


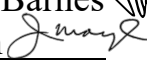
I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
83-36 (COR)	Tina Rose Muña Barnes James C. Moylan	AN ACT TO <i>AMEND</i> §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO <i>REPEAL</i> §5103 AND §5105, AND TO <i>ADD</i> §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.	3/15/21 1:52 p.m.						

I MINA 'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 83-36 (COR)

Introduced by:

Tina Rose Muña Barnes 
James C. Moylan 

AN ACT TO AMEND §5101, §5104, §5107, §5109, §5112, §5114, §5118 AND §5120 TO REPEAL §5103 AND §5105, AND TO ADD §5119, and ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.

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

2 **Section 1.** Legislative Findings and Intent. The Legislature finds that the
3 designation of haul roads in Guam is necessary to transport products from the Port
4 of Guam to warehouses in Harmon and other areas, where products can be unloaded,
5 sorted, stored and transported on delivery trucks that meet the requirements of the
6 bridge formula and more weight restrictive regulations. This legislation does not
7 eliminate the bridge formula, needed to protect island bridges, especially south of
8 the Port of Guam. It classifies specific haul roads in order to efficiently and
9 affordably assist commerce. This legislation also updates and modernizes specific
10 sections of the law concerning size of the trucks on Guam's roads.

11 **Section 2** §5101 of Chapter 5, Title 16, Guam Code Annotated, is
12 hereby amended to read as follows:

13 **“§ 5101. Definitions.**

14 As used in this Chapter, the following definitions will hold true:

1 Axle: The common axis of rotation of one (1) or more wheels, whether
2 in one (1) or more segments and regardless of the number of wheels carried
3 thereon.

4 (b) Axle Group: An assemblage of two (2) or more consecutive axles
5 considered together in determining their combined load effect on a bridge or
6 pavement structure.

7 (c) Axle Load: The total weight transmitted to the road by a single
8 axle.

9 (d) Connecting Mechanism: An arrangement of parts
10 interconnecting two (2) or more consecutive axles to the frame of a vehicle in
11 such a manner as to equalize the load between the axles.

12 ~~(e) Continuous Trip Permit: A special permit issued for oversize or~~
13 ~~overweight loads, valid for multiple days, multiple route's and/or between~~
14 ~~multiple points of destination, for the duration of a specific project, but not~~
15 ~~to exceed Ninety (90) days, unless deemed warranted otherwise by the DPW~~
16 ~~Director.~~

17 (e) Designated Haul Road Highway: Designated haul road highways
18 with a reconstructed lane in each direction with a higher standard design
19 allowing for the movement of heavier vehicles. Shall include the following:

20 Route 1

21 Route 8

22 Route 11

23 Route 16

24 Other highways to be designated by the Director of Public Works as they are
25 reconstructed for heavier use.

1 (f) Gross Combination Weight (GCW): The total weight of the
2 power unit and the total weight of the towed unit and any load thereon.

3 (g) Gross Combination Weight Rating (GCWR): The value
4 specified by the manufacturer as the loaded weight of a combination
5 (articulated) motor vehicle. In the absence of a value specified by the
6 manufacturer, GCWR will be determined by adding the GVWR of the power
7 unit and the total weight of the towed unit and any load thereon.

8 (h) Gross Vehicle Weight (GVW): The total weight of the loaded
9 vehicle. This includes the vehicle itself and the cargo that is loaded within that
10 vehicle.

11 (i) Gross Vehicle Weight Rating (GVWR): The value specified by
12 the manufacturer as the loaded weight of a single motor vehicle.

13 (j) Gross Weight: The weight of a vehicle and/or vehicle
14 combination
15 without load, plus the weight of any load thereon.

16 (k) Height: The total vertical dimension of any vehicle above the
17 ground surface including any load and load holding device thereon.

18 (l) Highway: The entire width between the boundary lines of every
19 publicly maintained surface, when any part thereof is open to the use of the
20 public for purposes of vehicular travel; synonymous and interchangeable in
21 usage with “street.”

22 (m) Length: The total longitudinal dimension of any vehicle or
23 combination of vehicles, including any load or load holding devices thereon.

24 (n) Lift Axle: An axle designed to be raised when not in use and
25 lowered to help reduce the weight imposed on an axle group.

26 (o) Load: A weight or quantity of anything resting upon a support.

1 (p) Motor Vehicle: A vehicle which is self-propelled, ~~or propelled~~
2 ~~by electric power obtained from overhead trolley, vires, but not operating~~
3 ~~upon or propelled by electric power obtained from overhead trolley wires, but~~
4 ~~not operating upon rails.~~

5 (q) Owner: A person, other than a lien holder, having the property in
6 or title to a vehicle, including a person entitled to use and possession of a
7 vehicle subject to a security interest in another person, but excluding a lessee
8 under a lease not intended as security.

9 (r) Portable Scales: A movable weighing device.

10 (s) Primary Road: A primary road is a road with two (2) or more
11 lanes each way, or any road with at least two (2) contiguous miles with a speed
12 limit of thirty-five (35) miles per hour or greater.

13 (t) Scale Tolerance: An allowable variation in the static weight of
14 an axle load in accordance with, but not exceeding, the precision of the scale
15 involved.

16 (u) Secondary Road: A secondary road is any road, paved or
17 unpaved, that does not meet the definition of "primary road" as herein stated.

18 (v) Semi-Trailer: A vehicle designed for carrying persons or
19 property and drawn by a truck-tractor on which parts of its weight and load
20 rests.

21 (x) Single Axle: An assembly of two (2) or more wheels, whose
22 centers are on one (1) transverse vertical plane or may be included between
23 two (2) parallel transverse vertical planes forty (40) inches or less apart
24 extending the full width of the vehicle.

25 (x) Single Axle Weight: The total weight transmitted to the road by
26 a single axle.

1 ~~(x) Single Trip Permit: A special permit issued for oversize or~~
2 ~~overweight loads, valid for a single trip on a specified route between~~
3 ~~predetermined points of origin and destination, and which shall expire within~~
4 ~~twenty four (24) hours.~~

5 (y) Special Permit: A written authorization to move or operate on a
6 highway, a vehicle or vehicles with indivisible load of a size and/or weight
7 exceeding the limits prescribed for vehicles in regular operation. ~~Said permit~~
8 ~~may be for a single trip) or for a continuous trip.~~

9 (z) Static Scales: An immovable measuring scale, similar to a rule,
10 that is attached to the edge of an optical comparator screen.

11 (aa) Tandem Axle: Any two (2) or more consecutive axles whose
12 centers are more than forty (40) inches and not more than ninety-six (96)
13 inches apart, and are individually attached and/or articulated from a common
14 attachment to the vehicle including a connecting mechanism designed to
15 equalize the load between the axles.

16 (bb) Tandem Axle Weight: The total weight transmitted to the road
17 by a tandem axle.

18 (cc) Trailer: A vehicle designed for carrying persons or property and
19 drawn by a motor vehicle which carries no part of the weight and load of the
20 trailer on its own wheels.

21 (dd) Tridem Axle: Any (3) or more consecutive axles whose centers
22 are more than forty (80) inches and not more than one hundred forty-four(1
23 44) inches apart, and are individually attached and/or articulated from a
24 common attachment to the vehicle including a connecting mechanism
25 designed to equalize the load between the axles.

1 (ee) Tridem Axle Weight: The total weight transmitted to the road by
2 a tridem axle.

3 (ff) Truck: A motor vehicle designed, used or maintained primarily
4 for the transportation of property.

5 (gg) Truck-Tractor: A motor vehicle designed for drawing other
6 vehicles, but not for a load other than a part of the weight of the vehicle and
7 load drawn.

8 (hh) Vehicle: A device in, upon or by which any person or property
9 may be transported or drawn upon a highway.

10 (ii) Vehicle Combination: A truck-tractor and semi-trailer, either
11 with or without a full trailer, or a truck with one (1) or more full trailers.

12 (jj) Weigh-in-Motion Scales: Weighing-in-Motion (WIM) is, as the
13 name implies, the process of weighing a vehicle as it is moving along the
14 highway in an effort to estimate the equivalent static weight of the vehicle.

15 (kk) Wheel Load: The total load transmitted to the road by a wheel.
16 Dual wheels that share an axle mounting are considered a single wheel for
17 load requirements.

18 (ll) Width: The total outside transverse dimension of a vehicle,
19 including any load or load holding devices thereon, but excluding approved
20 safety devices and tire bulge due to load.

21 **Section 3.** §5103 of Chapter 5, Title 16, Guam Code Annotated, is hereby
22 repealed.

23 **Section 4.** §5104 of Chapter 5, Title 16, Guam Code Annotated, is hereby
24 amended to read as follows:

25 “§ 5104. **Height, Length and Width of Vehicles and Loads.**

1 No vehicle.\ including any load and load holding devices thereon, shall
2 exceed a total height of fifteen (15) feet, a width of eight and a half (8.5) feet,
3 or a length of sixty-five (65) feet, for public roads, streets or highways, and a
4 length of eighty-five (85) feet on designated haul road highways. Any vehicle
5 or loads exceeding the dimensions in height, length or width shall obtain a
6 Special Permit from the Director of the Department of Public Works as
7 specified in this Chapter.”

8 **Section 5.** §5105 of Chapter 5, Title 16, Guam Code Annotated, is hereby
9 *repealed.*

10 **Section 6.** §5107 of Chapter 5, Title 16, Guam Code Annotated, is hereby
11 *amended* to read as follows:

12 **“§ 5107. Gross Weight, Axle, and Wheel Loads.**

13 No motor vehicle or combination of vehicles equipped wholly with
14 pneumatic tires, which has a gross weight, an axle load, or a wheel load in
15 excess of the limits set forth in this Section shall be operated or moved upon
16 any public road, street, or highway; and no vehicle or combination of vehicles
17 shall be operated on or moved over any bridge or other highway structure if
18 the gross weight, including vehicle and load, exceeds the posted maximum
19 gross weight limitation for the bridge or other highway structure.

20 (a) The total gross weight, in pounds, imposed on any public road,
21 street, or highway, except designated haul roads- highways, by any axle group
22 on a vehicle or combination of vehicles shall not exceed the following when
23 the distance between the first and last axles of the group under consideration
24 is:

1 (1) forty (40) inches or less; the axle load shall not exceed
2 twenty thousand (20,000) pounds, or the axle manufacturers rating,
3 whichever is less;

4 (2) more than forty (40) inches, but not more than eight (8)
5 feet; the tandem axle weight imposed shall not exceed thirty-six ~~thirty~~
6 ~~four~~ thousand (36,000 ~~34,000~~) pounds ~~and allowable to forty six~~
7 ~~thousand (46,000) pounds or the axle manufacturers rating, whichever~~
8 ~~is less, on Designated Haul Roadways.~~

9 (3) more than eighty-six (86) inches, but not more than one
10 hundred forty-four (144) inches; the tridem axle weight imposed shall
11 not exceed fifty thousand (50,000) and allowable to sixty thousand
12 (60,000) pounds or the axle manufacturers rating, whichever is less, on
13 Designated Haul Roadways.

14 (4) any additional lift axle designed to help distribute weight
15 is limited to twenty thousand (20,000) pounds, or the axle
16 manufacturers rating whichever is less.

17 (b) The total gross weight, in pounds, imposed on any public road,
18 street, or highway, except on designated haul road highways, by any axle
19 group on a vehicle or combination of vehicles shall not exceed that resulting
20 from application of the Bridge Formula:

21 $W = 500 (LN/(N-1) + 12N + 36)$ when the distance between the
22 first and last axles of the axle group under consideration is over eight
23 (8) feet and where

24 W = maximum gross weight in pounds carried on any axle group,

25 L = distance in feet between the outer axles of any axle group, to
26 the nearest foot, and

1 N = number of axles in group under consideration; provided that
2 two (2) consecutive sets of tandem axles may carry a gross load of
3 thirty-six thousand (36,000) pounds each providing the overall distance
4 between the first and last axles of such consecutive sets of tandem axles
5 is thirty-six (36) feet or more; and provided also that the overall gross
6 weight does not exceed eighty thousand (80,000) pounds.

7 (c) The total gross weight, in pounds, imposed on any designated
8 haul road highways, by any axle group on a vehicle or combination of vehicles
9 shall not exceed the following when the distance between the first and last
10 axles of the group under consideration is:

11 (1) forty (40) inches or less; the axle load shall not exceed
12 twenty thousand (20,000) pounds, or the axle manufacturers rating,
13 whichever is less;

14 (2) more than forty (40) inches, but not more than eight (8)
15 feet; the tandem axle weight imposed shall not exceed:

16 (i) thirty-six thousand (36,000) pounds through
17 December 31, 2021 or once constructed to a higher design
18 standard;

19 (ii) forty thousand (40,000) pounds starting January 1,
20 2022 through December 31, 2023; and

21 (iii) forty-eight thousand (48,000) pounds starting
22 January 1, 2024.

23 (3) more than eighty-six (86) inches, but not more than one
24 hundred forty-four (144) inches; the tridem axle weight imposed shall
25 not exceed:

1 (i) forty-six thousand (46,000) pounds through
2 December 31, 2023; and

3 (ii) fifty-two thousand (52,000) pounds starting January
4 1,2024.

5 (4) any additional lift axle designed to help distribute weight
6 is limited to twenty thousand (20,000) pounds, or the axle
7 manufacturers rating, whichever is less.

8 (de) No vehicle or combination of vehicles shall be used or operated on
9 any public road, street, or highway with:

10 (1) a load upon any single ~~i~~-tandem or tridem axle ~~i~~ or
11 combination of axles which exceeds the carrying capacity of the axles
12 specified by the manufacturer; or

13 (2) with a total weight in excess of its designed capacity as
14 indicated by its designed gross vehicle weights or gross combination
15 weights.

16 (e) The single axle weight shall not exceed twenty thousand (20,000)
17 pounds.

18 (f) Maximum Weight shall be eighty thousand (80,000) pounds,
19 Gross Vehicle Weight, for a combination of truck tractor and semi- trailer
20 combinations but allowable to ninety-five thousand (95,000) pounds on
21 designated haul roads.

22 (g) The maximum wheel load imposed upon any public road, street,
23 or highway shall not exceed eight hundred a thousand (800 1,000) pounds per
24 inch of tire tread width or the tire manufacturers rating listed on the tire,
25 whichever is less.

1 (h) The Director of the Department of Public Works (DPW Director)
2 may place and maintain signs to limit the gross weight of a vehicle or
3 combination of vehicles traveling over a bridge or other highway structure in
4 the interest of public safety when it is determined that the theoretical load
5 carrying capacity of the bridge or structure is less than the maximum gross
6 vehicular weight allowed by this Chapter.

7 (i) The DPW Director may issue a Special - Permit for a vehicle that
8 meets the axle group load requirements of the formula in Subsection (~~a~~) of
9 this Section, but with a gross vehicle weight in excess of the allowable weights
10 stated in this Section ~~eighty thousand (80,000) pounds~~. Such special permit
11 shall ma y be issued in accordance with § 5114 of this Chapter.

12 **Section 7.** §5109 of Chapter 5, Title 16, Guam Code Annotated, is hereby
13 *amended* to read as follows:

14 “**§ 5109. Authority to Stop, Inspect and Weigh Vehicles;**
15 **Removal of Excess Loads.**

16 (a) For purposes of the enforcement of this Chapter, the Director of
17 Revenue and Taxation (ORT Director) and the DPW Director shall have such
18 powers of enforcement as may be necessary to implement their respective
19 responsibilities under this Chapter.

20 (1) The DRT Director, whose Department is primarily
21 responsible for implementing and enforcing this Chapter as it relates to
22 the registration and safety of vehicles, may delegate enforcement to the
23 Administrator of the Division of Motor Vehicles/Motor Carrier Safety
24 Assistance Program (OMV/MCSAP).

25 (2) The DPW Director, whose Department is primarily
26 responsible for implementing and enforcing this Chapter as it relates to

1 truck gross weight and the safety and maintenance of Guam's public
2 roads, streets and highways, may delegate the enforcement of this
3 Chapter to the Administrator of the Division of Highways.

4 (b) For the purpose of the safety, welfare and health of the general
5 public, and the safe transportation of hazardous materials, waste and other
6 materials on any public road, street or highway, and the enforcement of this
7 Chapter and of all rules adopted pursuant to this Chapter, the responsibilities
8 of each agency shall be as follows:

9 (1) Department of Revenue and Taxation (DRT):

10 (A) inspect business premises, buildings, freight and
11 equipment of commercial motor carriers;

12 (B) stop and inspect freight and equipment of all motor
13 carriers operating on any public road, street or highway,
14 including designated haul road highways, except that any motor
15 carrier with military cargo shall be permitted to proceed, unless
16 safety to the general public dictates otherwise, to the vehicle's
17 destination for appropriate review therein and such action shall
18 not be a violation of this Chapter;

19 (C) inspect shipping papers and hazardous waste
20 manifests of all motor carriers and persons subject to this Chapter
21 operating on any public road, street or highway, including
22 designated haul road highways;

23 (D) during the course of an inspection, weigh any
24 vehicle and/or combination of vehicles equipped wholly with
25 pneumatic tires to ensure compliance with the provisions of §
26 5107 of this Chapter;

1 (E) whenever a police officer or DMV/MCSAP
2 inspector, upon inspection of a vehicle and/or load, determines
3 the existence of a violation, a citation may be issued. The vehicle
4 may be allowed to proceed directly to its own shop or facility for
5 correction. When a vehicle is found to be unsafe to the driver or
6 the public, the police officer or DMV/MCSAP inspector has the
7 authority to direct the discontinuance of the vehicle passage and
8 require corrective action on the spot as appropriate, and such
9 vehicle shall not be allowed back into normal operations until
10 corrections are made;

11 (F) every ~~peace~~ ~~police~~ officer, or DMV/MCSAP
12 inspector ~~may~~ ~~shall~~ assist in the enforcement of this Chapter and
13 of all rules adopted pursuant to this Chapter and may issue
14 citations for violations as appropriate; and

15 (G) fines collected from citations issued by
16 DMV/MCSAP inspectors for violations of this Subsection shall
17 be deposited in the Better Public Service Fund and expended in
18 accordance with §16101 of Chapter 161, Title 11, Guam Code
19 Annotated.

20 (2) Department of Public Works (DPW):

21 (A) operate the Truck Enforcement Screening Station
22 (TESS) Facility located on Route 11 to weigh vehicles and/or
23 combinations of vehicles operating on Guam's roads, streets, or
24 highways;

25 (B) every ~~peace~~ ~~police~~ officer or DPW inspector having
26 reason to believe that the weight or dimension of a vehicle

1 operating on a public road, street or highway, including
2 designated haul road highways, either with or without load, is in
3 violation of the provisions of this Chapter, shall be authorized to
4 require the driver to stop and submit to an inspection of same by
5 means of portable scales, static scales, or weigh-in-motion
6 scales, or as otherwise appropriate, except that any motor carrier
7 with military cargo shall be permitted to proceed, unless safety
8 to the general public dictates otherwise, to the vehicle's
9 destination for appropriate review therein and such action shall
10 not be a violation of this Chapter. Violations for any dimensions
11 or GVW in excess of permissible limits, as established by the
12 provisions of this Chapter, shall be subject to the penalties ~~cited~~
13 ~~in~~ provided in OPW Rules and Regulations pursuant to § 5112(a)
14 of this Chapter;

15 (C) whenever a ~~peace police~~ officer or OPW inspector,
16 upon weighing a vehicle and load, as provided above, determines
17 that the GVW exceeds allowable limits. such ~~peace police~~ officer
18 or OPW inspector may require the driver to stop the vehicle in a
19 suitable area where corrective action can be determined by the
20 peace police officer or DPW inspector. Corrective action may
21 include removal of the non-conforming portion of the load and
22 distribution to another vehicle, or allowance of the vehicle to
23 proceed to another location for unloading. Nothing herein is
24 intended to waive any applicable fines;

25 (D) any OMV/MCSAP trained and certified peace
26 ~~every police~~ officer or OPW inspector may assist in the

1 enforcement of this Chapter and of all rules adopted pursuant to
2 this Chapter and issue citations for violations as appropriate;

3 (E) fines collected from citations issued by OPW
4 inspectors for violations of this Subsection shall be deposited in
5 the TESS Facility Fund, and shall be expended in accordance
6 with §5118 of this Chapter.

7 (c) Any driver of a vehicle who fails or refuses to stop and submit
8 the vehicle, either with or without load, to an inspection and/or weighing, or
9 who fails or refuses when directed by a police peace officer, OMV inspector,
10 or OPW inspector upon inspection and/or weighing of the vehicle to
11 discontinue the operation of the vehicle and otherwise comply with the
12 provisions of this Section shall be guilty of a civil violation, and subject to
13 fines and penalties as provided in DPW Rules and Regulations. ~~Each violation~~
14 ~~for failure or refusal to stop and submit the vehicle to an inspection and/or~~
15 ~~take subsequent corrective actions shall be subject to the following:~~

16 ~~(1) a first violation shall be subject to a penalty of One~~
17 ~~Hundred Dollars (\$100.00);~~

18 ~~(2) a second violation of the provisions of this Subsection~~
19 ~~within a six month period from the date of the first violation shall be~~
20 ~~subject to a penalty of Two Hundred Dollars (\$200.00);~~

21 ~~(3) a third Violation of the provisions of this Subsection~~
22 ~~within a six. (6) month period from the date of a second violation shall~~
23 ~~be subject to a penalty of Five Hundred Dollars (\$500.00);~~

24 ~~(4) a fourth violation of the provisions of this Subsection~~
25 ~~within a six (6) month period from the date of the third violation shall~~

1 ~~be subject to a penalty of one Thousand Dollars (\$1,000.00) and the~~
2 ~~operator shall be subject to revocation of their driver's license.~~

3 **Section 8.** §5112 of Chapter 5, Title 16, Guam Code Annotated, is hereby
4 *amended* to read as follows:

5 **“§ 5112. Penalties.**

6 (a) Every person, entity or organization convicted of a violation of
7 any of the provisions of this Chapter for which another penalty is not provided
8 shall be guilty of a civil violation and subject to a fine as provided in DPW
9 Rules and Regulations. ~~a penalty of up to Five Hundred Dollars (\$500.00).~~
10 ~~Every person, entity or organization found to be in violation of the weight~~
11 ~~limitations established in this Chapter shall be subject to the following:~~

12 ~~(1) for a first violation, such person, entity or organization~~
13 ~~shall be guilty of a civil violation and punished by a fine of up to Five~~
14 ~~Hundred Dollars (\$500.00) and Twenty-five Cents (\$0.25)/pound over~~
15 ~~the maximum allowable load authorized in § 5107;~~

16 ~~(2) for a second violation within a six (6) month period from the~~
17 ~~date of the first violation, such person, entity or organization shall be~~
18 ~~guilty of a civil violation and punished by a fine of up to Seven Hundred~~
19 ~~Fifty Dollars (\$750.00) and Fifty Cents (\$0.50)/pound over the~~
20 ~~maximum allowable load authorized in § 5107; and~~

21 ~~(3-b)~~ should a person, entity or organization be found guilty of a third violation
22 of the weight limitations established by this Chapter within six (6) months
23 after a second violation, such person, entity or organization shall be guilty of
24 a civil violation and subject to fine as provided in the DPW Rules and
25 Regulations ~~of not less than One Thousand Dollars (\$1,000.00) and Seventy-~~
26 ~~five Cents (\$0.75)/pound over the maximum allowable load authorized in §~~

1 ~~5107~~; and the responsible party, as defined in Subsection (d) of this Section,
2 may have their Guam business license revoked in accordance with the
3 following:

4 (~~A~~ 1) The Director of the Department of Public Works (DPW
5 Director) shall notify the responsible party (respondent), in writing, of
6 the finding of a third violation of this Section.

7 (~~B~~ 2) The respondent may request, in writing, an administrative
8 hearing to dispute the findings of the Director. Said request for a
9 hearing must be delivered, in writing, to the Office of the DPW Director
10 within fifteen (15) calendar days from the date of receipt of the DPW
11 Director's findings.

12 (~~C~~ 3) Notwithstanding §9220 of Chapter 9 of Title 5, Guam
13 Code Annotated, the hearing shall be conducted by the DPW Director
14 who shall be the hearing officer. The Office of the Attorney General or
15 a Special Assistant Attorney General, appointed by the Attorney
16 General, shall assist in providing advice to the DPW Director when
17 matters of law arise. The hearing process shall be subject to the
18 procedures of Chapter 9 of Title 5, Guam Code Annotated, with the
19 exception noted above, to § 9220 of the same. The findings of the
20 Director, upon the delivery to the respondent, shall fulfill the
21 requirements of §9201 of Chapter 9 of Title 5, Guam Code Annotated.

22 (~~D~~ 4) In the event that the DPW Director affirms the finding of
23 a third violation is valid, or if no hearing is requested in writing within
24 fifteen (15) calendar days from the date of receipt of the findings by
25 the respondent, the DPW Director may request, in writing, that the
26 appropriate licensing entity revoke the respondent's license to do

1 business on Guam immediately, for a period of up to three (3) years, as
2 determined by the Director. Upon receipt of the DPW Director's written
3 recommendation, the appropriate licensing entity may suspend such
4 license to do business on Guam in accordance with the recommendation
5 of the DPW Director. The hearing required of this Subsection shall
6 fulfill the requirements to suspend a business license found in Chapter
7 9 of Title 5 GCA.

8 (4 c) Any person found to be in violation of the dimensional
9 limitations established by this Chapter shall be guilty of a civil violation and
10 subject to fines and penalties as provided in DPW Rules and Regulations. ~~the~~
11 ~~following:~~

12 ~~If the excess dimension (length or width) is as follows, the fine shall~~
13 ~~be~~

14 Up to 5 feet	\$ 50.00
15 Over 5 feet and up to 10 feet	\$100.00
16 Over 10 feet and up to 15 feet	\$150.00
17 Over 15 feet	\$200.00,

18 plus \$10.00 for each additional foot.

19 ~~(5) Any person who commits any of the acts prohibited by this~~
20 ~~Section or any rules adopted to enforce this Chapter where no penalty is~~
21 ~~provided for shall be guilty of a civil violation and shall be fined not less than~~
22 ~~Five Hundred Dollars (\$500.00), as determined by the DPW Director~~

23 (c) Promulgation of Rules. DPW shall promulgate rules and
24 regulations authorized by this Section, or which it may deem necessary or
25 appropriate to give effect to this Section, pursuant to the Administrative
26 Adjudication Law.

1 (d) All fines levied by a DMV/MCSAP inspector in accordance with
2 the applicable provisions of this Chapter shall be deposited in the Better Public
3 Service Fund of the Department of Revenue and Taxation, to be used by the
4 Division of Motor Vehicles in accordance with § 16101 of Chapter 16, Title
5 11, Guam Code Annotated.

6 (e) All fines levied by a DPW/TESS inspector and any permits and
7 administrative fees collected by the Department of Public Works in
8 accordance with this Chapter shall be deposited in the TESS Facility Fund and
9 shall be expended in accordance with § 5118 of this Chapter.

10 (f) Responsible Party.

11 (1) Import Shipping Containers Under Seal. Any importer or
12 consignee, whether an individual or an entity, organization, or
13 company, whose shipping container placed under seal has been
14 determined to be in violation of § 5107 of this Chapter shall be
15 responsible for any fine, penalty, handling, additional transportation or
16 other associated cost (including storage).

17 (2) Export Shipping Containers Under Seal. Any exporter,
18 whether an individual or an entity, organization, or company, whose
19 shipping container placed under seal has been determined to be in
20 violation of § 5107 of this Chapter shall be responsible for any fine,
21 penalty, handling, additional transportation or other associated cost
22 (including storage).

23 (3) Local Containers Under Seal. Any individual and any
24 organization, entity, or company loading a shipping container under
25 seal not designated for export that has been determined to be in
26 violation of § 5107 of this Chapter shall be responsible for any fine,

1 penalty, handling, additional transportation or other associated cost
2 (including storage). (4) All Other Local Transport Not Under Seal. Any
3 individual or any cargo transporting entity, organization, or company
4 determined to be in violation of § 5107 of this Chapter shall be
5 responsible for any fine, penalty, handling, additional transportation or
6 other associated cost (including storage) prescribed in this Section.

7 (eg) The fine schedules of the Superior Court of Guam and the
8 Commercial Vehicle Safety Alliance (CVSA) for violations cited during
9 roadside inspections, and the method for penalty assessment outlined in the
10 Federal Uniform Fine Assessment (UFA) Program, specifically for violations
11 identified as a result of a Compliance Review, are hereby adopted pursuant to
12 fines and fees as applicable to Guam.

13 (h) For the purposes of this Section, person means the driver of the
14 vehicle, unless the driver is an employee and is operating the vehicle in the
15 scope and course of employment, in which case person means the employer
16 of the driver. In the case of the transportation of a sealed container or
17 transportation by flatrack, person means:

- 18 (1) the individual or company the cargo is consigned to; or
- 19 (2) the individual or company located on Guam shipping the cargo.

20 The owner of the vehicle or combination of vehicles may request the
21 operator be held harmless and the citation be transferred to that owner of the
22 vehicle or combination of vehicles. The consignee or the shipper shall not be
23 cited if the power units' (tractors') drive axle group is overweight, and the
24 weight is not more than that allowed for a tandem axle with any applicable
25 tolerances.

1 (i) All permit and administrative fees, fines and reimbursements
2 generated under this Chapter (applicable to the Department of Public Works)
3 shall be deposited in the Tess Facility Fund, and shall not lapse at the end of
4 the fiscal year, but shall roll over into the next fiscal year or until expended in
5 accordance with § 5118 of this Chapter.

6 **Section 9.** §5114 of Chapter 5, Title 16, Guam Code Annotated, is hereby
7 amended to read as follows:

8 **“§ 5114. Permits for Excess Size and Weight.**

9 (a) A surety bond in a minimum amount of Five Hundred Dollars
10 (\$500.00), or proper evidence of adequate insurance, must be filed with the
11 Director of Public Works before a permit will be issued for transporting over
12 width, over-length or over-weight loads on the highway, except when the
13 applicant is a territorial or federal government agency.

14 (b) The Director of Public Works, or his authorized representative,
15 may in his discretion, upon application in writing and good cause being shown
16 therefore, issue a special permit in writing authorizing the applicant to operate
17 or move a vehicle or combination of vehicles of a size or weight exceeding
18 the maximum specified in this Chapter, or otherwise not in conformity with
19 the provisions of this Chapter, upon the highways of Guam. A permit issued
20 under this Section shall not authorize the operation or moving of any vehicle
21 or combination of vehicles without the compliance with Chapter 7 of this
22 Title.

23 (c) The application for any such permit shall specifically describe
24 the vehicle or combination of vehicles and load to be operated or moved, and
25 the particular highways for which the permit to operate is requested, and
26 ~~whether such permit is requested for a single trip, or for continuous operation~~

1 ~~for a designated period of time the period for which such permit is requested.~~
2 ~~Such application shall be requested by the vehicle registered owner or duly~~
3 ~~authorized representative.~~

4 (d) The Director of Public Works, or his authorized representative,
5 is authorized to issue or withhold such permit at his discretion, or, if such a
6 permit is issued, to limit the number of trips or to establish time limitations
7 within which the vehicles described may be operated, or to prescribe the
8 conditions of the operations of such vehicle or vehicles when necessary to
9 assure against undue damage to the highway foundations, surfaces or
10 structures, and may require such undertaking or other security as may be
11 deemed necessary to compensate for any injury to any such highway
12 foundations, surfaces or structure. Each permit shall be valid only for a
13 designated number of consecutive calendar days as specified in the permit,
14 but in no event shall a permit be granted for a period longer than ten (1 0)
15 days.

16 (e) At the discretion of the Director of Public Works or his
17 authorized representative, blanket permits will may be issued for over-sized
18 vehicles already registered with the Department of Revenue and Taxation
19 ~~presently on island~~, and said over-sized vehicles may be subject to time-of
20 operations restrictions.

21 (f) Every such permit shall be carried in the vehicle or combination
22 of vehicles to which it refers and shall be open to inspection by any police
23 officer. It shall be unlawful for any person to violate any of the terms or
24 conditions of such permits.

25 (g) All permitted vehicle or combination of vehicles to which it
26 refers must display two (2) warning signs in addition to the permit number.

1 Each warning sign shall consist of black letters at least twelve inches (12")
2 high and not less than one and a half inches (1½") wide on a yellow
3 background. The sign shall state "OVERSIZED LOAD" or "WIDE LOAD,"
4 as provided in the permit, and include the permit number. One sign will either
5 be bumper-mounted or roof-mounted. If one of the signs is roof-mounted, then
6 the other sign must be at the rear of the towed unit or at the rear of the load.
7 The permit number shall consist of black letters at least ten inches (10") high
8 and not less than one and a half inches (1½") wide. Clearance lights are also
9 required during night time travel. Voids (holes) may be cut in the warning
10 signs, as the signs must not cover any vehicle light or reflector.

11 ~~(h) A fee shall be charged for each permit issued by the DPW~~
12 ~~Director as follows:-~~

13 ~~(1) Single trip permit for oversize and overweight loads: Fifty~~
14 ~~Dollars (\$50.00).-~~

15 ~~(2) Continuous trip permit for oversize and overweight loads:~~
16 ~~One Hundred Dollars (\$100.00).-~~

17 ~~All permits may include date, time and route restrictions as determined~~
18 ~~by the DPW Director. Such fees shall be deposited in the TESS Facility Fund~~
19 ~~of the Department of Public Works, and shall be expended in accordance with~~
20 ~~§ 5118 of this Chapter.~~

21 (h) Promulgation of Rules. DPW shall promulgate rules and
22 regulations authorized by this Section, or which it may deem necessary or
23 appropriate to give effect to this Section, pursuant to the Administrative
24 Adjudication Law.

25 (i) Any vehicle issued with a permanent special equipment license
26 or requiring a special permit, as required under this Chapter, shall be

1 prohibited from operating on the highways during the hours of 7:00 to 9:00
2 a.m., 12:00 to 1:00 p.m., and 4:00 to 6:00 p.m., Mondays through Fridays,
3 except in cases of emergencies or at the direction of the Director of Public
4 Works.

5 **Section 10.** §5118 of Chapter 5, Title 16, Guam Code Annotated, is hereby
6 *amended* to read as follows:

7 **“§ 5118. Truck Enforcement Screening Station (TESS) Facility**
8 **Fund.**

9 Notwithstanding any law to the contrary, a revolving fund, designated
10 as the TESS Facility Fund (Fund), shall be established separate and apart from
11 other funds of the government of Guam, and separate records shall be kept
12 therefore. The Director of Public Works shall administer the Fund and shall
13 issue vouchers properly certifying the use of the Fund’s monies. The DPW
14 Director is authorized to use revenues in the Fund and any interest derived
15 therefrom to supplement any activity undertaken pursuant to Article 1,
16 Chapter 54 of Title 5, Guam Code Annotated, for the operation and
17 maintenance of the TESS Facility, or to establish, operate and maintain similar
18 compliance facilities or programs. All monies in the Fund are hereby
19 appropriated and are not subject to I *Maga'haga*’s transfer authority.”

20 **Section 11.** §5119 is hereby added to Chapter 5 of Title 16, Guam Code
21 Annotated, to read as follows:

22 **“§ 5119. Exemptions.**

23 **(a) Tow Trucks: A wrecker may tow any disabled truck or other**
24 **motor vehicle or combination of vehicles to a place for repairs, parking, or**
25 **storage from the point that the vehicle was disabled without being in violation**

1 of Guam weight limits, however all axles on the tow vehicle shall have an
2 operational braking system.

3 (b) Non-Commerce Vehicle: Well drilling rigs, Concrete Pumps,
4 Cranes, Boom Trucks and Bucket Trucks and other Heavy Equipment that do
5 not carry cargo may be-registered and licensed as a Special Equipment (SE
6 plate) vehicle. If such vehicles do not meet the Height, Width and Weight
7 restrictions, they may travel on the highways with a Special Permit issued
8 under this Chapter.

9 (c) Fire Trucks, Ambulances and Other Emergency Vehicles: Fire
10 trucks, ambulances and other emergency vehicles, utilized by Government of
11 Guam agencies, are exempt from Guam laws governing size, weight, and
12 load.”

13 **Section 12.** §5120 is hereby added to Chapter 5 of Title 16, Guam Code
14 Annotated, to read as follows:

15 “§ 5120. **Rules and Regulations.** The Department of Public Works
16 shall promulgate rules and regulations as may be necessary to carry out the
17 purposes of this Act within ninety (90) days after the enactment of this act.
18 Such rules and regulations shall be adopted in conformance with the
19 Administrative Adjudication Act.”

20 **Section 13. Severability.** If any provision of this Act or its application to any
21 person or circumstance is found to be invalid or contrary to law, such invalidity shall
22 not affect other provisions or applications of this Act that can be given effect without
23 the invalid provision or application, and to this end the provisions of this Act are
24 severable.

25 **Section 14. Effective Date.** This Act shall become effective upon enactment.