

CHAPTER 4
HEAVY EQUIPMENT RENTAL FOR AGRICULTURAL PURPOSES

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NOTE: Rule-making authority cited for formulation of Heavy Equipment Rental for Agricultural Purposes by the Director of Department of Agriculture, 5 GCA §62203, as amended by P. L. 15-107. These regulations were filed with the Legislative Secretary on October 19, 1990. They repealed and reenacted the rules filed in 1985.

The original publication was made on February 15, 1975.

§4100. Authority. Pursuant to 5 GCA §62203, relative to the rental of farm equipment from private companies and providing a subsidy to individual persons leasing certain equipment for agricultural purposes, the following rules and regulations are hereby established for the purpose of implementation of the administrative and operational statutory provisions of P.L. 15-107.

§4101. Administration. The Division of Agricultural Development Services of the Department of Agriculture shall be the responsible body for the administration of heavy equipment rental from private companies for agricultural purposes. The administration of the heavy equipment rental shall include the proper maintenance of job order and filing systems, the distribution of all forms and necessary information, the licensing of private companies, the performance of required inspections, certification and payment of equipment rental services.

§4102. Definitions. (a) *Department* shall mean the Department of Agriculture.

(b) *Director* shall mean the Director of Agriculture.

(c) *Lessee* shall mean any individual persons leasing certain heavy equipment for agricultural purposes under the provisions of 5 GCA Chapter 62, Article 2.

(d) *Private Company* shall mean a person or business engaged in providing equipment services for rent.

(e) *Licensee* shall mean any private company(s) authorized by the Director of Agriculture to rent equipment in accordance with the provisions of the code.

(f) *Equipment* shall mean heavy-duty tractors and other such equipment that may be used for agricultural land clearing, soil cultivation and preparation and other agricultural purposes only.

(g) *Subsidy* shall mean payment of up to 50% of the equipment cost for services rendered by licensed private company(s).

§4103. License Application. Any person(s) or business(s) who wish to provide equipment services shall file an application with the Department in accordance with the procedure and form prescribed by the Department. The application shall contain:

(a) The name, residence and mailing address of the owner or business.

(b) Citizenship status.

(c) Experience in the operation of farm equipment.

(d) Description of equipment including but not limited to the following: Type, model, and manufacturer's rated horsepower.

(e) Certificate of ownership or vehicle registration.

(f) A copy of Government of Guam business license.

(g) Financial statement.

(h) Signature of applicant.

§4104. Application to Lease Equipment. Any person or persons who wish or any person who wish to lease equipment must file an application with the Department of Agriculture. All sites authorized to be serviced will be inspected by the Department before and after the services are completed. The number of hours to be allocated for each site will be determined based on inspection.

§4105. Equipment Rental. The subsidy shall not exceed 50% of the cost of equipment rental services. Minimum hourly usage for the various kinds of equipment are listed below. Travel time is included in computing minimum charges of equipment rental. The maximum charge refers to the maximum number of hours allowed to be allocated for every lessee.

Notwithstanding any provisions set herein, the Department of Agriculture may warrant an increase in the rate charge of equipment to be leased due to increased operational costs.

Equipment	Description	Minimum Charge P/H	Maximum Charge P/H
Bulldozer	Land Clearing	3 hrs.	20 hrs.
Bulldozer	Aquaculture	3 hrs.	30 hrs.
Pay Loader		3 hrs.	20 hrs.
Backhoe		3 hrs.	20 hrs.
Farm Tractor			
	(40 H/P or more)	2 hrs.	20 hrs.
Farm Tractor	(below 40 H/P)	2 hrs.	20 hrs.

§4106. Payment of Service Rendered. The Department of Agriculture is only responsible for payment to private companies based on the subsidy rate of 50% of the cost of the equipment services rendered; provided that the rate charged does not exceed \$95.00 for bulldozer, \$50.00 for payloader, \$45.00 for backhoe, \$40.00 for farm tractor rated 40 horsepower or more, and \$30.00 for farm tractor rated below 40 horsepower. Lessee will be responsible for their portion of payment for services rendered by private companies in accordance with these rules and regulations.

§4107. Limitation. The continuation of this heavy equipment rental program depends on the availability of funds. The department in allocating funds for the program may prioritize the type of equipment to be leased for agricultural purposes.

§4108. Liability of the Department. It is understood and agreed that all employees of the Department of Agriculture are agents and representatives of the Government of Guam and shall not be personally held liable for the exercise of any power or authority under these rules and regulations. It is further understood and agreed that the license and lessee under this program shall save and hold harmless the Government, its officers, agents, representatives, successors and assigns or other governmental agencies from any and all suits or actions of every nature and kind, which may be brought forth on account of any injury, death or damage arising out of the acts of

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omissions of licensee or lessee and their officers,
agents, or employees.
