




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

Bill No. 57-3200R)

Introduced by:

Judith T. Won Pat, Ed.D.   
T.C. Ada   
R.J. Respicio 

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**AN ACT TO AMEND §53101 AND §53108 OF 5GCA,  
RELATIVE TO ENCROACHMENT VIOLATIONS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that Public Law 10-40 was signed into law on March 22, 1969, by  
4 Governor Manuel F.L. Guerrero. Public Law 10-40 sets the daily fine for  
5 unlawful encroachment at Ten Dollars (\$10.00) per day and no subsequent  
6 law has amended the daily fine in the intervening forty-three (43) years  
7 since its enactment.

8 *I Liheslaturan Guåhan* finds that this fine does not serve the same  
9 deterrent effect that it did in 1969 and that its effectiveness would be  
10 greatly enhanced if the fine is updated appropriately to reflect current  
11 conditions.

12 Therefore, it is the intent of *I Liheslaturan Guåhan* to adjust the daily  
13 fine for unlawful encroachment from Ten Dollars (\$10.00) to One Hundred

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1 Dollars (\$100.00) per day for the first (1<sup>st</sup>) offense, Five Hundred Dollars  
2 (\$500.00) for the second (2<sup>nd</sup>) offense, and One Thousand Dollars (\$1,000.00)  
3 for the third (3<sup>rd</sup>) and subsequent offenses, by amending §53108 of 5GCA.

4 *I Liheslaturan Guåhan* intends for the fines collected from  
5 encroachment violations to be deposited into the Territorial Highway Fund  
6 for use by the Director of the Department of Public Works to fund  
7 equipment and supplies, and to procure the services of licensed surveyors,  
8 required to effectively enforce Guam’s highway care and maintenance  
9 laws.

10 *I Liheslaturan Guåhan* further intends to expand the definition of  
11 *Encroachment* to include refuse, trash and vehicles.

12 **Section 2. Definition of Encroachment.** §53101 of 5GCA is hereby  
13 *amended*, to read:

14 **“53101. Definitions.**

15 (d) *Encroachment* means any refuse, trash, vehicles, tower, pole,  
16 poleline, pipe, pipeline, fence, billboard, stand or building, or any  
17 structure or utility infrastructure *not* particularly mentioned, which is  
18 placed in, under or over any portion of a highway.”

19 **Section 3. Removal by Department.** §53108 of 5GCA is hereby  
20 *amended*, to read:

21 **“§ 53108. Removal by Department.**

22 The Department may remove any encroachment on the failure  
23 of the owner to comply with the notice provided for in this Chapter.

1 The owner shall be liable for all expenses of such removal and, in  
2 addition thereto, ~~the sum of~~ shall pay a fine of One Hundred Ten  
3 Dollars (\$100.00) for the first (1<sup>st</sup>) offense, Five Hundred Dollars  
4 (\$500.00) for the second (2<sup>nd</sup>) offense, and One Thousand Dollars  
5 (\$1,000.00) for the third (3<sup>rd</sup>) and subsequent offenses for each day  
6 such encroachment remains after the expiration of five (5) days from  
7 the service of the notice.

8 All fines shall be deposited into the Territorial Highway Fund,  
9 and any interest derived shall remain in the Fund. The Director is  
10 authorized to use revenues collected from encroachment fines to  
11 purchase equipment and supplies, and to procure the services of  
12 licensed surveyors, required by the Department to effectively enforce  
13 the public's compliance with applicable highway care and  
14 maintenance laws."

15 **Section 4. Effective Date.** This Act shall be effective upon  
16 enactment.