

MINA' TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

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Bill No. 112 (COR)

Introduced by:

Tina Rose Muna Barnes
Frank B. Aguon, Jr.

AN ACT TO AMEND DIVISION (3) OF SUBITEM (i), ARTICLE 1, CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED, TO ADD A NEW SUBITEM (g) OF § 17101, CHAPTER 17, TITLE 16 GUAM CODE ANNOTATED; AND TO ADD DIVISIONS (1) AND (2) TO SUBITEM (a) OF § 3111, ARTICLE 1, CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED RELATIVE TO CREATING CLEARLY DEFINED REGULATIONS, PENALTIES AND SERVICES FOR GUAM'S LICENSED DRIVERS WHO ARE MEDICALLY DIAGNOSED WITH EPILEPSY.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
3 that creating a clear standard of rights and penalties for licensed drivers who
4 are clinically diagnosed to be epileptic will substantially improve upon their
5 quality of life. While the most prudent approach is to keep in mind the safety
6 of all licensed drivers in the community, by no means should persons with
7 medical conditions such as epilepsy be treated unequally or vilified solely

1 because of such conditions. Epileptic persons who are employed, under a
2 probationary period and unable and/or unauthorized to operate a motorized
3 vehicle due to one or more traffic violations run the risk of losing such
4 employment, which may lead to impoverished circumstances due to the lack
5 of economic ways and means. Creating a new division of transportation
6 exclusively for all epileptic citizens will afford them the necessary mobility.

7

8 **Section 2. Division (3) of subitem (i), Article 1, Chapter 3, Title 16**
9 **Guam Code Annotated is amended to read:**

10 ~~“Who is insane or feeble minded or an idiot, imbecile or epileptic.~~
11 Who is an imbecile, insane, feeble minded or an idiot.”

12

13 **Section 3. A new subitem (g) is added to § 17101 of Chapter 17, Title**
14 **16 Guam Code Annotated to read:**

15 “(g) Liability of private owners pertaining to subitems (a) through
16 (f) with regards to licensed drivers diagnosed as epileptic will be subject to a
17 mandatory evaluation by an appointed panel before any penalties are issued.
18 The evaluation panel will have two decisions: 1) To penalize and suspend or
19 revoke the operator’s license based on presented circumstances and based on
20 subitem (a) of § 3111, Article 1, Chapter 3, Title 16 Guam Code Annotated or
21 2) To allow the operator to keep possession of his/her license while being put
22 on a six month probationary period that must be free of any epileptic episode.
23 It is to be understood that all following language regarding any ‘operator’ or
24 ‘operators’ is exclusive of all licensed drivers except those diagnosed as
25 epileptic.

1 1) During the six month probationary period, the operator
2 must submit a monthly report to the Guam Department of Motor Vehicles.
3 Such reports must be compiled and cleared after evaluation from a medical
4 professional (e.g. any certified Neurologist and/or Medical Doctor). While the
5 operator will be allowed to keep physical possession of the license, the license
6 and the authorization to operate a motorized vehicle will effectively be put on
7 hold until further notice by the evaluation panel.

8 2) Due to the availability, or lack thereof, of the
9 aforementioned evaluation panel, meetings to discuss any penalties or
10 probationary periods will occur on bi-annual basis. The evaluation panel will
11 be summoned for duty on January 1st and July 1st of each year.

12 3) Since the evaluation panel is expected to meet only on a
13 bi-annual basis, suspended operators diagnosed as epileptic will need to rely
14 either on the current public transportation system or by some other means of
15 travel.

16 4) The six month probationary period, and the evaluation
17 panel; however, is not intended to be the sole authorities in deciding whether
18 or not the suspended operator remains as such for the entire six months. If, in
19 fact, the suspended operator, who is in his/her first probationary period, can
20 submit three consecutive reports through the evaluation and written
21 clearance of a professional Medical Doctor, which clarifies the absence of any
22 epileptic episode, then the evaluation panel will be instructed grant early
23 reinstatement.

1 5) Any suspended operators who experience either two
2 epileptic episodes within a 30-day period or more than five episodes within
3 the initial six month probationary period, will be evaluated vigorously by the
4 panel and may be subjected to a total probationary period lasting up to a
5 maximum of 18 months. Unlike the early reinstatement deliberation and
6 voting process, the panel will be instructed to treat each case individually and
7 to refrain from bias or stereotyping. However, the panel will also be
8 instructed to deliberate more vigorously.

9 6) Regardless of the operator's ability to be reinstated, any
10 (1) epileptic episode that occurs during the operation of a motor vehicle will
11 result in the automatic suspension of the operator's drivers license and
12 reinstitution of the probationary period.

13 7) After the first probationary period, each subsequent
14 suspension and probationary period will increase by six months, up to the
15 maximum of 18 months. Any suspended operator, who has reached the
16 probationary ceiling of 18 months, will be mandated to submit (12)
17 consecutive medically sanctioned reports that prove no epileptic activity
18 before discussion and voting by the evaluation panel for reinstatement can
19 occur."

20
21 **Section 4. A new division (1) is added to subitem (a) of § 3111, Article**
22 **1, Chapter 3, Title 16 Guam Code Annotated to read:**

23 “(1) All licensed motor vehicle operators who have been
24 clinically diagnosed with epilepsy must be allowed the same mandatory
25 evaluation as stated in subitem (g) of § 17101, Chapter 17, Title 16 Guam Code

1 Annotated before the decision to suspend or revoke the operator's license is
2 made final.

3 2) If any operator who is diagnosed as epileptic, purposely
4 omits his/her medical condition when filling out any and all documentation
5 that clearly states to identify such conditions, such as in the case noted in
6 Division (8) of subitem (f), § 3101, Article 1, Chapter 3, Title 16 Guam Code
7 Annotated, then that operator will be subjected to the same punishment as
8 any other licensed driver, without exception and regardless of medical
9 condition."

10

11 **Section 5. Funding Source.** Any discussions regarding the funding
12 source and creation of the aforementioned transit system will be conducted
13 between the Director of the Department of Public Health and Social Services
14 and the Advisory Council on Community Health and Social Services. An
15 efficient source of funding can be found in both § 3705 of Article 7 and § 3813
16 of Article 8, Chapter 3, Title 10 Guam Code Annotated.

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18 **Section 6. Severability.** If any provision of this Act or the application
19 thereof to any person or circumstance is held invalid, such invalidity shall not
20 affect other provisions or applications of the Act which can be given effect
21 without the invalid provision or application, and to that end the provisions of
22 this Act are declared to be severable."