

DIVISION 2

LICENSE DIVISION (Department of Revenue and Taxation)

- Chapter 5 Business Licensing
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(No rules filed.
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CHAPTER 5
BUSINESS LICENSING

NOTE: Although the License Division of the Department of Revenue and Taxation is authorized under 11 GCA §70104 and §70105 to administer rules and regulations for business licensing, actual rule making authority is vested in the License Board. Because the administration of these rules comprises a major portion of the License Division's duties, the rules and regulations of the License Board are cited here for reference purposes. The regulations of the License Board can be found in Title III, Business Regulations, Chapter 1, Guam Administrative Rules.

CHAPTER 6
VEHICLE REGISTRATION
(No rules filed.)

NOTE: Rule-making authority cited for vehicle registration regulations by the Department of Revenue and Taxation, 16 GCA §7105, §7108, §7143, §7174.

CHAPTER 7
WEIGHTS AND MEASURES

NOTE: Rule-making authority cited for formulation of regulations controlling the inspection, and/or manner of use of weights, scales and measures by the Director of Revenue and Taxation, 11 GCA §2103.

§7101. Rules and Regulations Incorporated by Reference. Rules and regulations controlling the inspection and/or manner of use of weights, scales and measures are incorporated herein by reference (the regulations can be found in Title III, Business Regulations, Chapter 6, Guam Administrative Rules).

CHAPTER 8
PERIODIC SAFETY INSPECTION OF MOTOR VEHICLES

- §8101. General Provisions: Title and Authority
- §8102. Same: Purpose and Scope.
- §8103. Same: Definitions.
- §8104. Official Inspection Station Operation: Official Inspection Station (O.V.I.S.) Permits.
- §8105. Same: Operation of Inspection Stations.
- §8106. General Procedures for the Inspection of Vehicles.
- §8107. Same: Issuance of Certificate of Inspection and Approval and Affixing of Inspection Stickers.
- §8108. Same: Rejection of Vehicles.
- §8109. Criteria for the Inspection of Vehicles: Inspection of Wheel Alignment, Tires and Rims.
- §8110. Same: Inspection of the Exhaust System.
- §8111. Same: Inspection of Braking Mechanism.
- §8112. Same: Inspection of the Lighting System Reflectors.
- §8113. Same: Inspection of Windows.
- §8114. Same: Inspection of Horns.
- §8115. Same: Inspection of Windshield Wipers.
- §8116. Same: Inspection of Body.
- §8117. Same: Inspection of Registration.
- §8118. Inspection of Motorcycles, Mopeds and Motor Scooters.
- §8119. Inspection of Heavy Equipment.
- §8120. Fees, Issuance and Expiration of Stickers.
- §8121. Government Vehicles.
- §8122. Severability and Effective Date.

NOTE: Rule-making authority cited for formulation of rules and regulations governing the periodic safety inspection of motor vehicles by the Director of Revenue and Taxation, 16 GCA §3603.

The regulations governing the periodic safety inspection of motor vehicles are reprinted here in form as exact as possible to those filed on March 9, 1979 with the Legislative Secretary. The substance of the regulations has not been changed. However, for the purpose of uniformity and ease of use, a new system of numbering has been adopted by the Editor. It is hoped that the revised numerical system will eventually be substituted for that formulated by the Director of the Department of Revenue and Taxation.

§8101. General Provisions: Title and Authority. These rules and regulations shall be called the "Rules and Regulations Governing the Periodic Safety Inspection of Vehicles". These rules and regulations are promulgated by the Director of Revenue and Taxation under authority granted him by 16 GCA §3603 as amended by Public Law 14-128.

§8102. Same: Purpose and Scope. The operation of mechanically deficient motor vehicles upon the highways of the territory of Guam has contributed substantially to the number of accidents which have caused disabling injuries, deaths and property loss.

Through periodic vehicle inspections, every vehicle legally operated on public highways will be required to be properly equipped and maintained in a safe working condition. A periodic vehicle inspection program operating uniformly throughout the territory of Guam will reduce the likelihood of unsafe vehicles being operated and is deemed to be in the best interest of the public health, welfare and safety.

Public Law 14-128 provides that these rules and regulations be promulgated in order to ensure that vehicles which have not been inspected and certified shall not be operated, permitted to be operated, caused to be operated or parked on the public highways of the territory of Guam.

§8103. Same: Definitions. Terms used in these rules and regulations which are defined in Title 16 Guam Code Annotated shall have the same definition for the purpose of these rules and regulations.

Official Vehicle Inspection Stations, hereafter referred to as O.V.I.S., singular or plural, are garages or shops (inclusive of military) that have been licensed by the Director of Revenue and Taxation to perform inspection services in accordance with these rules and regulations.

§8104. Official Inspection Station Operation: Official Vehicle Inspection Station (O.V.I.S.) Permits. (a) The Department of Revenue and Taxation shall issue permits for and furnish instructions and all forms to every qualified O.V.I.S. for the periodic inspection program.

(b) An application for an O.V.I.S. permit shall be made upon an official form and the permit shall be issued only after the Department of Revenue and Taxation determines that the station is properly manned with safety inspectors and properly equipped to conduct inspections in accordance with these rules and regulations.

(c) No permit for an O.V.I.S. shall be issued unless the station is equipped with the following: headlight testing machine; wheel alignment gauge or testing machine; brake tester; and tools for replacing mufflers and tailpipes, replacing windshield wiper blades and arms, adjusting brakes; and any other equipment found necessary by the Director of Revenue and Taxation.

(d) No permit for an O.V.I.S. shall be assigned or transferred or used at any location other than the location designated on the permit. Every O.V.I.S. shall post its permit in a conspicuous place at the station.

(e) The Department of Revenue and Taxation shall supervise and cause inspections to be made of every O.V.I.S. and shall suspend or revoke and require the surrender of any permit, certificate of inspection forms and inspection stickers issued to a station which it finds is not properly manned or equipped or not properly conducting inspections. The Department of Revenue and Taxation shall maintain at its office a file of all stations holding permits and shall post at its office a list of those stations whose permits are under suspension or have been revoked.

§8105. Same: Operation of Inspection Stations. (a) A safety inspector shall not issue a certificate of inspection and approval to the owner of a vehicle unless, after inspecting the vehicle pursuant to these rules and regulations, he determines that the vehicle's equipment is in good working condition and proper adjustment; provided that he may issue a special certificate to the owner of a restricted vehicle even though it is not fully equipped as required by these rules.

(b) Every O.V.I.S. shall report to the Department of Revenue and Taxation the results of any inspections conducted as follows: it shall file a copy of any inspection checklist completed and any certificate of inspection and approval it has issued. It shall report the serial number of any inspection sticker affixed to a vehicle. The reports shall be filed within ten (10) working days following the end of the month in which the inspections were performed.

(c) The Department of Revenue and Taxation shall assign one or more government inspectors to regularly monitor the inspection procedure and ensure that the rules and regulations are properly followed.

§8106. General Procedures for the Inspection of Vehicles: Procedures. When an application for a certificate of inspection of any vehicle at an O.V.I.S., a safety inspector shall conduct an inspection in accordance with these rules and regulations, using the checklist form supplied by the Director of Revenue and Taxation and shall collect the inspection fee established by law.

§8107. Same: Issuance of Certificates of Inspection and Approval and Affixing of Inspection Stickers. (a) When a vehicle is inspected pursuant to these rules and is found to qualify, a certificate of inspection and approval, signed by the safety inspector who performed the inspection, shall be issued. The original of the certificate

shall be placed in the vehicle and shall remain there while it is valid, and shall be submitted to the Motor Vehicle Inspection and License Branch when applying for a temporary or permanent registration of a vehicle, or transfer of ownership of a vehicle. One (1) copy of the certificate shall be delivered by the O.V.I.S. to the Department of Revenue and Taxation and a second copy shall be retained by the O.V.I.S. for a period of one (1) year after which it may be destroyed.

(b) After the certificate of inspection and approval is issued for a vehicle, a sticker authorized by the Director of Revenue and Taxation shall be affixed by the government assigned inspector upon the inside lower right side of the front windshield of the vehicle.

§8108. Same: Rejection of Vehicles. (a) If the vehicle is inspected pursuant to these rules and found not to qualify, a certificate of inspection and approval shall not be issued and no authorized sticker shall be affixed to the vehicle. A copy of the checklist form, designated by the Director of Revenue and Taxation, which was filled out during the inspection shall be shown to the person applying for the certificate of inspection. Corrective repairs may be done on the vehicle. If, upon reinspection, the vehicle is found to qualify, a certificate of inspection and approval shall be issued. If the applicant chooses not to have the repairs done immediately, as is his right, the applicant shall have five (5) working days to have the deficiencies corrected and be reinspected. If, upon reinspection thereafter, the vehicle is found to qualify, a certificate of inspection and approval shall be issued. The right to a reduced-fee reinspection is lost if the vehicle is not reinspected within the five (5) day period.

(b) In the event a vehicle is rejected during inspection, the O.V.I.S. shall not in any manner influence the owner or operator to have his vehicle repaired at that facility. If the owner elects to have the work done by the inspecting O.V.I.S. there shall be a firm understanding as to the cost for such repairs. Every O.V.I.S. shall post a list of charges for repair and adjustment services.

§8109. Criteria for the Inspection of Vehicles: Inspection of Wheel Alignment, Tires and Rims. The alignment of the wheels shall be tested by an appropriate device and by inspection of the tires. Tires and rims will be checked by visual examination.

Causes for rejection: wheels or axles out of reasonable alignment with the longitudinal axis of the vehicle. Tires unevenly worn so that a gouging of the tread is apparent or a wavy appearance is imparted to the outside circumference of the tire. Any tire worn to the point where little or no tread design remains or where any part of the cord fabric is exposed. Tread cuts or snags in excess of one-fourth (1/4) inch or more in any direction as measured on the outside of the tire and deep enough to expose the cord fabric. Any tire that has any bump, bulge or knot apparently related to tread or sidewall separation or failure or partial failure of the tire structure. Bent, loose, cracked or damaged wheel or defective rim or wheel flanges.

§8110. Same: Inspection of the Exhaust System. The exhaust system, including the piping leading from the flange of the exhaust manifold to and including the mufflers and the tail pipe, will be checked by visual and aural examination while the engine is in operation.

Causes for rejection: Loose or leaking joints in the exhaust system, holes or leaks in the muffler and the presence of the excessive or annoying fumes, smoke or noise.

§8111. Same: Inspection of Braking Mechanism. (a) The performance of the service brake system will be checked by testing the operation of the brakes by placing the vehicle on an approved brake testing machine in the manner required by the machine's manufacturer. The manufacturer's criteria shall be applied.

Causes for rejection: service braking force developed on a wheel is less than sixty-five percent (65%) of the braking force of the wheel opposite it or on the same axle. Failure of a vehicle to develop a deceleration rate of at least seventeen (17) feet per second per second if it is a passenger motor vehicle with a seating capacity of ten (10) or fewer including the driver and does not have an identified manufacturer's gross vehicle weight (GVW) or fourteen (14) per second per second for all other vehicles.

(b) The performance of the parking or emergency brake system will be checked by parking the vehicle on a flat surface, setting the parking or emergency brake, starting the engine, placing the vehicle in low range or low gear and operating the accelerator until the engine is turning at five hundred (500) and eight hundred (800) revolutions per minute.

Causes for rejection: failure of the parking or emergency brake system to hold the vehicle in place.

§8112. Same: Inspection of the Lighting System Reflectors. (a) The lighting system of the vehicle will be checked by operating and visually inspecting all of the exterior lighting devices and reflectors required by law to present on the vehicle.

Causes for rejection: any lamp or reflector not of an approved type or in an approved place when approval is required. Any bulb in any lamp that fails to function properly. Any circuit that does not light the proper filament when the operating switch is set in the proper position. A lamp or reflex reflector that is insecurely fastened or is mounted or located improperly on the vehicle. A lamp or reflex reflector showing a beam of color contrary to law. Any required reflex reflector, lamp or lens that is turned or inclined so that its light is not properly directed. Light produced by any lamp required by law that is less than fifty percent (50%) of the normal new lamp value. Signal lights flashing rate not within fifty (50) to one hundred thirty (130) flashed per minute.

(b) The aim of the headlights of the vehicle will be checked using the approved headlight testing machine.

Cause for rejection: failure to meet the standards required by the approved headlight testing machine.

§8113. Same: Inspection of Windows. The windows will be checked by visual examination and by the operation of the window at the driver's left.

Causes for rejection: glazing materials of a type required by law not present at locations specified by law. Window at driver's left, or section of same, that cannot be readily opened to permit arm signals to be made (the presence of approved turn signals does not eliminate this requirement). Posters, stickers or other non-transparent materials, except those permitted by law located on the windshield or windows to the immediate left or right of the driver or located between the driver and the windshield or windows that interfere with his vision. Cracks, discoloration or scratches that interfere with the driver's vision or represent a potential safety hazard. Any vehicle windows with sharp or broken edges. The use of non-transparent materials to replace vehicle glass. Tinting or reflective material applied to the windows, other than that applied by the manufacturer, which prevents or

substantially reduces vision into or out of the vehicle's interior.

§8114. Same: Inspection of Horn. The vehicle's horn will be checked by sounding it.

Causes for rejection: horn controls located beyond the reach of the driver. Horn will not sound. Horn which is softer or louder than the law allows.

§8115. Same: Inspection of Windshield Wipers. The windshield wipers mechanism and equipment will be checked visually while operating.

Causes for rejection: controls located beyond the driver's reach. Windshield wiper not operating. Windshield wiper blades missing or obviously worn or damaged so as to be ineffective.

§8116. Same: Inspection of Body. The body of the vehicle will be checked visually for hazards to pedestrians and other vehicles.

Causes for rejection: Defective or dislocated parts projecting from the vehicle so as to create a danger to pedestrians or other vehicles. Doors or fenders misplaced, not firmly attached or missing so as to constitute a safety hazard. Substantial corrosion or damage to the structure of the body of the vehicle which reasonably threatens safe operation.

§8117. Same: Inspection of Registration. The registration of the vehicle will be checked by observing the license plates, registration certificate, motor, body or identification number and general description of the vehicle.

Causes of rejection: Plates obscured. Identification numbers missing or altered. Numbers not in agreement with the registration certificate.

§8118. Inspection of Motorcycles, Mopeds and Motor Scooters. With the exception of wheel alignment and brake system tests, all motorcycles, mopeds and motor scooters must meet the tests prescribed above for passenger motor vehicles. Wheel alignment tests are not required for two (2) wheel motor vehicles.

The performance of service brake system on motorcycles, moped and motor scooters will be checked by accelerating the vehicle and applying the brakes on a level, dry, smooth and hard surface that is free from loose material, oil and grease. Accelerate the vehicle until it

reaches a speed of four (4) to eight (8) miles per hour and apply the brakes so as to stop the vehicle in the shortest distance possible. If, in the opinion of the inspector, the brakes did not stop the vehicle with the capability designed by the manufacturer, the vehicle should be retested by accelerating to a speed of twenty (20) miles per hour before applying the brakes so as to stop the vehicle in the shortest distance possible.

Cause for rejection: Failure to stop the vehicle from a speed of twenty (20) miles per hour in thirty (30) feet or less.

§8119. Inspection of Heavy Equipment. In cases where certain vehicles are designed for special purposes such as construction or trucking and it is impossible to conduct the requisite tests of these rules and regulations at an O.V.I.S. site, the operator of the subject vehicle shall apply for an inspection certificate directly to the Department of Revenue and Taxation. A government assigned safety inspector shall examine the subject vehicle and make certification on a case by case basis with the approval of the Director of Revenue and Taxation. Otherwise all the tests of §§4109 through 4117 shall apply.

§8120. Fees, Issuance and Expiration of Stickers. (a) Fees:

(1) The inspection fee has been established by law at Five Dollars (\$5.00) for each completed inspection. Vehicles failing to pass the initial inspection shall be reinspected for an additional fee of One Dollar (\$1.00).

(2) Every O.V.I.S. shall be required to purchase official decalcomania from the Director of Revenue and Taxation at a cost of Two Dollars (\$2.00) each. All fees received by the Director of Revenue and Taxation shall be deposited into the General Fund.

(3) All inspection decalcomania remain under inventory control of the government of Guam whether purchased by the O.V.I.S. or affixed to an inspected vehicle. Appropriate criminal and civil sanctions shall be applied against fraudulent or deceptive actions or improper use of the inspection process or decalcomania.

(b) Issuance:

(1) Issuance of official inspection stickers shall be made only after a vehicle has successfully passed the inspection process. Vehicles which have been involved in

collisions or other accidents requiring substantial repair work, as determined by the investigating police officer, are required to be reinspected after repair.

(2) Vehicles applying for an original registration must successfully pass the inspection process before registration can be issued.

(c) **Expiration.** All official inspection stickers shall expire one (1) year after the date of inspection, except that the sticker shall remain valid until the last day of the month in which it shall expire.

§8121. Government Vehicles. All government owned vehicles are required to be inspected yearly in accordance with these rules and regulations. When a non-government O.V.I.S. completes an inspection of a government owned vehicle the Five Dollars (\$5.00) fee shall not be collected directly from the operator. The O.V.I.S. shall indicate monthly to the Department of Revenue and Taxation the number of government vehicles inspected documented by copies of the inspection certification. For each such vehicle inspected, the Department of Revenue and Taxation shall then grant the O.V.I.S. a Five Dollars (\$5.00) credit towards the amount charged the O.V.I.S. for the sale of inspection stickers. The same rule shall apply to the One Dollar (\$1.00) reinspection fee.

§8122. Severability and Effective Date. If any section or part of these rules and regulations is held invalid for any reason, the invalidity shall not affect the validity of the remaining sections or parts of these rules and regulations.

These rules and regulations shall become effective on the date received for filing by the Legislative Secretary.