

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
155-36 (COR)	V. Anthony Ada Christopher M. Dueñas	AN ACT TO AMEND § 3606 OF CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED RELATIVE TO REQUIRING UPDATING GUAM'S ABANDONED VEHICLE LAW.	6/17/21 1:58 p.m.						

**I MINA 'TRENTAI SAIS NA LIHESLUTURAN GUÅHAN
2021 (FIRST) Regular Session**

Bill No. 155-36 (COR)

Introduced by:

V. Anthony Ada *(Signature)*
Christopher M. Dueñas *(Signature)*

**AN ACT TO AMEND § 3606 OF CHAPTER 3, TITLE 16,
GUAM CODE ANNOTATED RELATIVE TO REQUIRING
UPDATING GUAM'S ABANDONED VEHICLE LAW.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds the law
3 on abandoned vehicles was largely created more than fifty years ago. As such, many
4 of the laws are in need of updating to reflect current vehicle valuation and notice
5 requirements. A few examples of provisions in law that prevent junk vehicles from
6 being disposed of are: (1) the requirement that notice be sent to the registered owner
7 by registered mail if the valuation is more than \$100, (2) the waiting period that must
8 elapse before the vehicle can be disposed of (3) the onerous requirements to auction
9 vehicles that have a value of more than \$100 and (4) the lack of a provision to revoke
10 title to the vehicle and make it a component of the solid waste stream.

11 *I Liheslaturan Guåhan* further finds that most of the abandoned vehicles that are left
12 on road ways in the jungle areas have no economic value and that recycling
13 companies charge an average of \$150 per vehicle (the cost of labor to remove
14 plastics and fluids from the vehicle). In addition, towing companies charge an
15 average of \$150 to remove a vehicle and \$15 per day to store the vehicle while
16 government officials decide what do with it. The Department of Revenue and
17 Taxation uses automotive publications including the *Kelly Blue Book* to appraise
18 vehicles for ownership transfer valuations. Such publications however, usually

1 reflect appraisals much higher than the actual value of vehicles abandoned on the
2 roadways or in the jungles of Guam. Most of these vehicles have zero monetary
3 value. Raising the appraisal threshold from \$100 to \$1,000 to account for inflation
4 over the past fifty years, will provide a more accurate distinction between junk and
5 vehicles that have an economic value.

6 *I Liheslaturan Guåhan* further finds that a 3-day notice period where a photograph
7 and other information on the vehicle is posted on multiple websites is sufficient time
8 for residents who are missing a vehicle to determine if their vehicle has been
9 removed from government property by an agency of the Government of Guam.

10 *I Liheslaturan Guåhan* further finds that law enforcement officers confiscate license
11 plates from vehicles with expired registrations, lack of proof of insurance or for a
12 variety of other reasons and leave such vehicles at the location where the plates were
13 confiscated.

14 It is the intent of the *I Liheslatura Guåhan* to update the requirements for disposing
15 of junk vehicles.

16

17 **Section 2.** §3606 of Article 6, Chapter 3, Title 16, Guam Code Annotated is
18 amended to read as follows:

19 **§ 3606. Abandoned Vehicles: Removal: Sale.**

20 (a) No person shall abandon a vehicle in a public right-of-way, or upon public
21 property or upon private property without the expressed or implied consent of the
22 owner or person in lawful possession or control of such private property.

23 (b) Any peace officer, or employee authorized in writing by the Director of the
24 Department of Public Works ~~or employee of a village mayoral office~~, who finds that

1 a vehicle has been parked for more than twenty-four (24) hours ~~during the period~~
2 ~~beginning at 12 o'clock midnight Sunday through 12 o'clock midnight Friday, or for~~
3 ~~more than forty eight (48) hours from 12 o'clock midnight Friday through 12~~
4 ~~o'clock midnight Sunday,~~ shall remove or order a licensed garage man to remove
5 the vehicle from the public or private property. Such vehicle shall be stored in either
6 a police parking area, a garage, or a licensed public garage.

7 (c)

8 (1) Within ~~five (5)~~ one (1) days Saturdays, Sundays and Government of Guam
9 holidays excepted, after an abandoned vehicle has been removed and stored,
10 ~~the Director of Revenue and Taxation shall send a notice by certified mail of~~
11 ~~the removal and storage to the owner or legal owner, if any, as shown in the~~
12 ~~records of the Department of Revenue and Taxation a photograph of the~~
13 ~~vehicle, the location, the date and time the vehicle was removed, and any~~
14 ~~available identifying information, to include but not limited to, the name of~~
15 ~~the registered owner, the vehicle identification number (VIN) and the license~~
16 ~~plate number shall be posted to a page on the websites of the Guam Police~~
17 ~~Department, the Mayors Council of Guam and the Department of Revenue~~
18 ~~and Taxation. Each webpage, supra, shall have links to the other two agencies'~~
19 webpages.

20 (2) The owner ~~or legal owner~~ shall have ~~ten (10)~~ days ~~after the mailing~~
21 ~~seventy-two (72) hours following the posting~~ of the notice to reclaim such
22 vehicle upon payment of all accrued towing, and storage and mitigation (road
23 cleaning, hazardous waste disposal, etc.) charges.

24 (d) If such vehicle is not reclaimed within the ~~ten (10)~~ day ~~seventy-two (72)~~ hour
25 period provided in Subsection (c) of this Section, the title to such vehicle is revoked

1 and the vehicle is designated as municipal solid waste. The Director of Revenue and
2 Taxation or his authorized representative shall appraise the vehicle. Vehicles that
3 have fifty percent (50%) or more of damaged parts, missing parts, corrosion, water
4 damage, mold growth or a combination of all these characteristics are considered
5 municipal solid waste are deemed to have no monetary value and are not subject to
6 the webpage reporting requirements, unless the vehicle is the subject of, or evidence
7 in a criminal or traffic investigation.

8 (1) If the vehicle is appraised at a value of One Hundred Thousand Dollars
9 (\$1,000) or less, the Director of Revenue and Taxation or the mayor of the
10 village from where the vehicle was removed may ~~sell such vehicle to any~~
11 ~~licensed junk dealer~~ appropriately dispose of (including but not limited to a
12 sale or transport to a metallic waste disposal facility) without the necessity of
13 public sale.

14 (2) Any such sale shall be for junk or salvage purposes only, and not for
15 further registration and operation as a vehicle.

16 (3) If the vehicle is appraised at a value exceeding One Hundred Thousand
17 Dollars (\$1,000), the ~~Director~~ Department of Revenue and Taxation may sell
18 such vehicle at public sale after giving ten (10) days' notice of the sale ~~in a~~
19 ~~newspaper of general circulation in Guam~~ on its website and the website of
20 the Mayors Council of Guam. The Department of Revenue and Taxation shall
21 accept the highest offer. In the event that no offers are received, the vehicle
22 shall be disposed of in a manner consistent with paragraph (1), supra.

23 (4) The proceeds of each sale shall be deposited in the ~~Abandoned Vehicle~~
24 ~~and Streetlight Recycling Revolving~~ Fund. Costs related to the removal and
25 disposal of an abandoned vehicle shall be paid from the Recycling Revolving

1 Fund. The Guam Environmental Protection Agency (GEPA) shall biennially,
2 in public meetings, determine an appropriate compensation schedule for
3 removal, disposal and incidental costs. GEPA shall retain five percent (5.0%)
4 of all fees received and expenditures paid pursuant to this section from the
5 Recycling Revolving Fund to cover administrative costs.

6 (5) Any balance, after deduction for the cost of sale, towing and storage
7 charges, shall be paid to the owner or legal owner of such vehicle, provided a
8 claim is made therefor within six (6) months after the sale. If a claim is not
9 made within six (6) months after the sale, the balance is forfeited to the
10 Recycling Revolving Fund.

11 (e) A violation of this Section shall be additionally punished by a fine of One
12 Hundred Dollars (\$100.00), payable to the ~~Public Rights Of Way Account of the~~
13 Territorial Highway Recycling Revolving Fund.

14 (f) It shall be a new violation for each thirty (30) day period the owner fails to
15 lawfully dispose of the vehicle.

16 (g) No law enforcement officer shall leave a vehicle on site where the plates are
17 removed for any reason. The vehicle shall be towed to a government of Guam
18 impound lot or a towing company's lot. In the event that the vehicle is unclaimed
19 as provided by this section, the vehicle shall be disposed of according to the
20 provisions of this section and the towing company and metallic waste disposal
21 facility shall be compensated accordingly.”

22
23 **Section 3. Effective Date:** This act is effective Ninety (90) days from enactment.