

**18 GCA BUSINESS STRUCTURE & FUNCTION**  
**CH. 63 COMMON CARRIERS**

**CHAPTER 63**  
**COMMON CARRIERS**

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**ARTICLE 1**  
**COMMON CARRIERS IN GENERAL**

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**§ 63101. Common Carriers.**

Every one who offers to the public to carry persons, property, or messages, excepting only telegraphic messages, is a common carrier of whatever he thus offers to carry.

**SOURCE:** CC § 2168.

**§ 63102. Obligations to Accept Freight.**

A common carrier must, if able to do so, accept and carry whatever is offered to him, at a reasonable time and place, of a kind that he undertakes or is accustomed to carry.

**SOURCE:** CC § 2169.

**§ 63103. No Preferences.**

A common carrier must not give preferences in time, price, or otherwise, to one person over another.

**SOURCE:** CC § 2170.

**§ 63104. Preferences to United States & Guam.**

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A common carrier must always give a preference in time, and may give a preference in price, to the United States and to the Government of Guam.

**SOURCE:** CC § 2171.

**NOTE:** No CC § 2172 existed.

**§ 63105. Compensation.**

A common carrier is entitled to a reasonable compensation and no more, which he may require to be paid in advance. If payment thereof is refused, he may refuse to carry.

**SOURCE:** CC § 2173.

**NOTE:** No CC § 2174 existed.

**§ 63106. Certain Agreements Void.**

A common carrier cannot be exonerated by any agreement made in anticipation thereof, for liability for the gross negligence, fraud, or willful wrong of himself or his servants.

**SOURCE:** CC § 2175.

**§ 63107. Written Contract.**

A passenger, consignor, or con-signee, by accepting a ticket, bill of lading, or written contract for carriage, with knowledge of its terms, assents to the rate of hire, the time, place, and manner of delivery therein stated; and also to the limitation stated therein upon the amount of the carrier's liability in case property carried in packages, trunks, or boxes is lost or injured, when the value of such property is not named; and also to the limitation stated therein to the carrier's liability for loss or injury to live animals carried. But his assent to any other modification to the carrier's obligations contained in such instrument can be manifested only by his signature to the same.

**SOURCE:** CC § 2176.

**§ 63108. Loss of Valuable Letters.**

A common carrier is not responsible for loss or miscarriage of a letter, or package having the form of a letter, containing money or noted, bills of exchange, or other papers of value, unless he be informed at the time of its receipt of the value of its contents.

**SOURCE:** CC § 2177.

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**NOTE:** No 1970 Civil Code §§ 2178-2179 existed.

**ARTICLE 2**  
**COMMON CARRIERS OF PERSONS**

- § 63201. Obligations for Luggage.
- § 63202. Baggage Defined.
- § 63203. Liability for Luggage.
- § 63204. Regulation of Business Generally.
- § 63205. When Fare Payable.
- § 63206. Ejection of Passengers.
- § 63207. Carrier's Lien.

**§ 63201. Obligations for Luggage.**

A common carrier of persons, unless his vehicle is fitted for the reception of persons exclusively, must receive and carry a reasonable amount of baggage for each passenger without charge, except for an excess of weight over 100 pounds to a passenger; if such carrier is a proprietor of a stage line, he need not receive and carry for each passenger by such stage line, without charge, more than 60 pounds of baggage.

**SOURCE:** CC § 2180.

**NOTE:** Taxis are regulated by 16 GCA Chapter 11. Public Law 20-220 (8/31/90) adds a section, 16 GCA §11106, which specified the rates which may be charged by taxi drivers, including rates for baggage. To that extent, this section has been repealed with respect to taxis.

Common carrier bus service is provided by the Guam Mass Transit Authority, a public corporation, and its creation and regulations are found in Title 12, Guam Code Annotated.

**§ 63202. Baggage Defined.**

Luggage may consist of whatever the passenger takes with him for his personal use and convenience, according to the habits or wants of the particular class to which he belongs, either with reference to the important necessities or to the ultimate purposes of his journey. Luggage within the meaning of this section shall include the samples, case, wares, appliances, and catalogues of commercial travellers or their employers, used by them for the purpose of transacting their business and carried with them solely for that purpose, when securely packed and locked in substantial trunks or sample cases of convenient shape and weight for handling.

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**SOURCE:** CC § 2181.

**§ 63203. Liability for Luggage.**

The liability of a carrier for luggage received by him with a passenger is the same as that of a common carrier of property.

**SOURCE:** CC § 2182.

**NOTE:** No CC §§ 2183-2185 existed.

**§ 63204. Regulation of Business Generally.**

A common carrier of persons may make rules for the conduct of its business, and may require passengers to conform to them, if they are lawful, uniform in their application, and reasonable.

**SOURCE:** CC § 2186.

**NOTE:** Carriers operating between Guam and other places are regulated by the United States. Taxis are regulated in 16 GCA Chapter 11.

**§ 63205. When Fare Payable.**

A common carrier may demand the fare of passengers, either at starting or at any subsequent time.

**SOURCE:** CC § 2187.

**§ 63206. Ejection of Passengers.**

A passenger who refuses to pay his fare or to conform to any lawful regulation of the carrier, may be ejected from the vehicle by the carrier. But this must be done with as little violence as possible, and at any usual stopping place or near some dwelling house.

**SOURCE:** CC § 2188.

**NOTE:** No CC §§ 2189-2190 existed.

**§ 63207. Carrier's Lien.**

A common carrier has a lien upon the luggage of a passenger for the payment of such fare as he is entitled to from him. This lien is regulated by Part 2 of this Division of this Title (Liens).

**SOURCE:** CC § 2191.

**NOTE:** No 1970 Civil Code §§ 2192-2193 existed.

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**ARTICLE 3**  
**COMMON CARRIERS OF PROPERTY**

- § 63301. Liability of Inland Carriers.
- § 63302. When Exemptions Excepted.
- § 63303. Liability for Delay.
- § 63304. Liability of Marine Carriers.
- § 63305. U.S. Regulation of Marine Carriers.
- § 63306. Perils of the Sea.
- § 63307. Consignor to Declare Valuables.
- § 63308. Liability of Stage Lines, etc., Operating Over Highways.

**§ 63301. Liability of Inland Carriers.**

Unless the consignor accompanies the freight and retains exclusive control thereof, an inland common carrier of property is liable, from the time that he accepts until he relieves himself from liability pursuant to §§ 62105 to 62108, for the loss or injury thereof from any cause whatever except:

1. An inherent defect, or weakness, or a spontaneous action, of the property itself;
2. The act of a public enemy of the United States, or of the Territory of Guam;
3. The act of the law; or
4. Any irresistible superhuman cause.

**SOURCE:** CC § 2194.

**NOTE:** The original §2194 refers to "§§2118 to 2122" of the Civil Code. The Civil Code of Guam contained no §2122. Therefore, the references here refer only to sections which exist in this Code.

**§ 63302. When Exemptions Excepted.**

A common carrier is liable, even in the cases excepted by the last section, if his want of ordinary care exposes the property to the cause of the loss.

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**SOURCE:** CC § 2195.

**§ 63303. Liability for Delay.**

A common carrier is liable for delay only when it is caused by his want of ordinary care and diligence.

**SOURCE:** CC § 2196.

**§ 63304. Liability of Marine Carriers.**

A marine carrier is liable in like manner as an inland carrier, except for loss or injury caused by the perils of the sea or fire.

**SOURCE:** CC § 2197.

**§ 63305. U.S. Regulation of Marine Carriers.**

The liability of a common carrier by sea is further regulated by Acts of Congress of the United States.

**SOURCE:** CC § 2198.

**§ 63306. Perils of the Sea.**

Perils of the sea are from:

1. Storms and waves;
2. Rocks, shoals and rapids;
3. Other obstacles, though of human origin;
4. Changes of climate;
5. The confinement necessary at sea;
6. Animals peculiar to the sea; and
7. All other dangers peculiar to the sea.

**SOURCE:** CC § 2199.

**§ 63307. Consignor to Declare Valuables.**

A common carrier of gold, silver, patina, or precious stones, or of imitations thereof, in a manufactured or unmanufactured state; of time pieces of any description; of negotiable paper or other valuable writings; of pictures, glass, or chinaware; of statuary, silk, or laces; or of plated ware of any kind, is not liable for more that \$50.00 upon the loss or injury of any one package of such articles, unless he has notice, upon his receipt thereof,

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by mark upon the package or otherwise, of the nature of the freight; nor is such carrier liable upon any package carried for more than the value of the articles named in the receipt or bill of lading.

**SOURCE:** CC § 2200.

**NOTE:** No 1970 Civil Code §§ 2201-2204 existed.

**§ 63308. Liability of Stage Lines, etc., Operating Over Highways.**

The liability of any stage line, transfer company, or other common carriers operating over the public highways for the loss of or for damage to any baggage shall not exceed the sum of \$100.00 for each trunk and its contents; \$25.00 for each valise, suitcase, or travelling bag and its contents; or \$10.00 for each box, bundle, or package and its contents; unless a higher valuation is declared at the time of delivery of such baggage to the carrier and assented thereto in writing by such carrier.

**SOURCE:** CC § 2205.

**NOTE:** No 1970 Civil Code § 2206 existed.

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**ARTICLE 4**  
**COMMON CARRIERS OF MESSAGES**

**§ 63401. Order of Transmission of Telegraphic Messages.**

A carrier of messages by telegraph or cable must, if it is practicable, transmit every such message immediately upon its receipt. But if this is not practicable, and several messages accumulate upon his hands, he must transmit them in the following order:

1. Messages from public agents of the United States or of the government of Guam, on public business;
2. Messages giving information relating to the sickness or death of any person;
3. Other messages in the order in which they were received.

**SOURCE:** CC § 2207.

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**COMMENT:** Common carriers of messages to places outside of Guam are regulated by the United States; as are rates and priorities for such messages.

**NOTE:** No 1970 Civil Code §§ 2208-2214 existed.-----

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