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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.

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(d) Display or represent as one's own any license or permit not issued to him.

(e) Fail to refuse to surrender to the Department of Revenue and Taxation, upon lawful demand, any license or permit which has been suspended, revoked or cancelled.

(f) Use a false or fictitious name in any application for a license or permit or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any such application.

(g) Permit any unlawful use of a license or permit issued to him.

(h) Photograph, photostat, duplicate or in any way reproduce any license or permit or facsimile thereof in such a manner that it could be mistaken for such a license or permit, or display or have in his possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by the provisions of this Title.

SOURCE: GC § 23101, enacted by P.L. 1-88 as amended by P.L. 12-155.

§ 3109.1. Punishments.

Any person who violates the provisions of subsections (a) or (e) of § 3109 of this Title shall be guilty of a misdemeanor. Any person who violates the provisions of subsections (b), (c), (d), (f), (g) or (h) of said § 3109 shall be guilty of a felony of the third degree.

SOURCE: Added by P.L. 22-20:4 (6/22/93)

§ 3110. Same Penalty.

[Repealed]

SOURCE: GC § 23101.1, enacted by P.L. 3-63 as amended by P.L. 13-187:144. Amended by P.L. 22-20:3 (6/22/93). Repealed by P.L. 24-124:2.

§ 3111. Same: Suspension and Revocation.

(a) Whenever any person is convicted of a violation of any provision of this Title relating to the speed of vehicles or of reckless driving, the court may, unless this Title makes mandatory a revocation of such license by the Director of Revenue and Taxation, suspend the license of such person for a period of not to exceed thirty (30) days upon first conviction, for a period of not to exceed sixty (60) days upon a second conviction, for a period of not to exceed six (6) months upon a third or any subsequent conviction.

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(b) A court may suspend the privilege of any person to operate a motor vehicle for a period not exceeding six (6) months, upon conviction of such person of any of the following offenses:

(1) Failure of the driver of the vehicle involved in an accident to stop at the scene of the accident or otherwise comply with the provision of this Title relating thereto.

(2) Reckless driving proximately causing bodily injury to any person.

(c) Whenever a court duly suspends a license, the court shall require such license to be surrendered to it. Unless required by the provisions of this Section to send the license to the Department of Revenue and Taxation, the court shall retain such license during the period of suspension and return it to the licensee at the end of such period after endorsing thereon a record of the suspension.

(d) Whenever any person is convicted of any offense for which this Title makes mandatory the revocation of the license or licenses of such person by the Director of Revenue and Taxation, the privilege of such person to operate a motor vehicle is suspended until the Director of Revenue and Taxation takes action required by this Title, and the court in which such conviction is had shall require the surrender to it of all operator's and chauffeur's licenses issued to the person convicted, and the court shall, within ten (10) days after such conviction, forward the same with the required report of such conviction to the Department of Revenue and Taxation.

(e) The Director of Revenue and Taxation shall immediately revoke the privilege of any person to operate a motor vehicle upon a highway upon receipt of a duly certified abstract of the record of any court showing that such person has been convicted of any of the following crimes or offenses:

(1) Criminal homicide resulting from the operation of a motor vehicle.

(2) Driving when addicted to the use or under the influence of narcotic or other drugs.

(3) Failure of the driver of a vehicle involved in an accident resulting in injury or death of any person to stop at the scene of the accident.

(4) Theft or unlawful taking of a vehicle.

(5) Any felony in the commission of which a motor vehicle is used.

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The privilege revoked under this Subsection shall not be renewed until the expiration of one (1) year after the date of such revocation and until the person whose privilege was so revoked gives proof of ability to respond in damages in an amount determined by the Director of Revenue and Taxation.

(f) The Director of Revenue and Taxation may revoke a license or permit upon any of the grounds which authorize the refusal to issue a license or permit and may also suspend or revoke a license or permit upon a conviction of a licensee or permittee of operating a vehicle upon a highway while under the influence of intoxicating liquor.

(g) The Director of Revenue and Taxation may suspend the privilege of any person to operate a motor vehicle upon a highway upon receipt of duly certified abstract of the record of any court showing that such person has been convicted of any of the following crimes or offenses:

(1) Failure to stop in the event of an accident resulting only in damage to property.

(2) A first conviction of reckless driving proximately causing bodily injury to any persons or a second or subsequent conviction of reckless driving not involving bodily injury to any person.

(3) Failure to stop upon striking an unattended vehicle. In any case under this Subsection the Director of Revenue and Taxation is authorized to require proof of ability to respond in damages in an amount determined by the Director of Revenue and Taxation.

(h) Whenever the Director of Revenue and Taxation revokes or suspends the privilege of a non-resident to operate vehicles in Guam the Department of Revenue and Taxation shall send a certified copy of such order to the proper authorities in the state wherein such person is a resident.

(i) Whenever the Director of Revenue and Taxation revokes or suspends the privilege of any person to operate a motor vehicle upon a highway or revokes or suspends an operator's or chauffeur's license issued to him evidencing such privilege, the revocation or suspension shall apply to all operator's or chauffeur's licenses held by him and all such licenses shall be surrendered to Department of Revenue and Taxation.

(j) Whenever the Director of Revenue and Taxation cancels an operator's or chauffeur's license, such license shall be surrendered to the Department of Revenue and Taxation. All suspended licenses shall be retained by the Department of Revenue and Taxation. Upon the expiration of the period of

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suspension by the Director of Revenue and Taxation of any license, the Department of Revenue and Taxation shall return the license to the licensee, or may authorize the granting of a new license.

(k) Upon receiving a duly certified abstract of the record of any court showing that a person has been charged with driving a motor vehicle upon a highway after his operator's or chauffeur's license or his driving privilege has been suspended or revoked, the Director of Revenue and Taxation, in the case of a suspension, shall extend the period of suspension of license for an additional like period and in the case of revocation, shall not authorize the issuance of a new license for an additional period of one (1) year from and after the date such person would otherwise have been entitled to apply for a new license.

(l) For the purpose of this Section, a plea of guilty or a judgment of guilty, whether probation is granted or not, or a forfeiture of bail, constitutes a conviction of any of the crimes herein mentioned.

(m) The Director of Revenue and Taxation shall suspend the privilege of any person to operate a motor vehicle upon a highway upon receipt of a certification from the Department of Law that the person is in non-compliance with a court order of support, such suspension to remain in effect until a confirmation of compliance from the Department of Law or the Superior Court of Guam is received.

(n) At the request of a non-custodial parent whose operator's license has been suspended for non-compliance with a court order of support under Subsection (m) of this Section, the Director of Revenue and Taxation may issue the non-custodial parent a temporary operator's license valid for a period not to exceed one hundred twenty (120) days.

SOURCE: GC § 23102, enacted by P.L. 1-88 as amended by P.L. 12-155; Subsection (e)(1) of § 23102 amended by P.L. 13-187:145. Subsections (m) and (n) added by P.L. 24-116:4, expired by operation of P.L. 24-116:13 on 9/30/1999 and reenacted by P.L. 25-161:4, 5 effective July 10, 2000.

§ 3112. Same: Same: Hearings.

(a) A person shall be entitled to demand in writing a hearing before the Director of Revenue and Taxation or his representative whenever the Director of Revenue and Taxation:

(1) Has refused to issue such person an operator's or chauffeur's license or to renew the same;

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(2) Has given notice of the imposition of terms or conditions of probation; or

(3) Has given notice of the suspension or revocation of his privilege of operating a motor vehicle upon a highway or an operator's or chauffeur's license issued to such a person.

The applicant or licensee shall not be entitled to a hearing under this Subsection whenever such action by the Director of Revenue and Taxation is made mandatory by the provisions of this Title, or when such person has had an opportunity to be heard, nor to a formal hearing whenever the action was taken on grounds ascertainable on examination or re-examination pursuant to the provisions of this Title.

(b) As an additional and alternative procedure to that set forth in Subsection (a), the Director of Revenue and Taxation may give to any person whose license he proposes to revoke, suspend, or on whom he proposes to impose terms of probation, or whose application for license he proposes to review, notice and an opportunity to be heard before taking such action. In such case the Director of Revenue and Taxation shall give notice of his proposed action by a statement setting forth the proposed action and the grounds therefor, and notifying the person of his right to a hearing; or the Director, at the time he gives notice of his intention to act may set the hearings, giving ten (10) days notice thereof.

(c) In either of the cases stated in Subsection (a) or (b) above, the person receiving the notice shall have ten (10) days in which to respond to the notice. He may either (1) demand a formal hearing, or (2) demand an informal hearing in which he may controvert any point at issue or present any evidence, statement, or argument for the consideration of the Director of Revenue and Taxation, or may present orally to the Director of Revenue and Taxation any evidence or statement pertinent to the question and submit the question for determination by the Director of Revenue and Taxation.

(d) Whenever any question is submitted for determination by the Director of Revenue and Taxation without formal hearing as stated in Subsection (c), the Director of Revenue and Taxation shall have the right upon the request of the person whose privilege of driving is in question, or at his own option to, reopen the question, and to take further evidence, to change or to set aside any order heretofore made.

(e) Failure to respond to a notice given under Subsection (a) or (b) hereof within ten (10) days shall be deemed a waiver of the right to a hearing, and

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authorize the Director of Revenue and Taxation to take the action without hearing; but in such case the Director of Revenue and Taxation shall have the right upon the request of the person whose privilege of driving is in question, or at his own option, to set aside any order heretofore made, or to give a formal hearing or an informal hearing.

(f) If a formal hearing is demanded the Director of Revenue and Taxation shall fix a time and place for hearing as early as may be arranged, and give ten (10) days' notice of such hearing to the applicant or licensee.

(g) Hearings shall be conducted by the Director of Revenue and Taxation or by a referee or hearing board appointed by him from officers or employees of the Department of Revenue and Taxation.

(h) At any hearing, the Director of Revenue and Taxation shall consider the official records maintained or kept by the Department of Revenue and Taxation pursuant to law or filed with the Department under the requirements of law and shall likewise be entitled to receive as evidence, either at the hearing, or subsequent thereto with the consent of the applicant or licensee, and use as proof concerning any fact relating to the ability of the applicant or licensee to operate a motor vehicle safely, the following material in addition to sworn testimony presented in open hearing:

(1) Reports of attending or examining physicians.

(2) Reports of special investigators appointed by the Department of Revenue and Taxation to investigate and report upon any scientific or medical question.

(3) Properly authenticated reports of hospital records, excerpts from expert testimony received by the Director of Revenue and Taxation or a hearing board upon similar issues of scientific fact in other cases and the prior decisions of the Director of Revenue and Taxation upon such issues.

(i) Upon the conclusion of the hearing the referee or board shall make findings on the matters under consideration and recommendations may also be prepared and submitted to the Director of Revenue and Taxation.

(j) The Director of Revenue and Taxation, upon review of the records, evidence and of the findings, if any, shall render his decision concerning refusal of an operator's or chauffeur's license, the imposing of terms or conditions or probation, or concerning the suspension or revocation of the privilege of operating a motor vehicle or of any operator's or chauffeur's

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license, or in those cases in which an action has been previously taken by the Department of Revenue and Taxation, the Director of Revenue and Taxation shall render his decision sustaining, modifying or revising the order of suspension or revocation or the refusal to issue a license or the order imposing terms or conditions of probation or he may set aside the prior action of the Department and direct that probation be granted to such person and fix the terms and conditions of such probation. The decision of the Director of Revenue and Taxation following any formal hearing shall be final and not subject to modification for one (1) year except where the cause for which the action was taken has been removed.

(k) Nothing in this Title shall be deemed to prevent a review or other action as may be permitted by the laws of Guam by a court of competent jurisdiction with reference to any order of the Director of Revenue and Taxation refusing, canceling, suspending, or revoking a license.

(l) The Department of Revenue and Taxation shall file every application for license received by it and maintain:

(1) A suitable index containing, in alphabetical order, all applications denied and on each thereof, note the reasons for such denial.

(2) A suitable index containing, in alphabetical order, all applications granted.

(3) A suitable index containing, in alphabetical order, the name of every licensee whose license has been suspended or revoked by the Department or by a court and after each such name note the reasons for such action and the period of revocation or suspension.

(4) The Department shall also file all accident reports and abstracts of court records of convictions received under this Code and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic incidents in which he was involved shall be readily ascertainable.

SOURCE: GC § 23103, enacted by P.L. 1-88 as amended by P.L. 12-155.

§ 3113. Public and Private Drivers Education Services.

(a) The Director of Revenue and Taxation shall develop Rules and Regulations under the provisions of the Administrative Adjudication Law, relative to licensing public and private drivers education services, which Rules

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shall require forty (40) hours of training, with thirty-two (32) classroom hours and eight (8) hours in-automobile or on-road, and that such training be applicable to all minors and to those adults who are applying for a "first time" driver's license. Such Rules shall also require that a licensed service firm which issues Certificates of Completion must possess the following: (1) a secondary teaching certificate issued by the Guam Public School System with an endorsement in drivers education; or a certificate to teach drivers education from a recognized educational institution or training agency in Guam or from another territory or state which has Drivers Education Training; or a safety education minor or major from a United States accredited Institute of Higher Education (IHE); and (2) a current first aid/CPR certification card issued by a recognized training institution that provides emergency care training which meets the current revisions in the Occupational Safety and Health guidelines and risk reduction strategies posted by the Center for Disease Control or other recognized medical entities.

(b) The following are standards that will be evaluated by the Director of Revenue and Taxation before issuing any certificate for operation of a driving school business:

(1) Vehicles: All driving school businesses must own, or designate at least one (1) automobile to be used for driving school instruction. That automobile must be equipped with dual controls, preferably with both dual steering and dual brakes, but with a minimum of dual brakes. The automobile must be inspected by the Director of Revenue and Taxation before a certificate of authorization to operate a driving school is issued.

(2) The driving school also must have driving school insurance for vehicles.

(3) An undertaking to provide on-road instruction where no credit is provided to the student unless the student is actually driving a dual control automobile under the supervision of the instructor.

SOURCE: Added by P.L. 22-20:9(f). Amended by P.L. 22-72:48(d) (1/19/94). Amended by P.L. 22-146:22 (12/29/94). Amended by P.L. 27-100:1 (6/25/2004).

COMMENT: Reference to Department of Education changed to Guam Public School System pursuant to P.L. 28-045:10 (June 6, 2005).

NOTE: Section 3 of P.L. 27-200 contains the following:

Section 3. Evaluation of Current Drivers Education License Holders for Compliance with Standards. For current holders of a Drivers Education Business License, each such business must be evaluated within one (1) year of the effective date

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hereof. The licensee must complete all requirements within the one (1) year period of time in order to continue operating a driving school. Each driving school business license holder must have a teaching certificate issued by the Department of Education before beginning to offer driving school services, or to continue offering driving school services, and each instructor shall have an AB Guam Driver's License.

§ 3113.1. Written Test and Learner's Permit.

All students must have passed the written test and received a Learner's Permit before any school, including public schools, can provide on-road instruction.

SOURCE: Added by P.L. 27-100:2 (6/25/2004).

§ 3114. Licenses Issued to Minors.

All licenses issued to persons under the age of eighteen (18) years of age shall prominently display the month and year in which such person will turn eighteen (18) years of age.

SOURCE: Added by P.L. 24-169:2.

§ 3115. Licenses Issued to Organ Donors.

All applicants to Guam Driver's License shall indicate whether he or she wishes and consents to be an organ donor under the Uniform Anatomical Gift Act and shall be a part of the application form. For those under eighteen (18) years of age, a parental consent shall be required prior to organ donor procurement. For those licenses issued to persons agreeing to organ donor shall have the words affix "Organ Donor" on the lower segment of the picture portion of the license, or other section of the license that the Director of Revenue and Taxation deems appropriate. A driver's license with the organ donor designation is only revocable by obtaining a new driver's license without the organ donor designation.

SOURCE: Added by P.L. 24-249:2.

§ 3116. Publication.

The Department of Revenue and Taxation is authorized to publish various handbooks, covering the rules and regulations of each class of drivers, and to charge a fee therefore as follows:

1. Operator's Handbook \$ 5.00
2. Chauffeur's Handbook \$ 5.00

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3. Motorcycle Handbook § 5.00

SOURCE: Added by P.L. 29-002:V:I:36 (May 18, 2007)..

Article 1A
Graduated Drivers' Licenses

SOURCE: This Article was added by P.L. 25-96:1.

- § 31A00. Legislative Findings and Intent.
- § 31A01. Effective Date.
- § 31A02. Definitions.
- § 31A03. Applicability and Exceptions.
- § 31A03.1. Verification Requirement.
- § 31A04. Stage 1: Learner's Permit.
- § 31A04.1. Administrative Provisions for Stage 1: Learner's Permit.
- § 31A05. Stage 2: Intermediate License.
- § 31A05.1. Administrative Provisions for Stage 2: Intermediate License.
- § 31A06. Stage 3: Full Licensure.
- § 31A07. Administrative Rules and Regulations.
- § 31A08. Fees.

§ 31A00. Legislative Findings and Intent.

I Liheslaturan Guðhan [The Legislature] finds momentum continues to build for the adoption of graduated driver licensing systems. Recent releases from the National Highway Traffic Safety Administration ('NHTSA') and the National Transportation Safety Board ('NTSB') clearly indicate that their programs will emphasize graduated licensing as a measure to improve traffic safety for new drivers and drivers who are under the age of twenty-one (21).

The NHTSA encourages states to implement a graduated driver licensing system to ease young drivers and new drivers into the driving environment through more controlled exposure to progressively more difficult driving experiences or driver licensing stages, prior to full licensure.

Authorities attribute the problems of new drivers, especially younger drivers, to inexperience and inadequate driving skills, excessive driving during high risk hours - especially nighttime, risk-taking, poor judgment and poor decision making. It also is believed that considerable experience is required,

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after initial licensing, before a new driver achieves dependable driving know-how, skill and judgment.

To address these problems, NHTSA and the American Association of Motor Vehicle Administrators ('AAMVA') developed an entry-level driver licensing system. It consists of three (3) distinct stages, named by the type of license possessed at each stage: learner's permit, intermediate (provisional) license, and full license. Young drivers are required to demonstrate responsible driving behavior in each stage of licensing before advancing to the next. This legislation is modeled after those recommendations.

In recent years graduated and provisional licensing laws have been enacted in several States and the trend is continuing. Several other States have introduced legislation to implement graduated licensing requirements. To be effective, graduated licensing must be coordinated with driver education. Graduated licensing, in combination with improved driver education, holds promise as a way to provide positive incentives for new drivers to drive safely.

It is the intent of *I Liheslaturan Guåhan* to implement *Graduated Drivers Licensing for Guam* for all new licensees obtaining a drivers license after June 30, 2000. In doing so *I Liheslaturan Guåhan* affirms that a driver's license is a privilege, not a right and such privilege, for the safety of all who use our roadways should only be extended through demonstrated driving experience.

§ 31A01. Effective Date.

The Graduated Licensing requirements of this Article shall be effective on June 30, 2000.

§ 31A02. Definitions.

Definitions as used in this Article include:

(a) 'Zero Tolerance' for Alcohol means a Blood Alcohol Content ('BAC') of 0.02 percent or less while driving. Although an alcohol free driver is desirable, 0.02% BAC is the accepted level required by the National Highway Traffic Safety Administration to account for certain medical conditions, such as certain forms of diabetes mellitus in which the bodies of some individuals afflicted with this disease may naturally produce small quantities of alcohol during the metabolism of carbohydrates.

(b) 'BAC' means Blood Alcohol Content.

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(c) '*Drivers Education*' means a course of instruction approved by the Director of the Department of Revenue and Taxation for the purpose of providing prospective licensed drivers with a general knowledge of traffic laws, motor vehicle safety and safe operation of a motor vehicle.

§ 31A03. Applicability and Exceptions.

(a) This Article shall apply to all new prospective driver's licensees. The Director of the Department of Revenue and Taxation shall exempt licensees who have received a valid driver's license from any state, territory or possession of the United States or from countries that have been determined to use prudent and acceptable drivers licensing standards provided one (1) of the following provisions apply:

(1) driver's license holders who have completed all steps of graduated driver's licensing who were issued a license in a state, territory or country that requires graduated driver's licensing; or

(2) holders of a driver's license issued by another state, territory or country who have at least five (5) years of driving experience as a licensed driver; or

(3) driver's license holders serving on active duty in any branch of the United States Armed Forces who possess a driver's license issued by another state or territory of the United States.

(b) This Section does not apply to any current reciprocity agreements in effect between other states and territories and Guam prior to the enactment of this Section.

(c) All individuals possessing a learner's permit on June 30, 2000, shall be required to complete the licensing requirements of this Article. All license holders under the age of eighteen (18) on June 30, 2000 shall retain their full licensure privileges.

SOURCE: Amended by P.L. 28-29:1.

§ 31A03.1. Verification Requirement.

It shall be the responsibility of the licensing authority to establish and maintain a means of verifying the requirements of Subsections (1) and (2) of § 31A03(a).

SOURCE: Added by P.L. 28-29:2.

§ 31A04. Stage 1: Learner's Permit.

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The following are the requirements to obtain and for the use of a Learner's Permit:

(a) the minimum age for a learner's permit is fifteen and one-half (15.5) years, candidates for a Learner's Permit are required to pass vision and written knowledge tests, including rules of the road and traffic signs and signals;

(b) permit holders under the age of eighteen (18) years must be accompanied by a parent or adult guardian who is a fully licensed driver at all times while driving; (In the event that the permit holder does *not* have a parent or guardian who is a fully licensed driver, that parent or guardian may designate, during the application process for a Learner's Permit, a responsible adult who is a fully licensed driver who either is twenty-one (21) years of age or older, or the permit holder's spouse to accompany the permit holder while driving.);

(c) permit holders over the age of eighteen (18) years must be accompanied by a licensed driver who is either twenty-one (21) years of age or older, or the permit holder's spouse at all times while driving, *except* for United States military personnel while on their work duty schedule or married persons;

(d) permit holders under the age of eighteen (18) years must have the permit holder's parent, guardian or designee certify that the permit holder has completed at least fifty (50) hours of supervised driving, ten (10) hours of which must be during night hours after 7:00 p.m.; *and*

(e) Zero Tolerance for Alcohol: permit holders must *not* have a blood alcohol content that exceeds 0.02 at any time while driving. Permit holders must *not* be at fault in any collision and remain conviction free of all traffic and motor vehicle code violations for six (6) consecutive months to move to Stage 2.

§ 31A04.1. Administrative Provisions for Stage 1: Learner's Permit.

(a) The Department of Revenue and Taxation shall ensure that Stage 1 Learner's Permits are distinctive from other driver's licenses, and all vehicles driven by the permit holder must be adequately insured to cover the permit holder for liability consistent with the mandatory liability insurance provisions of Chapter 19 of Title 16 of the Guam Code Annotated.

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(b) Law enforcement officers shall report all violations to the Department of Revenue and Taxation within ten (10) working days of the violation. Upon a receipt of a report of a violation by the Department, the permit holder who has violated any of the provisions of this Act shall *not* advance to the next stage of licensure for an additional period of six (6) months, *subject* to the Administrative Rules and Regulations required by this Act.

§ 31A05. Stage 2: Intermediate License.

The following are the requirements to obtain and for the use of an Intermediate License:

(a) the minimum age for an Intermediate License is sixteen (16) years; candidates for an Intermediate License are required to pass a behind-the-wheel, on-road test to obtain an Intermediate License;

(b) must have completed a Driver's Education course approved by the Department of Revenue and Taxation to obtain an Intermediate license; *and*

(c) Zero Tolerance for Alcohol: Intermediate Licensees must *not* have a blood alcohol content that exceeds 0.02 at any time while driving (Intermediate Licensees under the age of eighteen (18) years must be accompanied by a parent or adult guardian who is a fully licensed driver at all times while driving between the hours of 10:00 p.m. and 6:00 a.m. on weeknights and 12:00 a.m. and 6:00 a.m. on weekend nights, *except* while driving to and from work. The driver must show proof of employment. In the event that the Intermediate Licensee does *not* have a parent or guardian who is a fully licensed driver, that parent or guardian may designate, during the application process for an Intermediate license, a responsible adult who is a fully licensed driver who is either twenty-one (21) years of age or older, or the permit holder's spouse to accompany the Intermediate Licensee while driving.);

(d) Intermediate Licensees over the age of eighteen (18) years must be accompanied by a licensed driver who is either twenty-one (21) years of age or older, or the permit holder's spouse at all times while driving between 12:00 a.m. and 6:00 a.m. nightly, *except* while driving to and from work (The driver must show proof of employment.); *and*

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(e) the Intermediate Licensee must *not* be at fault in any collision and remain conviction free of all traffic and motor vehicle code violations for twelve (12) consecutive months to move to Stage 3.

§ 31A05.1. Administrative Provisions for Stage 2: Intermediate License.

The Department of Revenue and Taxation shall ensure that Stage 2 Intermediate Licenses are distinctive from other driver's licenses, and all vehicles driven by the Intermediate Licensee must be adequately insured to cover the Intermediate Licensee for liability consistent with the mandatory liability insurance provisions of Chapter 19 of Title 16, Guam Code Annotated.

Law enforcement officers shall report all violations to the Department of Revenue and Taxation within ten (10) working days of the violation. Upon a receipt of a report of a violation by the Department, the permit holder who has violated any of the provisions of this Act shall *not* advance to the next stage of licensure for an additional period of six (6) months, *subject* to the Administrative Rules and Regulations required by this Act.

§ 31A06. Stage 3: Full Licensure.

The following are the requirements to obtain full licensure:

(a) a full licensee must be at least Seventeen (17) years of age; *and*

(b) must have completed the intermediate licensing stage or be exempt under the provisions of § 31A03 as a result of possessing a valid drivers license from any state, territory or possession of the United States, or from countries that have been determined use prudent and acceptable drivers licensing standards, in which case the provisions of Chapter 3 shall apply. The Director may waive the requirements of §§ 31A04 and 31A05 *if* it can be determined that through prior driving experience, an applicant meets the safe driving experience requirements for full licensure, but may, *however*, require passage of a written examination on the traffic laws of Guam.

The Director of Revenue and Taxation may, upon suspension of any full license by operation of law, require that such licensee upon completion of the suspension period, revert to Stage 2: Intermediate licensing, as a condition for reinstatement of full licensure privileges.

§ 31A07. Administrative Rules and Regulations.

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The Department of Revenue and Taxation and government law enforcement agencies shall develop rules and regulations pursuant to the Administrative Adjudication Law, including provisions of fees charged to Permit Holders and Intermediate Licensees and enforcement of all the provisions of this Act. The Department shall submit such rules and regulations to *I Liheslaturan Guåhan [the Legislature]* by March 31, 2000.

§ 31A08. Fees.

The Director of Revenue and Taxation is authorized to charge the following non-refundable licensing fees for the respective graduated licensing stages:

Stage 1 - Learner's Permit	\$10.00, valid for two years
Stage 2 – Intermediate License	\$10.00, valid for three years
Stage 3 – Full Licensure	\$10.00, valid for three years

SOURCE: Added by P.L. 29-002:V:I:51 (May 18, 2007).

ARTICLE 2
VEHICLE EQUIPMENT

- § 3201. Vehicle Lights.
- § 3202. Spot Lamps.
- § 3203. Safety Equipment on Bicycles Equipped With a Motor.
- § 3204. Alteration of Motor Bicycles.
- § 3205. Brakes.
- § 3206. Same.
- § 3207. Horns or Warning Devices.
- § 3208. Mirrors.
- § 3209. Windshields and Windows.
- § 3210. Safety Belts on Passenger Vehicles.
- § 3211. Obscene Markings.
- § 3212. Projecting Loads.
- § 3213. Projecting Loads on Passenger Vehicles.
- § 3214. Vehicle Integrity.
- § 3215. Mufflers: Prevention of Noise.
- § 3216. Fenders and Mudguards.
- § 3217. Vehicles Transporting Explosives.
- § 3218. Applicability of Article for Government of Guam Owned Vehicles.

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§ 3219. Tire Safety.

§ 3220. Penalties.

§ 3201. Vehicle Lights.

(a) Every vehicle upon the public highways during the period from sunset to sunrise, and at any other time when there is not sufficient natural light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet (500'), shall be operated with lighted lamps and illuminating devices, as set forth in this Section, respectively, required for different classes.

(b) Every motor vehicle, other than a motorcycle or bicycle with motor attached, shall be equipped with not less than two (2) head lamps at the front of and on opposite sides of the motor vehicle, and such head lamps shall comply with the requirements and limitations set forth in this Chapter, and shall be of a type which at the time of their use are approved by the Chief of Police.

(c) Every motorcycle shall be equipped with at least one (1) head lamp, and not more than two (2), which shall comply with the requirements and limitations set forth in this Chapter, and shall be of a type which at the time of their use is approved by the Chief of Police.

(d) Every motor vehicle upon the public highway and every trailer or semi-trailer attached to a motor vehicle and every vehicle being drawn at the end of a combination of vehicles shall carry at the rear a lamp of a type which at the time of its use is approved by the Chief of Police, and which emits a red light plainly visible under normal atmospheric conditions for a distance of five hundred (500) feet from the rear of such vehicle. Such rear lamp, or a separate lamp, shall be so constructed and placed that the number plate carried on the rear of such vehicle shall under normal atmospheric conditions, be so illuminated by a white light as to be clearly visible for a distance of fifty (50) feet from the rear of such vehicle. When the rear number plate is illuminated by an electric lamp other than the required rear lamp, the said two (2) lamps shall be turned on or off by the same control switch whenever head lamps are lighted.

(e) Every school bus upon the public highway shall, in addition to any other equipment and distinctive markings required by this Act, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two (2) alternately flashing red lights located at the same level, and to the rear, two (2) alternately flashing red lights located at the same level, and which red signals shall emit a

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red light plainly visible under normal atmospheric conditions for a distance of five hundred (500) feet from the rear or the front of such vehicle.

SOURCE: GC § 23104, enacted by P.L. 1-88; Subsection (e) added by P.L. 6-31. Subsection (a) amended by P.L. 24-120:1.

§ 3202. Spot Lamps.

(a) A motor vehicle or motorcycle may be equipped with not more than one (1) spot lamp and such spot lamp shall be so aimed and used when lighted, upon approaching another vehicle, that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor for a distance grater than one hundred (100) feet ahead of the vehicle.

(b) No person shall operate or move any vehicle upon the public highways bearing or displaying a lighted red or blue lamp or light, other than a rear lamp as described in this Chapter, unless such vehicle be an ambulance, a vehicle attached to the Department of Public Safety, or to a military law enforcing agency or such vehicles authorized to carry such red or blue lamp by the Chief of Police.

(c) All automobiles or motorcycles used or authorized to be used by the Department of Public Safety as police vehicles shall be equipped with blue revolving or flashing lights.

SOURCE: GC § 23105, enacted by P.L. 1-88; Subsection (b) as amended by P.L. 11-148; (c) added by P.L. 11-148.

§ 3203. Safety Equipment on Bicycles Equipped With a Motor.

Every bicycle equipped with a motor offered for sale or sold in the territory of Guam shall be in compliance with safety standards promulgated by the National Highway Traffic Safety Administration for motorized bicycles which fit the description of bicycle equipped with a motor as defined in § 1102(q) of the Government Code.

Any person violating this Section is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Hundred Dollars (\$100.00).

SOURCE: GC § 23105.1, enacted by P.L. 14-75:7.

§ 3204. Alteration of Motor Bicycles.

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It shall be a violation for a person to alter a bicycle equipped with a motor to exceed the manufacturers specified maximum speed of the vehicle.

SOURCE: GC § 23101.4, enacted by P.L. 16-58:5.

§ 3205. Brakes.

(a) Every motor vehicle operating upon the public highways shall be equipped with brakes adequate to control the movements of and to stop and hold such vehicle, including two (2) separate means of applying braking effort, each of which means shall be effective to apply braking effort to at least two (2) of the wheels of such vehicle. If these two (2) separate means are connected in any way, they shall be so constructed that failure of either part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels of such vehicle.

(b) Every motorcycle operating upon the public highways shall be equipped with at least one (1) brake, which may be operated by either hand or foot.

(c) The service brakes upon any motor vehicle or combination of vehicles, except as herein provided, shall be adequate to stop such vehicle or vehicles, when traveling at a speed of twenty (20) miles per hour, within a distance of thirty (30) feet or at a rate corresponding to such performance, on a dry, hard, approximately level stretch of highway, free from loose material, where the grade does not exceed one (1) per centum.

(d) Under the conditions set forth in Subsection (c) above, the emergency brake shall be adequate to stop such vehicle or vehicles within a distance of fifty-five (55) feet, and such emergency brake shall be adequate to hold such vehicle or vehicles stationary upon any grade upon which the vehicle is operated.

(e) Under the conditions described in Subsection (c) above, the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted hereunder, shall be adequate to stop the vehicle within a distance of forty (40) feet, and the emergency brake shall be adequate to stop the vehicle within a distance of fifty-five (55) feet.

(f) All braking distances specified in this Section shall apply to all vehicles mentioned, whether such vehicles are loaded or unloaded.

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(g) All brakes shall be maintained in good working order and shall be so adjusted that the braking effort is applied as equally as practicable with respect to the wheels on the opposite sides of the vehicle.

SOURCE: GC § 23106, enacted by P.L. 1-88.

§ 3206. Same.

(a) It shall be unlawful for any person to operate a motor vehicle or a combination of vehicles upon the highways of Guam with brakes not in good working condition.

(b) It shall be unlawful for any person to operate a motor vehicle without the required number of brakes in good working condition. The owner or operator of any motor vehicle, who is notified by a peace officer that such brake or brakes are improperly adjusted, or are unsafe or unfit, or in need of correction, adjustment, or repairs, shall be allowed forty-eight (48) hours within which to correct, adjust, or repair such brakes to conform with the requirements of this Chapter. To submit a certificate to the peace officer, giving the notification issued or executed by an official brake adjusting station, showing that within forty-eight (48) hours after such notification, the brakes have been corrected, adjusted, or repaired, to conform with the requirements of this Act, shall relieve the owner or operator from arrest. Unless such certificate is received by the peace officer within five (5) days from the date of notification, showing that the brakes have been corrected, adjusted, or repaired, as required in this Chapter, information for arrest will be made: Provided, that when service and emergency brakes applied together will not stop a motor vehicle or combination of vehicles within distances defined in this Chapter, or hold a motor vehicle or combination of vehicles stationary on any grade upon which operated, the owner or operator may be required to make temporary correction, adjustment, or repairs before being permitted to proceed with the motor vehicle or combination of vehicles.

SOURCE: GC § 23107, enacted by P.L. 1-88; Subsection (a) amended by P.L. 3-16.

§ 3207. Horns or Warning Devices.

(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) feet but no horn shall emit an unreasonably loud or harsh sound.

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(b) The operator of a motor vehicle, when reasonably necessary to insure safe operation, shall give audible warning with his horn. Such horn shall not otherwise be used.

(c) No vehicle shall be equipped with, nor shall any person use upon a vehicle operated on a highway, any siren except as authorized by the Chief of Police. Any authorized emergency vehicle may be equipped with a siren of a type approved by the Chief of Police but such siren shall not be used except when such vehicle is operated in response to an emergency call or when responding to a fire alarm or in the immediate pursuit of an actual or suspected violator of the law in which said latter events, the driver of such vehicle shall sound said siren when necessary to warn pedestrians and other drivers of the approach thereof.

SOURCE: GC § 23108, enacted by P.L. 1-88, repealed and reenacted by P.L. 3-16.

§ 3208. Mirrors.

(a) Any motor vehicle which is so constructed or loaded, or when towing any vehicle which is so constructed or loaded, as to obstruct the driver's view to the rear thereof from the driver's position, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred (200) feet to the rear of such vehicle.

(b) Any motor vehicle registered after March 31, 1955, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred (200) feet to the rear of such vehicle.

SOURCE: GC § 23109, enacted by P.L. 1-88, repealed and reenacted by P.L. 3-16.

COURT DECISIONS: D.C. Guam, 1953. U.S., under the Federal Tort Claims Act, was negligent where driver of armed forced truck violated Guam Vehicle Code by failing to have rear-view mirror when a collision was proximate cause of the violation. *Walters v. U.S.*, 110. F.Supp. 0631.

§ 3209. Windshields and Windows.

(a) No person shall drive any motor vehicle upon a highway with any sign, poster, card, sticker, or other nontransparent material upon the front windshield, side wings, windwings, side or rear windows of the vehicle, except that such signs, posters, cards, stickers, or other materials may be placed on said windshield within a seven inch (7") square in the lower corner farthest removed from the driver's position or upon the side windows of the vehicle to the rear of the driver and so placed that said materials will not obstruct the driver's clear view of approaching traffic; except that this Subsection shall not

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apply to any current decalcomania issued by the Armed Forces of the United States, or the government of Guam.

(b) Every permanent windshield on a motor vehicle shall be equipped with a device for removing rain or other moisture or substance from such windshield, and such device shall be so constructed and installed as to be controlled or operated by the operator of the vehicle.

(c) No person shall drive any motor vehicle, except an ambulance, a hearse, an armored car or tour buses or tour vans which have factory installed tinted glass, upon a highway with any object or material so placed in or upon the vehicle as to obstruct or reduce the driver's clear view through the windshield or the side or rear windows of the vehicle or obstructs clear visibility into the motor vehicle except as required or permitted equipment of the vehicle and adjustable nontransparent sun visors which are not attached to the glass. The exception provided in this Subsection for an ambulance, a hearse, an armored car, or tour bus or a tour van which has factory installed tinted glass shall not apply to or extend to any such vehicle which is not used for the purpose for which it is designed.

(d) Unless wearing driving goggles or face shield, no person shall drive any motor vehicle, other than a motorcycle or motor scooter or other than an implement of husbandry, or road building and construction equipment exempted from annual registration, upon a highway without a front windshield.

SOURCE: GC § 23110, enacted by P.L. 1-88 as amended by P.L. 3-16 and P.L. 6-98; Subsection (c) amended by P.L. 14-145:2 and as amended P.L. 15-1:3; (d) added by P.L. 9-134.

2008 NOTE: Public Law 29-091:3 (July 18, 2008) amends subsection (c) as follows. However, the amendment will not take effect until 180 days from the date of enactment.

“(c) No person *shall* install, mount, adhere, affix, *or* use any sun screening device *or* combination of devices in conjunction with the glazing material of a motor vehicle windshield which would make the glazing material that is *not* manufactured for use on automobiles *or* other motor vehicles. Any tinting film affixed to the glazing material of a motor vehicle windshield must conform to U.S. automotive tinting industry standards.

This Subsection (c) *shall not* apply to:

(i) Transparent sun screening film materials which are installed, affixed *or* applied along the top edge of the windshield so long as such materials measure no lower than eight (8) inches below the top of the

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windshield, when measured from the bottom edge of the top windshield molding.

(ii) Privacy drapes, curtains *or* blinds, *or* any combination, installed on the interior of motor vehicles while parked and not being operated on a public highway *or* roadway of Guam.

Any person who violates this Subsection *shall* be fined *not less than* Fifty Dollars (\$50) and *no more than* Two Hundred Fifty Dollars (\$250) for each separate offense.””

COURT DECISIONS: Super.Ct., Traffic Division, 1979. In an unreported case (Traffic Court is not a court of record), **People v. Hertslet**, subsection (c) was declared unconstitutional on equal protection grounds -- certain vehicles, busses and others, were unfairly exempted from the prohibition against tinted windows.

§ 3210. Safety Belts on Passenger Vehicles.

(a) On or after January 1, 1967, no person shall sell any new passenger vehicle, other than a motorcycle, manufactured after January 1, 1966, which is not equipped with anchors or other device meeting the specifications established by the Department of Public Safety, to which safety belts or safety harnesses may be attached and secured for at least two (2) passengers in the front seat.

Such anchors or other devices shall be capable of withstanding a belt assembly load of five thousand (5,000) pounds.

(b) On or after January 1, 1967, no person shall sell or offer for sale any new passenger vehicle, other than a motorcycle, which is not equipped with at least two (2) safety belts or safety belt-shoulder harness combinations of a type approved by the Department of Public Safety which are installed for the use of persons in the front seat of the vehicle.

This Section applies only to a retail sale of, or an offer to sell at retail, a new passenger vehicle.

(c) Any safety belt or safety harness installed in a vehicle shall be large enough to accommodate an adult person and designed and installed in such a manner as to prevent or materially reduce movement of the person using the same in event of collision or upset of the vehicle.

(d) The Department of Public Safety shall establish specifications or requirements for approved-type safety belts. These requirements shall not be lower than those established by Federal Specifications used in the management

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of transportation equipment by the Bureau of Yards and Docks of the Department of the Navy.

(e) No person shall sell, offer, or keep for sale any safety belts, safety harness, or attachments thereto for use in vehicle unless of a type which has been approved by the Department of Public Safety.

SOURCE: GC § 23110.1, enacted by P.L. 8-177.

§ 3211. Obscene Markings.

No motor vehicle operated upon the public highways shall bear upon any part of such vehicle or its attachments any plate, card, tag, lettering, markings or pictures of an obscene or vulgar nature.

SOURCE: GC § 23111, enacted by P.L. 1-88.

§ 3212. Projecting Loads.

Whenever the load on any vehicle, except Fire Department and Fire Patrol apparatus, shall extend more than four (4) feet beyond the rear of the chassis bed or body of such vehicle, there shall be displayed at the extreme end of such load, in such position as to be clearly visible at all times from the rear, a red flag not less than twelve (12) inches in both length and width, except that between one (1) hour after sunset and one (1) hour before sunrise there shall be displayed at the extreme end of any such load a red light plainly visible, under normal atmospheric conditions, for a distance of at least two hundred (200) feet from the rear end of such load.

SOURCE: GC § 23112, enacted by P.L. 1-88.

§ 3213. Projecting Loads on Passenger Vehicles.

No passenger-type vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six (6) inches beyond the line of the fenders on the right side thereof.

SOURCE: GC § 23112.1, enacted by P.L. 3-16.

§ 3214. Vehicle Integrity.

No vehicle shall be operated upon the public highways unless such vehicle is so constructed or so loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping from or falling from such vehicle.

SOURCE: GC § 23113, enacted by P.L. 1-88.

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§ 3215. Mufflers: Prevention of Noise.

Every motor vehicle subject to registration and operated on a highway shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excess or unusual noise, and no such muffler or exhaust system shall be equipped with a cut-out, by-pass, or similar device. No person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle and such original muffler shall comply with all of the requirements of this Section.

A muffler is a device consisting of a series of chambers or baffle plates, or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

SOURCE: GC § 23113.1, enacted by P.L. 3-16.

§ 3216. Fenders and Mudguards.

No person shall operate any motor vehicle having three (3) or more wheels, any trailer, or semi-trailer unless equipped with fenders, covers, or devices, including flaps or splash aprons, or unless the body of the vehicle or attachments thereto afford adequate protection to effectively minimize the spray or splash of water or mud to the rear of the vehicle and all such equipment or such body or attachments thereto shall be at least as wide as the tire tread. This Section does not apply to those vehicles exempt from registration, trailer and semi-trailers having an unladen weight of under one thousand five hundred (1,500) pounds, or any vehicles manufactured and first registered prior to January 1, 1974, having an unladen weight of under one thousand five hundred (1,500) pounds.

SOURCE: GC § 23113.2, enacted by P.L. 12-87.

§ 3217. Vehicles Transporting Explosives.

Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this Section.

(a) Said vehicle shall be marked or placarded on each side and the rear with word "Explosives" in letters not less than three (3) inches high.

(b) Every said vehicle shall be equipped with at least one (1) fire extinguisher, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

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(c) The Chief of Police is hereby authorized and directed to promulgate such additional regulations governing the transportation of explosives and other dangerous articles by vehicles upon the highways as he shall deem advisable for the protection of the public.

SOURCE: GC § 23114, enacted by P.L. 1-88, repealed and reenacted by P.L. 6-111.

§ 3218. Applicability of Article for Government of Guam Owned Vehicles.

All provisions of this Article apply to vehicles owned by the government of Guam.

SOURCE: Added by P.L. 29-099:1 (July 22, 2008).

§ 3219. Tire Safety.

(a) The sale of tires older than 6 (six) years, for use on vehicles operated on the highways and roadways of Guam, is prohibited.

(b) All sellers, vendors, distributors of tires *shall* provide a written statement of the date of manufacture of the tires being sold.

(c) Each retailer, wholesaler and distributor of tires on Guam *shall*, at the place of sale, post in a conspicuous location, in letters at least two (2) inches tall, a statement that indicates the dangers of aged tires. The statement *shall* be printed as follows:

**“WARNING – AGED TIRES CAN FAIL IN USE, CAUSING
LOSS OF VEHICLE CONTROL, AND PERSONAL
INJURY. TIRES DETERIORATE WITH AGE, EVEN
WITH LITTLE *OR* NO USE. TIRES OLDER THAN SIX (6)
YEARS MAY *NOT* BE SOLD OR MOUNTED FOR USE ON
VEHICLES OPERATED ON THE HIGHWAYS AND
ROADWAYS OF GUAM.”**

SOURCE: Added as § 3218 by P.L. 29-120:2 (Dec. 2, 2008). Renumbered by compiler since § 3218 already exists.

§ 3220. Penalties.

Any person who knowingly sells a tire(s) *or* mounts a tire(s) on a vehicle in violation of § 3219 of this Chapter commits a third degree felony.

SOURCE: Added as § 3219 by P.L. 29-120:3 (Dec. 2, 2008). Renumbered by compiler since § 3219 already exists.

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ARTICLE 3
RULES OF THE ROAD

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- § 3307. Riding on Roadways and Bicycle Paths.
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- § 3327. Private Road or Driveway.
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- § 3338. Downgrade Operation.
- § 3339. Traffic Signals.
- § 3340. Fire Hoses.
- § 3341. Peddling on Highway.
- § 3342. Lights.
- § 3343. Vehicles on Certain Property.
- § 3344. School Buses: Overloading.
- § 3345. Adopt-A-Traffic Signal.
- § 3346. Untitled [Relative to Electronic Messaging While Driving].

§ 3301. Speed Limits.

(a) All motor vehicles traveling upon the public highway shall be driven at a careful, prudent rate of speed not greater than nor less than is reasonable and proper, having due regard to the surface of the highway, the width of the highway and the condition of traffic upon the highway and all other restrictions and conditions then and there existing.

(b) In no event shall any motor vehicle be operated at a speed greater than will permit it to be stopped within the assured clear distance ahead.

(c) Subject to the provisions of Subsections (a) and (b) of this Section, speeds in excess of forty-five (45) miles per hour/eighty (80) kilometers per hour shall be unlawful.

(d) All vehicles shall reduce their rate of speed to ten (10) miles per hour when passing a bus while such bus is taking or discharging passengers unless such bus is stopping off the surface of the highway.

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(e) The speed limitations set forth in this Section shall not apply to vehicles under the direction of the police in the actual chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor shall they apply to the Fire Department or Fire Patrol vehicles when traveling in response to a fire alarm, nor shall they apply to ambulances when such are traveling in actual emergencies. The exemptions set forth in this Subsection shall not, however, protect the driver of any such vehicle from the consequences of a reckless or unnecessary disregard of the safety of others.

(f) The Chief of Police is hereby authorized to designate as may be reasonably necessary, and on a permanent, temporary or intermittent basis, certain areas as limited speed areas and to mark such areas with appropriate warning signs. No vehicle shall be operated in such areas in excess of the maximum speeds as may be indicated by such signs.

SOURCE: GC § 23115, enacted by P.L. 1-88 as amended by P.L. 2-34, 2-114; original Subsection (d) repealed by P.L. 6-50, following subsections relettered. Subsection (c) amended by P.L. 22-146:23 (12/29/94).

COMMENT: The only change made by P.L. 22-146:23 was to refer to the kilometer equivalent of 45 m.p.h.

§ 3301.1. Eluding a Police Officer.

(a) A driver commits the offense of eluding a police officer if, knowing or having reason to know that a uniformed police officer is in pursuit in a marked police vehicle or is giving a visual or audible command to the driver to stop his vehicle, he eludes the officer.

(b) In determining whether or not the driver knew or had reason to know he was being pursued or commanded by the officer to stop his vehicle, the arresting officer and the trier of fact shall consider the totality of the circumstances as described in § 3301.3 of this Chapter.

(c) Eluding a police officer is a misdemeanor. In addition to any other penalty imposed for conviction of the offense, the sentencing judge may order that defendant's driver's license be suspended for a maximum of one (1) year.

SOURCE: Added by P.L. 24-123:1.

§ 3301.2. Definitions.

As used in § 3301.1 of this Chapter:

(a) *Audible command* means a siren, horn or electronically magnified voice command.

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(b) *Driver* means the operator of a motor vehicle.

(c) *Ehudes* means that a driver fails or refuses to stop his vehicle and accelerates or takes other evasive action in attempting to avoid being apprehended by a police officer.

(d) *Police Officer* means an officer of the Guam Police Department acting within his statutory authority, or other peace officer as defined by 8 GCA § 5.55, while such other peace officer is acting within his statutory law enforcement authority or is performing official duty within the boundaries of property under the jurisdiction and control of the government agency by whom he is employed, or while such other peace officer is in authorized hot pursuit of a driver the officer reasonably believes has committed a crime within such boundaries.

(e) *Visual command* means activation of emergency flashing pursuit lights, flashing red or blue lights or visible hand signals by a police officer."

SOURCE: Added by P.L. 24-123:2.

§ 3301.3. Totality of the Circumstances Described.

As used in § 3301.1 of this Chapter, factors to be considered in determining whether or not a driver, at the time and place in question, had the requisite knowledge to support a charge of eluding a police officer include the following:

- (a) Was the officer in a marked police car?
- (b) Did the officer use audible or visual commands, or both, to signal the driver?
- (c) Was the officer in uniform?
- (d) The time of day or night.
- (e) Was the vehicle being operated on a public highway?
- (f) Why was the officer trying to stop the driver?
- (g) Time and distance involved in the pursuit.
- (h) Maximum speed attained during the pursuit.
- (i) Was the driver suspected of being under the influence of alcohol or drugs?

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SOURCE: Added by P.L. 24-123:3.

§ 3302. Obstructing Driver's View or Interfering With Control of Mechanism.

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons in excess of three (3) as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

SOURCE: GC § 23116, enacted by P.L. 1-88, as repealed and reenacted by P.L. 6-99; Subsection (a) designation removed by Compiler as no longer applicable.

§ 3303. Passengers on Motorcycles.

It is unlawful for an operator of a motorcycle on a highway to carry any other person thereon, except on a seat securely fastened to the machine in the rear of the operator and provided with foot rests and hand grips or in a side car attached to a motorcycle and designed for the purpose of carrying a passenger. Not more than one (1) passenger shall be carried on a motorcycle.

SOURCE: GC § 23116.1, enacted by P.L. 3-16.

§ 3304. Operating Motorcycles on Beaches.

It is unlawful for any person to operate a motorcycle on any public beach posted with appropriate signs by the Chief of Police.

SOURCE: GC § 23116.3, enacted by P.L. 8-95.

§ 3305. Mandatory Safety Helmets.

Any driver under eighteen (18) years of age and any passenger under eighteen (18) years of age shall wear a safety helmet, of a type approved by the Department of Revenue and Taxation, when riding on a motorcycle, including a bicycle equipped with a motor. Anyone who violates this section shall be subject to a fine of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00).

SOURCE: GC § 23116.5, enacted by P.L. 8-112. Repealed and reenacted by P.L. 24-2:2.

§ 3305.1. Sale of Safety Helmets.

No person shall sell or offer for sale for use by an operator or passenger of a motorcycle, or bicycle equipped with a motor, a helmet which is not of a type meeting the requirements established by the Department of Revenue &

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Taxation. Anyone who violates this Section shall be guilty of a petty misdemeanor.

SOURCE: Added by P.L. 24-2:2 as § 3306.

NOTE: Since § 3306 already exists, this section was renumbered by Compiler to reflect the correct citation.

§ 3306. Riding on Bicycles; Penalty.

(a) A person propelling a bicycle or bicycle equipped with a motor shall not ride other than upon or astride a permanent and regular seat attached thereon.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, however, no more than one (1) person shall ride a bicycle equipped with a motor at a time.

(c) No person less than fifteen (15) years of age shall operate a bicycle equipped with a motor.

(d) Any person who violates the provisions of Subsections (a), (b) or (c) of this Section is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Hundred Dollars (\$100.00).

SOURCE: GC § 23101.2, enacted by P.L. 14-75:5.

§ 3307. Riding on Roadways and Bicycle Paths.

(a) Every person operating a bicycle or bicycle equipped with a motor upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(b) Persons riding bicycles or bicycles equipped with motors upon a roadway shall ride in single file; provided that upon paths or parts of roadways set aside for the exclusive use of bicycles or bicycles equipped with motors riding two (2) abreast shall be permitted, unless otherwise prohibited by rule or regulation adopted by the Director of Public Works.

(c) Whenever a usable path for bicycles or bicycles equipped with motors has been provided adjacent to a roadway, riders shall use the path and shall not use the roadway; provided that certain paths may be posted to prevent persons riding a bicycle equipped with a motor from using them.

(d) No person shall ride a bicycle equipped with a motor on any sidewalk.

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(e) No person shall ride a bicycle or bicycle equipped with a motor at a speed in excess of the posted speed limit or thirty (30) miles per hour, whichever is slower.

(f) Any person violating Subsections (a), (b), (c), (d) or (e) of this Section is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Hundred Dollars (\$100.00).

SOURCE: GC § 23101.3, enacted by P.L. 14-75:6.

§ 3307.1 Electric Personal Assistive Mobility Device: Riding on Sidewalks, Roadways and Bicycle Paths.

(a) Electric Personal Assistive Mobility Devices (EPAMD) *shall* be allowed to operate on and use safety zones, bicycle paths, and sidewalks. An Operator of an Electric Personal Assistive Mobility Device (EPAMD) *shall* exercise due care to avoid colliding with, and *shall* yield the right-of-way to, persons traveling on foot and those utilizing mobility aids.

(b) Only *if* safety zones, bicycle paths, and sidewalks are *not* available, or *if* available sidewalks are *not* Americans with Disabilities Act (ADA) compliant, *shall* EPAMDs be allowed to use Guam's roadways where the posted speed limit is twenty-five (25) miles per hour *or* less.

(c) Persons operating an EPAMD on a roadway *shall* ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle *or* one (1) proceeding in the same direction. They *shall* ride in single file; provided that upon paths *or* parts of roadways set aside for the exclusive use of bicycles, bicycles equipped with motors, *or* Electric Personal Assistive Mobility Devices, riding two (2) abreast *shall* be permitted, unless otherwise prohibited by rule or regulation adopted by the Director of Public Works.

(d) An operator of an EPAMD *shall* be *no less than* sixteen (16) years of age with one (1) exception: Operators may be twelve to fifteen (15) years old *if* accompanied and supervised by an adult who is at least eighteen (18) years old. Operators under sixteen (16) years of age are required to wear a Consumer Products Safety Commission-approved bicycle helmet.

(e) EPAMD tour operators *shall* limit tour customers to a maximum speed of eight (8) mph while operating within Tumon Bay, as defined in paragraph C, §3701, Title 16, Guam Code Annotated.

(f) An EPAMD operator *shall* give an audible signal before overtaking

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and passing any pedestrian.

(g) An EPAMD *shall* be equipped with reflectors and a headlamp when operating between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise.

(h) Any person violating any part of this § 3307.1 is guilty of a misdemeanor and upon conviction thereof *shall* be punished by a fine *not to exceed* One Hundred Dollars (\$100.00).

SOURCE: Added by P.L. 29-139:5 (Jan. 30, 2009).

§ 3308. Operation of Bicycle.

While operated on any highway, a bicycle shall be considered a vehicle for all purposes of highway traffic operation regulations and control as set forth in this Code.

SOURCE: GC § 23140, enacted by P.L. 1-88, as repealed and reenacted by P.L. 3-16.

§ 3308.1 Operation of EPAMD.

While operated on any highway, an EPAMD *shall* be considered a vehicle for all purposes of highway traffic operation regulations and control as set forth in this Code.

SOURCE: Added by P.L. 29-139:6 (Jan. 30, 2009).

§ 3309. Drive on Right Side of Roadway: Exceptions.

(a) Upon all roadways of sufficient width a motor vehicle shall be driven upon the right half of the roadway, except as follows:

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(2) When placing a vehicle in a lawful position for and when such vehicle is lawfully making a left turn;

(3) When the right half of a roadway is closed to traffic; or

(4) Upon a roadway designated and signposted for one-way traffic.

(b) The Chief of Police shall by regulation establish a distinctive roadway marking which shall indicate no driving over such marking and is authorized either by such marking or by signs and markings to designate any portion of a highway where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs

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and markings. When such marking or signs and markings are in place, the driver of a motor vehicle shall not drive along the highway to the left thereof, but this shall not prevent turning to the left across any such markings at any intersection or private driveway.

(c) It is unlawful to drive any motor vehicle upon any highway which has been divided into two (2) or more roadways by means of intermittent barriers or by means of a dividing section of not less than two (2) feet in width either unpaved or delineated by curbs, lines or other markings on the roadway except to the right of such barrier or dividing section, or to drive any vehicle over, upon or across any such dividing section, or to make any left turn or semicircular or U-turn on any such divided highway, except through an opening in such barrier designed and intended by proper authorities for the use of vehicles or through a plainly marked opening in such dividing section.

SOURCE: GC § 23117, enacted by P.L. 1-88; repealed and reenacted by P.L. 3-16; as amended by P.L. 14-75:8.

§ 3310. Driving in Right-Hand Lane.

Upon all highways any vehicle or bicycle shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

SOURCE: GC § 23117.1, enacted by P.L. 3-16.

COURT DECISIONS: D.C. Guam, 1963. Evidence of operation of motor scooter which collided with oncoming car at top of hill authorized instruction on contributory negligence of scooter operator under statute under statute requiring driver to ordinarily drive vehicle as practicable to right had side of roadway. *Alquero v. Duenas*, 319 F.2d 40.

§ 3311. Distinctive Roadway Markings.

Whenever the Chief of Police determines and designates a distinctive roadway marking which shall indicate no driving over such marking, he may place such markings upon highways under his jurisdiction.

SOURCE: GC § 23117.2, enacted by P.L. 3-16.

§ 3312. Certain Vehicles to be Driven in Right-Hand Lane.

When any truck, tractor, trailer, *or* any combination thereof with a gross weight of vehicle and load of ten thousand (10,000) pounds *or* more is being

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driven on any highway, it *shall* not be driven in the farthest left hand lane, except when overtaking and passing a vehicle proceeding in the same direction *or* driven on a single lane *or* when preparing for a left turn at an intersection *or* into a private road *or* driveway.

SOURCE: GC § 23117.3, enacted by P.L. 3-16. Amended by P.L. 29-027:2 (Oct. 24, 2007).

§ 3313. Off-center Lanes.

The Chief of Police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway, and all peace officers may direct traffic in conformance with such signs. When authorized signs have been erected designating off-center traffic lanes, no person shall disobey the instructions given by such signs.

SOURCE: GC § 23117.4, enacted by P.L. 3-16.

§ 3314. Driving on Roadways Laned for Traffic.

Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

(a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) Upon a roadway which is divided into three (3) lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.

(c) Official signs may be erected directing slow moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

SOURCE: GC § 23117.5, enacted by P.L. 3-16.

§ 3315. Entering Traffic Intersections.

(a) A driver shall not enter an intersection or marked crosswalk unless

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there is sufficient space on the other side of the intersection or marked crosswalk to clear the intersection.

(b) In crossing an intersection of highways, the operator of a vehicle shall, at all times, cause such vehicle to travel on the right half of the highway, unless such right half is obstructed or impassable.

SOURCE: GC § 23118, enacted by P.L. 1-88. Amended by P.L. 23-83:3.

§ 3316. Passing Vehicles Proceeding in Opposite Directions.

(a) Drivers of vehicles proceeding in opposite direction shall pass each other to the right and, except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half (1/2) of the main traveled portion of the roadway whenever possible.

(b) Whenever upon any grade the width of the roadway is insufficient to permit the passing of vehicles approaching from opposite directions at the point of meeting, the driver of the vehicle descending the grade shall, if necessary, back his vehicle to a place in the highway where it is possible for the vehicles to pass.

SOURCE: GC § 23119, enacted by P.L. 1-88, as repealed and reenacted by P.L. 3-16.

§ 3317. When Overtaking on the Right is Permitted.

(a) The operator of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

(1) When the vehicle overtaken is making or about to make a left turn.

(2) Upon a highway with unobstructed pavement of sufficient width for two (2) or more lines of vehicles in each direction.

(3) Upon a one-way highway.

(b) The operator of a motor vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.

(c) The provisions of this Section shall not relieve the operator of a slow moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

SOURCE: GC § 23120, enacted by P.L. 1-88; as repealed and reenacted by P.L. 3-16.

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§ 3318. Limitations on Overtaking on the Left.

(a) No vehicle shall be driven to the left side of the center line of a roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.

(b) No vehicle shall at any time be driven to the left side of the roadway under the following conditions:

(1) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.

(2) On a three-lane highway.

(c) The foregoing limitations shall not apply upon a one-way roadway.

SOURCE: GC § 23121, enacted by P.L. 1-88; as repealed and reenacted by P.L. 3-16.

§ 3319. Same.

The operator of a vehicle about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle when the operator of the overtaking vehicle shall have given a suitable and audible signal, and shall not increase the speed of his vehicle until completely overtaken and passed by the overtaking vehicle.

SOURCE: GC § 23123, enacted by P.L. 1-88.

§ 3320. Interval Between Vehicles.

The operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle, the condition of the highway surface and the nature of traffic upon such highway.

§ 3321. Required Position and Method of Turning at Intersections.

The operator of a vehicle intending to turn at an intersection shall do so as follows:

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(a) Right turns. Both the approach for a right turn, and a right turn, shall be made as close as practicable to the right-hand curb or edge of the roadway.

(b) Left turns on two-way roadways. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection an approach for a left turn shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered.

(c) Left turns on other than two-way roadways. At any intersection where traffic is restricted to one direction on one (1) or more of the roadways, the operator of a vehicle intending to turn left at any such intersection shall approach the intersection in the left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

(d) The Chief of Police may cause markers, buttons or signs to be placed within or adjacent to intersections (from that specified in this Section) to be traveled by vehicles turning at an intersection or may allocate and indicate more than one (1) lane of traffic from which operators or vehicles may make right or left-hand turns and when markers, buttons or signs are so placed, no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required or permitted by such markers, buttons or signs.

SOURCE: GC § 23124, enacted by P.L. 1-88; repealed and reenacted by P.L. 3-16.

§ 3322. Turning on Curve or Crest of Grade Prohibited.

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of, a grade where such vehicle cannot be seen by the operator of any other vehicle approaching from either direction within three hundred (300) feet.

SOURCE: GC § 23124.1, enacted by P.L. 3-16.

§ 3323. Starting Parked Vehicles or Backing.

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No person shall start a vehicle stopped, standing, or parked on a highway, nor shall any person back a vehicle on a highway unless and until such movement can be made with reasonable safety.

SOURCE: GC § 23124.2, enacted by P.L. 3-16.

§ 3324. Signals.

(a) The operator of any vehicle upon a highway shall, before starting, stopping or turning from a direct line, first see that such movement can be made in safety and, if any pedestrian may be affected by such movement, shall give a clearly audible warning signal, and whenever the operator of any other vehicle approaching or following may reasonably be affected by such movement, shall give a signal, as required in this Section, plainly visible to the operator of such other vehicle to indicate such intention to make such movement.

(b) Any stop or turn signal required by this Section shall be given either by means of the hand and arm, or by signal lights, or a mechanical signal device that clearly indicates to both approaching and following traffic intention to turn right or left, except that any motor vehicle in use on a highway shall be equipped with, and the required signal shall be given by, signal lights or a mechanical signal device where the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body thereof exceeds fourteen (14) feet, whether a single vehicle or a combination of vehicles.

(c) Any stop or turn signal required by this Section shall be given either by means of the hand and arm, or by a signal light or mechanical signal device, but when a vehicle is so constructed or loaded that a hand-and-arm signal would not be visible both to the front and rear of such vehicle, then the signals must be given by a light or signal device.

(d) All signals required by this Section when given by hand and arm shall be given from the driver side of the motor vehicle in the following manner, and such signals shall indicate as follows:

- (1) Left turn, hand and arm extended horizontally;
- (2) Right turn, hand and arm extended upward;
- (3) Stop or decrease speed, hand and arm extended down ward.

SOURCE: GC § 23125, enacted by P.L. 1-88 as amended by P.L. 2-83.

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§ 3325. Right of Way.

(a) When two (2) vehicles are approaching or entering an intersection at approximately the same time, the operator of the vehicle on the left shall yield the right of way to the vehicle on the right except as otherwise provided in this Title. The operator of any vehicle approaching or entering an intersection at an unlawful rate of speed shall forfeit any right of way which he might otherwise have hereunder.

(b) The operator of a vehicle approaching but not having entered an intersection shall yield the right of way to a vehicle already within such intersection or turning therein across the line of travel of such first-mentioned vehicle; provided, the operator of the vehicle turning across such line of travel shall have given a plainly visible signal of intention to turn.

(c) The operator of a vehicle within an intersection, intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute hazard at any time during the turning movement and shall continue to yield the right of way to such approaching vehicles until such time as the left turn can be made with reasonable safety.

(d) Said operator turning left, having so yielded and having given a signal when and as required by this Code, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right of way to the driver making the left turn.

(e) The operator of any vehicle, upon approaching any "yield right of way" sign shall yield the right of way to other vehicles which have entered the intersection from an intersecting street or which are approaching so closely on the intersecting street as to constitute an immediate hazard and shall continue to yield the right of way to such approaching vehicles until such time as he can proceed with reasonable safety. An operator, having so yielded, may then proceed and the operators of all other vehicles approaching the intersection on the intersecting roadway shall yield the right of way to him.

SOURCE: GC § 23126, enacted by P.L. 1-88 as amended by P.L. 3-16 and P.L. 7-108.

COURT DECISIONS: Pedestrian negligence: see *Jones v. Warmee* 225 F.2d. 258 (1955). D.C.Guam, App.Div., 1977. To find Defendant guilty of involuntary manslaughter, court had to find that Df. was driving while intoxicated and that he failed to yield right-of-way of approaching vehicle. *People v. Villarta*, 1 Guam R. 425.

§ 3326. Vehicle Entering Through Highway.

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(a) The operator of any vehicle shall stop at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from the through highway or which are approaching so closely on the through highway as to constitute an immediate hazard and shall continue to yield the right of way to such approaching vehicles until such time as he can proceed with reasonable safety.

(b) Said operator having so yielded may proceed and the operators of all other vehicles approaching the intersection on the through highway shall yield the right of way to the vehicle so about to enter or cross the through highway.

SOURCE: GC § 23127, enacted by P.L. 1-88, as repealed and reenacted by P.L. 3-16, and amended by P.L. 7-108.

§ 3327. Private Road or Driveway.

(a) The operator of a vehicle about to enter or cross a highway from any private road or driveway or from an alley shall yield the right of way to all vehicles approaching on said highway.

(b) The operator of a vehicle intending to turn to the left into an alley, private road, driveway, or any private property shall yield the right of way to all vehicles which are approaching from the opposite direction and which are so close as to constitute a hazard at any time during the turning movement and shall continue to yield the right of way to such approaching vehicles until such time as the left turn can be made with reasonable safety.

(c) An operator having yielded as required by Subsection (b), and having given a signal when and as required by this Code, may turn left and the drivers of all other vehicles approaching from said opposite direction shall yield the right of way.

SOURCE: GC § 23127.1, enacted by P.L. 3-16 as amended by P.L. 7-108.

COURT DECISIONS: Super.Ct., 1980. Subsection (b) of § 3327 applies only to vehicles on the highway, not to vehicles who have left the traveled portion of the highway and are traveling on a clearly marked construction area. *Pangelinan v. Wright*, 2 Guam R. 74.

§ 3328. Pedestrian's Right of Way of Sidewalk.

The operator of any motor vehicle, prior to driving over or upon any sidewalk or pedestrian path, shall yield the right of way to any pedestrian approaching thereon. Any person soliciting or handbilling on a sidewalk shall *not* interfere with the free right of passage of any pedestrian thereon.

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SOURCE: GC § 23127.2, enacted by P.L. 3-16. Amended by P.L. 28-28:2.

§ 3329. Pedestrian's Right of Way at Crosswalks.

(a) The operator of a vehicle shall yield the right of way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this Code.

(b) Whenever any vehicle has stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

SOURCE: GC § 23127.3, enacted by P.L. 3-16.

§ 3330. Soliciting Rides.

No person shall stand in or on the traveled portion of a roadway for the purpose of soliciting a ride from the operator of any vehicle.

SOURCE: GC § 23127.4, enacted by P.L. 3-16.

§ 3331. Crossing at Other Than Crosswalks.

(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(b) The provisions of this Section shall not relieve the operator of a vehicle from the duty to exercise due care for the safety of any pedestrian upon a roadway.

SOURCE: GC § 23127.5, enacted by P.L. 3-16.

§ 3332. Jay Walking.

It shall be unlawful for any pedestrian to cross any road at any point between adjacent intersections that are controlled by any traffic control signal device or police officer except in an officially designated crosswalk.

SOURCE: GC § 23127.6, enacted by P.L. 3-16, amended by P.L. 3-54.

§ 3333. Conduct of Operators and Pedestrians on Approach of Authorized Emergency Vehicles.

Upon the immediate approach of an authorized emergency vehicle sounding a siren or having at least one (1) lighted lamp exhibiting red or blue

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light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicles:

(1) The operators of all other vehicles shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible, to the right-hand edge or curb of the highway clear of any intersection and thereupon stop and remain in such position until such authorized emergency vehicle has passed, except when otherwise directed by a police officer or such other officer invested by law to direct and regulate traffic under the provisions of this Title.

(2) All pedestrians upon the highway shall remain in a place of safety or proceed to the nearest curb or place of safety until such authorized emergency vehicle has passed, except when otherwise directed by a police officer or such other officer invested by law to direct and regulate traffic under the provisions of this Title.

SOURCE: GC § 23128, enacted by P.L. 1-88, repealed and reenacted by P.L. 3-16, and amended by P.L. 4-3 and P.L. 11-148.

§ 3334. Stops.

(a) It shall be unlawful for the operator of any vehicle, except as is otherwise provided in this Section, before entering a through highway, to fail to come to a complete stop, within a reasonable distance, before entering such intersection on such through highway, when official "Thru Traffic Stop" sign or signs have been erected in accordance with the provisions of this Title.

(b) It shall be unlawful for the operator of any vehicle, except as is otherwise provided in this Section, before entering a stop section, to fail to come to a full stop, within a reasonable distance, before entering the intersection, when an official "Stop" sign or signs have been erected in accordance with the provisions of this Title.

(c) The operator of any vehicle shall not be subject to the provisions of this Section during the hours when a mechanical traffic signal is actually in operation or when a peace officer is actually on duty directing traffic at the scene.

(d) The provisions of this Section shall not apply to vehicles operating under the direction of the police in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation, nor to vehicles of the fire department while responding to a fire alarm, nor to ambulances while traveling in emergencies, but this Subsection shall not

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protect the operator of any such vehicles from an unnecessary disregard of the safety of other persons or vehicles upon the highways.

SOURCE: GC § 23129, as enacted by P.L. 1-88.

§ 3335. Flashing Signals.

Whenever a red or yellow flashing light is used as a traffic signal it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red flashing light is used as a traffic signal at an intersection, drivers of vehicles shall stop before entering the nearest cross walk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow flashing light is used as a traffic signal, drivers of vehicles may proceed through the intersection or past such signal only with caution.

SOURCE: GC § 23129.1, enacted by P.L. 9-78.

§ 3336. Passing Passenger Carriers.

(a) No operator of a vehicle which meets or overtakes any vehicle that has stopped for the purpose of taking on or discharging passengers shall pass such stopped vehicle on the side on which passengers are entering or leaving the vehicle until such stopped vehicle has started and until any passengers who may have alighted have reached the side of the highway; except, that where a safety zone has been established, or at an intersection where traffic is controlled by a peace officer or mechanical traffic signal, a vehicle need not be brought to a full stop before passing a stopped vehicle, but may proceed past such vehicle at a speed not greater than is reasonable and proper and in no event at a speed greater than ten (10) miles per hour, and shall exercise due caution for the safety of all pedestrians.

(b) Every school bus, when operated for the transportation of school pupils, shall bear upon the front and rear thereof a plainly visible sign containing the words "School Bus - Stop" in letters not less than eight (8) inches in height and of proportionate width. No vehicle, other than a school bus, shall display such sign.

Penalty: Not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00).

