

# **GUAM CODE ANNOTATED**

## **TITLE 16**

### **VEHICLES**

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## TABLE OF CONTENTS

### TITLE 16 VEHICLES

Chapter 1.	Definitions. §§ 1101-1103
Chapter 3.	General Provisions.
Article 1.	Drivers Licenses. §§ 3101-3117
Article 1A.	Graduated Drivers' Licenses. §§ 31A00-31A08
Article 2.	Vehicle Equipment. §§ 3201-3220
Article 3.	Rules of the Road. §§ 3301-3348
Article 4.	Parking. §§ 3401-3409
Article 5.	Accidents. §§ 3501-3504
Article 6.	Safety Inspection. §§ 3601-3607
Article 7.	Handbilling Act. §§ 3701-3707
Article 8.	Aggressive Panhandling Act of 2013. §§ 3801-3805
Article 9.	Plug-In Electric Vehicle Rebate Program Act §§ 3901-3907
Chapter 5.	Size, Weight and Load Limitations and Restriction of Certain Vehicles. §§ 5101-5118
Chapter 7.	Vehicle License and Registration. §§ 7101- 7177
Chapter 9.	Penalties. §§ 9101-9108
Chapter 11.	Taxicabs. §§ 11101-11106.1
Chapter 12.	Tow Trucks. §§ 12101-12109
Chapter 13.	School Crossing Guards. §§ 13101-13102
Chapter 15.	Speed or Acceleration Contests. §§ 15101-15102
Chapter 17.	Imputed Negligence. § 17101
Chapter 18.	Safe Streets Act. [See Title 9 GCA, Chapter 92]
Chapter 19.	Mandatory Insurance. §§ 19101-19107
Chapter 21.	Motor Vehicle Insurance. §§ 21101-21111
Chapter 23.	Assigned Risk Plans. §§ 23101-23108

- Chapter 25. Vehicle Transfer Tax. §§ 25101-25107
- Chapter 26. Passenger Restraint Devices. §§ 26101-26107
- Chapter 27. Bicycle Safety. §§ 27101-2711
- Chapter 28. Transportation/Taxicab Network Company Services Act. §§ 28101-28124



16 GCA VEHICLES  
CH. 1 DEFINITIONS

CHAPTER 1  
DEFINITIONS

- § 1101. Title.
- § 1102. Definitions.
- § 1103. Definition, Bicycle.

**§ 1101. Title.**

This Title shall be known as the Vehicle Code.

**SOURCE:** GC § 23000, enacted by P.L. 1-88.

**§ 1102. Definitions.**

Unless the context otherwise requires, the definitions set forth in this Section govern the construction of this Title:

(a) A bicycle equipped with a motor is a two (2) tandem wheeled vehicle or a three (3)-wheeled vehicle equipped with a motor having a power rating not in excess of two (2) horsepower and is designed to travel on not more than three (3) wheels in contact with the ground.

(b) A chauffeur is a person who is employed by another for the principal purpose of driving a motor vehicle on the highways and receives compensation therefor.

(c) A commercial vehicle is a vehicle of a type required to be registered hereunder, used or maintained for the transportation of persons for hire, compensation or profit or designed, used or maintained primarily for the transportation of property.

(1) A commercial motor vehicle (CMV) is a vehicle of a type required to be registered hereunder, used or maintained for the transportation of persons for hire, compensation or profit, or designed, used or maintained primarily for the transportation of property. Additionally, a commercial motor vehicle includes any self-propelled or towed motor vehicle used on a highway in interstate or intrastate commerce to transport passengers or property when the vehicle:

**16 GCA VEHICLES**  
**CH. 1 DEFINITIONS**

(A) has a gross vehicle weight rating (GVWR) as classified by the vehicle manufacturer, or gross combination weight rating (GCWR), or gross vehicle weight (GVW), or gross combination weight (GCW), of 4,536 kg (10,001 pounds) or more, whichever is greater; or

(B) is designed or used to transport more than eight (8) passengers, including the driver, for compensation; or

(C) is designed or used to transport more than fifteen (15) passengers, including the driver, and is not used to transport passengers for compensation; or

(D) is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103, and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

(E) For intrastate commerce purposes only, a commercial motor vehicle includes a vehicle of a type required to be registered hereunder, and used or maintained for the transportation of nine (9) to fifteen (15) persons.

(d) A crosswalk is either:

(1) That portion of a roadway ordinarily included within the prolongation or connection of the boundary lines of sidewalks at intersections where the intersecting roadways meet at approximately right angles, except the prolongation of any such lines from an alley.

(2) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(e) A dealer is a person engaged in the business of buying, selling or exchanging vehicles of a type required to

**16 GCA VEHICLES**  
**CH. 1 DEFINITIONS**

be registered hereunder who has an established place of business for such purpose in Guam.

(f) A driver is a person who drives or is in actual physical control of a vehicle.

(g) An emergency brake is any braking gear or mechanism for applying braking effort to at least two (2) wheels of a vehicle, normally operated by the operator's hand. If any vehicle has two (2) brakes, both designed to be operated by the foot, a brake with a ratchet or other device for holding the brake in the applied position shall be construed as an emergency brake.

(h) Essential parts are all integral parts of a vehicle of a type required to be registered under this Title, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance.

(i) Established place of business is a place actually occupied either continuously or at regular periods by a dealer or where his books and records are kept and a large share of his business is transacted.

(j) An explosive is any chemical, compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion sufficient to produce destructive effects upon persons or property.

(k) A garage is a building or other place wherein the business of storing or safekeeping vehicles of a type required to be registered hereunder and which belong to divers members of the public is conducted for compensation.

(l) A headlamp is a complete road illuminating device located upon the front of a vehicle, the rays of which are projected forward, other than a sidelight, auxiliary driving lamp, searchlight or spot lamp.

(m) A highway is a way or place of whatever nature open to the use of the public for purposes of vehicular traffic.

**16 GCA VEHICLES**  
**CH. 1 DEFINITIONS**

(n) An implement of husbandry is a vehicle which is designed exclusively for agricultural purposes and used exclusively in the conduct of agricultural operations.

(o) An intersection is the area embraced within the prolongation of the lateral curb lines, or if none, then the lateral boundary lines of the roadways, of two (2) highways which join one another at approximately right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

(p) A motor bus is a motor vehicle operated for the carriage of passengers for hire.

(q) A motorcycle is a motor vehicle having a power rating in excess of two (2) horsepower designed to travel on not more than three (3) wheels or two (2) wheels and a side car, in contact with the ground, and not a "bicycle equipped with a motor."

(r) A motor truck is a motor vehicle designed, used or maintained primarily for the transportation of property.

(s) A motor vehicle is a vehicle which is self-propelled excluding bicycle, bicycle equipped with a motor, and electric personal assistive mobility device (EPAMD).

(t) A non-resident is a person who is not a resident of Guam.

(u) An obstructed registration plate is a registration plate, the characters upon which are not clearly legible in daylight at a distance of fifty (50) feet on the line of the axis of the vehicle to which they are affixed on an approximately level stretch of highway.

(v) An operator is a person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway.

(w) An owner is a person having all the incidents of ownership including the legal title of a vehicle whether or not such person lends, rents or pledges such vehicle; the person entitled to the possession of a vehicle as the purchaser under

**16 GCA VEHICLES**  
**CH. 1 DEFINITIONS**

a conditional sale contract; the mortgager of a vehicle; or the Government, when entitled to the possession and use of a vehicle under a lease, lease-sale, or rental-purchase agreement for a period of twelve (12) months or more.

(x) A person includes a natural person, firm, co-partnership, association or corporation.

(y) A pole or pipe dolly is a vehicle without a motive power having one (1) or more axles, which axles, if there be more than one (1), are not more than fifty-four (54) inches apart, and two (2) or more wheels, used in connection with a motor vehicle solely for the purpose of transporting poles, timbers, pipes or integral structural materials and connected with the towing vehicle both by chain, rope, cable, or drawbar, and by the load without any part of the weight of the dolly resting upon the pulling vehicle.

(z) A private road or driveway is a way or place in private ownership and used for vehicular traffic by the owner and those having express or implied permission from the owner but not by the other members of the public.

(aa) A rear lamp is a light located upon the rear of a motor vehicle, trailer, or semitrailer, so arranged as to show red to the rear. A red reflector shall not be considered a rear lamp.

(bb) A reconstructed vehicle is a vehicle of a type required to be registered under this Code materially altered from its original construction by the removal, addition or substitution of essential parts, new or used.

(cc) A registered owner is a person registered under this Title as the owner of a vehicle.

(dd) A residence district is that portion of a highway and the property contiguous thereto, other than a business district, upon one or both sides of which highway, within a distance of three hundred (300) feet or more, the continuous property fronting thereon is closely built up with dwellings or by dwellings and buildings in use for business.

**16 GCA VEHICLES**  
**CH. 1 DEFINITIONS**

(ee) A right of way is the privilege of the immediate use of the highway.

(ff) A roadway is that portion of a highway improved, designed or ordinarily used for vehicle traffic.

(gg) A safety zone is that area or space lawfully set apart within a roadway for the exclusive use of pedestrians and which is protected, or which is so marked or indicated by signs in order to make such area or space plainly visible at all times while set apart as a safety zone.

(hh) A semitrailer is a vehicle designed for carrying persons or property and having one (1) or more axles and one (1) or more wheels, used in conjunction with a motor vehicle and so constructed that some part of its weight and that of its load rests upon, or is carried by another vehicle.

(ii) A service brake is any braking gear or mechanism for applying braking effort to at least two (2) wheels on a motor vehicle, normally operated by the operator's foot.

(jj) A sidewalk is that portion of a highway, other than the roadway, set apart for pedestrian travel.

(kk) A spot lamp is an auxiliary illuminating device, either fixed or movable, for the purpose of projecting a beam of light.

(ll) A trailer is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle.

(mm) A through highway is a highway or portion thereof at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same, and where stop signs are erected as provided in this Title.

(nn) A transferee is a person who has acquired the sole ownership of or an equity in a vehicle of a type required to be registered under this Title.

(oo) A vehicle is a device in, upon or by which any

**16 GCA VEHICLES**  
**CH. 1 DEFINITIONS**

person or property is or may be propelled, moved or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks or an electric personal assistive mobility device.

(pp) Legal owner is a person holding the legal title to a vehicle under a conditional sale contract, the mortgagee of a vehicle, or the renter or lessor of a vehicle to the Government under a lease, lease-sale or rental-purchase agreement which grants possession of the vehicle to the lessee for a period of twelve (12) months or more.

(qq) A Territory, Commonwealth, or State of the United States, as the terms are used separately or together in this Title, includes any of the fifty (50) states of the United States, any incorporated or unincorporated territory of the United States, the Commonwealth of the Northern Marianas Islands, and any commonwealth of the United States.

(rr) An Electric Personal Assistive Mobility Device (EPAMD) is a self-balancing two (2) non-tandem-wheeled device with an electric propulsion system with an average of seven hundred fifty (750) watts (1 horsepower) that limits the maximum speed of the device to twelve and a half (12.5) miles per hour or less and that is designed to transport only one (1) person at a maximum speed of twelve and a half (12.5) miles per hour. An Electric Personal Assistive Mobility Device (EPAMD) shall have a maximum footprint of thirty-nine and a half (39.5) inches in width by twenty-six and a half (26.5) inches in length by fifty (50) inches high and shall weigh no greater than one hundred fifty (150) pounds.

(ss) Examiner means an Examiner duly employed by the Department of Revenue and Taxation Agency, government of Guam, authorized to administer a commercial drivers license road examination.

(tt) Fund means the Examiner Off-Duty Services Fund.

(uu) Services means Chauffeurs License Endorsement B, C, D and G road examinations.

**16 GCA VEHICLES**  
**CH. 1 DEFINITIONS**

(vv) Interstate commerce means trade, traffic, or transportation in the United States, which includes the fifty (50) states, District of Columbia, territories and Commonwealths of the United States:

(1) between a Guam port of entry/exit (the J.D. Leon Guerrero Commercial Port or the A.B. Won Pat International Airport) and a place outside of such entry/exit; or

(2) between two (2) places in Guam as part of trade, traffic, or transportation originating or terminating outside Guam or the United States.

(ww) Intrastate commerce means any trade, traffic, or transportation within the Territory of Guam which is not described in the term 'interstate commerce'.

(xx) Defensive driving: Defensive driving is "driving to save lives, time, and money, in spite of the conditions around you and the actions of others." Defensive driving is a form of training for motor vehicle drivers that goes beyond mastery of the rules of the road and the basic mechanics of driving. Its aim is to reduce the risks associated with driving by anticipating dangerous situations, despite adverse conditions or the mistakes of others. Defensive driving is also known as driver improvement, as well as traffic school. For the purposes of this Title and § 9107 and § 9107.1, the terms are interchangeable.

**SOURCE:** GC § 23001, enacted by P.L. 1-88. Subsection (a) repealed and reenacted by P.L. 14-75:3 and amended by P.L. 16-58:1; Subsection (q) amended by P.L. 14-75:2; P.L. 14-104:4, as amended by P.L. 16-58:2; Subsection (s) amended by P.L. 14-75:1. Subsection (qq) added by P.L. 23-08:1. Subsections (a), (s) and (oo) amended by P.L. 29-139:2 (Jan. 30, 2009). Subsection (rr) added by P.L. 29-139:4 (Jan. 30, 2009). Subsections (ss), (tt) and (uu) added by P.L. 30-140:2 (May 17, 2010). Subsection (c)(1) added by P.L. 31-027:2 (Apr. 18, 2011). Subsections (vv) and (ww) added by P.L. 31-027:3 (Apr. 18, 2011). Subsection (xx) added by P.L. 31-208:2 (May 9, 2012).

**2011 NOTE:** P.L. 31-082:3 (Sept. 30, 2011) amends subsections (ss) & (uu), effective following the promulgation and adoption of rules and regulations pursuant to P.L. 31-082:6.

P.L. 31-082:3 provides:

**16 GCA VEHICLES  
CH. 1 DEFINITIONS**

**“Section 3. Inclusion of Operator’s License Endorsement**

**A.** Subsections (ss) and (uu) of §1102 of Chapter 1, Title 16, Guam Code Annotated, are hereby amended to read as follows:

“(ss) Examiner means an Examiner duly employed by the Department of Revenue and Taxation Agency, government of Guam, authorized to administer an operator’s license road examination or a commercial drivers license road examination.”

“(uu) Services means Operators License Endorsement A, and Chauffeurs License Endorsement B, C, D and G road examinations.””

**COURT DECISIONS:** Neither seller, who gave an endorsed certificate of ownership of the car to the buyer, nor the buyer, who resold the car to motorist and who gave him the endorsed title without adding 1st buyer’s endorsement, was an owner under this section, even though neither of the two sellers had reported their respective sales to the Department of Revenue and Taxation. *Look v. Mobley*, 323 F.2d 214 (9th Cir. 1963).

**§ 1103. Definition: Bicycle.**

A bicycle is a motorless contrivance operated with two (2) tandem wheels but not more than three (3) wheels in contact with the ground and propelled by human power.

**SOURCE:** GC § 23001.1, enacted by P.L. 3-16. Amended by P.L. 29-139:3 (Jan 30, 2009).

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