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**CHAPTER 3
GENERAL PROVISIONS**

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§ 3101. License: Requirement.

(a) Unless expressly exempted under this Title, a person shall not drive a motor vehicle upon a highway without having in his immediate possession a valid operator's or chauffeur's license issued under this Title. An operator's license authorizes the licensee to drive as an operator only. A chauffeur's license authorizes the licensee to drive as an operator or as a chauffeur.

(b) A person employed by or in the service of the United States while operating a vehicle owned or controlled by the United States need not obtain an operator's or chauffeur's license.

(c) A person having in his immediate possession a valid operator's license or chauffeur's license issued by the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, Japan, the Republic of China (Taiwan), countries of the European Union, Canada, New Zealand, the Republic of Korea, the Republic of the Philippines, or Australia may drive a motor vehicle upon the highways for a period not exceeding thirty (30) days from the date such person arrived on Guam. However, upon the expiration of such thirty (30) day period, such person must (i) have been issued a Guam driver's license in order to continue driving on Guam, and (ii) be required to take a written test, and if that person passes the written test, then a driver's license shall be issued; provided however, if such person fails the written test twice, such person shall be required to complete a driver education seminar before being allowed to retake the test, which seminar must include at least eight (8) hours of classroom instruction and four (4) hours of in-car instruction, and must pass the required road test. An individual is entitled to take a written test only three (3) times pursuant to this Subsection, and to be issued a license under this Subsection, an individual must pass both the written and the road test.

In addition, a person having in his immediate possession a temporary operator's or chauffeur's license issued under this Title may drive a motor vehicle upon the highways for a period not exceeding thirty (30) days, while the Guam Police Department is completing investigation and determination of all facts relative to the applicant's right to receive a license. Such temporary license is invalid when the applicant's license has been issued or refused.

The thirty (30) days period herein may be extended for a period equal to the earlier of one (1) year from the date the licensee arrived on Guam or the expiration date of the out-of-Guam license, provided that the licensee (i) registers his or her license with the Department of Revenue and Taxation, and

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(ii) pays a registration fee to the Treasurer of Guam not to exceed Twenty-five Dollars (\$25). Upon approval, the Director of Revenue and Taxation shall issue a Certificate of Registration that states (i) the name and age of the licensee, (ii) the expiration date of the Certificate, and (iii) the licensee's number as an out-of-Guam licensee.

The Department of Revenue and Taxation may withhold registration of a foreign license if (i) the Department of Revenue and Taxation cannot verify or has cause to doubt the validity of such foreign license, (ii) the licensee is unable to document the date of his entry into Guam, or (iii) the foreign license has been revoked or suspended by the jurisdiction issuing the license. The Department of Revenue and Taxation may require a prospective registrant to validate his license through passage of a written exam, road test or both.

(d) A person having in his immediate possession a valid operator's, chauffeur's *or* motorcycle operator's license issued by any other territory, Commonwealth, *or* state of the United States, may drive a motor vehicle *or* a motorcycle upon the roads and highways for a period *not exceeding* thirty (30) days from the date such person arrived on Guam. However, upon the expiration of such thirty (30) day period, such person must have been issued a Guam driver's license in order to continue driving on Guam. Such person *shall* be exempted from taking the written driver's license examination *or* demonstration test. Upon issuance of the Guam driver's license, such person *shall* surrender the driver's license previously issued by the other United States jurisdiction to the Division of Motor Vehicles of the Department of Revenue and Taxation, unless the Director of Revenue and Taxation has adopted other procedures for the disposition of the previously issued license from the other United States jurisdiction.

The thirty (30) days period herein may be extended for a period equal to the earlier of one (1) year from the date the licensee arrived on Guam *or* the expiration date of the out-of-Guam license, provided that the licensee, (i) registers his *or* her license with the Department of Revenue and Taxation; and (ii) pays a registration fee to the Treasurer of Guam *not to exceed* Twenty-five Dollars (\$25). Upon approval, the Department of Revenue and Taxation *shall* issue a Certificate of Registration that states, (i) the name and age of the licensee; (ii) the expiration date of the Certificate; and (iii) the licensee's out-of-Guam driver's licensee number.

The Department of Revenue and Taxation may withhold registration of an out-of-Guam license if, (i) the Department of Revenue and Taxation cannot

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verify or has cause to doubt the validity of such out-of-Guam license; (ii) the licensee is unable to document the date of entry into Guam; or (iii) the out-of-Guam license has been revoked or suspended by the jurisdiction issuing the license. The Department of Revenue and Taxation may require a prospective registrant to validate his license through passage of a written exam, road test or both.

(e) A person having in his immediate possession an instruction permit issued under this Title may drive a motor vehicle upon the high ways for a period not exceeding ninety (90) days when accompanied by, and under the immediate supervision of, a licensed operator or chauffeur.

The Director of Revenue and Taxation may further restrict a permit to any applicant as he may determine to be appropriate to assure the safe operation of a motor vehicle by the permittee.

(f) An applicant for a license or permit shall submit an application to the Department of Revenue and Taxation on a form prescribed by it, verified under oath and containing the following information:

(1) the applicant's full name, age, sex and both mailing and residence addresses;

(2) the height, weight and color of eyes of the applicant;

(3) the kind of license applied for;

(4) whether the applicant has been licensed previously as an operator or chauffeur, and if so, when and in what jurisdiction and whether or not any such license has been suspended or revoked, and if so, the date of and reason for such suspension or revocation;

(5) whether the applicant previously has been refused an operator's or chauffeur's license in Guam, and if so, the date and the reason for such refusal;

(6) whether the applicant has previously operated a motor vehicle, and if so, for what length of time;

(7) whether the applicant has the normal use of both hands and feet;

(8) whether the applicant has ever been afflicted with heart condition, epilepsy, paralysis, insanity or other disability or disease affecting his ability to exercise reasonable and ordinary control in operating a motor vehicle upon a highway;

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(9) whether the applicant understands traffic signs and signals;

(10) one (1) parent or guardian of an applicant under the age of eighteen (18) shall attest to his relationship with the minor; certify the correctness of information furnished on the application form; give his consent to the issuance of a license to the applicant and shall sign the application;

(11) the applicant and licensing official shall sign all approved applications and date the application at the time signatures are made; and

(12) a valid Certificate of Completion of a drivers education course by the applicant, if the applicant is applying for a license for the first time or if the applicant is under eighteen (18) years of age, and any other information necessary to determine whether the applicant is entitled to a license under this Title.

An applicant for a chauffeur's license shall state the type of vehicle or combination of vehicles he desires to operate.

(g) The Department of Revenue and Taxation shall not issue any license or permit unless it determines that the applicant is lawfully qualified for a license or permit and approves the application.

(h) The examination shall include a test of the applicant's knowledge and understanding of the provisions of this Title governing the operation of vehicles upon the highway, his understanding of traffic signs and signals, and the applicant shall be required to give an actual demonstration of his ability to exercise ordinary and reasonable control in operating a motor vehicle by driving the same under the supervision of an examining officer. The examination shall also include a test of the hearing and eyesight of the applicant and such other matters as may be necessary to determine the applicant's mental and physical fitness to operate a motor vehicle upon the highways and whether any ground exists for refusal of a license or permit under this Title. Every applicant for a chauffeur's license shall be required to submit to an examination appropriate to the type of vehicle or combination of vehicles he desires a license to drive.

(i) An applicant is not entitled to an operator's or chauffeur's license or instruction permit:

(1) Who is not of legal age to receive such license or permit. An applicant for a new operator's license or instruction permit must (i) have a valid Certificate of Completion of a drivers education course and (ii) be at

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least eighteen (18) years of age, whether applying for a new license or for renewal of an existing license, or if under eighteen (18) must be at least sixteen (16) years of age and have the consent in writing of his parents or guardians to drive a motor vehicle. An applicant for a chauffeur's license must be at least eighteen (18) years of age and if the application is for a new license and not a renewal, must have a valid Certificate of Completion.

(2) Who is a habitual drunkard or addicted to the use of narcotic drugs or a habitual user of any other drug rendering such person incapable of safely operating a motor vehicle.

(3) Who is insane or feeble minded or an idiot, imbecile or epileptic.

(4) Who is unable as shown by examination to understand traffic signs or signals or who does not have a reasonable knowledge of the provisions of this Title governing the operation of vehicles upon the highways.

(5) When it appears by examination or other evidence that such person is unable to safely operate a motor vehicle upon a highway because of physical or mental defect or except in the case of an applicant for an instruction permit, lack of skill. Any physical or mental defect of the applicant which in the opinion of the Director of Revenue and Taxation does not affect the applicant's ability to exercise reasonable and ordinary control in operating a motor vehicle upon the highway shall not prevent the issuance of a license or permit to the application.

(6) Who has been certified by the Department of Law as being in non-compliance with a court order of support, unless a confirmation of compliance from the Department of Law or the Superior Court of Guam is received by the Director of Revenue and Taxation.

(j) The Director of Revenue and Taxation may disapprove the application:

(1) If he is satisfied that the applicant is not entitled thereto under the provisions of this Title.

(2) If the applicant has failed to furnish the Department of Revenue and Taxation the information required in the application or any reasonable additional information requested by the Department.

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(3) If he determines that the applicant has made or permitted to be made, unlawful use of any operator's or chauffeur's license.

(4) If he determines that the applicant has used a false or fictitious name in any application for a license, or knowingly made a false statement or knowingly concealed a material fact or otherwise committed any fraud in any such application.

(5) If he determines that the applicant is a negligent or incompetent operator of a motor vehicle. Any person who has been convicted on four (4) or more occasions in a consecutive period of twelve (12) months, or six (6) or more occasions within a consecutive period of twenty-four (24) months, or eight (8) or more occasions within a consecutive period of thirty-six (36) months of violations of the provisions of the Vehicle Code involving the safe operation of vehicles on the highway and which are by law required to be reported to the Department of Revenue and Taxation shall prima facie be presumed to be a "negligent operator of a motor vehicle."

(k) Every license and permit shall state whether it is an operator's or chauffeur's license or instruction permit and shall bear thereon the distinguishing number assigned to the application, the dates of issue and expiration, the name, date of birth, residence address, height, weight, color of eyes, a photograph of the licensee (except that the instruction permit shall not bear a photograph of the licensee) and a space upon which the licensee shall write his usual signature. No license shall be valid until it has been signed by the licensee. In the case of a chauffeur's license, the license shall also state whether it is a general or restricted license, and if restricted, the type of vehicle or combination of vehicles the licensee is permitted to operate. Each license and permit shall also contain a space for common restrictive requirements such as corrective lenses, hearing aid, hand control or pedal extension, left foot accelerator, no night driving or other.

(l) The licensee or permittee shall have his license or permit in his immediate possession at all times when driving a motor vehicle upon a highway and when so driving shall display such license or permit upon demand of a member of the Guam Police or any peace or traffic officer enforcing the provisions of this Title. Any charge under this Subsection shall be dismissed when the person so charged produces in court an operator's or chauffeur's license duly issued to such person and valid at the time of his arrest.

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(m) Every operator's or chauffeur's license hereafter issued shall expire three (3) years after the first anniversary of the date of birth of any applicant occurring after the date of issuance. The anniversary of the date of birth of any applicant born on February twenty-ninth (29th) shall, for the purposes of this Section, during the years in which there is no February twenty-ninth (29th), be considered as March first (1st). Every such license shall be renewable for a like period within ninety (90) days prior to its expiration. Any license that would otherwise expire on a Saturday or legal holiday shall be valid until the next business day. An applicant for renewal of license shall make application therefor in the same manner as in the case of an original application for a license upon such form as may be required. The Director of Revenue and Taxation at his discretion may require an examination of the applicant as upon an original application. To the extent its facilities permit, the Department of Revenue and Taxation shall, in the course of its investigation, check the record of the applicant for convictions for traffic violations and traffic accidents, and may withhold or refuse certification of eligibility for a license or renewal of a license unless satisfied upon reasonable proof that the applicant can and will operate a motor vehicle safely.

(n) In the event a license or permit issued under this Title is lost, destroyed or mutilated, the licensee or permittee may obtain a duplicate from the Department of Revenue and Taxation upon making satisfactory proof of such fact. Any person who loses a license or permit and thereafter finds the original must immediately surrender such original to the Department of Revenue and Taxation.

(o) After passing an examination as required under Subsection (g) to include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motorcycle, *or* upon qualifying under subsection (d) of this Section an applicant may have his operator's, or chauffeur's *or* motorcycle permit endorsed by the Director of Revenue and Taxation, *or* his designee, authorizing the applicant to operate a motorcycle on the highways of Guam. The Director of Revenue and Taxation may, in his discretion, accept evidence of a military motorcycle permit in lieu of this examination and endorsement. *No person shall* operate a motorcycle on the highway without first complying with this Section *except* that a person having in his immediate possession a valid motorcycle operator's license issued by any other territory *or* state of the United States, *or* by a foreign country, may operate a motorcycle upon the highways for a period *not* exceeding thirty (30) days from the date such person arrived in Guam. The requirement that the person pass an

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examination and receive an endorsement for operation of a motorcycle *shall not* be applicable to the operation of a motorcycle *or* when a sidecar is attached to the motorcycle. Any person who operates a motorcycle in violation of this Title *shall* be guilty of a petty misdemeanor.

SOURCE: GC § 23100, enacted by P.L. 1-88 as amended by P.L. 12-155. Subsection (a) repealed by P.L. 22-20:5; repealed and reenacted by P.L. 24-116:2. Subsection (c) amended by P.L. 14-72:5; amended by P.L. 22-146:21 (12/29/94); amended by P.L. 27-48:3; amended by P.L. 28-162:1 (Jan. 4, 2007). Subsection (d) added by P.L. 27-48:2; amended by P.L. 28-162:2 (Jan. 4, 2007); P.L. 30-014 (Apr. 17, 2009). Subsection (e) repealed and reenacted by P.L. 14-92:1; Subsection (e)(12) amended by P.L. 22-20:9(d). Subsection (h)(1) amended by P.L. 22-20:9(e). Subsection (h)(6) added by P.L. 24-116:3, expired on 9/30/1999 by operation of P.L. 24-116:13 and reenacted in its present form by P.L. 25-161:3, effective on July 10, 2000. Subsection (j) repealed and reenacted by P.L. 14-92:1. Subsection (n) amended by P.L. 13-187:143 and P.L. 16-114:15. Subsection (o) amended by P.L. 30-014:3 (Apr. 17, 2009).

NOTE: § 3101 (a) was repealed by P.L. 22-20:5. The 24th Legislature just passed P.L. 24-116:2 which repealed and reenacted (a) of § 3101.

CROSS REFERENCES: See § 3110 of this Chapter for what appears to be a replacement section for subsection (a). Former subsection (a) positively required that a person carry in his possession an appropriate driver*s license. It also defined the difference between an operator*s and chauffeur*s license.

NOTE: P.L. 22-72:48(c) states, with respect to the requirement that all new drivers take a course in drivers education:

The references in subsection (e)(12) [Section 9 of Public Law 22-20] to "individuals applying for a new Guam drivers license" or "applying for a license for the first time" shall mean any individual or applicant who does not possess a valid drivers license issued by any state or territory of the United States.

CROSS REFERENCES: With respect to taking Drivers* tests in foreign languages, the Legislature stated in P.L. 21-138, as amended by P.L. 22-121:

Section 1. **(a) Legislative findings.** The Legislature finds that the diverse ethnic makeup of the territory of Guam has resulted in many people who wish to drive having had difficulty obtaining driver's licenses from the Division of Motor Vehicles because of their lack of English language skills. In the past, the Motor Vehicle Division personnel have allowed applicants to use translators. This system, which has not been successful in other jurisdictions, is not reliable. California has translated the driver's examination into several languages and has included all requested language translations in its computer data bank. The Department of Revenue and Taxation, Division of Motor Vehicles, is computerized now and has the same

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capability to provide translations of study materials and written driver's license examinations.

(b) Within sixty (60) days of the effective date of this amendment, the Department of Revenue and Taxation shall provide study materials and

(c) In any driver's license examination given in a language other than English, all questions about road signs shall use any English word or words written on such signs in describing or depicting such signs. If an applicant needs an interpreter in taking a road driving test in order to understand the commands of the tester, such applicant can bring with him or her during such road test such an interpreter, whose expense shall be for the account of the applicant.

(d) Ten Thousand Dollars (\$10,000) are hereby appropriated from the General Fund to the Department of Revenue and Taxation to begin the necessary translations.

§ 3101.1. License: Selective Service.

(a) Applicants between the ages of eighteen (18) and twenty-five (25) may register with the United States Selective Service System in compliance with Title 50 U.S.C. App. 451, et. seq., as amended, when applying for a Guam motor vehicle driver's license pursuant to § 3101 of this Title.

(b) Every qualified applicant identified in this Section may authorize the Guam Motor Vehicle Administrator to:

(1) Collect the necessary personal information required for registering the applicant with the United States Selective Service System and electronically transmit the necessary personal information;

(2) Transmit said information to the United States Selective Service System pursuant to provisions in this Section for purposes of registering the applicant with the United States Selective Service System; and

(3) Collect, on a form determined by the Guam Motor Vehicle Administrator, from each applicant, his affirmation that he is consenting to registration with the United States Selective Service System, if so required by Title 50 U.S.C. App. 451, et. seq., as amended.

(c) The Guam Motor Vehicle Administrator may establish a procedure to collect from the application of a consenting qualified applicant under twenty-six (26) years of age the necessary personal information required for registering the applicant with the United States Selective Service System and

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transmit the necessary personal information of the applicant to the United States Selective Service System for purposes of registering the applicant, if so required pursuant to Title 50 U.S.C. App. 451, et. seq., as amended.

(d) The provisions of this Title shall apply to all consenting qualified applicants under twenty-six (26) years of age applying for issuance, renewal, or duplicate of a Guam motor vehicle driver's license.

(e) Refusal by the applicant to register with the United States Selective Service System shall not be a basis for denial of a Guam motor vehicle driver's license.

SOURCE: Added by P.L. 27-82:2, passed 04/30/2004, to become effective 120 days thereafter (P.L. 27-82:3).

§ 3101.2. License: Effect of Military Service.

(a) Unless suspended, canceled or revoked, a driver's license issued under this Title that is held by a person who is on active duty in the armed forces of the United States and is absent from Guam, notwithstanding the expiration date of the license, remains valid as provided herein. If the licensee is honorably discharged from active duty, the license remains valid until the earlier of (1) the 91st day after the date of the discharge; or (2) the 31st day from the date on which the person returns to Guam, provided that the licensee has discharge or separation papers in his immediate possession.

(b) The Director of Revenue and Taxation shall renew the license, without examination, of a licensee whose license remains valid as defined in Subsection (a) hereof and who presents evidence of discharge or separation from service in the armed forces within the time limits in said Subsection."

SOURCE: Added by P.L. 28-160:1 (Jan. 4, 2007).

§ 3102. Same: Fees.

The following fee schedule in items (1) through (8) is valid for a three (3) year period. The applicant may elect for a license, notwithstanding § 3101(m), Chapter 3, Title 16 GCA, which shall be valid for a five (5) year period, provided that, the fee for such a license shall be Forty-five Dollars (\$45.00). The fee for the issuance of a motor vehicle driver's license is as follows:

- | | |
|---------------------------------|---------|
| (1) Operator's License | \$25.00 |
| (2) Chauffeur's License Class B | \$25.00 |
| (3) Chauffeur's License Class C | \$25.00 |

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(4) Chauffeur's License Class D	\$25.00
(5) Motorcycle Class F	\$25.00
(6) Mini Bus Class G	\$25.00
(7) Modified Vehicle Class H	\$25.00
(8) All other classes	\$25.00
(9) Driver's License Renewal	
Fee - Three (3) years	\$25.00
Five (5) years)	\$45.00
(10) Instruction Permit for 120 days	\$10.00
(11) Driver's License Late Penalty	\$ 5.00
every three (3) months after	
expiration not to exceed	\$40.00
(12) Temporary Driver's License	
valid for one (1) year	\$10.00
(13) Reinstatement Fee	\$20.00
(14) Out of Guam processing fee	\$10.00
(15) Certification Fee	\$10.00
(16) Written Test Fee (Operator, Chauffeur & Motorcycle)	\$15.00
(17) Foreign Language Operator	
Written Test Fee	\$35.00
(18) Cost of Mailing (The Department of Revenue and Taxation may adjust the mailing costs to provide for additional fees the U.S. Postal Service may charge)	\$ 3.00

An instruction permit shall not be issued for a period to exceed ninety (90) days. A temporary permit shall not be issued for a period to exceed thirty (30) days.

SOURCE: P.L. 1-88 as amended by P.L. 2-100. Amended by P.L. 29-002:V:I:35 (May 18, 2007).

§ 3102.1. Waiver of Fees for Veterans.

The fee for an operator's or chauffeur's license is waived for veterans of the United States Armed Forces. Veterans include persons who served in the

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Guam Combat Patrol, the United States Navy Insular Forces, Guam Militia or Civilian Scouts, Philippines Scouts and the United States Armed Service.

Any person listed above and whose honorable status can be verified by the Department of Defense 214 Form (DD214) or other forms used to verify membership in the organization listed and certified by the Government of Guam Veterans Affairs Office may apply to the License Division of the Department of Revenue and Taxation for a Driver's License.

SOURCE: Enacted by P.L. 28-079:2 (Dec. 5, 2005).

§ 3103. Driver Education: Student Permits: Application.

(a) Any student over fifteen and one-half (15 1/2) years of age who is enrolled in an approved Driver Education Program offered by a school of secondary level may apply for a student permit.

(b) The application shall be signed by the applicant and shall be accompanied by a statement signed by the parents, guardian, or persons having legal custody of the student consenting to his participation in the Driver Education Program.

SOURCE: GC § 23100.1, enacted by P.L. 11-198.

§ 3104. Same: Issuance.

The Principal may issue or reissue a student permit without cost whenever the applicant has filed a proper application therefor. Said permit shall be signed by the Principal, the Driver Education Instructor, and the student.

SOURCE: GC § 23100.2, enacted by P.L. 11-198.

§ 3105. Same: Limitations.

A student permit shall entitle the student to operate a motor vehicle only at such times as the student is taking driver training instruction in connection with a Driver Education Program, and then only in the direction and under the supervision of the instructor, and shall be valid only for the period covered by the course and for not more than one (1) year from the date of issuance. Any holder driving in violation of the limitations of a student permit shall be punished in the same manner as if he had no license or permit to drive whatsoever.

SOURCE: GC § 23100.3, enacted by P.L. 11-198.

§ 3106. Same: Cancellation.

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A student permit may be canceled by the Principal whenever, in his opinion, the safety of the student or other persons requires the action and shall be cancelled upon the written request of the parent, or any other person who signed the consent to issue the permit.

All student permits shall be surrendered and returned to the Principal whenever cancelled or upon completion of the course of instruction for which issued.

SOURCE: GC § 23100.4, enacted by P.L. 11-198.

§ 3107. Same: Instruction Permit.

Any student who successfully completes an approved Driver Education Program and who has the consent in writing of his parents, guardian, or persons having legal custody of him shall be eligible to apply for an instruction permit issued pursuant to § 3101 of this Code notwithstanding the fact that he is not at least sixteen (16) years of age.

SOURCE: GC § 23100.5, enacted by P.L. 11-198.

§ 3108. Instruction Permits: Alternative Provision.

The Director shall issue to any person who is in his sixteenth (16th) year and has successfully completed the written driver's license examination a permit which shall be valid until such person reaches his sixteenth (16th) birthday so long as he is accompanied by a licensed parent or guardian while operating a motor vehicle.

SOURCE: GC § 23100.6, enacted by P.L. 14-92:6.

§ 3109. Prohibitions.

A person shall not:

(a) Knowingly permit or authorize the driving of a motor vehicle, owned by him or under his control, upon the highways by another person, whether as operator or chauffeur, unless such other person is duly licensed to drive.

(b) Display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious or fraudulently altered license or permit.

(c) Lend his license or permit to any other person or knowingly permit the use thereof by another.

