

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
210-32 (COR), P.L. 32-092	Michael F.Q. San Nicolas, Vicente (ben) C. Pangelinan, T.C. Ada, B. J.F. Cruz, Brant T. McCreadie	AN ACT TO ADD A NEW (yy) TO §1102, CHAPTER 1, AND AMEND §§12104, 12106, AND 12107, OF CHAPTER 12, EACH OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS CUSTODY.	10/17/13 9:20 a.m.	10/17/13	Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations	10/24/13 2:00 p.m.	11/07/13 10:22 a.m. As Amended	Fiscal Notes Request 10/21/13 Fiscal Note Waiver Received 11/22/13
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	DATE SIGNED BY I MAGA'LAHEN GUAHAN	PUBLIC LAW NO.	NOTES
	11/12/2013	AN ACT TO ADD A NEW SUBSECTION (6) TO § 12101, AND TO AMEND §§ 12101(4), 12104, 12106 AND 12107, ALL OF CHAPTER 12, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE OWNER, LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED, AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED TO A VEHICLE WHILE IN ITS CUSTODY.	11/15/13	11:28 a.m.	11/27/2013	11/27/2013	32-092	As amended by the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations; and further amended on the Floor.

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

NOV 27 2013

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

32-13-1021
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 11.29.13
Time 10:00 am
Received by [Signature]

2013 NOV 29 AM 11:11

Dear Madame Speaker:

Transmitted herewith is Bill No. 210-32 (COR) "AN ACT TO ADD A NEW SUBSECTION (6) TO § 12101, AND TO AMEND §§ 12101(4), 12104, 12106 AND 12107, ALL OF CHAPTER 12, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE OWNER, LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED, AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED TO A VEHICLE WHILE IN ITS CUSTODY" which I signed into law on November 27, 2013 as Public Law 32-092.

Senseramente,


EDDIE BAZA CALVO



I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

This is to certify that **Bill No. 210-32 (COR)**, "AN ACT TO ADD A NEW SUBSECTION (6) TO § 12101, AND TO AMEND §§ 12101(4), 12104, 12106 AND 12107, ALL OF CHAPTER 12, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE OWNER, LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED, AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED TO A VEHICLE WHILE IN ITS CUSTODY", was on the 12th day of November 2013, duly and regularly passed.




Judith T. Won Pat, Ed.D.
Speaker

Attested:



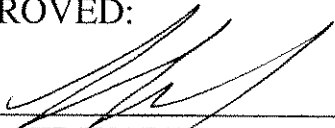
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 15th day of Nov.,
2013, at 11:28 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: NOV 27 2013

Public Law No. 32-092

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 210-32 (COR)

As amended by the Committee on Aviation, Ground
Transportation, Regulatory Concerns and Future Generations;
and further amended on the Floor.

Introduced by:

Michael F. Q. San Nicolas
Vicente (ben) C. Pangelinan
T. C. Ada
B. J.F. Cruz
Brant T. McCreadie
Dennis G. Rodriguez, Jr.
V. Anthony Ada
FRANK B. AGUON, JR.
Chris M. Dueñas
Michael T. Limtiaco
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW SUBSECTION (6) TO § 12101,
AND TO AMEND §§ 12101(4), 12104, 12106 AND 12107,
ALL OF CHAPTER 12, TITLE 16, GUAM CODE
ANNOTATED, RELATIVE TO INFORMING THE
OWNER, LIENHOLDER AND INSURER WHEN A
VEHICLE HAS BEEN TOWED, AND PROVIDING FOR
THE LIABILITY OF A TOWING COMPANY FOR
DAMAGE SUSTAINED TO A VEHICLE WHILE IN ITS
CUSTODY.**

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

2 **Section 1. Short Title.** This Act *shall* be cited as the “Responsible
3 Lienholder and Insurer Towing Information Act.”

1 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that Public Law 23-144 requires that registered owners be informed within five (5)
3 days of when their vehicle has been towed without the owner’s knowledge,
4 notifying the individual of the circumstances under which the vehicle was towed
5 and how to retrieve the vehicle.

6 In many cases, an owner has financed the purchase of a vehicle, so there is a
7 lien on the vehicle by a lending institution. Under the law, the only person
8 informed when a car is towed is the registered owner. Occasionally, an owner may
9 leave a vehicle with a towing company for so long that it is considered abandoned.
10 Only after it has been abandoned does the lienholder become informed that the
11 vehicle had been towed and is impounded. Substantial fees can result from such a
12 circumstance, sometimes in excess of Five Thousand Dollars (\$5,000). Such costs
13 will ultimately be borne by borrowers.

14 It is, therefore, the intent of *I Liheslaturan Guåhan* to require that when a
15 vehicle is towed, the towing company *shall* inform the owner, insurer, and the
16 lienholder, by amending §§12101, 12104, 12106, and 12107 of Chapter 12, Title
17 16, Guam Code Annotated.

18 **Section 3. Definition of Tow Truck Business.** Subsection (4) of §12101,
19 Chapter 12, Title 16, Guam Code Annotated, is hereby *amended* to read:

20 “(4) *Tow truck business* means any sole proprietorship, corporation,
21 limited liability company, partnership, joint venture or other form of
22 business entity engaged in the business of providing tow truck services.”

23 **Section 4. Definition of Vehicle Condition Report.** A new Subsection
24 (6) is hereby *added* to §12101, Chapter 12, Title 16, Guam Code Annotated, to
25 read:

26 “(6) *Vehicle condition report* means a report completed by a person
27 operating a tow truck and performing a tow truck service, which documents

1 the condition of the vehicle on which such service is performed, including
2 comprehensive notes, diagrams and photographic evidence, either analog or
3 digital, to establish the condition of a vehicle and any damage thereto when
4 such vehicle is taken into custody of the tow truck business.”

5 **Section 5. Towing Notice Requirements; Cost Responsibilities.** §12104
6 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended* to read:

7 “§ 12104. **Towing Notice Requirements; Cost Responsibilities.**

8 (a) *Unless* a vehicle is impounded under § 3606 of Article 6,
9 Chapter 3 of this Title 16, after performing a tow truck service without the
10 vehicle owner's knowledge, the person operating the tow truck business
11 *shall*:

12 (1) complete a vehicle condition report, as defined in
13 §12101(6) of this Chapter;

14 (2) within one hour of arriving at the place of storage or
15 impound of the vehicle, contact the law enforcement agency having
16 jurisdiction over the area from which the vehicle was towed and
17 notify the agency of the:

18 (A) location of the vehicle;

19 (B) date, time, and location from which the vehicle
20 was removed;

21 (C) reasons for the removal of the vehicle;

22 (D) person who requested the removal of the vehicle;

23 and

24 (E) vehicle's description, including its identification
25 number and license number; and

26 (3) within two (2) days of performing the tow truck service,
27 send a certified letter to the last known address of the legal owner,

1 registered owner, vehicle insurer and lienholder, where applicable, of
2 the vehicle (obtained from the DRT Division of Motor Vehicles),
3 notifying them of the:

4 (A) location of vehicle;

5 (B) date, time, and location from which the vehicle
6 was removed;

7 (C) reasons for the removal of the vehicle;

8 (D) person who requested the removal of the vehicle;

9 (E) vehicle's description, including its identification
10 number and license number;

11 (F) costs and procedures to retrieve the vehicle; and

12 (G) a copy of the vehicle condition report required by
13 Subsection (a)(1) of this Section.

14 (4) For purposes of this Section, the Division of Motor
15 Vehicles *shall*, upon the presentation of a declaration made under
16 penalty of perjury that a vehicle has been towed and taken into the
17 possession of a tow truck business, provide tow truck businesses with
18 the last known address of the legal owner, registered owner, vehicle
19 insurer, and lienholder, where applicable, of the vehicle in question.
20 The tow truck business *shall* furnish the Division of Motor Vehicles
21 with a copy of the notice sent pursuant to Subsection (a)(3) of this
22 Section within two days via certified mail after the release of the
23 addresses of the legal owner, registered owner, vehicle insurer and
24 lienholder, where applicable.

25 (b) The legal owner, registered owner, insurer or lienholder seeking
26 the release of a vehicle that is lawfully towed is responsible for paying the
27 towing, impound, and storage fees incurred by the tow truck business in

1 towing, impounding and storing such vehicle in order to obtain its release;
2 provided, *however*, that if the tow truck business has failed to comply with
3 the requirements of Subsection (a)(3) of this Section, all such fees *shall* be
4 forfeited, and the vehicle *shall* be delivered to said legal owner, registered
5 owner, or lienholder immediately upon demand. Any tow truck business or
6 other person responsible for or authorizing the towing, impounding or
7 storage of a vehicle relative to this Section, but failing to comply with
8 Subsection (a)(3) of this Section *shall* be guilty of a misdemeanor, and *shall*
9 be liable to the legal owner, registered owner, insurer or lienholder, where
10 applicable, of said vehicle for an amount equal to three (3) times the
11 damages incurred by them as a consequence of said failure, together with
12 their costs of the suit and reasonable attorneys' fees.

13 (c) A tow truck business which has towed a vehicle *shall* be liable
14 for the cost of repair or replacement, as applicable, of the vehicle if the
15 vehicle is damaged, destroyed or lost while in the custody of such tow truck
16 business. Such tow truck business *shall not* be responsible for damage that
17 occurred prior to the time of towing and documented by the vehicle
18 condition report required by Subsection (a)(1) of this Section.”

19 **Section 6. Tow Truck and Impound Regulation; Rates.** §12106 of
20 Chapter 12, Title 16, Guam Code Annotated, is hereby *amended* to read:

21 “§ 12106. **Tow Truck and Impound Regulation; Rates.** The
22 Director of the Department of Revenue and Taxation *shall* promulgate, in
23 accordance with the Administrative Adjudication Law, rules and regulations:

24 (a) establishing maximum rates tow truck businesses *may*
25 charge for the towing of vehicles that are towed and taken into
26 possession for impound or storage by a tow truck business, including,
27 without limitation, vehicles towed in response to:

- 1 (1) a peace officer dispatch call;
2 (2) a Motor Vehicle Division call; and
3 (3) any other call where the legal owner, registered
4 owner, insurance company, and lienholder of the vehicle has
5 *not* consented to removal of his vehicle.

6 (b) establishing maximum rates impound yards *may* charge
7 for the storage of vehicles towed and taken into possession for
8 impound or storage by a tow truck business including, without
9 limitation, vehicles towed as a result of:

- 10 (1) a peace officer dispatch call;
11 (2) a Motor Vehicle Division call; and
12 (3) any other call where the legal owner, registered
13 owner, insurance company, and lienholder of the vehicle has
14 not consented to the storage of his vehicle.

15 (c) establishing procedures or requirements for clearances
16 and licensing of impoundment and storage facilities.

17 (d) establishing any other procedures or requirements that
18 the Director deems appropriate to ensure that tow truck businesses are
19 operated efficiently and safely, and to ensure that residents are
20 provided with adequate tow truck services. Such regulations *shall*
21 provide for the suspension or termination of tow truck driver's licenses
22 of individual tow truck drivers and for the suspension or termination
23 of the business licenses of tow truck businesses when the Director
24 finds either such individuals or businesses in substantial
25 noncompliance with the regulations promulgated pursuant to this
26 Section.”

1 **Section 7. Lien on Towed Vehicles; Lien Holders' Sale.** §12107 of
2 Chapter 12, Title 16, Guam Code Annotated, is hereby *amended* to read:

3 “§ 12107. **Lien on Towed Vehicles; Lien Holders' Sale.**

4 (a) Notwithstanding any other provision of law, *unless* a
5 vehicle is impounded under §3606 of Article 6, Chapter 3 of this Title
6 16, every tow truck business which tows a vehicle and to which the
7 requirements of §12104 of this Chapter apply and are complied with
8 by such tow truck business, while lawfully in possession of the
9 vehicle, has a lien thereon, dependent upon possession, for the
10 compensation, if any, which is due it.

11 (b) Notwithstanding any other provision of law, §39106 of
12 Title 18, Guam Code Annotated, concerning a lien in excess of Three
13 Hundred Dollars (\$300), *shall not* apply to tow truck services
14 rendered to vehicles towed and taken into possession for impound or
15 storage by a tow truck business, including, without limitation, tow
16 truck services provided in response to a peace officer dispatch call; a
17 Motor Vehicle Division call; and any other call where the legal owner,
18 registered owner, insurance company, or lienholder, where applicable,
19 of the vehicle has *not* consented to such tow truck services.”

20 **Section 8. Severability.** *If* any provision of this Act or its application to
21 any person or circumstance is found to be invalid or contrary to law, such
22 invalidity *shall* not affect other provisions or applications of this Act which can be
23 given effect without the invalid provisions or application, and to this end the
24 provisions of this Act are severable.

25 **Section 9.** This Act *shall* be effective one hundred twenty (120) days after
26 enactment. DRT *shall* issue notices to all towing companies licensed on Guam
27 within thirty (30) days of enactment, and *shall* deliver to the Speaker of *I*

- 1 *Liheslaturan Guåhan* (the Guam Legislature) a list of the towing companies that
- 2 were sent notices of this law, and copies of said notice.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael E.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

November 22, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

From: **Senator Rory J. Respicio**

Subject: **Fiscal Notes & Waivers**

Hafa Adai!

Transmitted herewith are fiscal notes received from BBMR on the following Bill Nos. 91-32(COR), 98-32(LS), 116-32(COR), 153-32(COR), 176-32(COR), 181-32(COR), 194-32(COR), 195-32(COR), 202-32(COR), 209-32(COR), 211-32(COR) and Fiscal Note Waivers on the following Bill Nos. 94-32(COR), 165-32(COR), 170-32(COR), 189-32(COR), 193-32(COR), 210-32(COR).

Please include fiscal notes and waivers with their respective Committee Reports.

Please make the appropriate indication in your records; and forward to MIS for posting on our website. I also request that the same be forwarded to all Senators of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Si Yu'os Ma'ase'!

2013 NOV 22 PM 4:46

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNOR

NOV 15 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 116-32(COR), ~~██████████~~
~~██████████~~ and Fiscal Note Waiver on the following Bill Nos.: 94-32(COR),
210-32(COR), ~~██████████~~.

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "J. A. Rios", written over the typed name and title.

JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

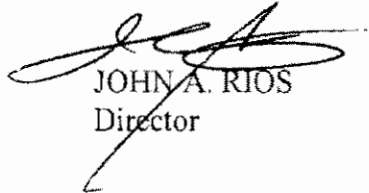
JOSE S. CALVO
DEPUTY DIRECTOR

NOV 15 2013

The Bureau requests that Bill No. 210-32 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The proposed legislation requires businesses which provide tow truck services to furnish vehicle condition reports to the legal owner, vehicle insurer and lienholder. The Bill establishes processes and procedures for persons or businesses providing towing services.

The intent of the Bill is administrative in nature, as submitted for Legislative consideration.



JOHN A. RIOS
Director



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

November 13, 2013

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES
J. Dela Rosa
RECEIVED BY
TIME 11:28 AM DATE 11/15/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

This is to certify that **Bill No. 210-32 (COR)**, "AN ACT TO ADD A NEW SUBSECTION (6) TO § 12101, AND TO AMEND §§ 12101(4), 12104, 12106 AND 12107, ALL OF CHAPTER 12, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE OWNER, LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED, AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED TO A VEHICLE WHILE IN ITS CUSTODY", was on the 12th day of November 2013, 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 15th day of Nov., 2013, at 11:28 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 210-32 (COR)

As amended by the Committee on Aviation, Ground
Transportation, Regulatory Concerns and Future Generations;
and further amended on the Floor.

Introduced by:

Michael F. Q. San Nicolas
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23 and

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- 12 (G) a copy of the vehicle condition report required by
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16 penalty of perjury that a vehicle has been towed and taken into the
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22 Section within two days via certified mail after the release of the
23 addresses of the legal owner, registered owner, vehicle insurer and
24 lienholder, where applicable.

25 (b) The legal owner, registered owner, insurer or lienholder seeking
26 the release of a vehicle that is lawfully towed is responsible for paying the
27 towing, impound, and storage fees incurred by the tow truck business in

1 towing, impounding and storing such vehicle in order to obtain its release;
2 provided, *however*, that if the tow truck business has failed to comply with
3 the requirements of Subsection (a)(3) of this Section, all such fees *shall* be
4 forfeited, and the vehicle *shall* be delivered to said legal owner, registered
5 owner, or lienholder immediately upon demand. Any tow truck business or
6 other person responsible for or authorizing the towing, impounding or
7 storage of a vehicle relative to this Section, but failing to comply with
8 Subsection (a)(3) of this Section *shall* be guilty of a misdemeanor, and *shall*
9 be liable to the legal owner, registered owner, insurer or lienholder, where
10 applicable, of said vehicle for an amount equal to three (3) times the
11 damages incurred by them as a consequence of said failure, together with
12 their costs of the suit and reasonable attorneys' fees.

13 (c) A tow truck business which has towed a vehicle *shall* be liable
14 for the cost of repair or replacement, as applicable, of the vehicle if the
15 vehicle is damaged, destroyed or lost while in the custody of such tow truck
16 business. Such tow truck business *shall not* be responsible for damage that
17 occurred prior to the time of towing and documented by the vehicle
18 condition report required by Subsection (a)(1) of this Section.”

19 **Section 6. Tow Truck and Impound Regulation; Rates.** §12106 of
20 Chapter 12, Title 16, Guam Code Annotated, is hereby *amended* to read:

21 “§ 12106. **Tow Truck and Impound Regulation; Rates.** The
22 Director of the Department of Revenue and Taxation *shall* promulgate, in
23 accordance with the Administrative Adjudication Law, rules and regulations:

24 (a) establishing maximum rates tow truck businesses *may*
25 charge for the towing of vehicles that are towed and taken into
26 possession for impound or storage by a tow truck business, including,
27 without limitation, vehicles towed in response to:

- 1 (1) a peace officer dispatch call;
2 (2) a Motor Vehicle Division call; and
3 (3) any other call where the legal owner, registered
4 owner, insurance company, and lienholder of the vehicle has
5 *not* consented to removal of his vehicle.

6 (b) establishing maximum rates impound yards *may* charge
7 for the storage of vehicles towed and taken into possession for
8 impound or storage by a tow truck business including, without
9 limitation, vehicles towed as a result of:

- 10 (1) a peace officer dispatch call;
11 (2) a Motor Vehicle Division call; and
12 (3) any other call where the legal owner, registered
13 owner, insurance company, and lienholder of the vehicle has
14 not consented to the storage of his vehicle.

15 (c) establishing procedures or requirements for clearances
16 and licensing of impoundment and storage facilities.

17 (d) establishing any other procedures or requirements that
18 the Director deems appropriate to ensure that tow truck businesses are
19 operated efficiently and safely, and to ensure that residents are
20 provided with adequate tow truck services. Such regulations *shall*
21 provide for the suspension or termination of tow truck driver's licenses
22 of individual tow truck drivers and for the suspension or termination
23 of the business licenses of tow truck businesses when the Director
24 finds either such individuals or businesses in substantial
25 noncompliance with the regulations promulgated pursuant to this
26 Section.”

1 **Section 7. Lien on Towed Vehicles; Lien Holders' Sale.** §12107 of
2 Chapter 12, Title 16, Guam Code Annotated, is hereby *amended* to read:

3 “**§ 12107. Lien on Towed Vehicles; Lien Holders' Sale.**

4 (a) Notwithstanding any other provision of law, *unless* a
5 vehicle is impounded under §3606 of Article 6, Chapter 3 of this Title
6 16, every tow truck business which tows a vehicle and to which the
7 requirements of §12104 of this Chapter apply and are complied with
8 by such tow truck business, while lawfully in possession of the
9 vehicle, has a lien thereon, dependent upon possession, for the
10 compensation, if any, which is due it.

11 (b) Notwithstanding any other provision of law, §39106 of
12 Title 18, Guam Code Annotated, concerning a lien in excess of Three
13 Hundred Dollars (\$300), *shall not* apply to tow truck services
14 rendered to vehicles towed and taken into possession for impound or
15 storage by a tow truck business, including, without limitation, tow
16 truck services provided in response to a peace officer dispatch call; a
17 Motor Vehicle Division call; and any other call where the legal owner,
18 registered owner, insurance company, or lienholder, where applicable,
19 of the vehicle has *not* consented to such tow truck services.”

20 **Section 8. Severability.** *If* any provision of this Act or its application to
21 any person or circumstance is found to be invalid or contrary to law, such
22 invalidity *shall* not affect other provisions or applications of this Act which can be
23 given effect without the invalid provisions or application, and to this end the
24 provisions of this Act are severable.

25 **Section 9.** This Act *shall* be effective one hundred twenty (120) days after
26 enactment. DRT *shall* issue notices to all towing companies licensed on Guam
27 within thirty (30) days of enactment, and *shall* deliver to the Speaker of *I*

- 1 *Liheslaturan Guåhan* (the Guam Legislature) a list of the towing companies that
- 2 were sent notices of this law, and copies of said notice.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Bill No. 210-32 (COR)

Speaker Antonio R. Unipingco Legislative Session Hall

As substituted by the Committee on Aviation,
Ground Transportation, Regulatory Concerns and
Future Generation; and further amended on the

November 12, 2013

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

Yea

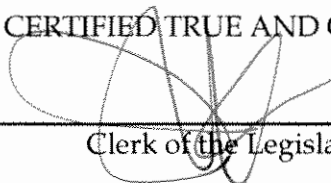
Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:



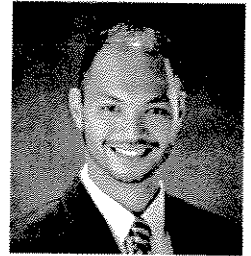
Clerk of the Legislature

I = Pass



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



NOV 05 2013

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

VIA: The Honorable Rory J. Respicio
Chairman
Committee on Rules, Federal, Foreign & Micronesian Affairs,
Human & Natural Resources, and Election Reform

2013 NOV - 7 AM 10: 22
[Signature]

RE: Committee Report on Bill No. 210-32 (COR), as amended by the Committee

Dear Speaker Won Pat,

Håfa adai! Transmitted herewith is the Committee Report on Bill No. 210-32 (COR), as amended by the Committee – “AN ACT TO ADD A NEW (6) TO §12101 AND AMEND §§ 12101(4), 12104, 12106, AND 12107, EACH OF CHAPTER 12, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS CUSTODY.”

Committee votes are as follows:

- 6 TO DO PASS
- TO NOT PASS
- TO REPORT OUT ONLY
- TO ABSTAIN
- TO PLACE IN INACTIVE FILE

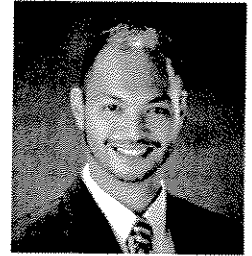
Respectfully,

[Signature]
MICHAEL F.Q. SAN NICOLAS



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



COMMITTEE REPORT

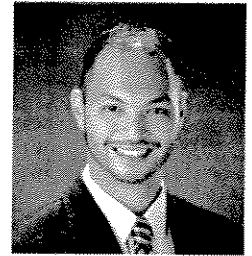
Bill No. 210-32 (COR)
Introduced by M.F.Q. San Nicolas,
V.C. Pangelinan, T.C. Ada,
B.J.F. Cruz, and B.T. McCreadie
As amended by the Committee

“AN ACT TO ADD A NEW (6) TO §12101 AND AMEND §§ 12101(4), 12104, 12106, AND 12107, EACH OF CHAPTER 12, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS CUSTODY.”



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



NOV 05 2013

MEMORANDUM

TO: All Members
Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations

RE: **Committee Report on Bill No. 210-32 (COR)**

Håfa adai! Transmitted herewith for your consideration is the Committee Report on Bill No. 210-32 (COR), as amended by the Committee – “AN ACT TO ADD A NEW (6) TO §12101 AND AMEND §§ 12101(4), 12104, 12106, AND 12107, EACH OF CHAPTER 12, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS CUSTODY.”

This report includes the following:

- Committee Voting Sheet
- Report Digest
- Copy of Bill No. 210-32 (COR), as introduced
- Copy of Bill No. 210-32 (COR), as amended by the Committee
- Public Hearing Sign-in Sheet
- Public Testimony
- Request for Fiscal Note
- Copy of COR Referral of Bill No. 210-32 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

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 do not hesitate to contact my office.

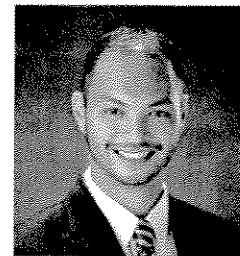
Respectfully,

MICHAEL F.Q. SAN NICOLAS



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
| *Mina'trentai Dos Na Liheslaturan Guåhan* | 32nd Guam Legislature



COMMITTEE VOTING SHEET

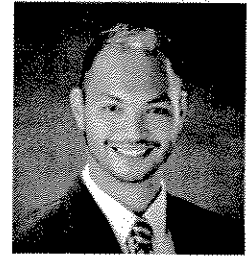
Bill No. 210-32 (COR), as amended by the Committee – “AN ACT TO ADD A NEW (6) TO §12101 AND AMEND §§ 12101(4), 12104, 12106, AND 12107, EACH OF CHAPTER 12, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS CUSTODY.”

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Michael F.Q. San Nicolas Chairman		✓				
Senator Thomas C. Ada Vice Chairman		✓				
Speaker Judith T. Won Pat, Ed.D. Member		✓				
Vice Speaker Benjamin J.F. Cruz Member		✓				
Senator Tina Rose Muña Barnes Member						
Senator Vicente C. Pangelinan Member		✓				
Senator Rory J. Respicio Member		 11/5/13				
Senator V. Anthony Ada Member						
Senator Aline A. Yamashita, Ph.D. Member						



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 210-32 (COR) was introduced on October 17, 2013 by Senators Michael F.Q. San Nicolas, Vicente C. Pangelinan, Thomas C. Ada, Benjamin J.F. Cruz, and Brant T. McCreddie. The bill was subsequently referred by the Committee on Rules to the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations on October 17, 2013.

The Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations convened a public hearing on October 24, 2013 at 2:07 p.m. in *I Liheslatura's* Public Hearing Room. Among the items on the hearing agenda was Bill 210-32 (COR). The hearing was adjourned at 2:33 p.m.

Public Notice Requirements

Public Hearing notices were disseminated via electronic mail to all senators and all main media broadcasting outlets on October 17, 2013, and again on October 22, 2013.

Senators Present

Senator Michael F.Q. San Nicolas, Chairman
Senator Vicente C. Pangelinan, Committee Member
Senator V. Anthony Ada, Committee Member
Senator Tommy A. Morrison

Oral Testimony

Richard Johnson, Blair, Sterling, Johnson, Martinez, and Leon Guerrero PC

Written Testimony

Jose Garcia, First Hawaiian Bank

II. TESTIMONY & DISCUSSION

Chairman Michael San Nicolas: We will go ahead and proceed to Bill No. 210-32, introduced by myself, Speaker Pangelinan, Senator Tom Ada, Vice Speaker B.J. Cruz, and Senator Brant McCreddie. For the record, we do have some additional cosponsors that we were not able to place on the bill but we will make sure that an amendment properly reflects the additional Senators who have taken an interest in making sure that this becomes public law. The intent of this bill is to create a tighter regulatory environment on the towing practices on the island particularly with respect to making sure that the proper parties are notified when a vehicle is towed. To our understanding, and in communication with various lenders and insurance companies throughout the island, the notification is important so that the vehicle is able to be tracked and the condition of it is able to be addressed in a timely fashion, as opposed to the notification not going out to lienholders or insurance companies then finding out many days after the fact with many fees accumulating as a result of no action being taken to recover the vehicle. There are other conditions within the bill that I believe will be good for the people

of Guam inclusive of which is a condition report that is required of the towing companies that, when they pick up the vehicles, they are able to take a proper record of the condition at the time they acquire it so that, in the event that it is returned to the owner or taken in by the lienholder, they are able to do a comparative on whether or not the vehicle is being returned in the same "as is" condition. If it is not, there are provisions within the bill that do provide for a penalty and recovery from the lienholder or the owner in the event that the vehicle is returned in a condition that is less than satisfactory with respect to how it was actually received by the towing company. It also addresses the timeliness of notifications and the manner in which notifications are to be made. I believe that overall, it is a good bill for Guam and for not only the towing industry, but also the banking industry and the insurance companies because it does create a more transparent process with regards to how towing is being handled and it does ensure that, in the event that added costs are incurred throughout the towing process, the necessary parties are fully aware of the status of their vehicle so they can take the proper action to reduce those costs which ultimately get passed on to our consumers. With regards to Bill 210, we do have two individuals who have signed up for testimony. I have first on the list, Mister Jose Garcia, who has submitted written testimony. And I have, Mister Richard Johnson, who has signed up in favor but has not indicated if he will be providing testimony. There is no [oral] testimony with regards to Bill 210 except for the written testimonies that have been submitted. Thank you very much for submitting your testimonies. Are there any questions from any of the senators?

Senator Tony Ada: Thank you, Mister Chairman. I do have a question and it is to the fact that with the notification; if a vehicle is towed away from a no parking zone, for example, the tow truck operators would not have access to that information of who the vehicle owner is or the insurance company. So, I think that the two day notification, I do not see how they would be able to get that information.

Chairman San Nicolas: The two ways that were discussed when we were crafting the bill; one was through the registration that is contained in the vehicle and the other is taking the license plate and running it through the Department of Motor Vehicles. Because the law already requires the registered owner to be notified, either one of those two methods would be used to notify the owner already. What the bill does is it just extends the intention of notification to the lienholders and the insurance companies, all of whom should be on the same documentation that indicates the registered owner.

Senator Ada: So, are we authorizing the tow truck companies to have access to information to run a license plate?

Chairman San Nicolas: We can discuss the question further in committee. I believe that existing mechanisms, which allow for the registered owner to be contacted, should suffice to also identify who the lienholder and the insurance company is.

Senator Ada: It is just those questions especially if a vehicle is towed from a no parking zone. I don't know, if a vehicle is locked, how they would be able to obtain that information within the two days prescribed to get out the information to them unless we write down the license plate number and go to the Guam Police Department and ask them to run this vehicle. Are they

authorized to do that? That is a question that we could address in committee. Thank you, Mister Chair.

Chairman San Nicolas: Thank you, Senator. Are there any other questions? Senator Morrison? Speaker Pangelinan? There being no further testimony, this will conclude the hearing on Bill 210. The Committee will continue to work on the bill to address some of the concerns raised by Senator Ada. We will also continue to receive testimony in case future concerns are raised. That will conclude the hearing on Bill 210.

III. FINDINGS AND RECOMMENDATIONS






The Committee does hereby submit an amended version of Bill 210-32 (COR) which incorporates changes resulting from the testimony received and the discussion that took place at the public hearing.

The Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations hereby reports out Bill No. 210-32 (COR), as amended by the Committee, with the recommendation TO DO PASS.

I MINA TRENDAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 210-32(COR)

Introduced by:

Michael F.Q. San Nicolas 
V.C. Pangelinan 
T.C. Ada 
B.J.F. Cruz 
Brant T. McCreddie 

AN ACT TO ADD A NEW (yy) TO §1102, CHAPTER 1,
AND AMEND §§ 12104, 12106, AND 12107, OF
CHAPTER 12, EACH OF TITLE 16, GUAM CODE
ANNOTATED, RELATIVE TO INFORMING THE
LIENHOLDER AND INSURER WHEN A VEHICLE
HAS BEEN TOWED AND PROVIDING FOR THE
LIABILITY OF A TOWING COMPANY FOR
DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS
CUSTODY.

2013 OCT 17 AM 9:20 

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Short Title. This Act shall be cited as the "Responsible
3 Lienholder and Insurer Towing Information Act."

4 Section 2. Legislative Findings and Intent. I Liheslaturan Guåhan
5 finds that Public Law 23-144 requires that registered owners be informed
6 within five (5) days of when their vehicle has been towed without the

1 owner's knowledge, notifying the individual of the circumstances under
2 which the vehicle was towed and how to retrieve the vehicle.

3 In many cases, an owner has financed the purchase of a vehicle, so
4 there is a lien on the vehicle by a lending institution. Under the law, the
5 only person informed when a car is towed is the registered owner.
6 Occasionally, an owner may leave a vehicle with a towing company so
7 long that it is considered abandoned. Only after it has been abandon does
8 the lienholder become informed that the vehicle had been towed and is
9 impounded. Substantial fees can result from such a circumstance,
10 sometimes in excess of five thousand dollars (\$5,000). Such costs will
11 ultimately be borne by borrowers.

12 It is, therefore, the intent of *I Liheslaturan Guåhan* to require that when
13 a vehicle is towed, the towing company shall inform the owner, insurer,
14 and the lienholder, by amending §§12104, 12106, and 12107 of Chapter 12,
15 Title 16, Guam Code Annotated.

16 **Section 3. Definition of Vehicle Condition Report.** A *new* (yy) is
17 hereby *added* to §1102, Chapter 1, Title 16, Guam Code Annotated, to read:

18 "(yy) 'Vehicle condition report' means a report completed by a
19 person operating a tow truck performing a tow truck service which
20 documents damage to the vehicle on which the service is performed,
21 including comprehensive notes, diagrams and photographic evidence,
22 either analog or digital, to establish the condition of a vehicle when such
23 vehicle is taken into custody of such operator."

1 **Section 4. Towing Notice Requirements; Cost Responsibilities.**

2 §12104 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended*,
3 to read:

4 **“§ 12104. Towing Notice Requirements; Cost Responsibilities.**

5 (1) Unless a vehicle is impounded under § 3606 of this Title, after
6 performing a tow truck service without the vehicle owner's knowledge, the
7 person operating the tow truck *shall*:

8 (a) complete a vehicle condition report, as defined in 16 GCA
9 §1102(yy);

10 (b) within one hour of arriving at the place of storage or
11 impound of the vehicle, contact the law enforcement agency having
12 jurisdiction over the area where the vehicle was picked-up and notify
13 the agency of the:

14 (i) location of the vehicle;

15 (ii) date, time, and location from which the vehicle was
16 removed;

17 (iii) reasons for the removal of the vehicle;

18 (iv) person who requested the removal of the vehicle; and

19 (v) vehicle's description, including its identification
20 number and license number; and

21 (c)(b) within two (2) five days of performing the tow truck
22 service, send a certified letter to the last known address of the legal
23 owner, registered owner, vehicle insurer, and lienholder, where

1 applicable, of the vehicle obtained from the Division of Motor
2 Vehicles ~~or if the person has actual knowledge of the owner's address~~
3 ~~to the current address~~, notifying him/them of the:

4 (i) location of vehicle;

5 (ii) date, time, location from which the vehicle was
6 removed;

7 (iii) reasons for the removal of the vehicle;

8 (iv) person who requested the removal of the vehicle;

9 (v) vehicle's description, including its identification
10 number and license number; ~~and~~

11 (vi) costs and procedures to retrieve the vehicle; and

12 (vii) a copy of the vehicle condition report required by
13 subsection (a) of this section.

14 ~~(d)(e)~~ For purposes of this Section, the Division of Motor
15 Vehicles *shall*, upon the presentation of official documents (Guam
16 Police Report or Department of Revenue and Taxation Directive),
17 provide tow truck businesses with the last known address of the legal
18 owner, registered owner, vehicle insurer, and lienholder, where
19 applicable, of the vehicle in question. The tow truck business *shall*
20 furnish the Division of Motor Vehicles with a copy of the notice sent
21 pursuant to Subsection (b) above within two five days via certified
22 mail after the release of the registered owner's address.

1 (2) The registered owner of a vehicle lawfully removed is responsible
2 for paying the towing, impound, and storage fees, unless the vehicle was
3 stolen or taken without the consent of the owner in which case the parties
4 responsible for such actions *shall* be liable for the cost incurred in removal
5 of said vehicle, except that, if the tow truck operator has failed to notify any
6 of the persons within two (2) days by certified mail pursuant to subsection
7 (1)(c) of this section, all such fees as required by this subsection shall be
8 waived. A person towing a vehicle relative to this section but both failing
9 to notify all individuals pursuant to subsection (1)(c) of this section and
10 failing to waive fees as provided by this subsection shall be guilty of a
11 misdemeanor. Further, in such event the tow truck operator shall be liable
12 to a person entitled to be given notice but not given notice as provided
13 herein for losses arising from such person's inability as a result of such
14 failure to give notice to locate, obtain possession of, or deliver to, any other
15 person possession of the vehicle.

16 (3) A person towing a vehicle pursuant to this section shall be liable
17 for the cost of repair or replacement, as applicable, for any damage
18 sustained by a vehicle while in the custody of such person in excess of any
19 existing damage at the time of towing, as documented by the vehicle
20 condition report required by subsection (1)(a) of this section.

21 **Section 5. Towing Notice Requirements; Cost Responsibilities.**
22 §12106 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended*,
23 to read:

1 **“§ 12106. Tow Truck and Impound Regulation; Rates.**

2 The Director of the Department of Revenue and Taxation *shall*
3 promulgate, in accordance with the Administrative Adjudication Law,
4 rules and regulations:

5 (1) (a) establishing maximum rates tow truck businesses may
6 charge for the towing of vehicles that are transported in response to:

7 (i) a peace officer dispatch call;

8 (ii) a Motor Vehicle Division call; and

9 (iii) any other call where the legal owner, registered
10 owner, insurance company, and lienholder of the vehicle has
11 not consented to removal of his vehicle.

12 (b) establishing maximum rates impound yards may charge for
13 the storage of vehicles stored as a result of:

14 (i) a peace officer dispatch call;

15 (ii) a Motor Vehicle Division call; and

16 (iii) any other call where the legal owner, registered
17 owner, insurance company, and lienholder of the vehicle has
18 not consented to the storage of his vehicle.

19 (c) establishing procedures or requirements for clearances and
20 licensing of impoundment and storage facilities.

21 (d) establishing any other procedures or requirements that the
22 Director deems appropriate to ensure that tow truck businesses are
23 operated efficiently and safely and to ensure that residents are

1 provided with adequate tow truck service. Such regulations *shall*
2 provide for the suspension or termination of tow truck driver's
3 licenses of individual tow truck drivers and for the suspension or
4 termination of the business licenses of tow truck companies when the
5 Director finds either such individuals or companies in substantial
6 noncompliance with the regulations promulgated pursuant to this
7 Section."

8 **Section 6. Towing Notice Requirements; Cost Responsibilities.**

9 §12107 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended*,
10 to read:

11 **"§ 12107. Lien on Towed Vehicles; Lien Holders' Sale.**

12 (1) Notwithstanding any other provision of law, unless a vehicle is
13 impounded under § 3606 of this Title, every tow truck business, who, while
14 lawfully in possession of a vehicle renders towing, impound, and/or
15 storage services in response to a peace officer dispatch call; a Motor Vehicle
16 Division call; and any other call where the legal owner, registered owner,
17 insurance company, and lienholder of the vehicle has not consented to
18 removal of his vehicle; has a lien thereon, dependent upon possession, for
19 the compensation, if any, which is due him from the legal owner,
20 registered owner, insurance company, or lienholder for such service. If
21 there is a prior lien on said vehicle the tow truck business may record a
22 second lien on said vehicle. Any tow truck business may retain possession
23 of the same until the charges are paid.

1 (2) Notwithstanding any other provision of law, § 39106 of Title 18,
2 Guam Code Annotated, concerning a lien in excess of Three Hundred
3 Dollars (\$300), shall not apply to towing, impound, and/or storage services
4 provided in response to a peace officer dispatch call; a Motor Vehicle
5 Division call; and any other call where the owner of the vehicle has not
6 consented to removal of his vehicle; provided that notice requirements are
7 administered pursuant to § 12104 of this Title.”

8 **Section 7. Severability.** *If any provision of this Act or its application*
9 *to any person or circumstance is found to be invalid or contrary to law,*
10 *such invalidity shall not affect other provisions or applications of this Act*
11 *which can be given effect without the invalid provisions or application,*
12 *and to this end the provisions of this Act are severable.*

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 210-32 (COR)

As Amended by the Committee on Aviation,
Ground Transportation, Regulatory Concerns
and Future Generations.

Introduced by:

Michael F.Q. San Nicolas
V.C. Pangelinan
T.C. Ada
B.J.F. Cruz
Brant T. McCreadie

**AN ACT TO ADD A NEW ~~(6)(yy)~~ TO §12101 ~~1102~~,
~~CHAPTER 1~~, AND AMEND §§ 12101(4), 12104, 12106,
AND 12107, EACH OF CHAPTER 12, ~~EACH OF~~ TITLE
16, GUAM CODE ANNOTATED, RELATIVE TO
INFORMING THE LIENHOLDER AND INSURER
WHEN A VEHICLE HAS BEEN TOWED AND
PROVIDING FOR THE LIABILITY OF A TOWING
COMPANY FOR DAMAGE SUSTAINED BY A
VEHICLE WHILE IN ITS CUSTODY.**

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

2 **Section 1. Short Title.** This Act *shall* be cited as the “Responsible
3 Lienholder and Insurer Towing Information Act.”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
5 that Public Law 23-144 requires that registered owners be informed within five (5)
6 days of when their vehicle has been towed without the owner’s knowledge,
7 notifying the individual of the circumstances under which the vehicle was towed
8 and how to retrieve the vehicle.

9 In many cases, an owner has financed the purchase of a vehicle, so there is a
10 lien on the vehicle by a lending institution. Under the law, the only person

1 informed when a car is towed is the registered owner. Occasionally, an owner may
2 leave a vehicle with a towing company so long that it is considered abandoned.
3 Only after it has been abandon does the lienholder become informed that the
4 vehicle had been towed and is impounded. Substantial fees can result from such a
5 circumstance, sometimes in excess of five thousand dollars (\$5,000). Such costs
6 will ultimately be borne by borrowers.

7 It is, therefore, the intent of *I Liheslaturan Guåhan* to require that when a
8 vehicle is towed, the towing company shall inform the owner, insurer, and the
9 lienholder, by amending §§12104, 12106, and 12107 of Chapter 12, Title 16,
10 Guam Code Annotated.

11 **Section 3. Definition of Tow Truck Business.** Subsection (4) of Chapter
12 12, Title 16, Guam Code Annotated, is hereby amended, to read:

13 “(4) Tow truck business means any sole proprietorship, corporation, limited
14 liability company, partnership, joint venture or other form of business entity
15 engaged in the business of providing an enterprise that provides tow truck
16 services.”

17 **Section 4. Definition of Vehicle Condition Report.** A new ~~(6)(yy)~~ is
18 hereby added to §~~12101~~ ~~1102~~, Chapter 12, Title 16, Guam Code Annotated, to
19 read:

20 “~~(6)(yy)~~ ‘Vehicle condition report’ means a report completed by a person
21 operating a tow truck performing a tow truck service which documents the
22 condition of damage to the vehicle on which such service is performed, including
23 comprehensive notes, diagrams and photographic evidence, either analog or
24 digital, to establish the condition of a vehicle and any damage thereto when such
25 vehicle is taken into custody of the tow truck business such operator.”

26 **Section 54. Towing Notice Requirements; Cost Responsibilities.** §12104
27 of Chapter 12, Title 16, Guam Code Annotated, is hereby amended, to read:

1 **“§ 12104. Towing Notice Requirements; Cost Responsibilities.**

2 (1) Unless a vehicle is impounded under § 3606 of this Title, after
3 performing a tow truck service without the vehicle owner's knowledge, the person
4 operating the tow truck business shall:

5 (a) complete a vehicle condition report, as defined in 16 GCA
6 §12101(6) ~~1102(vv)~~;

7 (b) within one hour of arriving at the place of storage or impound of
8 the vehicle, contact the law enforcement agency having jurisdiction over the
9 area from which ~~where~~ the vehicle was towed ~~picked-up~~ and notify the
10 agency of the:

11 (i) location of the vehicle;

12 (ii) date, time, and location from which the vehicle was
13 removed;

14 (iii) reasons for the removal of the vehicle;

15 (iv) person who requested the removal of the vehicle; and

16 (v) vehicle's description, including its identification number and
17 license number; and

18 (c)(b) within two (2) ~~five~~ days of performing the tow truck service,
19 send a certified letter to the last known address of the legal owner, registered
20 owner, vehicle insurer, and lienholder, where applicable, of the vehicle
21 obtained from the Division of Motor Vehicles ~~or if the person has actual~~
22 ~~knowledge of the owner's address to the current address,~~ notifying ~~him~~/them
23 of the:

24 (i) location of vehicle;

25 (ii) date, time, location from which the vehicle was removed;

26 (iii) reasons for the removal of the vehicle;

27 (iv) person who requested the removal of the vehicle;

1 (v) vehicle's description, including its identification number and
2 license number; and

3 (vi) costs and procedures to retrieve the vehicle; and

4 (vii) a copy of the vehicle condition report required by
5 subsection (a) of this section.

6 (d)(e) For purposes of this Section, the Division of Motor Vehicles
7 *shall*, upon the presentation of a declaration made under penalty of perjury
8 that a vehicle has been towed and taken into the possession of a tow truck
9 business, official documents (Guam Police Report or Department of
10 Revenue and Taxation Directive), provide tow truck businesses with the last
11 known address of the legal owner, registered owner, vehicle insurer, and
12 lienholder, where applicable, of the vehicle in question. The tow truck
13 business *shall* furnish the Division of Motor Vehicles with a copy of the
14 notice sent pursuant to Subsection (b) above within two five days via
15 certified mail after the release of the ~~registered owner's~~ addresses of the
16 legal owner, registered owner, vehicle insurer and lienholder, where
17 applicable.

18 (2) The legal owner, registered owner, insurer or lienholder seeking release
19 of a vehicle lawfully towed of a vehicle lawfully removed is responsible for paying
20 the towing, impound, and storage fees, ~~unless the vehicle was stolen or taken~~
21 ~~without the consent of the owner in which case the parties responsible for such~~
22 ~~actions shall be liable for the cost incurred in removal of said vehicle~~ incurred by
23 the tow truck business in towing, impounding and storing such vehicle in order to
24 obtain its release; provided, however, that if the tow truck business, except that, if
25 the tow truck operator has failed to comply with the requirements of notify any of
26 the persons within two (2) days by certified mail pursuant to subsection (1)(c) of
27 this section, all such fees as required by this subsection shall be forfeited and the

1 vehicle shall be delivered to said legal owner, registered owner, or lienholder
2 immediately upon demand ~~waived~~. Any tow truck business or other person
3 responsible for or authorizing the towing, impounding or storage of a vehicle
4 relative to this section but failing to comply with subsection (1)(c) of this section ~~A~~
5 ~~person towing a vehicle relative to this section but both failing to notify all~~
6 ~~individuals pursuant to subsection (1)(c) of this section and failing to waive fees as~~
7 ~~provided by this subsection shall be guilty of a misdemeanor and shall be liable to~~
8 the legal owner, registered owner, insurer or lienholder, where applicable, of said
9 vehicle for an amount equal to three (3) times the damages incurred by them as a
10 consequence of said failure together with their costs of suit and reasonable
11 attorneys' fees. ~~Further, in such event the tow truck operator shall be liable to a~~
12 ~~person entitled to be given notice but not given notice as provided herein for losses~~
13 ~~arising from such person's inability as a result of such failure to give notice to~~
14 ~~locate, obtain possession of, or deliver to, any other person possession of the~~
15 ~~vehicle.~~

16 (3) A tow truck business which has towed a vehicle ~~A person towing a~~
17 ~~vehicle pursuant to this section shall be liable for the cost of repair or replacement,~~
18 as applicable, of the vehicle if the vehicle is damaged, destroyed or lost ~~for any~~
19 ~~damage sustained by a vehicle while in the custody of such tow truck business.~~
20 Such tow truck business shall not be responsible for damage that occurred prior to
21 the time of towing and ~~person in excess of any existing damage at the time of~~
22 ~~towing, as documented by the vehicle condition report required by subsection~~
23 (1)(a) of this section.

24 **Section 65. Towing Notice Requirements; Cost Responsibilities.** §12106
25 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended*, to read:
26 **“§ 12106. Tow Truck and Impound Regulation; Rates.**

1 The Director of the Department of Revenue and Taxation *shall* promulgate,
2 in accordance with the Administrative Adjudication Law, rules and regulations:

3 (1) (a) establishing maximum rates tow truck businesses *may* charge for
4 the towing of vehicles that are towed and taken into possession for impound or
5 storage by a tow truck business including, without limitation, vehicles towed
6 ~~transported~~ in response to:

7 (i) a peace officer dispatch call;

8 (ii) a Motor Vehicle Division call; and

9 (iii) any other call where the legal owner, registered owner,
10 insurance company, and lienholder of the vehicle has not consented to
11 removal of his vehicle.

12 (b) establishing maximum rates impound yards *may* charge for the
13 storage of vehicles towed and taken into possession for impound or storage
14 by a tow truck business including, without limitation, vehicles towed ~~stored~~
15 as a result of:

16 (i) a peace officer dispatch call;

17 (ii) a Motor Vehicle Division call; and

18 (iii) any other call where the legal owner, registered owner,
19 insurance company, and lienholder of the vehicle has not consented to
20 the storage of his vehicle.

21 (c) establishing procedures or requirements for clearances and
22 licensing of impoundment and storage facilities.

23 (d) establishing any other procedures or requirements that the Director
24 deems appropriate to ensure that tow truck businesses are operated
25 efficiently and safely and to ensure that residents are provided with adequate
26 tow truck service. Such regulations *shall* provide for the suspension or
27 termination of tow truck driver's licenses of individual tow truck drivers and

1 for the suspension or termination of the business licenses of tow truck
2 ~~businesses companies~~ when the Director finds either such individuals or
3 ~~businesses companies~~ in substantial noncompliance with the regulations
4 promulgated pursuant to this Section.”

5 **Section 76. Towing Notice Requirements; Cost Responsibilities.** §12107
6 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended*, to read:

7 “§ 12107. **Lien on Towed Vehicles; Lien Holders’ Sale.**

8 (1) Notwithstanding any other provision of law, unless a vehicle is
9 impounded under § 3606 of this Title, every tow truck business which tows a
10 vehicle and to which the requirements of § 12104 apply and are complied with by
11 such tow truck business, while lawfully in possession of the vehicle, has a lien
12 thereon, dependent upon possession, for the compensation, if any, which is due it, 5
13 ~~who, while lawfully in possession of a vehicle renders towing, impound, and/or~~
14 ~~storage services in response to a peace officer dispatch call; a Motor Vehicle~~
15 ~~Division call; and any other call where the legal owner, registered owner,~~
16 ~~insurance company, and lienholder of the vehicle has not consented to removal of~~
17 ~~his vehicle; has a lien thereon, dependent upon possession, for the compensation, if~~
18 ~~any, which is due him from the legal owner, registered owner, insurance company,~~
19 ~~or lienholder for such service. If there is a prior lien on said vehicle the tow truck~~
20 ~~business may record a second lien on said vehicle. Any tow truck business may~~
21 ~~retain possession of the same until the charges are paid.~~

22 (2) Notwithstanding any other provision of law, § 39106 of Title 18, Guam
23 Code Annotated, concerning a lien in excess of Three Hundred Dollars (\$300),
24 *shall* not apply to tow truck services rendered to vehicles towed and taken into
25 possession for impound or storage by a tow truck business including, without
26 limitation, tow truck services towing, impound, and/or storage services provided in
27 response to a peace officer dispatch call; a Motor Vehicle Division call; and any

1 other call where the legal owner, registered owner, insurance company, or
2 lieholder, where applicable, of the vehicle has not consented to such tow truck
3 services removal of his vehicle; provided that notice requirements are administered
4 pursuant to § 12104 of this Title.”

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



I Mina Trentai Dos na Liheslaturan Guåhan

Committee on Aviation, Ground Transportation,
Regulatory Concerns, and Future Generations

SENATOR MICHAEL F.Q. SAN NICOLAS

October 24, 2013

Bill No. 210-32 (COR), introduced by M.F.Q. San Nicolas, V.C. Pangelinan, T.C. Ada, B.J.F. Cruz, and B.T. McCreadie: AN ACT TO ADD A NEW (yy) TO §1102, CHAPTER 1, AND AMEND §§ 12104, 12106, AND 12107, OF CHAPTER 12, EACH OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS CUSTODY.

NAME (Please print)	AGENCY/ ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
Jose Garcia	First Hawaiian Bank	475-7850		✓	✓	
Rodney Johnson	Blaiss Study	477-7857			✓	



Guam Dealer Center
Consumer Service Center

**TESTIMONY BEFORE THE COMMITTEE ON AVIATION,
GROUND TRANSPORTATION, REGULATORY CONCERNS
AND FUTURE GENERATIONS OF 33RD GUAM LEGISLATURE,
SENATOR MICHAEL F.Q. SAN NICOLAS, CHAIRPERSON**

Dear Mr. Chairperson:

First Hawaiian Bank would like to thank you for providing it the opportunity to testify on Bill No. 210-32 (COR), An Act to Add a New (yy) to §1102, Chapter 1, and Amend §§ 12104, 12106, and 12107, of Chapter 12, Each of Title 16, Guam Code Annotated, Relative to Informing the Lienholder and Insurer When a Vehicle Has Been Towed and Providing for the Liability of a Towing Company for Damage Sustained by a Vehicle While in its Custody. First Hawaiian Bank strongly supports the intent of this bill and would like to take this opportunity to suggest some changes which will render it even more effective.

By way of background, while some tow truck businesses have complied with the intent and spirit of the existing tow truck laws and regulations, others have not. Those that have not have regularly and consistently failed and refused to comply with the regulations promulgated by the Department of Revenue & Taxation requiring that they notify the lienholder or legal owner of the vehicle that the vehicle has been towed and is being held in storage. Vehicles are held for weeks and months before lienholders, such as banks, credit unions, finance companies and the like are able to locate the vehicles. These few bad apples in the tow truck industry then refused to release the vehicle unless their exorbitant storage charges have been paid. These practices by these companies violate existing regulations, but suing to enforce their rights costs the lienholders more money than it is worth in many cases, particularly where the vehicles have been damaged or destroyed.

When a vehicle has not been damaged or destroyed to a major extent, the actions of these tow truck companies harm the registered owners of the vehicles who are the bank's borrowers. Vehicles that cannot be redeemed from the tow truck business cannot be sold upon the default of the

borrower in making payment for the car. As a result, the amount owed by the borrower to the lienholder or to the automobile dealership is not reduced by the sale price of the vehicle at foreclosure. Instead, the borrower and registered owner of the vehicle loses the vehicle but remains responsible for paying the entire remaining loan balance plus interest, costs, fees and charges.

These actions by these tow companies are particularly unfair to the registered owner/borrower of a towed and stored vehicle. It is time for some teeth to be put into the law so that the tow truck owners acts responsibility and not in a manner designed to maximize their ability to increase their charges at the expense of the general public.

Another problem that has occurred is that vehicles tend to "disappear" or "lose" parts while in the hands of certain tow truck companies. In the past, when First Hawaiian Bank has approached certain tow truck companies seeking to redeem vehicles by making a payment, it seems the vehicle is no longer in possession of the tow truck company, is damaged or cannot be located. Once again, this damages both the lienholder and the borrower/registered owner of the vehicle. This type of situation is intolerable. It is for these reasons that First Hawaiian Bank supports the efforts of the author of this bill and supports its enactment into law.

That said, we would suggest certain changes to the bill. Attached to this testimony are clean and marked copies of our proposed substitute bill. We will summarize briefly the changes we've made to the bill and that we recommend that the committee adopt.

First, in Section 3 of the bill, we have moved the definition of "vehicle condition report" from 12 G.C.A. §1102, the general definition of Title 16, to subsection 6 of §12101, the definitional section for the tow truck law. The term "vehicle condition report" will be used nowhere else in Title 12 other than in Chapter 12, so the definition is more appropriately located in §12101 of Chapter 12.

Second, we suggest in Section 4 a revision to the definition of "tow truck business". We believe this revised definition is more precise. Furthermore, throughout the existing law, there are references to tow truck companies, tow truck enterprises and tow truck businesses. Our intent in making this definition more specific is also that the term "tow truck business" be used elsewhere in lieu of any other term. This will make more clear who is responsible for violations of the law.

Section 5 is the most substantive provision of the bill. This section amends 16 G.C.A. §12104 with respect to notice requirements, costs, responsibilities and related topics. We have revised this section in an attempt to make it a little more clear and to make the procedures somewhat more straightforward.

For example, instead of referring to unspecified "official documents" that must be provided in order for a tow truck company to get the name and address of parties interested in the vehicle, we have provided that the tow truck business should provide a declaration made under penalty of perjury that the vehicle has been towed and taken into its possession. The tow truck business need not run around seeking some kind of official documents; it instead, can simply provide a declaration that it has towed the vehicle, and that the vehicle is in its possession. This should expedite the process.

Upon submitting that declaration to the Department of Revenue & Taxation, the Department will release the information regarding those interested in the vehicle. At that point, the tow truck business can send the notices required by subsection (1)(a).

We have also provided that where a vehicle has been towed and is being stored and where the tow truck business has complied with the notice requirements of subsection (1)(c), the registered owner, legal owner, lienholder or insurance company seeking release of the vehicle is entitled to release of the vehicle upon paying the towing and storage charges. If the tow truck business has not complied with the notice requirements, however, the registered owner, legal owner, insurer or lienholder of the vehicle is entitled to immediate possession of the vehicle upon demand without payment. Should the tow truck business

fail to comply with that demand, the damaged party in a civil action can seek treble damages, attorneys' fees and costs from the tow truck business. In addition, said refusal, because it is tantamount to a theft, constitutes a misdemeanor.

We also have made a number of minor changes to the bill with the intent of making it more consistent and simpler. With these changes, we strongly support this bill and ask that it be enacted into law. Again, while many tow truck businesses have acted responsibly and in compliance with the law, others have not. The abuses that they have inflicted upon consumers and businesses should not be tolerated further.

Thank you once again for allowing us to submit this testimony.

Sincerely,



Jose A. Garcia
VP & Guam Dealer Center Manager

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. _____

Introduced by:

Michael F.Q. San Nicolas

AN ACT TO ADD A NEW SUBSECTION (6) TO §12101, CHAPTER 12, AND AMEND §§ 12101(4), 12104, 12106, AND 12107, OF CHAPTER 12, EACH OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS CUSTODY.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Short Title.** This Act *shall* be cited as the “Responsible
3 Lienholder and Insurer Towing Information Act.”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
5 finds that Public Law 23-144 requires that owners be informed within five
6 (5) days of when their vehicle has been towed without the owner’s
7 knowledge, notifying the individual of the circumstances under which the
8 vehicle was towed and how to retrieve the vehicle.

9 In many cases, an owner has financed the purchase of a vehicle, so
10 there is a lien on the vehicle by a lending institution. Under the law, the

1 only person informed when a car is towed is the owner. Occasionally, an
2 owner may leave a vehicle with a towing company so long that it is
3 considered abandoned. Only after it has been abandon does the lienholder
4 become informed that the vehicle had been towed and is impounded.
5 Substantial fees can result from such a circumstance, sometimes in excess
6 of five thousand dollars (\$5,000). Such costs will ultimately be borne by
7 borrowers.

8 It is, therefore, the intent of *I Liheslaturan Guåhan* to require that when
9 a vehicle is towed, the towing company shall inform the registered owner,
10 legal owner, insurer, and the lienholder, where applicable, by amending
11 §12104 of Chapter 12, Title 16, Guam Code Annotated.

12 **Section 3. Definition of Vehicle Condition Report.** A *new*
13 subsection (6) is hereby *added* to §12101, Chapter 12, Title 16, Guam Code
14 Annotated, to read:

15 “(6) ‘Vehicle condition report’ means a report completed by a tow
16 truck business performing a tow truck service which documents the
17 condition of the vehicle on which the tow truck service is performed,
18 including comprehensive notes, diagrams and photographic evidence,
19 either analog or digital, to establish the condition of a vehicle and any
20 damage thereto when such vehicle is taken into the possession of such tow
21 truck business.”

1 **Section 4. Definition of Tow Truck Business.** Subsection (4) of
2 §12101, Chapter 12, Title 16, Guam Code Annotated, is hereby *amended* to
3 read:

4 “(4) Tow truck business means ~~an enterprise that provides any sole~~
5 proprietorship, corporation, limited liability company, partnership, joint
6 venture or other form of business entity engaged in the business of
7 providing tow truck services.”

8 **Section 5. Towing Notice Requirements; Cost Responsibilities.**
9 §12104 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended*,
10 to read:

11 “§ 12104. **Towing Notice Requirements; Cost Responsibilities.**

12 (1) Unless a vehicle is impounded under § 3606 of this Title, after
13 performing a tow truck service ~~without the vehicle owner’s knowledge,~~
14 and taking the vehicle into its possession for storage or impound, the
15 ~~person operating the tow truck~~ tow truck business shall:

16 (a) complete a vehicle condition report, as defined in 16 GCA
17 §12101(6)1102(yy);

18 (b) within one hour of arriving at the place of storage or
19 impound of the vehicle, contact the law enforcement agency having
20 jurisdiction over the area where from which the vehicle was ~~picked~~
21 ~~up~~ towed and notify the agency of the:

22 (i) location of the vehicle;

1 (ii) date, time, and location from which the vehicle was
2 removed;

3 (iii) reasons for the removal of the vehicle;

4 (iv) person who requested the removal of the vehicle; and

5 (v) vehicle's description, including its identification
6 number and license number; and

7 ~~(b)~~(c) within two (2) ~~five~~ days of performing the tow truck
8 service, send a copy of the vehicle condition report required by
9 subsection (a) of this section and a notice by certified mail ~~a certified~~
10 ~~letter~~ to the last known address of each of the legal owner, registered
11 owner, insurer and lienholder, where applicable, of the vehicle
12 obtained from the Division of Motor Vehicles, or, if the ~~person~~ tow
13 truck business has actual knowledge of more current addresses, to
14 the more current addresses, ~~owner's address to the current address~~,
15 notifying ~~him~~ each of them of the:

16 (i) location of vehicle;

17 (ii) date, time, location from which the vehicle was
18 removed;

19 (iii) reasons for the removal of the vehicle;

20 (iv) person who requested the removal of the vehicle;

21 (v) vehicle's description, including its identification
22 number and license number; and

23 (vi) detailed costs and procedures to retrieve the vehicle.

1 (e)(d) For purposes of this Section, the Division of Motor
2 Vehicles *shall*, upon the presentation of a declaration made under
3 penalty of perjury that a vehicle has been towed and taken into the
4 possession of a tow truck business, provide the tow truck business
5 with the last known address of the legal owner, registered owner,
6 insurer and lienholder, where applicable, of the vehicle in question
7 ~~official documents (Guam Police Report or Department of Revenue~~
8 ~~and Taxation Directive), provide tow truck businesses with the last~~
9 ~~known address of the registered owner of the vehicle in question.~~ The
10 tow truck business *shall* furnish the Division of Motor Vehicles with a
11 copy of the letter sent pursuant to Subsection (b) above within two (2)
12 five days after being provided such the release of the registered
13 owner's addresses.

14 (2) The registered owner, legal owner, insurer or lienholder seeking
15 release of a vehicle lawfully towed ~~of a vehicle lawfully removed~~ is
16 responsible for paying the towing, impound, and storage fees, ~~unless the~~
17 ~~vehicle was stolen or taken without the consent of the owner in which case~~
18 ~~the parties responsible for such actions shall be liable for the cost incurred~~
19 ~~in removal of said vehicle~~ incurred by the tow truck business in towing,
20 impounding and storing such vehicle in order to obtain its release;
21 provided, however, that if the tow truck business has failed to comply with
22 the requirements of subsection (1)(c) of this section, all such fees shall be
23 forfeited and the vehicle shall be delivered to said registered owner, legal

1 owner, insurer or lienholder immediately upon demand. Any tow truck
2 business and other person responsible for or authorizing the towing,
3 impounding or storage of a vehicle relative to this section but failing to
4 comply with subsection (1)(c) of this section shall be guilty of a
5 misdemeanor and shall be liable to the registered owner, legal owner,
6 lienholder and insurer of said vehicle for an amount equal to three times
7 the damages incurred by them as a consequence of said failure together
8 with their costs of suit and reasonable attorneys' fees.

9 (3) A tow truck business which has towed a vehicle shall be liable for
10 the cost of repair or replacement, as applicable, of the vehicle if the vehicle
11 is damaged, destroyed or lost while in the custody of such tow truck
12 business. Such tow truck business shall not be responsible for damage that
13 occurred prior to the time of towing and documented in the vehicle
14 condition report required by subsection (1)(a) of this section.

15 **Section 6. Towing Notice Requirements; Cost Responsibilities.**
16 §12106 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended*,
17 to read:

18 **"§ 12106. Tow Truck and Impound Regulation; Rates.**

19 The Director of the Department of Revenue and Taxation *shall*
20 promulgate, in accordance with the Administrative Adjudication Law,
21 rules and regulations:

22 (1) (a) establishing maximum rates a tow truck business may
23 charge for the towing of vehicles that are ~~transported~~ towed and taken into

1 possession for storage or impound by the tow truck business including,
2 without limitation, vehicles towed in response to:

- 3 (i) a peace officer dispatch call;
4 (ii) a Motor Vehicle Division call; and
5 (iii) any other call where the legal owner, registered
6 owner, insurance company and lienholder of the vehicle ~~has~~
7 have not consented to removal of the ~~his~~ vehicle.

8 (b) establishing maximum rates impound yards may charge for
9 the storage of ~~a~~ vehicles towed and taken into possession for
10 impound or storage by a tow truck business including, without
11 limitation, vehicles towed ~~stored~~ as a result of:

- 12 (i) a peace officer dispatch call;
13 (ii) a Motor Vehicle Division call; and
14 (iii) any other call where the legal owner, registered
15 owner, insurance company and lienholder of the vehicle ~~has~~
16 have not consented to the storage of the vehicle.

17 (c) establishing procedures or requirements for clearances and
18 licensing of impoundment and storage facilities.

19 (d) establishing any other procedures or requirements that the
20 Director deems appropriate to ensure that tow truck businesses are
21 operated efficiently and safely and to ensure that residents are
22 provided with adequate tow truck services. Such regulations *shall*
23 provide for the suspension or termination of tow truck driver's

1 licenses of individual tow truck drivers and for the suspension or
2 termination of the business licenses of tow truck companies
3 businesses when the Director finds either such individuals or
4 companies businesses in substantial noncompliance with this
5 Chapter and the regulations promulgated pursuant to this Section."

6 **Section 7. Towing Notice Requirements; Cost Responsibilities.**

7 §12107 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended*,
8 to read:

9 **"§ 12107. Lien on Towed Vehicles; Lien Holders' Sale.**

10 (1) ~~Notwithstanding any other provision of law, u~~Unless a vehicle is
11 impounded under § 3606 of this Title, every tow truck business ~~who~~ which
12 tows a vehicle and to which the requirements of Section 12104 apply and
13 are complied with by such tow truck business, while lawfully in possession
14 of the vehicle, has a lien thereon, dependent upon possession, for the
15 compensation, if any, which is due it. ~~while lawfully in possession of a~~
16 ~~vehicle renders towing, impound, and/or storage services in response to a~~
17 ~~peace officer dispatch call; a Motor Vehicle Division call; and any other call~~
18 ~~where the owner of the vehicle has not consented to removal of his~~
19 ~~vehicle; has a lien thereon, dependent upon possession, for the~~
20 ~~compensation, if any, which is due him from the owner for such service. If~~
21 ~~there is a prior lien on said vehicle the tow truck business may record a~~
22 ~~second lien on said vehicle. Any tow truck business may retain possession~~
23 ~~of same until the charges are paid.~~

1 (2) ~~Notwithstanding any other provision of law to the contrary~~
2 Section 39106 of Title 18, Guam Code Annotated, concerning a lien in
3 excess of Three Hundred Dollars (\$300), shall not apply to tow truck
4 services rendered to vehicles towed and taken into possession for impound
5 or storage by a tow truck business including, without limitation, tow truck
6 services towing, impound and/or storage services provided in response to
7 a peace officer dispatch call; a Motor Vehicle Division call; and any other
8 call where the registered owner, legal owner, insurance company and
9 lienholder of the vehicle have has not consented to removal such tow truck
10 services of the vehicle provided that the notice requirements are
11 administered pursuant to §12104 of this Title.”

12 **Section 8. Severability.** *If any provision of this Act or its application*
13 *to any person or circumstance is found to be invalid or contrary to law,*
14 *such invalidity shall not affect other provisions or applications of this Act*
15 *which can be given effect without the invalid provisions or application,*
16 *and to this end the provisions of this Act are severable.*

I MINA TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. _____

Introduced by:

Michael F.Q. San Nicolas

AN ACT TO ADD A NEW SUBSECTION (6) TO §12101, CHAPTER 12, AND AMEND §§ 12101(4), 12104, 12106, AND 12107, OF CHAPTER 12, EACH OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS CUSTODY.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Short Title.** This Act *shall* be cited as the “Responsible
3 Lienholder and Insurer Towing Information Act.”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
5 finds that Public Law 23-144 requires that owners be informed within five
6 (5) days of when their vehicle has been towed without the owner’s
7 knowledge, notifying the individual of the circumstances under which the
8 vehicle was towed and how to retrieve the vehicle.

9 In many cases, an owner has financed the purchase of a vehicle, so
10 there is a lien on the vehicle by a lending institution. Under the law, the

1 only person informed when a car is towed is the owner. Occasionally, an
2 owner may leave a vehicle with a towing company so long that it is
3 considered abandoned. Only after it has been abandon does the lienholder
4 become informed that the vehicle had been towed and is impounded.
5 Substantial fees can result from such a circumstance, sometimes in excess
6 of five thousand dollars (\$5,000). Such costs will ultimately be borne by
7 borrowers.

8 It is, therefore, the intent of *I Liheslaturan Guåhan* to require that when
9 a vehicle is towed, the towing company shall inform the registered owner,
10 legal owner, insurer, and the lienholder, where applicable, by amending
11 §12104 of Chapter 12, Title 16, Guam Code Annotated.

12 **Section 3. Definition of Vehicle Condition Report.** A *new*
13 subsection (6) is hereby *added* to §12101, Chapter 12, Title 16, Guam Code
14 Annotated, to read:

15 “(6) ‘Vehicle condition report’ means a report completed by a tow
16 truck business performing a tow truck service which documents the
17 condition of the vehicle on which the tow truck service is performed,
18 including comprehensive notes, diagrams and photographic evidence,
19 either analog or digital, to establish the condition of a vehicle and any
20 damage thereto when such vehicle is taken into the possession of such tow
21 truck business.”

1 **Section 4. Definition of Tow Truck Business.** Subsection (4) of
2 §12101, Chapter 12, Title 16, Guam Code Annotated, is hereby *amended* to
3 read:

4 “(4) Tow truck business means any sole proprietorship, corporation,
5 limited liability company, partnership, joint venture or other form of
6 business entity engaged in the business of providing tow truck services.”

7 **Section 5. Towing Notice Requirements; Cost Responsibilities.**
8 §12104 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended*,
9 to read:

10 “§ 12104. Towing Notice Requirements; Cost Responsibilities.

11 (1) Unless a vehicle is impounded under § 3606 of this Title, after
12 performing a tow truck service and taking the vehicle into its possession
13 for storage or impound, the tow truck business *shall*:

14 (a) complete a vehicle condition report, as defined in 16 GCA
15 §12101(6);

16 (b) within one hour of arriving at the place of storage or
17 impound of the vehicle, contact the law enforcement agency having
18 jurisdiction over the area from which the vehicle was towed and
19 notify the agency of the:

20 (i) location of the vehicle;

21 (ii) date, time, and location from which the vehicle was
22 removed;

23 (iii) reasons for the removal of the vehicle;

1 (iv) person who requested the removal of the vehicle; and

2 (v) vehicle's description, including its identification
3 number and license number; and

4 (c) within two (2) days of performing the tow truck service,
5 send a copy of the vehicle condition report required by subsection (a)
6 of this section and a notice by certified mail to the last known address
7 of each of the legal owner, registered owner, insurer and lienholder,
8 where applicable, of the vehicle obtained from the Division of Motor
9 Vehicles, or if the tow truck business has actual knowledge of more
10 current addresses, to the more current addresses, notifying each of
11 them of the:

12 (i) location of vehicle;

13 (ii) date, time, location from which the vehicle was
14 removed;

15 (iii) reasons for the removal of the vehicle;

16 (iv) person who requested the removal of the vehicle;

17 (v) vehicle's description, including its identification
18 number and license number; and

19 (vi) detailed costs and procedures to retrieve the vehicle.

20 (d) For purposes of this Section, the Division of Motor Vehicles
21 *shall*, upon the presentation of a declaration made under penalty of
22 perjury that a vehicle has been towed and taken into the possession
23 of a tow truck business, provide the tow truck business with the last

1 known address of the legal owner, registered owner, insurer and
2 lienholder, where applicable, of the vehicle in question. The tow
3 truck business *shall* furnish the Division of Motor Vehicles with a
4 copy of the letter sent pursuant to Subsection (b) above within two (2)
5 days after being provided such addresses.

6 (2) The registered owner, legal owner, insurer or lienholder seeking
7 release of a vehicle lawfully towed is responsible for paying the towing,
8 impound, and storage fees incurred by the tow truck business in towing,
9 impounding and storing such vehicle in order to obtain its release;
10 provided, however, that if the tow truck business has failed to comply with
11 the requirements of subsection (1)(c) of this section, all such fees shall be
12 forfeited and the vehicle shall be delivered to said registered owner, legal
13 owner, insurer or lienholder immediately upon demand. Any tow truck
14 business or other person responsible for or authorizing the towing,
15 impounding or storage of a vehicle relative to this section but failing to
16 comply with subsection (1)(c) of this section *shall* be guilty of a
17 misdemeanor and shall be liable to the registered owner, legal owner,
18 lienholder and insurer of said vehicle for an amount equal to three times
19 the damages incurred by them as a consequence of said failure together
20 with their costs of suit and reasonable attorneys' fees.

21 (3) A tow truck business which has towed a vehicle shall be liable for
22 the cost of repair or replacement, as applicable, of the vehicle if the vehicle
23 is damaged, destroyed or lost while in the custody of such tow truck

1 business. Such tow truck business shall not be responsible for damage that
2 occurred prior to the time of towing and documented in the vehicle
3 condition report required by subsection (1)(a) of this section.

4 **Section 6. Towing Notice Requirements; Cost Responsibilities.**

5 §12106 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended*,
6 to read:

7 **“§ 12106. Tow Truck and Impound Regulation; Rates.**

8 The Director of the Department of Revenue and Taxation *shall*
9 promulgate, in accordance with the Administrative Adjudication Law,
10 rules and regulations:

11 (1) (a) establishing maximum rates a tow truck business may
12 charge for the towing of vehicles that are towed and taken into possession
13 for storage or impound by the tow truck business including, without
14 limitation, vehicles towed in response to:

- 15 (i) a peace officer dispatch call;
16 (ii) a Motor Vehicle Division call; and
17 (iii) any other call where the legal owner, registered
18 owner, insurance company and lienholder of the vehicle have
19 not consented to removal of the vehicle.

20 (b) establishing maximum rates impound yards may charge for
21 the storage of vehicles towed and taken into possession for impound
22 or storage by a tow truck business including, without limitation,
23 vehicles towed as a result of:

1 (i) a peace officer dispatch call;
2 (ii) a Motor Vehicle Division call; and
3 (iii) any other call where the legal owner, registered
4 owner, insurance company and lienholder of the vehicle have
5 not consented to the storage of the vehicle.

6 (c) establishing procedures or requirements for clearances and
7 licensing of impoundment and storage facilities.

8 (d) establishing any other procedures or requirements that the
9 Director deems appropriate to ensure that tow truck businesses are
10 operated efficiently and safely and to ensure that residents are
11 provided with adequate tow truck services. Such regulations *shall*
12 provide for the suspension or termination of tow truck driver's
13 licenses of individual tow truck drivers and for the suspension or
14 termination of the business licenses of tow truck businesses when the
15 Director finds either such individuals or businesses in substantial
16 noncompliance with this Chapter and the regulations promulgated
17 pursuant to this Section."

18 **Section 7. Towing Notice Requirements; Cost Responsibilities.**

19 §12107 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended*,
20 to read:

21 **"§ 12107. Lien on Towed Vehicles; Lien Holders' Sale.**

22 (1) Unless a vehicle is impounded under § 3606 of this Title, every
23 tow truck business which tows a vehicle and to which the requirements of

1 Section 12104 apply and are complied with by such tow truck business,
2 while lawfully in possession of the vehicle, has a lien thereon, dependent
3 upon possession, for the compensation, if any, which is due it.

4 (2) Section 39106 of Title 18, Guam Code Annotated, concerning a lien
5 in excess of Three Hundred Dollars (\$300), shall not apply to tow truck
6 services rendered to vehicles towed and taken into possession for impound
7 or storage by a tow truck business including, without limitation, tow truck
8 services provided in response to a peace officer dispatch call; a Motor
9 Vehicle Division call; and any other call where the registered owner, legal
10 owner, insurance company and lienholder of the vehicle have not
11 consented to such tow truck services of the vehicle.”

12 **Section 8. Severability.** *If* any provision of this Act or its application
13 to any person or circumstance is found to be invalid or contrary to law,
14 such invalidity *shall* not affect other provisions or applications of this Act
15 which can be given effect without the invalid provisions or application,
16 and to this end the provisions of this Act are severable.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

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MAJORITY LEADER

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Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

Certification of Waiver of

Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 210-32 (COR) – “AN ACT TO ADD A NEW (yy) TO §1102, CHAPTER 1, AND AMEND §§12104, 12106, AND 12107, OF CHAPTER 12, EACH OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS CUSTODY.”** – on November 7, 2013. COR hereby certifies that BBMR confirmed receipt of this request on October 21, 2013 at 11:36 P.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 210-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Rory J. Respicio
Chairperson, Committee on Rules

11/7/13

Date



COMMITTEE ON RULES

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October 21, 2013

VIA E-MAIL

john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 209-32 (COR) through 211-32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 OCT 21 PM 11:41

Bill Nos.	Sponsor	Title
209-32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO AMEND SECTION 1 OF PUBLIC LAW 31-234, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS.
210-32 (COR)	Michael F.Q. San Nicolas, Vicente (ben) C. Pangelinan, T.C. Ada, B. J.F. Cruz, Brant T. McCreadie	AN ACT TO ADD A NEW (yy) TO §1102, CHAPTER 1, AND AMEND §§12104, 12106, AND 12107, OF CHAPTER 12, EACH OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS CUSTODY.
211-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO ADOPT THE BANKING AND INSURANCE BOARD PROPOSED REGULATIONS UNDER THE GUAM SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2010.



Rory Respicio <cor@guamlegislature.org>

Request for Fiscal Notes– Bill Nos. 209-32 (COR) through 211-32 (COR)

Senator Rory J. Respicio <cor@guamlegislature.org>

Mon, Oct 21, 2013 at 11:36 AM

To: john.rios@bbmr.guam.gov

Cc: admin@bbmr.guam.gov, analyn.eustaquio@bbmr.guam.gov

Bcc: Mary Maravilla <marymaravilla19@gmail.com>

October 21, 2013

VIA E-MAIL

john.rios@bbmr.guam.gov

John A. Rios

Director

Bureau of Budget & Management Research

P.O. Box 2950

Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 209-32 (COR) through 211-32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

–
Majority Leader Rory J. Respicio
Chairperson, Committee on Rules;
Federal, Foreign & Micronesian Affairs;

Human & Natural Resources; and Election Reform
I Mina Trentai Dos na Liheslaturan Guåhan
155 Hesler Place, Ste. 302
Hagåtña, Guam 96910
Phone: (671) 472-7679
Fax: (671) 472-3547

 **2013.10.21_FN_Request_209-211.pdf**
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Senator
Aline Yamashita
Member

October 17, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Subject: Referral of Bill No. 210-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 210-32(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 members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
210-32 (COR)	Michael F.Q. San Nicolas, Vicente (ben) C. Pangelinan, T.C. Ada, B. J.F. Cruz, Brant T. McCreddie	AN ACT TO ADD A NEW (yy) TO §1102, CHAPTER 1, AND AMEND §§12104, 12106, AND 12107, OF CHAPTER 12, EACH OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS CUSTODY.	10/17/13 9:20 a.m.	10/17/13	Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations			



Senator Michael San Nicolas <senatorsannicolas@gmail.com>

First Public Notice - October 24, 2013 Public Hearing

Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Thu, Oct 17, 2013 at 3:58 PM

To: Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Bcc: aperez@gpagwa.com, Duane George <dmgeorge@guampdn.com>, Ed Davis <edavis@k57.com>, Jon Anderson <editor@mvguam.com>, Gerry Partido <gerry@mvguam.com>, gmmsinc@guam.net, Jason Salas <jason@kuam.com>, John Davis <john@kuam.com>, Kelly Cho <kcn.kelly@gmail.com>, Korean News <koreannews@guam.net>, KPRG <kprg@guam.net>, PDN Lifestyle <life@guampdn.com>, mabuhaynews@yahoo.com, Mindy Aguon <mindy@kuam.com>, Masako Watanabe <mwatanabe@guampdn.com>, K57 <news@k57.com>, Patti Arroyo <parroyo@k57.com>, radioprod@kuam.com, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, sports@mvguam.com, tcoffman@k57.com, dcrisost@guam.gannett.com, weavert@pstripes.osd.mil, Pacific Daily News <news@guampdn.com>, jtyquiengco@spbg Guam.com, Kevin Kerrigan <kevin@spbg Guam.com>, hill.bruce@abc.net.au, Bruce Hill <pacificjournalist@gmail.com>, parroyo@spbg Guam.com, editor@saipantribune.com, Clynt Ridgell <clynt@spbg Guam.com>, mcpherson.kathryn@abc.net.au, cimiculka@guampdn.com, arcordoba@guampdn.com, communications@guam.gov, Troy Torres <troy.torres@guam.gov>, phnotice@guamlegislature.org, "jalerta1 ." <alerta.jermaine@gmail.com>, Matthew Baza <baza.matthew@gmail.com>, Delisa Kloppenburg <delisakloppenburg@gmail.com>, Louella Losinio <louella@mvguam.com>, david@mvguam.com, John Paul Manuel <jpmanuel@gmail.com>, josh@spbg Guam.com, Speaker Judi Won Pat <speaker@judiwonpat.com>, Vice Speaker Benjamin Cruz <senadotbjacruz@aol.com>, Senator Tina Muña Barnes <senator@tinamunabarnes.com>, Senator Rory Respicio <rorryforguam@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, Senator Ben Pangelinan <senbenp@guam.net>, Senator Tom Ada <office@senatorada.org>, Senator Aline Yamashita <aline4families@gmail.com>, Senator Tony Ada <tony@tonyada.com>, Senator Chris Duenas <duenasenator@gmail.com>, Brant McCreadie <brantforguam@gmail.com>, Senator Brant McCreadie <senatorbrantmccreadie@gmail.com>, "Senator Frank Aguon, Jr." <aguon4guam@gmail.com>, Senator Mike Limtiaco <mike@mikelimtiaco.com>, Senator Tommy Morrison <tommy@senatormorrison.com>, mayormcdonald@hotmail.com, agatmayorsoffice@hotmail.com, asanmainamayorsoffice@yahoo.com, bmomayor@teleguam.net, bmovmayor@teleguam.net, Jessie Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, nblas_mangilaomayor@yahoo.com, vicemayor_allan.ungacta@yahoo.com, mayorernestc@yahoo.com, mtm_mayors_office@yahoo.com, pitimayor@yahoo.com, Robert Hofmann <guammayor@gmail.com>, rudyiriarte@gmail.com, talofofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, konex.r@gmail.com, arleen81@gmail.com, kenjoead@yaho.com, anghet@hotmail.com, Ken Quintanilla <kenq@kuam.com>, raymond.gibson@guam.gov, Dale Alvarez <daleealvarez@gmail.com>, Responsible Guam <responsibleguam@gmail.com>, christopherchenay@gmail.com, floterlaje@gmail.com, Regine Biscoe Lee <regineb.lee@gmail.com>, chuck.ada@guamairport.net, peterroy@guamairport.net, lorilee.crisostomo@bsp.guam.gov, doagridir@yahoo.com, carl.dominguez@dpw.guam.gov, eduardo.ordonez@clb.guam.gov, cgarcia@investguam.com, eric.palacios@epa.guam.gov, felixberto.dungca@grta.guam.gov, kpangelinan@visitguam.org, ndenight@visitguam.org, jbrown@portguam.com, monte.mafnas@dml.guam.gov, david.camacho@galc.guam.gov, Michael Duenas <mjduenas@ghura.org>, fcamacho@ghura.org, martin.benavente@ghc.guam.gov, alfredo.antolin@dol.guam.gov, joseph.cameron@hrra.guam.gov, cgogue@pbsguam.org, adonis.mendiola@dya.guam.gov, jose.sanagustin@doc.guam.gov, pedro.leonguerrero@cqa.guam.gov, joey.sannicolas@gfd.guam.gov, fred.bordallo@gpd.guam.gov, chief@gpd.guam.gov, jim.mcdonald@ghs.guam.gov, benito.servino@disid.guam.gov, james.gillan@dphss.guam.gov, leo.casil@dphss.guam.gov, joseph.verga@gmha.org, john.rios@bbmr.guam.gov, benita.manglona@doa.guam.gov, anthony.blaz@doa.guam.gov, John Camacho <jpcamacho@revtax.gov.gu>, Marie Benito <mmbenito@revtax.gov.gu>, benny.m.paulino@us.army.mil, john.unpingco@gvao.guam.gov, jonfernandez@gdoe.net, mary.okada@guamcc.edu, raunderwood@uguam.uog.edu, jflores@gpagwa.com, AG Law <law@guamag.org>, rey.vega@mail.dmhsa.guam.gov, henry.taitano@guam.gov, Julian Janssen

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Hafa adai all,

The following is an updated public notice for the hearing scheduled to be conducted on Thursday, October 24, 2013, 2:00 p.m. In addition to Bills 210-32 (COR) and Bill 211-32 (COR), please be advised that Bill No. 176-32 (COR) will also be heard. A copy of Bill 176-32 (COR) is attached. If you have any questions or need additional information, please contact the Office of Senator Michael F.Q. San Nicolas.

FIRST PUBLIC NOTICE

FOR IMMEDIATE RELEASE

October 17, 2013

In accordance with the Open Government Law, relative to notice for public meetings, please be advised that the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations will be conducting a public hearing on **Thursday, October 24, 2013, 2:00 p.m.** at *I Liheslaturan Guåhan's* Public Hearing Room for the following items:

Bill No. 176-32 (COR), introduced by V.C. Pangelinan: AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 12, DIVISION 2, TITLE 22 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE LICENSING OF SERVICE CONTRACTS SOLD ON GUAM.

Bill No. 210-32 (COR), introduced by M.F.Q. San Nicolas, V.C. Pangelinan, T.C. Ada, B.J.F. Cruz, and B.T. McCreadie: AN ACT TO ADD A NEW (yy) TO §1102, CHAPTER 1, AND AMEND §§ 12104, 12106, AND 12107, OF CHAPTER 12, EACH OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS CUSTODY.

Bill No. 211-32 (COR), introduced by M.F.Q. San Nicolas: AN ACT TO ADOPT THE BANKING AND INSURANCE BOARD PROPOSED REGULATIONS UNDER THE GUAM SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2010.

If written testimonies are to be presented at the hearings, copies should be delivered prior to the hearing date. Testimonies should be addressed to Senator Michael F.Q. San Nicolas and will be accepted via hand delivery to our office; our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or via email to senatorsannicolas@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Michael F.Q. San Nicolas at 472-6453.


###


Regards,


Jermaine Alerta

[Quoted text hidden]

3 attachments

 **Bill No. 210-32 (COR).pdf**
126K

 **Bill No. 211-32 (COR).pdf**
737K

 **Bill No. 176-32 (COR).pdf**
195K



Search: Michael San Nicolas from [mailto:senatorsannicol@gmail.com] on 10/22/13

Second Public Notice - October 24, 2013 Public Hearing

Senator Michael San Nicolas <senatorsannicol@gmail.com>

Tue, Oct 22, 2013 at 9:08 AM

To: Senator Michael San Nicolas <senatorsannicol@gmail.com>

Bcc: aperez@gpagwa.com, Duane George <dmgeorge@guampdn.com>, Ed Davis <edavis@k57.com>, Jon Anderson <editor@mvguam.com>, Gerry Partido <gerry@mvguam.com>, gmmsinc@guam.net, Jason Salas <jason@kuam.com>, John Davis <john@kuam.com>, Kelly Cho <kcn.kelly@gmail.com>, Korean News <koreannews@guam.net>, KPRG <kprg@guam.net>, PDN Lifestyle <life@guampdn.com>, mabuhaynews@yahoo.com, Mindy Aguon <mindy@kuam.com>, Masako Watanabe <mwatanabe@guampdn.com>, K57 <news@k57.com>, Patti Arroyo <parroyo@k57.com>, radioprod@kuam.com, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, sports@mvguam.com, tcoffman@k57.com, dcrisost@guam.gannett.com, weavert@pstripes.osd.mil, Pacific Daily News <news@guampdn.com>, jtyquiengco@spbg Guam.com, Kevin Kerrigan <kevin@spbg Guam.com>, hill.bruce@abc.net.au, Bruce Hill <pacificjournalist@gmail.com>, parroyo@spbg Guam.com, editor@saipantribune.com, Clynt Ridgell <clynt@spbg Guam.com>, mcpherson.kathryn@abc.net.au, cimiculka@guampdn.com, arcordoba@guampdn.com, communications@guam.gov, Troy Torres <troy.torres@guam.gov>, phnotice@guamlegislature.org, "jalerta1 ." <alerta.jermaine@gmail.com>, Matthew Baza <baza.matthew@gmail.com>, Delisa Kloppenburg <delisakloppenburg@gmail.com>, Louella Losinio <louella@mvguam.com>, david@mvguam.com, John Paul Manuel <jpmanuel@gmail.com>, josh@spbg Guam.com, Speaker Judi Won Pat <speaker@judiwonpat.com>, Vice Speaker Benjamin Cruz <senadotbjacruz@aol.com>, Senator Tina Muña Barnes <senator@tinamunabarnes.com>, Senator Rory Respicio <rorryforguam@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, Senator Ben Pangelinan <senbenp@guam.net>, Senator Tom Ada <office@senatorada.org>, Senator Aline Yamashita <aline4families@gmail.com>, Senator Tony Ada <tony@tonyada.com>, Senator Chris Duenas <duenasenator@gmail.com>, Brant McCreadie <brantforguam@gmail.com>, Senator Brant McCreadie <senatorbrantmccreadie@gmail.com>, "Senator Frank Aguon, Jr." <aguon4guam@gmail.com>, Senator Mike Limtiaco <mike@mikelimtiaco.com>, Senator Tommy Morrison <tommy@senatormorrison.com>, mayormcdonald@hotmail.com, agatmayorsoffice@hotmail.com, asanmainamayorsoffice@yahoo.com, bmomayor@teleguam.net, bmovmayor@teleguam.net, Jessie Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, nblas_mangilaomayor@yahoo.com, vicemayor_allan.ungacta@yahoo.com, mayorernestc@yahoo.com, mtm_mayors_office@yahoo.com, pitimayor@yahoo.com, Robert Hofmann <guammayor@gmail.com>, rudyiriarte@gmail.com, talofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, kones.r@gmail.com, arleen81@gmail.com, kenjoead@yaho.com, anghet@hotmail.com, Ken Quintanilla <kenq@kuam.com>, raymond.gibson@guam.gov, Dale Alvarez <daleealvarez@gmail.com>, Responsible Guam <responsibleguam@gmail.com>, floterlaje@gmail.com, Regine Biscoe Lee <regineb.lee@gmail.com>, chuck.ada@guamairport.net, peterroy@guamairport.net, lorilee.crisostomo@bsp.guam.gov, doagridir@yahoo.com, carl.dominguez@dpw.guam.gov, eduardo.ordonez@clb.guam.gov, cgarcia@investguam.com, eric.palacios@epa.guam.gov, felixberto.dungca@grta.guam.gov, kpangelinan@visitguam.org, ndenight@visitguam.org, jbrown@portguam.com, monte.mafnas@dml.guam.gov, david.camacho@galc.guam.gov, Michael Duenas <mjduenas@ghura.org>, fcamacho@ghura.org, martin.benavente@ghc.guam.gov, alfredo.antolin@dol.guam.gov, joseph.cameron@hrra.guam.gov, cgogue@pbsguam.org, adonis.mendiola@dya.guam.gov, jose.sanagustin@doc.guam.gov, pedro.leonguerrero@cqa.guam.gov, joey.sannicolos@gfd.guam.gov, fred.bordallo@gpd.guam.gov, chief@gpd.guam.gov, jim.mcdonald@ghs.guam.gov, benito.servino@disid.guam.gov, james.gillan@dphss.guam.gov, leo.casil@dphss.guam.gov, joseph.verga@gmha.org, john.rios@bbmr.guam.gov, benita.manglona@doa.guam.gov, anthony.blaz@doa.guam.gov, John Camacho <jpcamacho@revtax.gov.gu>, Marie Benito <mmbenito@revtax.gov.gu>, benny.m.paulino@us.army.mil, john.unpingco@gvao.guam.gov, jonfemandez@gdoe.net, mary.okada@guamcc.edu, raunderwood@uguam.uog.edu, jflores@gpagwa.com, AG Law <law@guamag.org>, rey.vega@mail.dmhsa.guam.gov, henry.taitano@guam.gov, Julian Janssen <julian.c.janssen@gmail.com>, Gerry Partido <gerrypartido@gmail.com>, eddiecalvo@yahoo.com,

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SECOND PUBLIC NOTICE

FOR IMMEDIATE RELEASE

October 22, 2013

In accordance with the Open Government Law, relative to notice for public meetings, please be advised that the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations will be conducting a public hearing on **Thursday, October 24, 2013, 2:00 p.m.** at *I Liheslaturan Guåhan's* Public Hearing Room for the following items:

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If written testimonies are to be presented at the hearing, copies should be delivered prior to the hearing date. Testimonies should be addressed to Senator Michael F.Q. San Nicolas and will be accepted via hand delivery to our office; our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or via email to senatorsannicolas@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Michael F.Q. San Nicolas at 472-6453.

#

3 attachments

 **Bill No. 176-32 (COR).pdf**
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 **Bill No. 211-32 (COR).pdf**
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As of October 1, 2013**

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Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



PUBLIC HEARING

October 24, 2013

2:00 p.m.

Public Hearing Room
I Liheslaturan Guåhan

AGENDA

- I. Call to Order

- II. Opening Remarks/Announcements

- III. Items for Public Consideration

Bill No. 176-32 (COR), introduced by V.C. Pangelinan: AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 12, DIVISION 2, TITLE 22 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE LICENSING OF SERVICE CONTRACTS SOLD ON GUAM.

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IV. Closing Remarks

V. Adjournment



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

October 21, 2013

VIA E-MAIL
john.rios@bbmr.guam.gov

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 209-32 (COR) through 211-32 (COR)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 OCT 21 AM 11:41

Bill Nos.	Sponsor	Title
209-32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO AMEND SECTION 1 OF PUBLIC LAW 31-234, RELATIVE TO EXTENDING THE DEADLINE TO OBLIGATE OR EXPEND AMERICAN RECOVERY AND REINVESTMENT FUNDS.
210-32 (COR)	Michael F.Q. San Nicolas, Vicente (ben) C. Pangelinan, T.C. Ada, B. J.F. Cruz, Brant T. McCreadie	AN ACT TO ADD A NEW (yy) TO §1102, CHAPTER 1, AND AMEND §§12104, 12106, AND 12107, OF CHAPTER 12, EACH OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INFORMING THE LIENHOLDER AND INSURER WHEN A VEHICLE HAS BEEN TOWED AND PROVIDING FOR THE LIABILITY OF A TOWING COMPANY FOR DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS CUSTODY.
211-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO ADOPT THE BANKING AND INSURANCE BOARD PROPOSED REGULATIONS UNDER THE GUAM SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2010.



COMMITTEE ON RULES

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Senator
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Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

October 17, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio** 
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 210-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 210-32(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 members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.


Si Yu'os Ma'åse!


Attachment


I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session


Bill No. 210-32(COR)

Introduced by:

Michael F.Q. San Nicolas 

V.C. Pangelinan 

T.C. Ada 

B.J.F. Cruz 

Brant T. McCreadie 

AN ACT TO ADD A NEW (yy) TO §1102, CHAPTER 1,
AND AMEND §§ 12104, 12106, AND 12107, OF
CHAPTER 12, EACH OF TITLE 16, GUAM CODE
ANNOTATED, RELATIVE TO INFORMING THE
LIENHOLDER AND INSURER WHEN A VEHICLE
HAS BEEN TOWED AND PROVIDING FOR THE
LIABILITY OF A TOWING COMPANY FOR
DAMAGE SUSTAINED BY A VEHICLE WHILE IN ITS
CUSTODY.

2013 OCT 17 AM 9:20 

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Short Title. This Act shall be cited as the "Responsible
3 Lienholder and Insurer Towing Information Act."

4 Section 2. Legislative Findings and Intent. I Liheslaturan Guåhan
5 finds that Public Law 23-144 requires that registered owners be informed
6 within five (5) days of when their vehicle has been towed without the

1 owner's knowledge, notifying the individual of the circumstances under
2 which the vehicle was towed and how to retrieve the vehicle.

3 In many cases, an owner has financed the purchase of a vehicle, so
4 there is a lien on the vehicle by a lending institution. Under the law, the
5 only person informed when a car is towed is the registered owner.
6 Occasionally, an owner may leave a vehicle with a towing company so
7 long that it is considered abandoned. Only after it has been abandon does
8 the lienholder become informed that the vehicle had been towed and is
9 impounded. Substantial fees can result from such a circumstance,
10 sometimes in excess of five thousand dollars (\$5,000). Such costs will
11 ultimately be borne by borrowers.

12 It is, therefore, the intent of *I Liheslaturan Guåhan* to require that when
13 a vehicle is towed, the towing company shall inform the owner, insurer,
14 and the lienholder, by amending §§12104, 12106, and 12107 of Chapter 12,
15 Title 16, Guam Code Annotated.

16 **Section 3. Definition of Vehicle Condition Report.** A *new* (yy) is
17 hereby *added* to §1102, Chapter 1, Title 16, Guam Code Annotated, to read:

18 "(yy) 'Vehicle condition report' means a report completed by a
19 person operating a tow truck performing a tow truck service which
20 documents damage to the vehicle on which the service is performed,
21 including comprehensive notes, diagrams and photographic evidence,
22 either analog or digital, to establish the condition of a vehicle when such
23 vehicle is taken into custody of such operator."

1 **Section 4. Towing Notice Requirements; Cost Responsibilities.**

2 §12104 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended*,
3 to read:

4 “§ 12104. **Towing Notice Requirements; Cost Responsibilities.**

5 (1) Unless a vehicle is impounded under § 3606 of this Title, after
6 performing a tow truck service without the vehicle owner's knowledge, the
7 person operating the tow truck *shall*:

8 (a) complete a vehicle condition report, as defined in 16 GCA
9 §1102(yy);

10 (b) within one hour of arriving at the place of storage or
11 impound of the vehicle, contact the law enforcement agency having
12 jurisdiction over the area where the vehicle was picked-up and notify
13 the agency of the:

14 (i) location of the vehicle;

15 (ii) date, time, and location from which the vehicle was
16 removed;

17 (iii) reasons for the removal of the vehicle;

18 (iv) person who requested the removal of the vehicle; and

19 (v) vehicle's description, including its identification
20 number and license number; and

21 (c)~~(b)~~ within two (2) ~~five~~ days of performing the tow truck
22 service, send a certified letter to the last known address of the legal
23 owner, registered owner, vehicle insurer, and lienholder, where

1 applicable, of the vehicle obtained from the Division of Motor
2 Vehicles ~~or if the person has actual knowledge of the owner's address~~
3 ~~to the current address~~, notifying him/them of the:

4 (i) location of vehicle;

5 (ii) date, time, location from which the vehicle was
6 removed;

7 (iii) reasons for the removal of the vehicle;

8 (iv) person who requested the removal of the vehicle;

9 (v) vehicle's description, including its identification
10 number and license number; ~~and~~

11 (vi) costs and procedures to retrieve the vehicle; and

12 (vii) a copy of the vehicle condition report required by
13 subsection (a) of this section.

14 ~~(d)(e)~~ For purposes of this Section, the Division of Motor
15 Vehicles *shall*, upon the presentation of official documents (Guam
16 Police Report or Department of Revenue and Taxation Directive),
17 provide tow truck businesses with the last known address of the legal
18 owner, registered owner, vehicle insurer, and lienholder, where
19 applicable, of the vehicle in question. The tow truck business *shall*
20 furnish the Division of Motor Vehicles with a copy of the notice sent
21 pursuant to Subsection (b) above within ~~two~~ five days via certified
22 mail after the release of the registered owner's address.

1 (2) The registered owner of a vehicle lawfully removed is responsible
2 for paying the towing, impound, and storage fees, unless the vehicle was
3 stolen or taken without the consent of the owner in which case the parties
4 responsible for such actions *shall* be liable for the cost incurred in removal
5 of said vehicle, except that, if the tow truck operator has failed to notify any
6 of the persons within two (2) days by certified mail pursuant to subsection
7 (1)(c) of this section, all such fees as required by this subsection shall be
8 waived. A person towing a vehicle relative to this section but both failing
9 to notify all individuals pursuant to subsection (1)(c) of this section and
10 failing to waive fees as provided by this subsection shall be guilty of a
11 misdemeanor. Further, in such event the tow truck operator shall be liable
12 to a person entitled to be given notice but not given notice as provided
13 herein for losses arising from such person's inability as a result of such
14 failure to give notice to locate, obtain possession of, or deliver to, any other
15 person possession of the vehicle.

16 (3) A person towing a vehicle pursuant to this section shall be liable
17 for the cost of repair or replacement, as applicable, for any damage
18 sustained by a vehicle while in the custody of such person in excess of any
19 existing damage at the time of towing, as documented by the vehicle
20 condition report required by subsection (1)(a) of this section.

21 **Section 5. Towing Notice Requirements; Cost Responsibilities.**
22 §12106 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended*,
23 to read:

1 **“§ 12106. Tow Truck and Impound Regulation; Rates.**

2 The Director of the Department of Revenue and Taxation *shall*
3 promulgate, in accordance with the Administrative Adjudication Law,
4 rules and regulations:

5 (1) (a) establishing maximum rates tow truck businesses may
6 charge for the towing of vehicles that are transported in response to:

7 (i) a peace officer dispatch call;

8 (ii) a Motor Vehicle Division call; and

9 (iii) any other call where the legal owner, registered
10 owner, insurance company, and lienholder of the vehicle has
11 not consented to removal of his vehicle.

12 (b) establishing maximum rates impound yards may charge for
13 the storage of vehicles stored as a result of:

14 (i) a peace officer dispatch call;

15 (ii) a Motor Vehicle Division call; and

16 (iii) any other call where the legal owner, registered
17 owner, insurance company, and lienholder of the vehicle has
18 not consented to the storage of his vehicle.

19 (c) establishing procedures or requirements for clearances and
20 licensing of impoundment and storage facilities.

21 (d) establishing any other procedures or requirements that the
22 Director deems appropriate to ensure that tow truck businesses are
23 operated efficiently and safely and to ensure that residents are

1 provided with adequate tow truck service. Such regulations *shall*
2 provide for the suspension or termination of tow truck driver's
3 licenses of individual tow truck drivers and for the suspension or
4 termination of the business licenses of tow truck companies when the
5 Director finds either such individuals or companies in substantial
6 noncompliance with the regulations promulgated pursuant to this
7 Section."

8 **Section 6. Towing Notice Requirements; Cost Responsibilities.**

9 §12107 of Chapter 12, Title 16, Guam Code Annotated, is hereby *amended*,
10 to read:

11 **"§ 12107. Lien on Towed Vehicles; Lien Holders' Sale.**

12 (1) Notwithstanding any other provision of law, unless a vehicle is
13 impounded under § 3606 of this Title, every tow truck business, who, while
14 lawfully in possession of a vehicle renders towing, impound, and/or
15 storage services in response to a peace officer dispatch call; a Motor Vehicle
16 Division call; and any other call where the legal owner, registered owner,
17 insurance company, and lienholder of the vehicle has not consented to
18 removal of his vehicle; has a lien thereon, dependent upon possession, for
19 the compensation, if any, which is due him from the legal owner,
20 registered owner, insurance company, or lienholder for such service. If
21 there is a prior lien on said vehicle the tow truck business may record a
22 second lien on said vehicle. Any tow truck business may retain possession
23 of the same until the charges are paid.

1 (2) Notwithstanding any other provision of law, § 39106 of Title 18,
2 Guam Code Annotated, concerning a lien in excess of Three Hundred
3 Dollars (\$300), shall not apply to towing, impound, and/or storage services
4 provided in response to a peace officer dispatch call; a Motor Vehicle
5 Division call; and any other call where the owner of the vehicle has not
6 consented to removal of his vehicle; provided that notice requirements are
7 administered pursuant to § 12104 of this Title.”

8 **Section 7. Severability.** *If* any provision of this Act or its application
9 to any person or circumstance is found to be invalid or contrary to law,
10 such invalidity *shall* not affect other provisions or applications of this Act
11 which can be given effect without the invalid provisions or application,
12 and to this end the provisions of this Act are severable.