Hundred Dollars
20 (\$500.00). A violation of Subsections (b)(1) or Subsection (c) of this Section or of 16 GCA
21 Chapter 3 Subsections 3401(d) by any individual(s) qualifying as a disabled person, as
22 defined within 16GCA § 7120.1(a)(2), may have citation(s) dismissed upon the
23 presentation of special license plate or removable windshield placard obtained
24 pursuant to 7120.1 before the Court. The Courts may, at its discretion and by direction,
25 create a methodology and system that authorizes the administrative support services of
26 the Courts to certify the presentation of a placard by a person with a disability for the

1 purposes of dismissal in order to forgo the need of a personal court appearance, and
2 that such methodology and system strongly consider the potential for abuse.

3 All fines imposed hereunder by the court shall be deposited into the Accessible
4 Parking Fund, maintained by the Guam Police Department pursuant to Title 5 GCA §
5 50111(c). Additionally, any vehicle(s) illegally parked pursuant to this Subsection, may
6 be towed; and the owner of such vehicle(s) will be liable for reasonable towing
7 expenses, which shall constitute a lien against the offending vehicle.

8 (m) When issuing a special license plate, removable windshield placard, Guam
9 Driver License, a Guam Motorcycle License, or a vehicle registration, The Department
10 of Revenue and Taxation shall distribute literature detailing the appropriate use of a
11 special license plate, removable windshield placard, or a temporary-removable placard,
12 covering 16 GCA Ch. 3 § 3401.1(a), 3401.1(b), 3401.1(c), 3401.1(d), 3401.1(e), and 3401(d).
13 The aforementioned informative literature shall be produced with funds from the
14 Accessible Parking Fund, maintained by the Guam Police Department, within sixty (60)
15 days upon the passage of this provision into law."

16 **Section 3.** Effective Date. This Act shall take effect upon enactment into law."



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & SENIOR CITIZENS

I Mina'Trenta na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR., CHAIRMAN

THURSDAY, NOVEMBER 18, 2010


Bill No. 486-30 (COR)

An act to repeal and reenact Sub Section 3401(D) and to repeal and reenact Sub Items (A)(1)(2)(3)(C)(D)(E) and Sub Items (B)(1)(2) and (M) to Sub Section 3401.1 of Article 4, Chapter 3, Title 16, Guam Code Annotated relative to accessible parking in Guam. - by Senator Judith P. Guthertz, DPA.

| NAME | AGENCY/DEPT./SELF | Support? ✓ | Oppose? ✓ | Written Testimony ✓ | Oral Testimony ✓ | Contact Number |
|---------------|-------------------|---------------|--------------|------------------------|---------------------|-------------------|
| Josef Branchi | CAPE | ✓ | | | | 4881952 |
| James Buccaf | " | ✓ | | | | |
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Honorable Adolpho B. Palacios, Sr.
Senator, 30th Guam Legislature
Committee on Public Safety, Law
Enforcement, and Senior Citizens
Guam Legislature Complex
Agana, Guam 96910

November 12, 2010

Hafa Adai Honorable Adolpho B. Palacios, Sr. 

Thank you for providing the opportunity to present testimony on Bill 486(COR), "AN ACT TO REPEAL AND REENACT SUB SECTION 3401(D) AND SUB ITEMS (A)(1)(2)(3)(C)(D)(E); AND ADD SUB ITEMS (B)(1)(2) AND (M) TO SUB SECTION 3401.1., OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO ACCESSIBLE PARKING IN GUAM."

First, I would like to recognize the Volunteer Police Officers, Police Officers, the concerns expressed by Traffic Court Judges, Individuals with disabilities, and even prior legislative dialogue here in this room, all contributing officially and unofficially to improve Accessible Parking in Guam for persons with disabilities and individuals who are blind.

Also, I like to thank Senator Judith P. Guthertz for her commitment and patients in bringing this Bill to this stage. But most especially, I like to thank you Senator Adolpho B. Palacios, Sr., for advocating for people with disabilities by your mere support and efforts in the past to help improve accessible parking and evidently, your continued support by the fact that we are here before this esteemed committee.

I Support Bill 486 for a number of reasons. First and foremost, Bill 486 when passed into law will improve the lives of individuals with disabilities, promotes respect within the community, clearly defines intended usage of accessible parking spaces and access aisles, and promotes harmony within our community.

Bill 486 will clearly delineate the usages for the parking spaces specified by the Americans with Disability Act for the purpose of accessible parking for persons with disabilities and individuals who are blind. The proposed

amendments makes clear in Sub Sections b(2) that “Any person: ... blocking access to aisle(s) adjacent to accessible parking space(s) on public or private property made available for public use is guilty of a violation.”.

Currently individuals with special license plates or placards may park in the access aisles because there is no provision prohibiting them; as a result, Traffic Court Judges have dismissed numerous citations. It appears that this oversight may have been a defect in statutory construction.

To put a face to this, In September, I when to the Micronesian Mall and parked in an accessible parking space adjacent to an access aisle, when into the mall and upon my return to my car, discovered a vehicle with a placard parked in the access aisle, the same access aisle I used earlier to unload my wheelchair from, but now blocked. I waited for quite awhile and finally called the Police. A Police Officer arrived; we both waited and waited until he asked if he could back my car out from the parking space for me to have access to my car. This ordeal took almost three hours. As a Volunteer Police Officer, I issued the vehicle a citation knowing that the courts will dismiss it. I knew that the only effect a citation will do is send a weak message.

Like the current language on Sub Section 3401.1, Bill 486 provides qualified individuals who forget to display their placards or special license plates a process for the Courts to administratively adjudicate such cases without having to appear before a Court. It also goes further by identifying other sections in the Accessible Parking Act where a qualified person may fail to display placard or license plate like Subsection (b)(1) and (c) of Section 3401.1 or of 16 GCA Chapter 3 Subsection 3401(d).

It does not stop there, Bill 486 requires the Courts, when establishing administrative procedures to administratively adjudicate cases where qualified individuals fail to display placard or license plate, and to establish methods **and systems to strongly consider the potential for abuse.**

A large number of citations like for example, “junior using Grandpa’s placard”, have been issued, but when a vehicle is parked unattended, it is almost impossible to make a determination. Hopefully, the Courts, with their immense expertise will be able to put in place a system that can filter out such deceptions.

Having Subsection (b)(1) and (c) or Subsection 3401(d) included in Subsection (e) which states "... a violation of Sub sections (b)(1) or Subsection (c) of this Section or of 16 GCA Chapter 3 Subsection 3401(d) by an individual(s) qualifying as a disabled person, defined within 16 GCA Subsection 7120.1(a)(2), **may** have citation(s) dismissed upon presentation of special license plate or removable windshield placard...", allows Judges an option to have citations dismissed as opposed to current language that makes it automatic. The Courts should be allowed to make a determination whether there is abuse and if there is evidence that there is, the Court should have the flexibility to adjudicate such cases before a Court.

Language in Subsection 3401.1, of Article 4, Chapter 3, Title 16, GCA is not easy reading, and I believe this is partly the reason Police Volunteers, Judges, and others have struggled and overlooked critical issues such as that discussed in Subsection (b). Bill 486 offers some grammatical improvements and also offers more precision like that in Subsection (d) "Penalty. Any person with a disability,..., and *who allows another individual to use vehicle* with a special license plate or placard...", is amended to read, "Penalty. Any person with a disability,..., and ***who allows another individual to use assigned special license plate or placard...***". The issue here really has nothing to do with the vehicle but the special license plate or placard. So here and there, language has been simplified, without changing its context.

One of the most contentious sections of the Accessible Parking Act is Subsection (c) "Any person parking in a designated accessible parking space(s) ...and using a vehicle with a special license plate, removable windshield placard, or a temporary-removable placardis guilty of a violation; unless such person is transporting an individual who is embarking or disembarking from the vehicle to which such license plate or placard has been registered to pursuant to 16GCA ss 7120.1(a)(2)".

In a forum in this very room it was stated that the Legislature's position is that an individual with a disability being transported has the benefit to travel from home to destination, and back without having to embark or disembark from the vehicle. It basically suggest that by having an Accessible Parking placard or special license plate, an individual with a disability has Title to Accessible Parking spaces whether he or she decides to utilize it to embark or disembark or neither, or occupy the space for whatever reason he or she deems fit as long it is in the confines of the vehicle.

I interviewed a couple of professionals in the area of disabilities and individuals with disabilities themselves and could not come up with a reasonable reason why a person with a disability should have such an entitlement to such a space, specifically when a person occupies the parking space as opposed to utilizes the space for getting into or out of a vehicle. I will not venture to guess the reasons for such entitlement for I suspect I will find a counter argument.

But here are some examples why accessible parking spaces should only be used when embarking or disembarking from a vehicle, it denies others with disabilities who wishes to “utilize” a parking space especially when there is usually a limited number, it discriminates against those that are not disabled since they themselves need parking, it makes it cloudy for law enforcement, that perhaps, it could be used to transport others rather than the business of the individual the accessible parking space is for, or that the real purpose is for the convenience of the driver, the “transporter” and not the person with disability. These are only a few examples why accessible parking spaces should be use for embarking or disembarking from a vehicle.

One of the most noble acts I have seen people with disabilities do, and without sounding conceded, including myself, is when we are not planning on embarking or disembarking from our vehicle, we park somewhere else so that those needing the space in the true sense of the word, could utilize it. There are many who practice this act of courtesy here on Guam because it is obvious and it is the right thing to do.

Ultimately, Bill 486 prohibits me from using my placard as an entitlement to free parking without having to embark or disembark from a vehicle. It requires me to **utilize it as opposed to occupy it!**

On Guam, one of the most famous statements made is “education first”. As a former education director, I believe education is first. At least it should be. Being educated can save you a whole lot of money. On the other hand, ignorance can cost you hundreds of dollars, if not your life. One feature offered by Bill 486 that I support is the addition of Subsection (m) which reads “When issuing a special license plate, removable windshield placard, Guam Drivers License, A Guam Motorcycle License, or a vehicle registration, The Department of Revenue and Taxation shall distribute literature detailing the appropriate use of a special license plate, removable

windshield placard, or a temporary removable placard covering 16 GCA Ch. 3 ss 3401.1(a), 3401.1(b), 3401.1(c), 3401(d), 3401.1(e), and 3401(d).”
Funding for the production of such literature will come from the Accessible Parking Fund, maintained by the Guam Police Department.

We have witnessed that when people are informed, they tend to make the right decisions. Educating the people of Guam on this issue will help them from making costly errors and in the context of this legislation, that which could range between \$300 and \$500. More importantly, it provides the fertilizer for adults to teach their children the right thing to do, and as they mature, they can pass down caring, courteous, law abiding values to their children. Hopefully one day, Guam will be famous for how we respect one another.

Let me close, for I know I have taken up much of your time already. I ask each one of you to please Pass Bill 486. I am a living testament to how the current language is hurting me and others with similar challenges. Thank you again for the opportunity to speak here today.

/s/Roland L.G. Taimanglo
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November 16, 2010

Ginger S. Porter, M.Ed.
Consumer Leadership & Systems Change Initiative Area Coordinator
Guam Center for Excellence in Developmental Disabilities Education, Research,
and Service
University of Guam, UOG Station
Mangilao, Guam 96923

Senator A.B. Palacios, Chairman
Committee on Public Safety, Law Enforcement and Senior Citizens
30th Guam Legislature
Hagåtña, Guam

Hafa Adai Senator Palacios and other members of the Committee,

As a member of the professional staff of the Center for Developmental Disabilities Education, Research, and Service, whose role it is to coordinate the Leadership Development and Systems Change initiatives for individuals with disabilities, I commend Mr. Roland Taimanglo for his efforts to improve Guam's Accessible Parking law. Mr. Taimainglo brought forth his proposed amendment to the Accessible Parking Act for discussion and input from a group of self-advocates with various disabilities, who met at the Guam System for Assistive Technology on September 16, 2010.

Bill 486, so rightly addresses the shortcomings of our present legislation and provides reasonable, corrective measures to ensure that eligible individuals can freely and without encumbrance, utilize accessible and van-accessible parking stalls. The primary changes, which follow, improve the right to access public areas as guaranteed by the Americans with Disabilities Act and its amendment.

1. New language incorporates a clear definition that the marked access area adjacent to accessible parking space(s) **is not to be utilized by any vehicle**, including those bearing accessible placards or plates. For equal access, individuals must be guaranteed access space when using personal assistants or mobility devices in order to either embark or disembark their vehicle.

2. New language also provides the courts with discretionary judgment regarding absence of a special license plate or removable placard. This flexibility enables the courts to make a determination on a case-by-case basis whether the citation and cumulative citations reflect abusive use of the special licensing.

3. Bill 486 limits the use of accessible parking spaces to those eligible individuals or those transporting eligible individuals who actively use the space, either by embarking or disembarking the vehicle. This limitation improves equal access to spaces, which are limited in number and are available on a first come, first served basis to eligible vehicles. It specifically addresses eligible usage based on functionality.

For instance, if an eligible individual is transported by a driver, who is otherwise ineligible, and the driver exits the vehicle to run a quick errand for the eligible passenger, who subsequently remains in the vehicle, the said driver has no right to access the space because the access was not used by an eligible person. The accessible parking space, therefore, remains available for an eligible individual who requires the space.

Discussion by individuals with disabilities themselves revealed no reasonable argument why a person with a disability should have an entitlement to such a space, specifically when a person merely **occupies the parking space, as opposed to utilizing the parking space.**

4. Most importantly, Bill 486 ensures that a public education effort is made to provide the Guam community with information regarding the appropriate use of a special license plate and/or placard. It also identifies funding for this effort. Although the American's with Disabilities Act is twenty years old, we still find that many of our citizens must be reminded of the protection of the civil rights of individuals with disabilities for equal access.

Based on my review of Bill 486 and the discussions I have had with individuals with disabilities, I find the proposed legislation an improvement in guaranteeing access for individuals with disabilities and encourage your favorable review and support of Bill 486

Most respectfully,

Ginger S. Porter, M. Ed.

TESTIMONY
BEFORE THE
COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT,
AND SENIOR CITIZENS
30th GUAM LEGISLATURE
THURSDAY, NOVEMBER 18, 2010
LEGISLATIVE SESSION ROOM

Good Morning, Mr. Chairman and Members of the Committee-----

My name is Manuel Quitugua Cruz. I am the Executive Director of the Guam Developmental Disabilities Council. I come before you and your Committee to testify in support of Bill No. 486-30 (COR) – an Act to repeal and re-enact Sub Section 3401 (D) and to repeal and re-enact Sub Items (a)(1)(2)(3)(C)(D)(E) and add Sub Items (B)(1)(2) and (M) to Sub Section 3401.1 of Article 4, Chapter 3, Title 16, Guam Code Annotated relative to Accessible Parking in Guam.

One of the mandates of the Guam Developmental Disabilities Council (GDDC) is to advocate for system change, public policy, and best practices that promote the full inclusion and integration of individuals with developmental disabilities. We believe that accessible parking is the cornerstone of accessibility for individuals with disabilities. However, while accessibility has expanded because of accessible parking, new problems have arisen due to the abuse of accessible parking privileges. Three (3) types of accessible parking violations exist:

1. Parking in a space without an appropriate permit.
2. Parking with an appropriate permit, but the individual does not have a mobility impairment.
3. The fraudulent creation of a permit in order to park illegally.

It is our understanding that the intent of Bill 486-30 is to address these violations and to offer policy solutions. In this light, the Council wants to offer the following recommendations for the Committee to consider:

1. Require more frequent renewal of accessible parking permits.
2. Implement technical counter-measures to deter fraud and abuse.
3. Take steps to increase local enforcement of accessible parking violations by using volunteers.
4. Require vertical signs displaying a message about the consequences of violations.
5. Place stricter requirements on the authorization for disability certification in the permit application process by the Department of Revenue & Taxation.

On behalf of the Guam DD Council, I want to thank you for the opportunity to testify before your Committee. Si Yu'os Ma'ase.

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 486-30**

AN ACT TO REPEAL AND REENACT SUB SECTION 3401(D) AND TO REPEAL AND REENACT SUB ITEMS (A)(1)(2)(3)(C)(D)(E) AND ADD SUB ITEMS (B)(1)(2) AND (M) TO SUB SECTION 3401.1 OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO ACCESSIBLE PARKING IN GUAM.

| Department/Agency Appropriation Information | |
|---|--------------------------------------|
| Dept./Agency Affected: Department of Revenue & Taxation | Dept./Agency Head: Artemio B. Ilagan |
| Department's General Fund (GF) appropriation(s) to date: | 9,318,618 |
| Department's Other Fund (Specify) appropriation(s) to date: \$826,749 (ICEF) / \$1,576,609 (BRSF) | 2,403,358 |
| Total Department/Agency Appropriation(s) to date: | \$11,721,976 |

| Fund Source Information of Proposed Appropriation | | | |
|---|----------------------|-------------------------|----------------------|
| | General Fund: | (Specify Special Fund): | Total: |
| FY 2010 Unreserved Fund Balance ¹ | | \$0 | \$0 |
| FY 2011 Adopted Revenues | \$535,231,228 | \$0 | \$535,231,228 |
| FY 2011 Appr. (P.L. 30-196) | (\$538,812,874) | \$0 | (\$538,812,874) |
| Sub-total: | (\$3,581,646) | \$0 | (\$3,581,646) |
| Less appropriation in Bill | \$0 | \$0 | \$0 |
| Total: | (\$3,581,646) | \$0 | (\$3,581,646) |

| Estimated Fiscal Impact of Bill | | | | | | |
|---------------------------------|----------------------|--|------------|------------|------------|------------|
| | One Full Fiscal Year | For Remainder of FY 2011 (if applicable) | FY 2012 | FY 2013 | FY 2014 | FY 2015 |
| General Fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| (Specify Special Fund) | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

- Does the bill contain "revenue generating" provisions?
If Yes, see attachment / / Yes / x/ No
- Is amount appropriated adequate to fund the intent of the appropriation? / x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ / x/ N/A
- Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies? / / Yes / x/ No
Is there a federal mandate to establish the program/agency? / / N/A / / Yes / x/ No
- Will the enactment of this Bill require new physical facilities? / / Yes / x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / x/ Yes / / No
/ x / Requested agency comments not received by due date / / Other: _____

dp 11/2/10

Analyst: Michael M. Abreu, B&M Analyst Date: 11/12/10 Director: Bertha M. Dumas, Director Date: **NOV 12 2010**

Footnotes: The Bill has a potential for additional funding impact, however in its present form that impact cannot be determined at this time.



COMMITTEE ON RULES

I Mina' Trenta na Liheslaturan Guåhan • 30th Guam Legislature

155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

**MAJORITY
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SPEAKER**

**Benjamin J. F. Cruz
VICE SPEAKER**

**Tina Rose Muña Barnes
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SENATOR**

**Adolpho B. Palacios, Sr.
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SENATOR**

**MINORITY
MEMBERS:**

**Frank F. Blas, Jr.
SENATOR**

**James V. Espaldon
SENATOR**

November 1, 2010

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill No. 486-30 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 486-30 (COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine V. Tajalle at 472-7679.

Si Yu'os Ma'åse'!

(1) Attachment

2010 NOV - 1 PM 3:35

epm

I Mina'Trenta Na Liheslaturan Guåhan

Bill Log Sheet

Page 1 of 1

| Bill No. | Sponsor(s) | Title | Date Introduced | Date Referred | 120 Day Deadline | Committee Referred | Public Hearing Date | Date Committee Report Filed | Status (Date) Passed? Failed? Vetoed? Overridden? Public Law? |
|------------------|------------------------|--|------------------------|----------------------|-------------------------|--|----------------------------|------------------------------------|--|
| B486-30 (COR) | J. P. Guthertz, DPA | AN ACT TO REPEAL AND REENACT SUB SECTION 3401(D) AND TO REPEAL AND REENACT SUB ITEMS (A)(1)(2)(3)(C)(D)(E) AND ADD SUB ITEMS (B)(1)(2) AND (M) TO SUB SECTION 3401.1. OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO ACCESSIBLE PARKING IN GUAM. | 10/29/10 1:43 p.m. | 11/01/10 | | Committee on Public Safety, Law Enforcement, and Senior Citizens | | | |



**Thirtieth
Guam Legislature**

**Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:**

**Senator Adolpho B. Palacios, Sr.
Chairman**

**Senator Ray Tenorio
Vice Chairman**

**Speaker Judith T. Won Pat
Member**

**Senator Thomas C. Ada
Member**

**Senator Frank B. Aguon, Jr.
Member**

**Senator Edward J.B. Calvo
Member**

**Senator James V. Espaldon
Member**

**Other Committee
Chairmanship/Membership:**

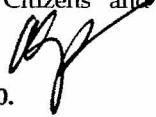
- **Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology**
- **Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary**
- **Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs**
- **Member, Committee on Rules**
- **Member, Committee on Education**

**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**
I Mina'Trenta na Liheslaturan Guåhan
SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

November 9, 2010

MEMORANDUM

TO: All Senators

FROM: Chairman, Committee on Public Safety, Law Enforcement & Senior Citizens and Committee on Labor, the Public Structure, Public Libraries & Technology 

SUBJECT: *FIRST* Notice of Public Hearing scheduled for Thursday, November 18, 2010.

The Committee on Public Safety, Law Enforcement, and Senior Citizens and the Committee on Labor, the Public Structure, Public Libraries & Technology have scheduled a **joint public hearing** starting at **9:00 am, Thursday, November 18, 2010**, at *I Liheslaturan Guåhan's Public Hearing Room* in Hagåtña, on the following:


- **Bill No. 478-30 (COR) – AN ACT TO FACILITATE THE EXPEDITIOUS ISSUANCE OF GENERAL OPERATORS DRIVERS LICENSES, THROUGH THE PROVISION OF OFF-DUTY ROAD EXAMINATIONS FOR LICENSE ENDORSEMENT "A" CLASS LICENSES, BY AMENDING SUBSECTION (uu) OF §1102 OF CHAPTER 1, TITLE 16, GUAM CODE ANNOTATED. – by Senator Frank B. Aguon, Jr.**
- **Bill No. 486-30 (COR) – AN ACT TO REPEAL AND REENACT SUB SECTION 3401(D) AND TO REPEAL AND REENACT SUB ITEMS (A)(1)(2)(3)(C)(D)(E) AND ADD SUB ITEMS (B)(1)(2) AND (M) TO SUB SECTION 3401.1 OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO ACCESSIBLE PARKING IN GUAM. – by Senator Judith P. Guthertz, DPA.**
- **Bill No. 487-30 (COR) – AN ACT RELATIVE TO EQUITABLY IMPLEMENTING THE CERTIFICATION PAY DIFFERENTIAL SALARY ADJUSTMENTS FOR LICENSED PRACTICAL NURSES OF THE GOVERNMENT OF GUAM AS MANDATED BY LAW, BY AMENDING §6229.6 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED. – by Senator Frank B. Aguon, Jr.**

cc: Clerk of the Legislature
Protocol
Audio/MIS

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Pisciella Cruz at 472-5047/5048.

Office/Mailing Address: 155 Hesler Pl., Hagåtña GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

RECEIVED BY: 

DATE: 11/9/10

TIME: 1:39 PM

GUAM LEGISLATURE
REPRODUCTION MAIL ROOM



Adolpho Palacios <senabpalacios@gmail.com>

FIRST Notice of Public Hearing scheduled for November 18, 2010

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Tue, Nov 9, 2010 at 12:32 PM

To: speaker@judiwonpat.com, office@senatorada.org, senatortonyada@guamlegislature.org, "Senator Frank B. Aguon" <aguon4guam@gmail.com>, aguonmedia@gmail.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J. B. Calvo" <sencalvo@gmail.com>, "Sen. BJ Cruz" <senadotbjcruz@gmail.com>, senjim@ite.net, judiguthertz@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senatortelo@gmail.com, Senator Ray Tenorio <ray@raytenorio.com>, Pat Santos <psantos@guamlegislature.org>, fterlaje@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, sgtarms@guamlegislature.org, yong@guamlegislature.org, Stephanie Mendiola <sem@guamlegislature.org>, louise_atalig@yahoo.com, jamespcastro@gmail.com, cipo@guamlegislature.org, mark@judiwonpat.com, teddytaz_222@yahoo.com, mike.lidia9@gmail.com, cyrus@senatorada.org, nsantos@senatorada.org, joyunpingco@gmail.com

November 9, 2010

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

JOINT PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens and the Committee on Labor, the Public Structure, Public Libraries & Technology have scheduled a joint public hearing starting at **9:00 am, Thursday, November 18, 2010**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

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Adolpho Palacios <senabpalacios@gmail.com>

FIRST Notice of Public Hearing scheduled for November 18, 2010

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Tue, Nov 9, 2010 at 12:27 PM

To: mindy@kuam.com, jason@kuam.com, sabrina@kuam.com, malafunkshun@kuam.com, news@guampdn.com, Catriona Melyan <cmelyan@guampdn.com>, amier@mvguam.com, marvic@mvguam.com, admin@mvguam.com, jontalk@k57.com, kstone@ite.net, news@spbguam.com, tina@marianasmedia.com, clynt@spbguam.com, jeff@marianasmedia.com

November 9, 2010

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

FACSIMILE TRANSMITTAL SHEET

DATE: November 9, 2010

TO: Pacific Daily News 477-3079 (Attention: Government Meetings)
Marianas Variety 648-2007 (Attention: Community Page)
Guam News Watch 478-6402
KUAM/Isla 630 637-9865/9870
Pacific News Center 477-0793
Marianas Media 477-2240
K-57/Power 98 477-3982
Hit Radio 100 472-7663
KStereo/KISH 477-6411
Glimpses 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *FIRST Notice of Public Hearing scheduled for November 18, 2010*

PAGES: 1 (including this sheet)

November 9, 2010

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

JOINT PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens and the Committee on Labor, the Public Structure, Public Libraries & Technology have scheduled a joint public hearing starting at **9:00 am, Thursday, November 18, 2010**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

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- **Bill No. 486-30 (COR)** – AN ACT TO REPEAL AND REENACT SUB SECTION 3401(D) AND TO REPEAL AND REENACT SUB ITEMS (A)(1)(2)(3)(C)(D)(E) AND ADD SUB ITEMS (B)(1)(2) AND (M) TO SUB SECTION 3401.1 OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO ACCESSIBLE PARKING IN GUAM. – by **Senator Judith P. Guthertz, DPA.**
- **Bill No. 487-30 (COR)** – AN ACT RELATIVE TO EQUITABLY IMPLEMENTING THE CERTIFICATION PAY DIFFERENTIAL SALARY ADJUSTMENTS FOR LICENSED PRACTICAL NURSES OF THE GOVERNMENT OF GUAM AS MANDATED BY LAW, BY AMENDING §6229.6 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED. – by **Senator Frank B. Aguon, Jr.**

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Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

BROADCAST REPORT

TIME : 01/06/2008 05:01
 NAME : SEN. PALACIOS
 FAX : 671-472-5022
 TEL :
 SER.# : G9N282826

PAGE(S)

01

| DATE | TIME | FAX NO./NAME | DURATION | PAGE(S) | RESULT | COMMENT |
|-------|-------|--------------|----------|---------|--------|---------|
| 01/06 | 04:51 | 4773079 | 29 | 01 | OK | ECM |
| 01/06 | 04:52 | 6482007 | 28 | 01 | OK | ECM |
| 01/06 | 04:53 | 4786402 | 28 | 01 | OK | ECM |
| 01/06 | 04:54 | 6379865 | 28 | 01 | OK | ECM |
| 01/06 | 04:55 | 4770793 | 28 | 01 | OK | ECM |
| 01/06 | 04:56 | 4772240 | 01:22 | 01 | OK | ECM |
| 01/06 | 04:58 | 4773982 | 28 | 01 | OK | ECM |
| 01/06 | 04:59 | 4727663 | 28 | 01 | OK | ECM |
| 01/06 | 05:00 | 4776411 | 27 | 01 | OK | ECM |
| 01/06 | 05:01 | 6498883 | 28 | 01 | OK | ECM |

BUSY : BUSY/NO RESPONSE
 NG : POOR LINE CONDITION
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Thirtieth
Guam Legislature

Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Ray Tenorio
Vice Chairman

Speaker Judith T. Won Pat
Member

Senator Thomas C. Ada
Member

Senator Frank B. Aguon, Jr.
Member

Senator Edward J.B. Calvo
Member

Senator James V. Espaldon
Member

COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

November 15, 2010

MEMORANDUM

TO: All Senators

FROM: Chairman, Committee on Public Safety, Law Enforcement & Senior Citizens and
Committee on Labor, the Public Structure, Public Libraries & Technology *AB*

SUBJECT: **SECOND** Notice of Public Hearing scheduled for Thursday, November 18, 2010.

The Committee on Public Safety, Law Enforcement, and Senior Citizens and the Committee on Labor, the Public Structure, Public Libraries & Technology have scheduled a **joint public hearing** starting at **9:00 am, Thursday, November 18, 2010, at I Liheslaturan Guåhan's Public Hearing Room** in Hagåtña, on the following:

- **Bill No. 478-30 (COR) – AN ACT TO FACILITATE THE EXPEDITIOUS ISSUANCE OF GENERAL OPERATORS DRIVERS LICENSES, THROUGH THE PROVISION OF OFF-DUTY ROAD EXAMINATIONS FOR LICENSE ENDORSEMENT "A" CLASS LICENSES, BY AMENDING SUBSECTION (uu) OF §1102 OF CHAPTER 1, TITLE 16, GUAM CODE ANNOTATED. – by Senator Frank B. Aguon, Jr.**
- **Bill No. 486-30 (COR) – AN ACT TO REPEAL AND REENACT SUB SECTION 3401(D) AND TO REPEAL AND REENACT SUB ITEMS (A)(1)(2)(3)(C)(D)(E) AND ADD SUB ITEMS (B)(1)(2) AND (M) TO SUB SECTION 3401.1 OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO ACCESSIBLE PARKING IN GUAM. – by Senator Judith P. Guthertz, DPA.**
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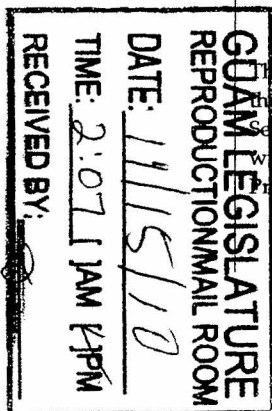
cc: Clerk of the Legislature
Protocol
Audio/MIS

- Other Committee Chairmanship/Membership:**
- Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology
 - Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary
 - Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs
 - Member, Committee on Rules
 - Member, Committee on Education

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.

Office/Mailing Address: 155 Hesler Pl., Hagåtña GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com





Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing scheduled for Nov. 18th

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Mon, Nov 15, 2010 at 10:45 AM

To: speaker@judiwonpat.com, office@senatorada.org, senatortonyada@guamlegislature.org, "Senator Frank B. Aguon" <aguon4guam@gmail.com>, aguonmedia@gmail.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J. B. Calvo" <senalcalvo@gmail.com>, "Sen. BJ Cruz" <senadotbjcruz@gmail.com>, senjim@ite.net, judiguthertz@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senatortelo@gmail.com, Senator Ray Tenorio <ray@raytenorio.com>, lizama.frances@gmail.com, louise_atalig@yahoo.com, cipo@guamlegislature.org, mark@judiwonpat.com, jessica@raytenorio.com, teddytaz_222@yahoo.com, mike.lidia9@gmail.com, Stephanie Mendiola <sem@guamlegislature.org>, joyunpingco@gmail.com, jamespcastro@gmail.com, nsantos@senatorada.org, sgtarms@guamlegislature.org, yong@guamlegislature.org, Pat Santos <psantos@guamlegislature.org>, fterlaje@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>

November 15, 2010

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

JOINT PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens and the Committee on Labor, the Public Structure, Public Libraries & Technology have scheduled a joint public hearing starting at **9:00 am, Thursday, November 18, 2010**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 478-30 (COR)** – AN ACT TO FACILITATE THE EXPEDITIOUS ISSUANCE OF GENERAL OPERATORS DRIVERS LICENSES, THROUGH THE PROVISION OF OFF-DUTY ROAD EXAMINATIONS FOR LICENSE ENDORSEMENT "A" CLASS LICENSES, BY AMENDING SUBSECTION (uu) OF §1102 OF CHAPTER 1, TITLE 16, GUAM CODE ANNOTATED. – by **Senator Frank B. Aguon, Jr.**
- **Bill No. 486-30 (COR)** – AN ACT TO REPEAL AND REENACT SUB SECTION 3401(D) AND TO REPEAL AND REENACT SUB ITEMS (A)(1)(2)(3)(C)(D)(E) AND ADD SUB ITEMS (B)(1)(2) AND (M) TO SUB SECTION 3401.1 OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO ACCESSIBLE PARKING IN GUAM. – by **Senator Judith P. Guthertz, DPA.**
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Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing scheduled for Nov. 18th

1 message

Adolpho Palacios <senabpalacios@gmail.com>**Mon, Nov 15, 2010 at 10:42 AM**

To: mindy@kuam.com, jason@kuam.com, sabrina@kuam.com, malafunkshun@kuam.com, news@guampdn.com, Catriona Melyan <cmelyan@guampdn.com>, amier@mvguam.com, marvic@mvguam.com, admin@mvguam.com, jontalk@k57.com, kstone@ite.net, news@spbgum.com, tina@marianasmedia.com, jeff@marianasmedia.com, clynt@spbgum.com

November 15, 2010

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

FACSIMILE TRANSMITTAL SHEET

DATE: November 9, 2010

TO: Pacific Daily News 477-3079 (Attention: Government Meetings)
Marianas Variety 648-2007 (Attention: Community Page)
Guam News Watch 478-6402
KUAM/Isla 630 637-9865/9870
Pacific News Center 477-0793
Marianas Media 477-2240
K-57/Power 98 477-3982
Hit Radio 100 472-7663
KStereo/KISH 477-6411
Glimpses 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *SECOND Notice of Public Hearing scheduled for November 18, 2010*

PAGES: 1 (including this sheet)

November 15, 2010

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

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BROADCAST REPORT

TIME : 01/12/2008 02:56
 NAME : SEN. PALACIOS
 FAX : 671-472-5022
 TEL :
 SER.# : G9N282826

PAGE(S)

01

| DATE | TIME | FAX NO. /NAME | DURATION | PAGE(S) | RESULT | COMMENT |
|-------|-------|---------------|----------|---------|--------|---------|
| 01/12 | 02:40 | 4773079 | 29 | 01 | OK | ECM |
| 01/12 | 02:42 | 4786402 | 28 | 01 | OK | ECM |
| 01/12 | 02:43 | 6379865 | 28 | 01 | OK | ECM |
| 01/12 | 02:44 | 4770793 | 28 | 01 | OK | ECM |
| 01/12 | 02:45 | 4772240 | 01:32 | 01 | OK | ECM |
| 01/12 | 02:47 | 4773982 | 28 | 01 | OK | ECM |
| 01/12 | 02:48 | 4727663 | 28 | 01 | OK | ECM |
| 01/12 | 02:49 | 4776411 | 28 | 01 | OK | ECM |
| 01/12 | 02:50 | 6498883 | 28 | 01 | OK | ECM |
| 01/12 | 02:56 | 6482007 | 28 | 01 | OK | ECM |

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**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**
I Mina'Trenta na Liheslaturan Guåhan
SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

**Thirtieth
Guam Legislature**

November 15, 2010

Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:

Senator Judith P. Guthertz, DPA
I Mina'Trenta na Liheslaturan Guåhan
155 Hesler Pl.
Hagåtña, Guam 96910

Senator Adolpho B. Palacios, Sr.
Chairman

Senator Ray Tenorio
Vice Chairman

Speaker Judith T. Won Pat
Member

Senator Thomas C. Ada
Member

Senator Frank B. Aguon, Jr.
Member

Senator Edward J.B. Calvo
Member

Senator James V. Espaldon
Member

Dear Senator Guthertz:

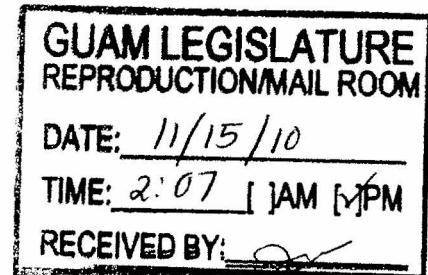
Bill No. 486-30 (COR) "AN ACT TO REPEAL AND REENACT SUB SECTION 3401(D) AND TO REPEAL AND REENACT SUB ITEMS (A)(1)(2)(3)(C)(D)(E) AND ADD SUB ITEMS (B)(1)(2) AND (M) TO SUB SECTION 3401.1 OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO ACCESSIBLE PARKING IN GUAM," was referred to the Committee on Public Safety, Law Enforcement and Senior Citizens on November 1, 2010. This Committee has scheduled a public hearing on **Thursday, November 18, 2010 starting at 9:00 am**, and among the items on the agenda is Bill No. 486-30 (COR).

This letter is to invite your constituents to provide written and/or oral testimony on Bill No. 486-30 (COR). Thank you for your kind attention.

Sincerely,


ADOLPHO B. PALACIOS, SR., MPA, BS/CJA
30th Guam Legislature

- Other Committee
Chairmanship/Membership:**
- Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology
 - Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary
 - Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs
 - Member, Committee on Rules
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guahan

JOINT PUBLIC HEARING

Thursday, November 18, 2010 – 9:00 am
Public Hearing Room, *I Liheslaturan Guahan*

AGENDA

- **Bill No. 478-30 (COR)** – AN ACT TO FACILITATE THE EXPEDITIOUS ISSUANCE OF GENERAL OPERATORS DRIVERS LICENSES, THROUGH THE PROVISION OF OFF-DUTY ROAD EXAMINATIONS FOR LICENSE ENDORSEMENT “A” CLASS LICENSES, BY AMENDING SUBSECTION (uu) OF §1102 OF CHAPTER 1, TITLE 16, GUAM CODE ANNOTATED. – by **Senator Frank B. Aguon, Jr.**
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I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) REGULAR SESSION

2010 OCT 29 PM 1:43
PMA

Bill No. 486-20 (COR)
Introduced by:

Judith P. Guthertz, DPA

AN ACT TO REPEAL AND REENACT SUB SECTION 3401(D) AND TO REPEAL AND REENACT SUB ITEMS (A)(1)(2)(3)(C)(D)(E) AND ADD SUB ITEMS (B)(1)(2) AND (M) TO SUB SECTION 3401.1. OF ARTICLE 4, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO ACCESSIBLE PARKING IN GUAM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds that
3 parking for individuals with disabilities is quite often a challenge especially when
4 persons disembarking from vehicles utilize assistive devices such as wheelchairs and
5 other related aids or individuals whose disability requires adequate clearance. There is
6 a sentiment of inequity and disservice experienced by individuals with disabilities
7 requiring the services of adequately identified and properly utilized assigned areas for
8 parking and disembarking from vehicles.

9 There is also a challenge in the enforcement and adjudication processes relative
10 to ensuring that accessible and van-accessible parking stalls are utilized by persons who
11 require the additional parking considerations

12 It is the intent of *I Liheslaturan Guahan* to address issues such as the failure to
13 properly display an accessible access placard; persons who possess a valid placard not
14 disembarking from a vehicle; and persons improperly parking in van-accessible aisles
15 and to facilitate a broader understanding by the island community regarding the rights

1 and needs of individuals with disabilities to freely and without encumbrance utilize
2 accessible and van-accessible parking stalls.

3 **Section 2.** "Sub Section 3401(d) of Article 4, Chapter 3, Title 16, Guam Code
4 Annotated and Sub Items 3401.1(a)(1)(2)(3)(c)(d)(e) are hereby repealed and reenacted
5 and sub items 3401.1(b)(1)(2) and (m) relative to accessible parking in Guam are hereby
6 added to read:

7 ~~(d) No person shall park any vehicle in a designated accessible parking space for~~
8 ~~persons with disabilities which is on public property or private property available for~~
9 ~~public use, unless the vehicle displays a special license plate, a removable windshield~~
10 ~~placard or a temporary removable windshield placard issued pursuant to § 7120.1 of~~
11 ~~Title 16, Guam Code Annotated, except that the initial citation of a vehicle as a result of~~
12 ~~a failure to display the special license plate, the removable windshield placard, or the~~
13 ~~temporary removable windshield placard so issued pursuant to § 7120.1 of Title 16,~~
14 ~~Guam Code Annotated, shall be dismissed upon presentation to the court of the plate or~~
15 ~~the placard, by the person to whom the plate or placard was issued or upon~~
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.~~

19 (d) No person shall park any vehicle(s) within a designated, accessible parking
20 space for persons with disabilities on public or private property made available for
21 public use; unless the vehicle displays a special license plate, a removable windshield
22 placard, or a temporary-removal windshield placard issued pursuant to 16 GCA §
23 7120.1.

24 § 3401.1. Accessible Parking for Persons With Disabilities

25 (a) ~~Any person who commits, or attempts to commit a deception or fraud by one~~
26 ~~or more of the following methods is guilty of a misdemeanor:~~

1 ~~(1) intentionally making a false statement of material fact to obtain or~~
2 ~~assist an individual in obtaining a special license plate, removable windshield~~
3 ~~placard, or temporary removable wind shield placard, issued pursuant to 16~~
4 ~~GCA § 7120.1, including any statement made on the physician's or optometrist's~~
5 ~~certification submitted for purposes of obtaining the license plate or placard;~~

6 ~~(2) altering, modifying, or selling a removable special license plate,~~
7 ~~removable windshield placard, or temporary removable windshield placard~~
8 ~~issued pursuant to 16 GCA § 7120.1; or~~

9 ~~(3) copying or forging a special license plate, removable windshield~~
10 ~~placard, or temporary removable windshield placard issued pursuant to 16 GCA~~
11 ~~§ 7120.1, or using any such copied or forged license plate or placard;~~

12 (a) Any person committing or attempting to commit an act of deception or fraud,
13 by one or more of the following methods, is guilty of a misdemeanor:

14 (1)The intentional providing of false information, including statements
15 made on or within a physician or optometrists' certification, submitted in order
16 to obtain or assist another individual in acquiring a special license plate,
17 removable windshield placard, or a temporary-removable windshield placard,
18 issued pursuant to 16 GCA §7120.1;

19 (2) the alteration, modification or sale of a special license plate, removable
20 windshield placard, or a temporary-removable windshield placard, issued
21 pursuant to 16 GCA § 7120.1; or

22 (3) the copying, forging, or use of a fraudulent special license plate,
23 removable windshield placard, or a temporary-removable windshield placard,
24 issued pursuant to 16 GCA § 7120.1;

25 **(b) Any person:**

26 (1) parking within a designated accessible parking space(s) without a
27 special license plate, removable windshield placard, or a temporary-windshield

1 placard on public or private property made available for public use, is guilty of a
2 violation; or

3 (2) blocking access to aisle(s) adjacent to accessible parking space(s) on
4 public or private property made available for public use, is guilty of a violation.

5 ~~(e) Any person who parks in a designated accessible parking space, or who~~
6 ~~blocks access to aisles adjacent to an accessible parking space on public property or~~
7 ~~private property available for public use, using a vehicle with a special license plate,~~
8 ~~removable windshield placard, or temporary removal windshield placard obtained~~
9 ~~pursuant to § 7120.1, Title 16, Guam Code Annotated, and who is not a qualified person~~
10 ~~with a disability as defined in § 7120.1(a)(2), Title 16, Guam Code Annotated, is guilty of~~
11 ~~a violation, unless such person is using the vehicle or placard in connection with the~~
12 ~~transportation of a qualified person with a disability. For the purpose of this Subsection~~
13 ~~(e), it shall not be a violation of this Subsection (e) that the qualified person with a~~
14 ~~disability, as defined in § 7120.1(a)(2), Title 16, Guam Code Annotated, remains in the~~
15 ~~vehicle so parked in an accessible parking space, while his or her companion leaves the~~
16 ~~vehicle for the purpose of conducting business in behalf and for the benefit of the~~
17 ~~qualified person with a disability. Furthermore, it shall not be a violation of Subsection~~
18 ~~(e) that the driver remains in the vehicle waiting for the qualified person to return.~~

19 (c) Any person parking in a designated accessible parking space(s), on public or
20 private property made available for public use, who is not qualified as defined within
21 16 GCA §7120.1(a)(2) and using a vehicle with a special license plate, removable
22 windshield placard, or a temporary-removable placard obtained pursuant to 16 GCA §
23 7120.1, is guilty of a violation; unless such person is transporting an individual who is
24 embarking or disembarking from the vehicle to which such license plate or placard has
25 been registered pursuant to 16 GCA § 7120.1(a)(2).

26 ~~(d) Penalty. Any qualified person with a disability who has applied for and~~
27 ~~received a special license plate, a removable windshield placard, or a temporary~~

1 ~~removable windshield placard, and who permits another individual not a qualified~~
2 ~~person with a disability to use the vehicle with the special license plate or placard in~~
3 ~~violation of this Act is guilty of a violation.~~

4 (d) Penalty. Any person with a disability, who has applied for and received a
5 special license plate, removable windshield placard, or a temporary-removable
6 windshield placard, and who allows another individual usage of assigned special
7 license plate or placard, is in violation of this Act and guilty of a violation.

8 ~~(e) A violation of Subsections (b), (c) or (d) of this Section shall be punishable by~~
9 ~~a fine of not less than Three Hundred Dollars (\$300.00) and no more than Five Hundred~~
10 ~~Dollars (\$500.00). All fines that are imposed hereunder by the court shall be deposited~~
11 ~~into the Accessible Parking Fund maintained by the Guam Police Department pursuant~~
12 ~~to §50111(e), Title 5, Guam Code Annotated. Additionally, a vehicle which is illegally~~
13 ~~parked pursuant to this Subsection may be towed, and the owner of the vehicle shall be~~
14 ~~liable for reasonable towing expenses which shall constitute a lien against the offending~~
15 ~~vehicle. When a citation issued in violation of Subsections (b), (c), or (d) of this Section~~
16 ~~is contested, and a hearing date is set, the scheduling of the hearing shall not be~~
17 ~~conditioned on the posting of any monetary amount.~~

18 (e) A violation of Subsections (b), (c), or (d) of this Section is punishable by a fine
19 no less than Three Hundred Dollars (\$300.00) and no more than Five Hundred Dollars
20 (\$500.00). A violation of Subsections (b)(1) or Subsection (c) of this Section or of 16 GCA
21 Chapter 3 Subsections 3401(d) by any individual(s) qualifying as a disabled person, as
22 defined within 16GCA § 7120.1(a)(2), may have citation(s) dismissed upon the
23 presentation of special license plate or removable windshield placard obtained
24 pursuant to 7120.1 before the Court. The Courts may, at its discretion and by direction,
25 create a methodology and system that authorizes the administrative support services of
26 the Courts to certify the presentation of a placard by a person with a disability for the

1 purposes of dismissal in order to forgo the need of a personal court appearance, and
2 that such methodology and system strongly consider the potential for abuse.

3 All fines imposed hereunder by the court shall be deposited into the Accessible
4 Parking Fund, maintained by the Guam Police Department pursuant to Title 5 GCA §
5 50111(c). Additionally, any vehicle(s) illegally parked pursuant to this Subsection, may
6 be towed; and the owner of such vehicle(s) will be liable for reasonable towing
7 expenses, which shall constitute a lien against the offending vehicle.

8 (m) When issuing a special license plate, removable windshield placard, Guam
9 Driver License, a Guam Motorcycle License, or a vehicle registration, The Department
10 of Revenue and Taxation shall distribute literature detailing the appropriate use of a
11 special license plate, removable windshield placard, or a temporary-removable placard,
12 covering 16 GCA Ch. 3 § 3401.1(a), 3401.1(b), 3401.1(c), 3401.1(d), 3401.1(e), and 3401(d).
13 The aforementioned informative literature shall be produced with funds from the
14 Accessible Parking Fund, maintained by the Guam Police Department, within sixty (60)
15 days upon the passage of this provision into law.”

16 **Section 3.** Effective Date. This Act shall take effect upon enactment into law.”