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CHAPTER 72
COMMERCIAL LICENSES

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GENERAL CLASSES

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§ 72101. License Required.

Every person engaged in or carrying on a business in Guam for the sale or manufacture of any tangible property whatsoever shall be required annually to obtain a commercial license.

SOURCE: GC § 16100. All section references are to P.L. 2-12 unless otherwise noted.

§ 72102. Banking.

(a) Every person engaging in or carrying on business in Guam of banking or receiving the money of others on deposit shall be required annually to obtain a commercial license; provided, however, that in addition to the requirements of this Subchapter, a license shall not be issued to a foreign banking corporation unless its application has first been approved by the Banking and Insurance Board pursuant to 22 GCA § 106725 and the license is in the form prescribed by that Section. The annual fee for such license is One Thousand Dollars (\$1,000.00). Institutions which are members of the Federal Reserve System of the United States shall be licensed upon meeting the general requirements of this Title. Any other persons engaged in the business of banking or

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receiving the money of others on deposit, by whatever name said deposit is designated, may accept agreements for future deposit but shall not accept the deposit until the accounts of depositors have been insured in accordance with the rules and regulations of an appropriate agency of the United States Government; provided, however, that nothing herein contained shall prohibit persons from engaging in the business of lending money with or without security when such money is the property of said persons.

(b) Every Customer-Bank Communication Terminal (CBCT), automated teller machine (ATM), or cash dispensing machine that is not contiguous to a main or branch facility established and operated by a bank, credit union or a non-bank entity is subject to an annual licensing fee of Five Hundred Dollars (\$500.00).

(c) The Commissioner of Banking and Insurance is hereby authorized to assess each bank licensed in Guam a fee of \$0.022 for every One Thousand Dollars (\$1,000) of its total assets. The total assets of the bank *shall* be determined from the audited financial statement *or* from the call report *or* financial statement for the period ending December 31st of each year it is filed with the Commissioner of Banking and Insurance. The assessment for each national, *or* state, *or* foreign bank that operates a branch bank on Guam *shall* be computed on the total assets of the branch bank in Guam. The assessment for each locally chartered bank *shall* be computed on the total assets of all its branches on Guam."

SOURCE: GC § 16001.1 amended by P.L. 13-111:1. Amended by P.L. 29-002:V:I:22 (May 18, 2007). Subsection (c) amended by P.L. 29-019:VI:55 (Sept. 29, 2007).

CROSS-REFERENCES: See Title 22, Business Regulations, Chapters 100, 103, 106 and 109 for the Banking Laws of Guam.

2011 NOTE: Reference to the "Banking and Insurance Commissioner" in subsection (c) changed to the "Commissioner of Banking and Insurance" and reference to the "Banking Board" in subsection (a) changed to the "Banking and Insurance Board" pursuant to P.L. 27-088:10 (May 6, 2004).

§ 72103. Other Lending Institutions.

Every person engaging in or carrying on the business in Guam of lending money with or without security (except banks and others who receive the money of others on deposit) *shall* be required annually to

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obtain a commercial license. The annual fee for such license is Five Hundred Dollars (\$500.00).

SOURCE: GC § 16001.2 added by P.L. 9-62 (5/5/67). Amended by P.L. 29-002:V:1:23 (May 18, 2007).

§ 72104. Applications.

Every person desiring a commercial license must make application therefor to the License Division of the Department of Revenue & Taxation of the Government of Guam in the form and manner required by the License Board.

SOURCE: GC § 16101.

§ 72105. Application: Content.

Each application must contain evidence of compliance with all the conditions and prerequisites required by law, rule and regulation. Failure to show compliance with any one or more of the required prerequisites is sufficient grounds on which to deny the issuance of the license or on which to base an order revoking a license.

SOURCE: GC § 16102.

§ 72106. General Requirements.

Each applicant for a commercial license must furnish evidence:

(a) That he owes no tax obligation under the Business Privilege Tax Law, including any penalty and interest thereon, to the Government of Guam which is due and delinquent at the time of application;

(b) That he is of good moral character, integrity and general repute as required by the rules and regulations pertaining thereto.

SOURCE: GC § 16103; amended by P.L. 5-36 (6/19/53).

CROSS-REFERENCES: See 11 GCA §70130 (Chapter 70) for more restrictions on doing business without having been licensed or without having paid the required taxes.

§ 72107. Wholesale License.

A wholesale license must be obtained by every person who engages in the business of selling tangible property for the purpose of resale. The annual fee for a wholesale license shall be based on annual gross revenue as follows:

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From \$1.00 to \$ 100,000.00	\$ 100.00
\$ 100,001.00 to \$ 500,000.00	\$ 200.00
\$ 500,001.00 to \$1,000,000.00	\$ 400.00
\$1,000,001.00 to \$2,000,000.00	\$ 800.00
Exceeding \$2,000,000.00	\$1,000.00

SOURCE: GC § 16104. Amended by P.L. 29-002:V:I:24 (May 18, 2007).

§ 72108. Retail License.

A retail license must be obtained by every person who engages in the business of selling tangible property to others for the consumption *or* use by the purchaser, and not for resale. The annual fee for a retail license *shall* be based on the annual gross revenue of each retail location operated by an applicant as follows:

From \$ 1.00 to \$ 250,000.00	\$ 100.00
\$ 250,001.00 to \$ 500,000.00	\$ 200.00
\$ 500,001.00 to \$1,000,000.00	\$ 400.00
\$1,000,001.00 to \$2,000,000.00	\$ 800.00
Exceeding \$2,000,000.00	\$1,000.00

SOURCE: GC § 16105. Amended by P.L. 29-002:V:I:25 (May 18, 2007); P.L. 29-019:VI:45 (Sept. 29, 2007).

§ 72109. Vending Machine for Printed Materials Fees.

For those licensees engaged in the selling of printed materials, magazines or newspapers in consideration through coin, token, or monetarily operated vending machines, the annual fee is Ten Dollars (\$10.00) for each vending machine so operated, notwithstanding 11 GCA §70121.

SOURCE: GC § 16105.01 (§ 16105.1 in the 1970 Codes of Guam) added by P.L. 5-128 (8/23/60). Amended by P.L. 24-278:5. Amended by P.L. 29-002:V:I:26 (May 18, 2007).

§ 72110. Manufacturer's License.

A manufacturer's license must be obtained by every person who engages in the business of applying labor, by hand or with the aid of machinery, to raw materials or to partially processed materials resulting

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in substantial transformation of some material into a form capable of use different from that to which it could be put before such substantial transformation. The annual fee for a manufacturer's license is:

- (a) For hand manufacturer \$25.00
- (b) For machine manufacturer \$80.00

SOURCE: GC § 16106. Amended by P.L. 29-002:V:I:27 (May 18, 2007).

§ 72111. Temporary Commercial Licenses.

Licenses required by this Chapter may, upon application, be issued on a temporary basis for a period of not more than seven days. At the end of such period they shall expire and shall not be renewable notwithstanding any other provision of this Division. The fees for licenses issued under this section shall be one-fourth (1/4) of the annual fee regardless of the quarter in which issued.

SOURCE: GC § 16106.1 added by P.L. 5-67 (3/14/60) as § 16107; renumbered to § 16106.1 by P.L. 7-9.

**ARTICLE 2
SPECIAL COMMERCIAL CLASSES**

- § 72150. Endorsements Required.
- § 72151. Application.
- § 72152. Food Preparation and Dispensing Endorsements
- § 72153. Liquid Fuel vendor's endorsement.
- § 72154. Firearm and ammunition vendor's endorsement
- § 72155. Alcoholic beverage licenses.
- § 72156. Explosive vendors.
- § 72157. Home Industry License.

§ 72150. Endorsements Required.

All applicants for licenses to conduct a business of special commercial classes as provided herein are required to comply with all applicable laws, rules and regulations relative to general commercial licenses and in addition thereto must obtain appropriate endorsements of cognizant government officials, as provided herein for such special classes. [A] commercial license for any of the special classes of businesses [listed in] this Article shall show on the face thereof the class for which the license was issued.

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SOURCE: GC § 16107. Material in brackets [---] inserted by Compiler to make sense of the sentence. The first A was omitted in the 1970 Codes of Guam. The second insertion read, in the 1970 Codes of Guam, . . . businesses of this . . .

§ 72151. Application.

Every person who applies for a commercial license of a special class must so state in his application to the License Division, and file an application in the form required by the License Board.

SOURCE: GC § 16108.

§ 72152. Food Preparation and Dispensing Endorsements.

Endorsements for food preparation and dispensers must be obtained by any person who engages in the business of preparing food for, or dispensing food to, the public, *provided*, however, that the provisions thereof shall not apply to the dispensing of food packaged in sealed containers. Such required endorsements are:

(a) Health certificate from the Department of Public Health & Social Services for each person handling food in the conduct of the business.

(b) Health and sanitation certificate from the Department of Public Health & Social Services, covering the premises wherein the business is to be conducted.

SOURCE: GC § 16109 *Medical Services* and *Public Health & Welfare* changed to Public Health & Social services pursuant to P.L. 9-147 (2/16/68).

§ 72153. Liquid Fuel Vendor's Endorsement.

An endorsement for liquid fuel vending must be obtained by any person who engages in the business of, or who sells, retail or wholesale, or stores, liquid fuel products. Such required endorsements are:

(a) Safety Certificate from the Guam Fire Department; [and]

(b) Health Certificate from the Department of Public Health & Social Services covering the premises wherein the business is conducted in those cases where the handling of liquid fuel is in conjunction with, and carried on from the same premises as the sale of any food or drink.

SOURCE: GC § 16110 amended by P.L. 9-147 (2/16/68). The original subsection (a) had the *Department of Public Safety* handling the Safety Certificates. Since the separation of that Department into the Guam Fire Department and the Guam Police Department, such activities have been taken over by the Guam Fire Department.

§ 72154. Firearm and Ammunition Vendor's Endorsement.

An endorsement for firearm and ammunition vending must be obtained by any person who engages in the business of selling any weapon from which a projectile is fired by an explosive and such explosive ammunition. Such endorsement is:

(a) Certification by the Chief of Police that such person, his agents and employees, are qualified, capable, and possess facilities to conduct such business in a safe manner.

SOURCE: GC § 16111; amended by P.L. 2-96 (7/31/54) and P.L. 6-124 (9/1/62). *Director of Public Safety* changed to Guam Police Chief to conform to the split of the Dept. of Public Safety into Fire and Police Departments, with the respective change in duties of each.

CROSS-REFERENCES: For later, and more detailed, laws governing firearm dealers, see 10 GCA Chapter 60, Firearms.

§ 72155. Alcoholic Beverage Licenses.

All licenses pertaining to the sale or handling of alcoholic beverages shall be governed by the provisions of 11 GCA Chapter 3.

SOURCE: GC § 16112.

§ 72156. Explosive Vendors.

An endorsement for explosive vending must be obtained by any person who engages in the business of selling any explosives. Such endorsement is:

(a) Certification by the Guam Fire Chief that such person, his agents and employees, are qualified, capable and possess facilities to conduct such business in a safe manner.

SOURCE: GC § 16113. The Compiler has changed *Director of Public Safety* to Guam Fire Chief to conform to the split in the former Department of Public Safety.

CROSS-REFERENCES: For more detailed law on the regulation of Explosive's Vendors, see 10 GCA Chapter 61.

§ 72157. Home Industry License.

(a) As used in this section:

(1) *Home industry* means (i) engaging in the business [in] one's home of manufacturing handicrafts, souvenirs, food and other items of home manufacture, sewing, silversmithing and

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blacksmithing; and (ii) earning gross revenue of not more than One Hundred Thousand Dollars (\$100,000) annually.

(2) *Family members* means persons living in the same household and who are related within the third degree of consanguinity.

(b) Home Industry License. Any person who does business as a home industry *shall* obtain a home industry license. The annual fee for a home industry license is Twenty-five Dollars (\$25.00) for each business licensable activity at each location. A person applying for a home industry license *shall* not be required to receive endorsements from the Department of Land Management, the Department of Labor, the Department of Revenue and Taxation and from the Department of Public Works. However, when the license is for food preparation, the health certificate for persons handling food and the health certificate for the suitability of the place of preparation shall be required. For purposes of this Section, no person may qualify for a home industry license *if* he employs in his business persons other than family members and *if* such business is not actually conducted in his own home. A person qualifying for a home industry license under this Section may engage in the manufacture of products and wholesale sales without obtaining any other business licenses.

SOURCE: GC § 16114 added by P.L. 15-71. Subsection (b) amended by P.L. 29-002:V:1:28 (May 18, 2007).

§ 72158. Tobacco License.

The licensing of sales of tobacco products shall be governed by the provisions of Chapter 6 of Title 11 of the Guam Code Annotated.

SOURCE: Added by P.L. 24-278:6.
