

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

Bill No. 262-32 (COR)

Introduced by:

Brant T. McCreadie 

AN ACT TO AMEND §77107 AND TO ADD A NEW §77135 TO CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING A PUBLIC-PRIVATE PARTNERSHIP FOR VEHICLE IMPOUNDMENT.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 the government is not effectively collecting revenue from vehicles towed and
4 impounded by the Guam Police Department and other public safety agencies. The
5 government of Guam does not have its own impound lot, and past efforts to establish
6 a vehicle impound system have been unsuccessful.

7 *I Liheslaturan Guåhan* further finds that it may be beneficial to the government
8 to enter into arrangements with a private enterprise to tow and store vehicles deemed
9 impoundable by the government. An arrangement would lead to better regulation and
10 guarantee revenue for the government of Guam.

11 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §77107 of Chapter
12 77, Title 10 Guam Code Annotated relative to establishing a public-private partnership
13 between the government of Guam and a private enterprise for the purposes of towing,
14 impounding and storing vehicles for the government of Guam, as well as to add a new

1 A new §77135 is hereby *added* to Chapter 77, Title 10 Guam Code Annotated relative
2 to establishing the Impounded Vehicles Administrative Fee Fund.

3 **Section 2.** A new item (h) is added to §77107 of Chapter 77, Title 10 Guam
4 Code Annotated to read;

5 **“§ 77107. Power of the Chief of Police.**

6 The Chief of Police shall have the following duties:

7 (a) to adopt, internal standard operating procedures, general orders or
8 directives, administrative and operational standards, and subject to the
9 provisions of the Administrative Adjudication Law, rules and regulations for
10 the conduct and efficient operation of the Department;

11 (b) to prepare the Department’s annual budget for approval by the
12 Governor and submission to the Guam Legislature;

13 (c) to submit an annual report to the Governor and the Guam Legislature;

14 (d) to receive, consider and investigate allegations brought by the public
15 concerning any conduct of the Department through its officers or employees,
16 and to take appropriate action thereon;

17 (e) to maintain a chronology of information concerning the effectiveness
18 of the Department’s operation;

19 (f) to require the Department to maintain pace with current professional
20 developments and community standards; ~~and~~

21 (g) to adopt appropriate rules, guidelines and policies to insure the
22 Department’s responsiveness to the safety, security and peace-keeping needs of
23 the community; and

24 (h) to promulgate, in accordance with the Administrative Adjudication
25 Law, rules and regulations:

1 (1) establishing a partnership with a towing company regarding the
2 creation of a vehicle towing and impound program with the government
3 of Guam.

4 (2)(a) Notwithstanding any other provision of law, the Guam
5 Police Department is hereby authorized to enter into a public-private
6 partnership with a towing company to tow, store and impound vehicles
7 on behalf of the Government of Guam.

8 (b) For the purposes of this item:

9 (1) “towing company” means an enterprise that provides tow
10 truck and vehicle storage services;

11 (2) “public-private partnership” means an arrangement entered
12 into between the Guam Police Department and a towing company for the
13 purposes of towing, storing and impounding vehicles on behalf of the
14 government of Guam;

15 (3) “Department” means the Guam Police Department;

16 (4) “administrative fees and rates” means any revenue derived
17 by the government from a towing company who tows, stores and
18 impounds vehicles on behalf of the government of Guam.

19 (c) The Department shall solicit proposals from towing
20 companies to enter into this public-private partnership.

21 (d) Administrative fees and rates, payable to the Department by
22 the authorized tow company for each vehicle impounded, including a
23 portion of the proceeds of any vehicle sold by a towing company as
24 authorized by law, rule or regulation shall be deposited into the
25 Impounded Vehicle Administrative Fee Fund as established in §77135 of
26 this Chapter.

1 (3) This item (h) shall apply solely to vehicles towed on the
2 order or directive of a peace officer under a provision of Guam law, rule
3 or regulation.”

4 **Section 3.** A new §77135 is hereby *added* to Chapter 77, Title 10 Guam Code
5 Annotated to read:

6 **“§77135. Impounded Vehicle Administrative Fee Fund.**

7 (a) There is hereby created, separate and apart from other funds of the
8 government of Guam, a special fund known as the "Impounded Vehicle
9 Administrative Fee Fund", hereinafter referred to as the “Fund”. The Fund shall
10 not be commingled with the General Fund or any other fund of the government
11 of Guam, and shall be maintained in a separate bank account. The Fund shall
12 be exempted from the Governor’s transfer authority and shall be exclusively
13 used for the purposes set forth herein.

14 (b) Funds within the Impounded Vehicle Administrative Fee Fund
15 shall be expended exclusively for purchase and maintenance of patrol vehicles,
16 motorcycles and other public safety/emergency vehicles, subject to legislative
17 appropriation.

18 (c) For administrative purposes, the Chief of Police shall account for
19 and administer the Fund and shall keep all books, records, files and accounts
20 relative to it. The Chief of Police shall prepare quarterly reports relative to the
21 Fund reflecting the transactions and the financial condition of the Fund, which
22 shall be transmitted to the Speaker of *I Liheslaturan Guåhan*.

23 (d) *I Liheslaturan Guåhan*, may, from time to time, appropriate funds
24 for deposit into the Impounded Vehicle Administrative Fee Fund.”

25 **Section 4. Effective Date.** This act shall be effective ninety (90) days upon
26 enactment.

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