

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
236-32 (COR)	Aline A. Yamashita, Ph.D., T.C. Ada	AN ACT TO ADD NEW SECTION 3102.5 AND SECTION 3102.6 THROUGH SECTION 3102.8 TO CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE DEPARTMENT OF REVENUE AND TAXATION TO OUTSOURCE THE DRIVER TESTING REQUIREMENT FOR CERTAIN COMMERCIAL DRIVER'S LICENSES, AND TO THE RECIPROCATATION OF COMMERCIAL DRIVER'S LICENSES.	12/13/13 1:47 p.m.	12/16/13	Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations			



COMMITTEE ON RULES

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December 16, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio 
Chairperson of the Committee on Rules

Subject: Referral of Bill Nos. 236-32(COR) through 240-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill Nos. 236-32(COR) through 240-32(COR)**.

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN

2013 (First) Regular Session

Bill No. 236-32(COR)

Introduced by

Aline A. Yamashita, PhD 
T.C. Ada 

AN ACT TO ADD NEW SECTION 3102.5 AND SECTION 3102.6 THROUGH SECTION 3102.8 TO CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE DEPARTMENT OF REVENUE AND TAXATION TO OUTSOURCE THE DRIVER TESTING REQUIREMENT FOR CERTAIN COMMERCIAL DRIVER'S LICENSES, AND TO THE RECIPROCATION OF COMMERCIAL DRIVER'S LICENSES.

2013 DEC 13 PM 1:47


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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guáhan* finds
3 there is a high demand for vehicle licenses to operate commercial vehicles,
4 inclusive of trucks, school buses and other passenger vehicles. Naturally, the
5 demand for such licenses will increase as a result of population growth and
6 economic development.

7 *I Liheslaturan* further finds that current budget constraints have inhibited
8 the Drivers License Examination Branch of the Motor Vehicle Division within the
9 Department of Revenue & Taxation from employing adequate staffing levels
10 needed to administer the road tests for Commercial Driver's Licenses (CDL) in a
11 timely manner. Currently, the queue is approximately six (6) months.
12 Furthermore, if the applicant fails the initial road test, the wait for a subsequent
13 test date could be an additional six (6) months. While *I Liheslatura* appreciates
14 the efforts of DRT to employ and train additional staff for the Motor Vehicle

1 Division, such delays in public services present challenges for businesses,
2 government agencies and residents that transport people, supplies, materials and
3 commodities around the island.

4 *I Liheslatura* intends to authorize the DRT Motor Vehicle Division to
5 outsource the road testing function for Commercial Driver’s Licenses to selected
6 private entities who have been certified by DRT as having met all the perquisites
7 established by the Motor Vehicle Division. Concomitantly, the DRT shall assume
8 the responsibility for quality assurance of the performance of the selected testing
9 companies.

10 Furthermore, *I Liheslatura* also finds that Guam lacks any reciprocity
11 policy for individuals who hold current CDLs and U.S. Department of
12 Transportation regulated endorsements issued in the United States. Therefore, *I*
13 *Liheslatura* intends to set in place policy to allow the DRT Motor Vehicle
14 Division to recognize CDL holders who have received training above and beyond
15 those required on Guam for CDL.

16 **Section 2.** A new §3102.5 is hereby added to Chapter 3 of Title 16 GCA,
17 to read as follows:

18 **“§3102.5. Outsource Road Test Examinations**

19 The DRT Division of Motor Vehicles *may* contract a business entity to
20 conduct and certify behind-the-wheel road tests for persons applying for a
21 Commercial Driver’s License Operators License Class C and Class D.”

22 **Section 3.** A new §3102.6 is hereby added to Chapter 3 of Title 16, GCA
23 to read as follows:

1 **“§3102.6. Commercial Driver’s License: Reciprocity.** The territory of
2 Guam shall recognize a Commercial Driver’s License (CDL) issued in the U.S.
3 Applicants shall furnish to the Department of Revenue and Taxation Division of
4 Motor Vehicles (DMV) proof of qualifications and a copy of their current CDL in
5 order to waive the requirement for a CDL skills tests. The DMV shall be
6 responsible for verifying the validity of the endorsements stated on the CDL as
7 well as the Commercial Motor Vehicle (CMV) which the applicant is qualified to
8 operate.”

9 **Section 4.** A new §3102.7 is hereby added to Chapter 3 of Title 16, GCA
10 to read as follows:

11 **§3102.7. Commercial Driver’s License: Exemptions.** The territory
12 shall exempt, in accordance with §3101(b) of this Chapter and pursuant to the
13 requirements of Title 49 of the Code of Federal Regulations, Part 383 (49 CFR
14 383), individuals who operate CMVs for military purposes from having to obtain
15 a CDL. This exception is applicable to active duty military personnel; members
16 of the military reserves; member of the national guard on active duty, including
17 personnel on full-time national guard duty, personnel on part-time national guard
18 training, and national guard military technicians (civilians who are required to
19 wear military uniforms); and active duty U.S. Coast Guard personnel. This
20 exception is not applicable to U.S. Reserve technicians.”

21 **Section 5.** A new §3102.8 is hereby added to Chapter 3 of Title 16, GCA
22 to read as follows:

1 **“§3102.8. Rules.** The Department of Revenue and Taxation shall, within
2 180 days from the effective date of this Act, develop rules and regulations, in
3 compliance with the Administrative Adjudication Law, to carry out the purposes
4 of this Act, including, but not limited to, the qualification criteria of testing
5 entities, the process for selection of a testing entity, the administrative
6 requirements that must be maintained by the testing entity to ensure
7 accountability, recertification requirements, quality assurance measures, key
8 performance indices, and other parameters that may be required to ensure the
9 integrity of the testing function.

10 **Section 6. Effective Date.** This Act shall become effective upon
11 enactment.

12 **Section 7. Severability.** If any of the provisions of this law or its
13 application to any person or circumstance is found to be invalid or contrary to
14 law, such invalidity shall not affect other provisions or applications of this law
15 which can be given effect without the invalid provisions or application, and to this
16 end the provisions of this law are severable.”