

MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 395-32(002)

Introduced by:

Brant McCreadie 

AN ACT TO *AMEND* §74108 OF CHAPTER 74, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING THE CIVIL PENALTIES FOR SCRAP METAL BUSINESSES WHO FAIL TO PROPERLY FOLLOW REPORTING REQUIREMENTS AS PER GUAM LAW.

2014 SEP -11 AM 11:31

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 Public Law 29-70 greatly increased the reporting requirements for scrap metal
4 businesses in an effort to curb the rash of copper wire and other non-ferrous metals
5 thefts occurring in our community. However, *I Liheslaturan Guåhan* further finds that
6 scrap metal dealers have failed to properly maintain records of non-ferrous metal
7 transactions. More stringent civil penalties are required to detract scrap metal
8 businesses from failing to report all non-ferrous metal property purchases as required
9 by Guam law.

10 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §74108 of Chapter
11 74, Title 11 Guam Code Annotated to increase the civil penalties for scrap metal
12 businesses who fail to comply with reporting requirements.

13 **Section 2.** §74108 of Chapter 74, Title 11 Guam Code Annotated is hereby *amended*
14 to read:

1 “§ 74108. Civil Penalties.

2 (a) ~~Each~~ The first violation of the requirements of this Chapter shall be
3 punishable, upon conviction, by a fine of not more than ~~One~~ Twenty Thousand
4 Dollars (\$20,000.00) and the suspension of a scrap metal business’ business
5 license for a period of ninety (90) days.

6 (b) ~~Within two (2) years of being convicted of a violation of any of the~~
7 ~~requirements of this Chapter, each subsequent~~ The second violation of the
8 requirements of this Chapter shall be punishable, upon conviction, by a fine of
9 not more than ~~Two~~ Twenty Thousand Dollars (\$20,000.00) and the suspension
10 of a scrap metal business’ business license for a period of one year.

11 (c) The third violation of the requirements of this Chapter shall be
12 punishable, upon conviction, by a permanent revocation of a scrap metal
13 business’ business license.”

14 **Section 3. Effective Date.** This Act shall be effective immediately upon
15 enactment.

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