

**CHAPTER 4**  
**TERRITORIAL BOATING REGULATIONS**  
(Department of Public Safety)

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**NOTE:** Rule-making authority cited for formulation of Territorial Boating Regulations by the Department of Public Safety, Chapter 69, 10 GCA.

**§4100. General Provisions: Title and Authority.** These Rules and Regulations shall be called *The Rules and Regulations Governing Boating of the Department of Public Safety, Territory of Guam*, or by its short title *Territorial Boating Regulations*. These Rules and Regulations are promulgated under the authority of Chapter 69, Title 10 Guam Code Annotated.

**§4101. Same: Purpose and Scope.** (a) The purpose of these Rules and Regulations is to establish rules and regulations governing vessels and their use in the waters of the territory of Guam, which will promote and attain:

- (1) the full use and enjoyment of the waters of the territory of Guam;
- (2) the safety of persons and the protection of property as related to the use of such waters;
- (3) a reasonable uniformity of laws and regulations regarding the use of such waters; and
- (4) conformity with and implementation of, federal laws and requirements.

(b) These Rules and Regulations are applicable on all waters of the territory of Guam and apply to all vessels, except those specifically exempted herein, operating on or in the waters of the territory of Guam.

**§4102. Same: Interpretation.** If any section of these Rules and Regulations is inconsistent with any laws of the United States or any rule, regulation or standard established pursuant thereto, then the latter shall govern. The provisions of these Rules and Regulations shall be interpreted and construed in the manner best able to effectuate the general purpose of attaining uniformity in the laws of the territory of Guam, and with the laws of other states and the United States. Nothing contained in these Rules and Regulations shall be construed to limit the powers of any department or agency of this Territory. Each provision of these Rules and Regulations is also intended to be construed most liberally in the light of the purpose stated in §4101(b).

**§4103. Same: Severability.** The provisions of these Rules and Regulations are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of these Rules and Regulations or the application of such remainder to other persons or property shall not be affected.

**§4104. Definitions of Words and Phrases.** (a) **General Statement.** Unless otherwise required by the context of any particular provision, the use of:

- (1) any gender shall include all genders;
- (2) the singular shall include the plural and the plural shall include the singular; and
- (3) the following words and phrases when used in these Rules and Regulations shall, for the purpose of these Rules and Regulations, have the following meanings.

(b) Definitions:

- (1) *Approved.* Where in these Rules and Regulations it is provided that a particular *Approved* fitting, appliance, apparatus or item of equipment, or type thereof shall be fitted or carried in a vessel or that any particular arrangement shall be, *Approved*, this means that it is approved by the Commandant of the U.S. Coast Guard unless otherwise stated.

(2) *Barge* means a vessel, with no motive power of its own.

(3) *Boat Dealer* means a person who is engaged wholly or partly in the business of selling or offering for sale, buying or taking in vessels for the purpose of resale or exchanging vessels, for gain or compensation.

(4) *Boat Livery* means a person who is engaged in the business of holding out vessels for rent, lease or charter.

(5) *Boat Manufacturer* means a person engaged wholly or partly in the business of building or assembling vessels.

(6) *Boating Accident* means a collision, accident or other casualty involving:

- (a) the death or disappearance of any person;
- (b) injury causing any person to remain incapacitated for a period in excess of seventy-four (74) hours;
- (c) physical damage to property in excess of One Hundred Dollars (\$100.00); or
- (d) the loss or disappearance of a vessel.

A vessel shall be considered to be involved in a boating accident whenever the occurrence results in damage by or to the vessel or its equipment in excess of One Hundred Dollars (\$100.00); any injury causing any person to remain incapacitated for a period in excess of seventy-two (72) hours or loss of life to any person or in the disappearance of any person resulting from the accident under circumstances which indicate the possibility of death or injury; or the loss or disappearance of the vessel other than by theft.

The term boating accident includes but is not limited to damage, loss of life or injury to any person or object on board or being towed, pushed or otherwise connected to a vessel or to persons or property caused by wake, wash or waves created by a moving vessel, capsizing, foundering, flooding, fire, explosion, burns, scalds, falls overboard or on board and other injuries to persons even though no damage to the vessel or its equipment results.

(7) *Certificate* means Certificate of Numbers as explained in §§4105-4129 of these Rules and Regulations.

(8) *Coast Guard* means the Coast Guard of the United States or its successor agency.

(9) *Commercial Fishing Motorboat* means a motorboat utilized for the taking of fish for profit or gain or as a means of livelihood.

(10) *Department* means the Department of Public Safety, territory of Guam.

(11) *Director* means the Director of Public Safety, or his duly authorized representatives or subordinates.

(12) *Federal Laws and Requirements* means all statutes, rules and regulations and other laws of the United States, which may be applicable to any and all the subject matters of these Rules and Regulations.

(13) *Foreign Built Vessel* means any vessel whose hull was constructed in a foreign country.

(14) *Forward Half of the Vessel* shall mean any portion of the vessel forward of a point equidistant from the stem and stern of the vessel.

(15) *High Seas* means as used in §4142 and §§4161-4178 in the following:

(A) Those waters outside the reefs of the territory of Guam.

(B) **Other.** At all buoyed entrances from seaward to bays, sounds, rivers or other estuaries for which specific lines are not described in this Section, the waters outside of a line approximately parallel with the general trend of the shore, drawn through the outermost buoy or other aid to navigation of any system of aids.

(16) *Inland Waters* means as used in §4142 and §§4161-4178, the waters inshore of the lines described in §4104(b).

(17) *Length* means, when applied to vessels in these Rules and Regulations, the measurement of a vessel from end to end over the deck. It is a straight line measurement of the overall length from the foremost part of the vessel measured parallel to the centerline. Bowsprits, bumpkins, rudders, motor

brackets and similar fittings or attachments or sheer are not to be included in the measurement. *Sheer* is the longitudinal upward curve of the deck, gunwales and lines of a vessel, when viewed from the side.

In the case of a vessel of an open type or with cockpit, the measurement is taken between the foremost and aftermost extremities of the hull exclusive of sheer.

In vessels having more than one (1) deck, it is the length measured from the foremost part of the bow to the aftermost part at the stern exclusive of sheer.

(18) *Lienholder* means a person holding a security interest in a vessel.

(19) *Lifeboat* means a boat carried aboard a vessel and used solely for lifesaving purposes, but not including dinghies, tenders, speedboats or other types of craft carried aboard a vessel and used for other than lifesaving purposes.

(20) *Livery Boat* means a vessel which is held out for renting, leasing or chartering by a person who is engaged in the business of renting, leasing or chartering vessels.

(21) *Machinery* means all internal combustion engines located within the vessel and all motor or mechanical devices capable of propelling vessels.

(22) *Motorboat* means any vessel sixty-five (65) feet in length or less which is equipped with propulsion machinery including steam. This term includes a vessel temporarily or permanently equipped with a motor.

(23) *Motor Vessel* means any vessel more than sixty-five (65) feet in length, which is propelled by machinery other than steam.

(24) *Number, Numbering and Certificate of Number* are the equivalents of the terms register, registration and certificate of registration.

(25) *Operate* means to navigate or otherwise use a vessel on or in the waters of the territory of Guam.

(26) *Operator* means a person who operates or who has charge of the navigation or use of a vessel.

(27) *Owner* means a person, other than a lienholder, having the property in or title to a vessel.

The term includes a person entitled to the use and possession of a vessel subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

(28) *Passenger* means every person other than the master and members of the crew or other persons employed or engaged in any capacity on board a vessel in the business of that vessel. In the case of a vessel on an international voyage a child under one (1) year of age is not counted as a passenger.

(29) *Person* means an individual, partnership, firm, corporation, association or other legal entity including the servant, employee, agent or representative of any of the foregoing.

(30) *Power-driven vessel* means any vessel propelled by machinery.

(31) *State of principal use* means the state on whose waters a vessel is used or to be used most during a calendar year.

(32) *Registration Stickers* means a pair of stickers, plates, tabs or other device awarded by the Department with Certificates of Number and renewals thereof to be affixed to the vessel to indicate that the Certificate of Number is current and valid.

(33) *Rules and Regulations* means the rules and regulations governing boating of the Department of Public Safety, territory of Guam.

(34) *Rules of the Road* means the federal statutory and regulatory rules governing navigation of vessels and any amendments thereto. These Rules are also published by the U.S. Coast Guard in pamphlet form (Rules of the Roads-International Inland (CG-169)).

(35) *Sailing vessel* means any vessel propelled by sail only. For the purpose of §4142 and §§4161-4178, except where the context otherwise requires, every power-driven vessel which is under sail and not under power is to be considered a sailing vessel, and every vessel under power, whether under sail or not, is to be considered a power-driven vessel.

(36) *Security Interest* means an interest in a vessel reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended

for security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.

(37) *Territory* means the territory of Guam.

(38) *Underway* means the vessel is not at anchor, aground or made fast to shore.

(39) *Undocumented vessel* means any vessel which does not have a valid marine document issued by the Coast Guard or any federal agency successor thereto pursuant to appropriate federal laws and requirements.

(40) *Vessel* means all description of water craft, used or capable of being used as a means of transportation on or in the water.

(41) *Vessel Carrying Passengers for Hire* means any vessel, which is held for use for the carriage of any person or persons by such vessel for a valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent or any person who has a lien on the vessel.

(42) *Waters of the Territory of Guam* means any waters within the jurisdiction of the territory of Guam, the marginal seas adjacent to the territory of Guam, and the high seas when navigated as part of a journey or ride to or from the shores of the territory of Guam.

**§4105. Numbering of Vessels: Operation of Certain Unnumbered Vessels Prohibited.** Every undocumented vessel on the waters of the territory of Guam, except those expressly exempted as provided herein shall be numbered. No person shall place, operate or give permission for the placement or operation of any undocumented vessel on the waters of the territory of Guam unless the vessel is numbered, in accordance with §4105-4129, except as provided for in §4106 of this Part, and unless:

(a) the certificate of number awarded to such vessel is in full force and effect; and

(b) the identifying number set forth in the Certificate of Number is displayed on each side of the forward half of such vessel.

**§4106. Same: Exemption From Numbering Provisions.** (a) A vessel shall not be required to be numbered under this Part if it is any of the following:

(1) A vessel which has a valid marine document issued by the United States Coast Guard or any federal agency successor thereto.

(2) When a vessel is actually numbered in another State of principal use, it shall be considered as in compliance with the numbering system requirements of this State in which it is temporarily being used.

(3) When a vessel is removed to this State as a new State of principal use, a number awarded by any other State shall be recognized as valid for a period of sixty (60) days before numbering is required by the State.

(4) A vessel from a country other than the United States provided the vessel has not been on the waters of the territory of Guam during the current calendar year for a period in excess of ninety (90) days.

(5) A vessel whose owner is the United States, used exclusively in the public service and which is clearly identifiable as such.

(6) A vessel's lifeboat if the boat is used solely for lifesaving purposes. This exemption does not include craft carried aboard a vessel and used for other than lifesaving purposes.

(7) A vessel belonging to a class of boats which has been exempted from numbering by the Department after said agency has found that the numbering of vessels of such class will not materially aid in their identification; and, if any agency of the Federal Government has a numbering system applicable to the class of vessels to which the boat in question belongs, after the Department has further found that the vessel would also be exempted from numbering if it were subject to federal law.

(8) A vessel manually propelled.

(9) A vessel eight (8) feet or less in length propelled solely by sail.

(10) A motorboat used exclusively for racing.

(11) A vessel operating under valid temporary certificate of Number.

(b) Nothing in this Section shall prohibit the numbering of any undocumented vessel hereunder upon

request by the owner even though such vessel is exempted from the numbering requirements of this Part.

**§4107. Same Numbering System.** (a) In the event that an agency of the United States shall have in force an overall system of identification numbering for vessels within the United States, the numbering system employed pursuant to this Part by the Department shall be in conformity therewith.

(b) The vessel identification numbers issued pursuant to these Rules and Regulations shall consist of three (3) parts. The first part shall consist of the capital letters GM identifying the territory of Guam as the state of principal use. The second part shall consist of not more than four (4) Arabic numerals. The third part shall consist of not more than two (2) capital letters. The last two (2) parts furnish individual vessel identification. Each part will be separated from the other by hyphens or equivalent spaces. For example: GM-1240-AD: GM-124-AA: GM-1240-AD. The hyphen or space shall be equal to the width of any letter except "I" or any numeral except "1."

(c) Since the letters "I," "O" and "Q" may be mistaken for Arabic numerals, all letter sequences using "I," "O" and "Q" shall be omitted. Objectionable words formed by the use of two (2) or three (3) letters will not be used.

**§4108. Same: Number Display.** (a) The identification number awarded to any vessel as indicated in the Certificate of Number shall be painted on, attached to or otherwise permanently displayed on each side of the bow (i.e. the forward half of the hull) or on the permanent superstructure located on the forward half of the hull which is as nearly vertical as possible where such number may be easily observed, provide maximum opportunity for identification, or, when due to vessel configuration the above will not provide ready identification, on a bracket or fixture firmly attached to the forward half of the vessel. The number shall not be placed on the obscured underside of a flared bow where the angle is such that the numbers cannot be easily seen from another vessel or ashore. The numerals and letters shall read from left to right, shall be in block characters of good proportion and must measure not less than three (3) full inches from top to bottom. The phrase "block characters of good proportion" shall mean that the numerals and letters are vertical, not slanted, and of a plain style, not script or of varying thickness and preferably without border, trim, outlining or shading.

Border, trim outlining or shading of character shall be disregarded in determining height of the character, or its style or color contrast. The numerals and letters shall be of one (1) solid exclusive of any colored border, trim, outlining or shading which will form a good contrast with the color of the background and so maintained as to be clearly visible and legible. The phrase "contrast with the color of the background" shall mean that the numerals and letters in the number will be of such a different color from that of the back ground as to be distinctly visible and legible. As used in this Section, background shall mean that portion of the hull or superstructure, or a specially provided backing plate, upon which the numbers are placed, but shall not include any border, trim, outlining or shading of the numerals or letters. The test of legibility and for the determination of adequacy of contrast is the ability to read the letters and numbers at approximately 100-foot distance.

(b) No numerals, letters or devices other than those used in connection with the territorial identification numbers awarded to a vessel shall be carried on the forward half of such vessel and no devices which might interfere with the ready identification of the vessel by its Territory number shall be carried on any part of the vessel.

(c) No identification numbers other than those awarded to a vessel as indicated in a valid Certificate of Number that is in full force and effect shall be displayed on the forward half of any undocumented vessel. Any other previously awarded number or numbers awarded in a Certificate of Number that has expired or been cancelled or withdrawn shall be covered or removed.

**§4109. Same: Application for Number and Contents Requirements.** (a) The application for a Certificate of Number shall be made by the owner to the Department or any agency authorized by the Department in accordance with procedure prescribed by the Department on the form it prescribes and shall contain:

- (1) The name, residence and mailing address of the owner.
- (2) Date of birth of owner.
- (3) Present citizenship of owner.
- (4) State in which vessel is principally used.
- (5) Location where vessel is principally kept.

(6) Present State or Coast Guard number on vessel, if any.

(7) Date vessel entered Guam, if numbered in another State.

(8) Date vessel was first operated by applicant.

(9) A description of the vessel including, but not limited to the following so far as it exists: Hull material (wood, steel, aluminum, plastic, other); Type of propulsion (out board, inboard, inboard-outboard, sail, other); Manufacturer's rated horsepower; Type of fuel (gas, diesel, other), length of vessel, make, model, type, builder, year built and country in which built.

(10) The names and addresses of any lienholder in the order of their priority.

(11) Statement as to use (pleasure, livery, government, youth group, dealer, manufacturer, commercial fishing, charter fishing, carrying passengers for hire, commercial, other).

(12) Builder's Serial (Hull) Number. Where there is no builder's hull number on the vessel, or where a builder's hull number thereon has been destroyed or obliterated, the application shall so state.

(13) Any further information the Department reasonably requires to identify the vessel and to enable it to determine whether the owner is entitled to a Certificate of Number and the existence or nonexistence of security interests in the vessel or for use of federal, other state or local agencies.

(14) A certification of ownership by the applicant.

(15) Signature of owner.

(b) If the application refers to a vessel purchased from or through a boat dealer, it shall contain the name and address of any lien holder holding a security interest created or reserved at the time of the sale and the date of his security agreement and be signed by the boat dealer as well as the owner, and the boat dealer shall promptly mail or deliver the application to the Department.

(c) Every initial application for a Certificate of Number shall be accompanied by:

(1) Appropriate evidence establishing proof of ownership of the vessel by the applicant. Proof of such

ownership shall be established for the purposes of this Section by one of the following:

a. Certificate of Sale signed by the seller, showing the name and address of the seller, name and address of the purchaser, the location and date of sale and description of the vessel.

b. A properly endorsed document indicating title of, if the vessel has been numbered and issued a title by another state or country.

c. Where neither "a" nor "b" above is appropriate, an affidavit executed by the applicant fully setting forth the facts to support applicant's claim of ownership in the vessel.

d. The Department, if not satisfied with the evidence submitted as proof of ownership, may require additional information and documents, including any additional statements under oath to establish such proof of ownership.

(2) A statement under oath or the certificate of a person authorized by the Department that the builder's hull number, if any, of the vessel has been inspected and found to conform to the description given in the application, or any other proof of the identity of the vessel the Department reasonably requires.

(d) All requirements governing the application for Certificate of Number shall apply to livery (rental) boats, except that the description of the motor, if any, and type of fuel need not be completed on the application in every case where the engine is not rented as part of the boat.

(e) Application for Certificate of Number for dealer's or manufacturer's vessels shall not require a description of the vessel, since the number issued may be transferred from one vessel to another. In lieu of the description the word "manufacturer" or "dealer," whichever is appropriate, will be plainly indicated on the application.

(f) The Department shall require any person applying for a Certificate of Number pertaining to a foreign built vessel to furnish evidence of payment of custom duties upon reasonable belief that any United States Customs duty pertaining to the vessel has not been paid.

(g) A person applying for award of a Certificate of Number for a vessel that is presumptively five (5) net tons

or more, thirty-two (32) feet in length, eight (8) feet in beam and 2.5 feet in depth, or greater) and to be used in coasting trade or commercial fishing shall be granted a temporary Certificate of Number valid for thirty (30) days. The applicant shall be notified of the necessity for having his vessel measured. If, on admeasurement, any such vessel is found to be less than five (5) net tons, a Certificate of Number shall be awarded. If any such vessel is found to be five (5) net tons or over the temporary certificate shall be cancelled and notice of such action by the Department shall be sent to the Coast Guard. An application for any such vessel of five (5) net tons or over shall not be accepted and notice of such action by the Department shall be sent to the Coast Guard.

(h) An application for a Certificate of Number pertaining to a foreign built vessel or a vessel owned by a person not a citizen of the United States and to be used in coasting trade or commercial fishing shall not be accepted and notice of such action by the Department shall be sent to the Coast Guard.

(i) An application for award of a Certificate of Number pertaining to a vessel previously owned in whole or in part by a citizen of the United States and purchased by a person not a citizen of the United States shall be accompanied by evidence that such transaction was approved by the United States Maritime Administration except in those instances wherein federal laws and regulations do not require such approval.

(j) The Department, upon receiving an application for registration relating to a vessel previously numbered in another state, is authorized to notify the Coast Guard or appropriate agency in the state of previous registry concerning such changes in the state of registration.

**§4110. Same: Authority to Grant or Refuse Applications.** (a) The Department shall examine and determine the genuineness, regularity and legality of every application for numbering of a vessel and any other application lawfully made to the Department relating to the Part and may in all cases conduct any investigation as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law.

(b) The awarding of a Certificate of Number under the provisions of this Part shall not in any way be construed that the Department is warranting or guaranteeing the title of the vessel as it appears on such Certificate.

**§4111. Same: Certificate of Number - Contents.** The Certificate of Number shall contain the following information:

(a) General:

- (1) The name and address of the owner.
- (2) Manufacturer's or Builder's serial (hull) number, if any.
- (3) Hull material ( wood, steel, aluminum, plastic, other).
- (4) Type of propulsion (outboard, inboard, inboard-outboard, sail, other).
- (5) Type of fuel (gasoline, diesel, other).
- (6) Length of vessel.
- (7) Make, model, type or builder of vessel and year built.
- (8) Statement as to use (pleasure, livery, dealer, manufacturer, commercial fishing, vessel carrying passengers for hire, commercial other, other).
- (9) Number awarded to vessel.
- (10) Expiration date of certificate.
- (11) Notice to the owner that he shall report within seven (7) days changes of ownership or address and destruction or abandonment of vessel.
- (12) Notice that the operator shall:
  - (A) Always carry the certificate on vessel when in use.
  - (B) Report to the Department all boating accidents.
  - (C) Stop and render aid or assistance if involved in a boating accident.
- (13) Any other data considered necessary by the Department.

(b) The description of the vessel will be omitted from the Certificate of Number awarded to a boat dealer or boat manufacturer pursuant to §4122 since the number and the Certificate of Number awarded may be transferred from one vessel to another. In lieu of the description, the word *manufacturer* or *dealer* whichever is appropriate, will be plainly marked on each certificate.

(c) The description of the motor and type of fuel will be omitted from the Certificate of Number of a livery boat in any case where the motor is not rented with the vessel.

**§4112. Same: Certificate of Number to be Carried Aboard Vessel.** Description. The Certificate of Number shall be of pocket size and water resistant, as prescribed by the Director and shall be available at all times for examination on the vessel for which issued, whenever such vessel is in operation.

**§4113. Same: Cancellation of Certificate and Voiding of Number.** (a) Except as provided in Subsection (b) below, a number awarded under this Part to a vessel shall be permanent.

(b) The Director may cancel a Certificate of Number or withdraw a number awarded to a vessel under this Part even though such action occurs before the expiration date of the certificate and whether or not such certificate is surrendered to the issuing office. Certain causes for cancellation of Certificates of Number and withdrawing of number are:

(1) Issuance of a marine document by the Coast Guard for the same vessel.

(2) False or fraudulent certification in an application for number.

(3) Failure to renew a Certificate of Number within one (1) year of date of expiration.

(4) If a vessel is lost, destroyed, abandoned, sunk or permanently removed from the territory of Guam.

(5) Other reasons when necessary and proper to carry out the provisions of this Part.

**§4114. Same: of Validity and Renewal of Certificate of Number.** (a) The original Certificate of Number initially awarded to a vessel pursuant to this Part shall continue in full force and effect for a period ending one (1) year from

the date of issuance of such certificate unless sooner terminated or discontinued in accordance with the provisions of these Rules and Regulations.

(b) A Certificate of Number awarded pursuant to this Part may be renewed at any time within 90-day period preceding the expiration date. The same number shall be assigned if the renewal application is received within a year after the expiration date of the Certificate of Number.

(c) A Certificate of Number renewed prior to the expiration date shall be valid for a period ending one (1) year from the date of expiration of the certificate being renewed. A Certificate of Number renewed after the date of expiration of the certificate being renewed shall be valid for a period ending one (1) year from the date of issuance if the vessel has not been on the waters of the territory of Guam at any time during the period that the Certificate of Number had expired. If the vessel was on the waters of the territory of Guam at any time during the period that the certificate had expired, the new certificate shall be valid for a period ending one (1) year from the date of the certificate being renewed.

(d) A renewal application received more than a year after the date of expiration of the Certificate of Number shall be treated in the same manner as an application for an original number.

(e) A Certificate of Number is void after the date of expiration indicated thereon.

**§4115. Same: Owner Required to Report Change of Address, Ownership, Loss, Destruction or Abandonment of Vessel.** (a) The owner of any vessel for which a Certificate of Number has been awarded pursuant to this Part shall notify the Department in writing within seven (7) days if such vessel is:

(1) documented by the United States Coast Guard or any federal agency successor thereto; or

(2) lost, destroyed, abandoned or sunk; or

(3) permanently removed from the territory of Guam; or

(4) if the owner transfers all or any part of his interest in such vessel, other than the creation of a security, to another person or persons; or

(5) if his address no longer conforms to the address appearing in the Certificate of Number.

The holder of a Certificate of Number, as a part of the notification, shall furnish the Department with his new address, if his address no longer conforms to the address appearing on the Certificate of Number. In all such cases, except those involving only a change of address or transfer to a boat dealer as provided in §4116(b) the written notification of the change in status of the vessel shall be accompanied by a surrender to the Department of the Certificate of Number. If the change in status is transfer of ownership, the name and address of the new owner shall be included in such notification. A transfer by an owner is not effective until the provisions of this Section have been complied with and the owner has delivered possession of the vessel to the transferee.

(b) The Certificate of Number for a vessel shall terminate:

(1) if the vessel is documented, lost, destroyed, abandoned, sunk, permanently removed from the territory of Guam; or

(2) if the owner transfers all or any part of his interest in the vessel, other than the creation of a security, to another person or persons.

**§4116. Same: New Owner Must Secure New Certificate of Number.** (a) The new owner of all or any part of the interest in any vessel for which a Certificate of Number has been awarded pursuant to this Part shall, within seven (7) days after acquiring same, make application to the Department upon forms prescribed by it, for transfer to him or revision, whichever is appropriate, of the Certificate of Number awarded to such vessel. The application shall contain, in addition to the information prescribed in §4109 for Certificate of Number applications a statement concerning the date of purchase by applicant and the name and address of the person from whom the vessel or an interest therein was acquired. The amended certificate shall if in full force and effect at the time of such transfer remain valid for so long as the original certificate would have been valid under this Part. Except as provided in Subsection (b) below, unless such application is made and fee paid within seven (7) days, such vessel shall be deemed to be without Certificate of Number and it shall be unlawful for a person to operate such vessel on the waters of the territory of Guam until a valid certificate is issued.

(b) The provisions of Subsection (a) above notwithstanding, if a boat dealer:

(1) buys a vessel for which a Certificate of Number has been awarded pursuant to this Part;

(2) procures the Certificate of Number from the owner;

(3) holds such vessel for resale; and

(4) notifies the Department of such purchase within seven (7) days after delivery to him of such vessel said boat dealer need not apply to the Department for transfer to him of the Certificate of Number awarded to such vessel. A copy of the dealer's notification of purchase to the Department shall, together with the Certificate of Number, be available at all times for examination on the vessel for which issued, whenever such vessel is in operation. The boat dealer upon transferring such vessel to another person shall promptly mail or deliver the Certificate of Number to the Department with the transferee's application for a new Certificate of Number as prescribed in Subsection (3) above.

(c) Every boat dealer shall maintain for three (3) years a written record in the form the Director prescribes of every vessel bought, sold or exchanged by him or received by him for sale or exchange, which record shall, for the purpose of enforcing these Rules and Regulations, be open to inspection by a representative of the Department or enforcement personnel during reasonable business hours.

**§4117. Same: Registration Stickers.** (a) Every vessel required to be numbered in the territory of Guam shall display stickers issued by the Department to identify the vessel as currently registered.

(b) Registration stickers shall have a dominant-colored border around their edge which shall change from year to year. Effective January 1, 1973, the color of such border shall be international orange; green in 1974; red in 1975; blue in 1976, and the cycle to be repeated commencing in 1977.

(c) Registration stickers shall be securely affixed on each side of the vessel three (3) inches aft (towards the stern) of and directly in line, with the registration numbers, and shall be so maintained as to be clearly legible and visible at all times. Only current registration stickers shall be displayed. All previous year stickers will be covered or removed.

**§4118. Same: Lost, Stolen or Mutilated Certificate.** If any Certificate of Number or registration sticker becomes lost, destroyed, stolen, mutilated or illegible, the owner of the vessel for which the same was issued shall, within seven (7) days of the occurrence, forward to the Department a report in writing, describing the circumstances of the loss or destruction and certifying to its loss together with a completed application form as prescribed by the Department for the replacement of such Certificate of Number or registration sticker. The duplicate Certificate of Number or registration sticker issued as a result of such application will replace the certificate or registration sticker so lost or destroyed. Any Certificate of Number or registration sticker so mutilated as to be illegible shall be forwarded to the Department with the application for replacement.

**§4119. Same: Falsified, Unauthorized, Removed Identification Number.** (a) No person shall buy, receive, operate, possess, sell or dispose of a vessel with knowledge that an identification number or registration sticker on the vessel has been removed or falsified and with intent to avoid compliance with this Part or to conceal or misrepresent the identity of the vessel or its owner.

(b) No person shall remove or falsify a vessel identification number or registration sticker or affix to a vessel an identification number or registration sticker not authorized by law for use on it in either case to avoid compliance with this Part or to conceal or misrepresent the identity of the vessel or its owner.

**§4120. Same: Improper Use of Certificate of Number.** (a) No person shall with fraudulent intent permit another not entitled thereto to use or have possession of a Certificate of Number or registration sticker.

(b) No person shall alter, forge or counterfeit a Certificate of Number or registration sticker.

(c) No person shall have possession of or use a Certificate of Number or registration sticker, knowing it to have been altered, forged or counterfeited.

(d) No person shall use a false or fictitious name or address or make a false statement or conceal any material fact, in an application for a Certificate of Number or its transfer.

**§4121. Same: Seizure of Documents and Stickers.** The Department is authorized to take possession of any

Certificate of Number, permit or registration sticker issued by it upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued.

**§4122. Same: Numbering of Manufacturer's and Dealer's Vessels.** (a) Numbering requirements of these Rules and Regulations shall apply to unnumbered vessels operated by boat manufacturers or boat dealers.

(b) A boat dealer or boat manufacturer, upon application to the Department upon forms prescribed by it, may obtain Certificate of Number as prescribed by the Department for use in the testing, demonstrating, delivery or transportation of unnumbered vessels that he owns upon payment of required fee for each certificate. Certificate of Number so issued may be used by the applicant in the testing, demonstrating, delivery or transportation of unnumbered vessels that he owns by temporary placement of the number assigned by such certificates on the vessel so tested, demonstrated, delivered or transported. Such temporary placement of numbers shall otherwise be as prescribed by these Rules and Regulations.

(c) The boat manufacturer or boat dealer may have the number awarded printed upon or attached to a movable sign or signs to be temporarily but firmly mounted upon or attached to an unnumbered vessel that he owns being delivered, transported, demonstrated or tested so long as the display meets the requirements of §4103.

(d) No person other than a boat dealer or boat manufacturer or a representative of a boat dealer or boat manufacturer shall display or use a boat dealer's or boat manufacturer's identifying number.

(e) No boat dealer or boat manufacturer or representative of a boat dealer or boat manufacturer shall use a boat dealer's or boat manufacturer's number for any purpose other than the purpose described in Subsection (b) of this Section.

(f) The boat manufacturer or boat dealer may have more than one (1) Certificate of Number awarded if he is the owner of more than one (1) vessel required to be numbered: provided, however, that upon the sale of any such vessel by said boat manufacturer or boat dealer, then a number shall be applied for by the new owner in the manner provided for in these Rules and Regulations.

**§2123. Same: Livery Boat Number.** A person who is engaged in the business of boat livery upon application to the Department upon forms prescribed by the Department may obtain a Certificate of Number for use on vessel so rented.

**§4124. Same: Documented Vessels Not to be Numbered.** A vessel documented by the Coast Guard or any federal successor there shall not be numbered under the provisions of this Part.

**§4125. Same: Award of Certificate of Number by Department's Agents.** The Department may award any Certificate of Number directly or may authorize any person to act as agent for the awarding thereof. In the event that a person accepts such authorization, he may be assigned registration stickers, a block of numbers and certificates which, upon award in conformity with this Part, shall be valid as if awarded directly by the Department.

**§4126. Same: Authorization of Vessel Registration Agents.** (a) Agents authorized by the Department to conduct registration of vessels shall be known as *Vessel Registration Agents*.

(b) Vessel Registration Agents shall be appointed by the Director.

(c) No compensation shall be given to Vessel Registration Agents for their services.

(d) Each Vessel Registration Agent shall be bonded under a good and sufficient bond conditioned as deemed necessary, the premium to be paid by the territory of Guam.

(e) All monies received by a Vessel Registration Agent from registration of vessels shall be kept separate from any other funds of such agent, and all such monies received shall at all times belong to the territory of Guam.

(f) Each Vessel Registration Agent shall have and shall maintain as a condition of his appointment, the following qualifications:

(1) An established place of business.

(2) Be engaged in an activity directly related to boating.

(3) A means of identification, which will clearly indicate to the public the name of his business, such means of identification to be required for each

separate branch of such business which will be authorized to conduct registration of vessels.

**§4127. Same: Public Records.** Records of the Department made or kept pursuant to this Part shall be public records.

**§4128. Same: Transmittal of Statistical Information.** In accordance with any request duly made by an authorized official or agency of the United States, any information relating to numbered vessels compiled or otherwise available to the Department pursuant to this Part shall be transmitted to said official or agency of the United States.

**§4129. Same: Fees and Charges.** (a) The fees to be charged by the Department for registration, annual renewal, transfers, duplicate certificates and penalty charges shall be in accordance with 10 GCA §69104.

(b) No fee shall be charged by the Department for registration, transfer or annual renewal relating to a vessel whose owner is the United States, the territory of Guam or a subdivision thereof.

(c) A non-profit corporation whose purposes related to promoting the ability of children to do things for themselves, to train them in boating, water safety, scoutcraft and camping and to teach them patriotism, courage, self-reliance and kindred virtues shall not be required to pay the fees provided in this section relating to vessels owned and used exclusively for the purposes of such organization.

(d) The fee for each duplicate Certificate of Number or for a duplicate registration sticker is One Dollar (\$1.00).

(e) Penalty Fee:

(1) If the owner of a vessel fails to obtain a Certificate of Number as required by this Part, the applicable fee plus a penalty equal to one tenth (1/10th) of such fee shall be collected from the owner for each month or fraction of a month, the owner is late in registering.

(2) If a Certificate of Number is not renewed on or before the date on which it expires, the applicable annual renewal fee plus a penalty equal to one tenth (1/10th) of such fee shall be collected from the owner for each month or fraction of a month the owner is late in renewing except where the vessel has not been on

the waters of the Territory subsequent to the expiration date.

(3) If the purchaser of any vessel fails to apply for transfer to him of the Certificate of Number relating to such vessel as required by §4116, the applicable fee plus a penalty of Twenty Cents (\$0.20) for each month or fraction thereof the owner is late in applying for such transfer shall be collected from the owner except where the vessel has not been on the waters of the Territory subsequent to the purchase.

(4) The penalty fees prescribed in this Section are in addition to any penalties imposed by a court for violations of the provisions of these Rules and Regulations.

(f) **Payment of Fee Required Prior to Processing.** No application for a Certificate of Number, transfer or renewal of certificate, or for a duplicate Certificate of Number of duplicate registration stickers shall be processed until the prescribed fees are paid.

(g) **Fees for Furnishing Information.** Individuals or firms requesting an alphabetical or numerical listing of boat owners and information concerning their boats shall be charged a fee as prescribed by the Director.

**§4130. Collisions, Accidents and Casualties.** Duty to Render Aid and Give Information:

(a) It shall be the duty of the operator of a vessel involved in a boating accident, as defined in §4104(b)(6), if and so far as he can do so without serious danger to his own vessel or persons aboard to render to the other persons affected by the accident, such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the accident and also to give his name, address and identification of his vessel to any person injured and to the owner of any property damaged in the accident.

(b) The duties imposed by §§4130-41362 shall be in addition to any duties otherwise provided by law.

**§4131. Same: Duty Upon Striking Unattended Vessel or Other Property.** The operator of any vessel which is involved in a boating accident, with any vessel or other property which is unattended resulting in any damage to such other vessel or property shall, so far as he can without serious danger to his own vessel or persons aboard, stop

and shall then and there locate and notify the owner of such property or, of the name and address of the owner and the identification of the vessel striking the unattended vessel or property or, shall attach securely in a conspicuous place in or on such vessel or property a written notice giving such information or in the event such procedures are not feasible the operator shall as soon as possible take all reasonable steps to locate and notify the owner of such unattended property and give his name and address to the owner and the identification of his vessel.

**§4132. Same: Immediate Notice of Accident - When Required.** (a) The operator of any vessel which is involved in a boating accident as defined in 2 GAR §8101(b)(6) if the casualty results in death or injury of any person sufficient to cause reasonable belief that such injury will incapacitate such person for a period in excess of seventy-two (72) hours, or if a person disappears from on board under circumstances which suggest any possibility of their death or injury shall, as soon as possible after fulfilling the requirements of §4130 by the quickest means of communication, give notice of such accident to a harbor official, police officer or the nearest police station and forward a written report as required in §4133.

(b) Whenever the operator of a vessel is physically incapable of giving an immediate notice of an accident as required in Subsection (a) and there was another occupant on the vessel at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the operator.

**§4133. Same: Written Boating Accident Report - When Required.** (a) Whenever a boating accident results in:

- (1) loss of life or the disappearance of any person;
- (2) injury causing any person to remain incapacitated for a period in excess of seventy-two (72) hours;
- (3) actual damage to any vessel or to other property in excess of One Hundred Dollars (\$100.00), then the operator of said vessel shall submit within forty-eight (48) hours of the happening thereof, if said accident has caused the death or disappearance of any person, and within five (5) days of every other such accident, a written report to the Department on forms furnished by the Department which report must contain information as prescribed in §4133

(b) This Section shall apply to the operator of:

(1) any vessel involved in a boating accident in the waters of the Territory; and

(2) any vessel required to be numbered or numbered pursuant to these Rules and Regulations and involved in a boating accident in any waters; provided that such report need not be filed with the Department where the operator is required by federal laws and requirements to report such accident to the Coast Guard.

(c) A written accident report is not required under this Section from any person who is physically incapable of making a report during the period of such incapacity.

(d) Whenever the operator is physically incapable of making a written report of a boating accident as required in this Section and such operator is not the owner of such vessel, then the owner of the vessel involved in such accident shall make such report not made by the operator.

**§4134. Same: Accident Reports Not Public Records.**

(a) All written reports required in §4133 to be forwarded to the Department by the operators or owners of vessels involved in accidents shall be without prejudice to the individual so reporting and shall be for the confidential use of the Department or other state or federal agencies having use of the records for accident prevention purposes, except that the Department may disclose the identity of a person involved in an accident when such person is not otherwise known or when such person denies his presence at such accident.

(b) No written reports forwarded under the provisions of §4133 shall be used as evidence in any trial, civil or criminal, arising out of an accident except that the Department shall furnish upon demand of any party to such trial, or upon demand of any courts, a certificate showing that a specified accident report has or has not been made to the Department in compliance with law, and if such report has been made, the date, time and location of the accident, the name and address of the operator, the owner of the vessel involved, and the investigating officer. The reports may be used as evidence when necessary to prosecute a violation of §4135.

**§4135. Same: False Reports.** No person shall give information in oral or written reports as required in this

Part knowing or having reason to believe that such information is false.

**§4136. Same: Boating Accident Reports - Contents.**

(a) Written reports of boating accidents submitted in accordance with §4133 shall be submitted on forms furnished by the Department and must contain the following information:

- (1) The identity of vessels involved.
- (2) The locality where the accident occurred.
- (3) The time and date when the accident occurred.
- (4) Weather and water conditions at time of accident.
- (5) The name, address, age and vessel operating experience of the operator of the reporting vessel.
- (6) The names and addresses of operators and identification of vessels or property involved.
- (7) The names and addresses of the owners of vessels or other property involved.
- (8) The names and addresses of any person or persons injured or killed.
- (9) The nature and extent of injury to any person or persons.
- (10) A description of damage to property including vessels and estimated cost of repairs.
- (11) A description of the accident including opinions as to the cause.
- (12) The length, method of propulsion, horsepower, fuel and hull material of the reporting vessel.
- (13) Names and addresses of known witnesses.
- (14) Any other information the Department considers necessary.

(b) The Department may require any operator of a vessel involved in an accident of which a written report must be made as provided in §4133 to file supplemental written reports whenever the original report is insufficient in the opinion of the Department.

**§4137. Same: Transmittal of Statistical Information.**

In accordance with any request duly made by an authorized official or agency of the United States, any

information relating to boating accidents compiled or otherwise available to the Department pursuant to this Part shall be transmitted to said official or agency of the United States.

**§4138. Same: Reporting Non-Resident Boating Accidents.** The Department, upon receiving a written boating accident report, concerning a vessel numbered in another state which was involved in such accident, is authorized to forward a certified copy of such report to the boating administrator of the state wherein such vessel is numbered.

**§4139. Same: Investigation of Accidents by Department.** The Department may investigate any boating accident and prepare a report which will be for the confidential use of administrative and enforcement agencies only, including but not limited to agencies of the United States.

**§4140. Same: Boating, Accident Records - Held Five (5) Years.** Records pertaining to any boating accident shall be retained by the Department for a period of five (5) years. At the expiration of such period said records shall be destroyed except in those instances where litigation or other circumstances, considered reasonable by the Department, warrant retention for an additional period.

**§4141. Vessel Classification and Equipment Requirements: Classification of Motorboats.** For the purposes of these Rules and Regulations, motorboats shall be divided into the following classes:

- (a) Class A. Less than sixteen (16) feet in length.
- (b) Class 1. Sixteen (16) feet or over and less than twenty-six (26) feet in length.
- (c) Class 2. Twenty-six (26) feet or over and less than forty (40) feet in length.
- (d) Class 3. Forty (40) feet or over and not more than sixty-five (65) feet in length.

**§4142. Same: Lights.** (a) Every motorboat when underway on Inland Waters from sunset to sunrise shall carry and exhibit the following lights, and during such time no other light which may be mistaken for those prescribed shall be exhibited:

- (1) Every motorboat of Classes A and 1 shall carry the following lights:

a. a bright white light aft to show all around the horizon.

b. a combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard (right) and the red to port (left), so fixed as to throw the light from right ahead to two (2) points abaft the beam on their respective sides.

(2) Every motorboat of Classes 2 and 3 shall carry the following lights:

a. a bright white light in the fore part of the vessel as near the stem as practicable, so construed to show an unbroken light over an arc of the horizon of twenty (20) points of the compass, so fixed as to throw the light ten (10) points on each side of the vessel; namely, from right ahead to two (2) points abaft the beam on either side.

b. a bright white light aft to show all around the horizon and higher than the white light forward.

c. on the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten (10) points of the compass, so fixed as to throw the light from right ahead to two (2) points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten (10) points of the compass, so fixed as to throw the light from right ahead to two (2) points abaft the beam on the port side. The said lights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bows.

(3) Every white light heretofore prescribed above shall be of such character as to be visible at a distance of at least two (2) miles, and every colored light shall be of such character as to be visible at a distance of one (1) mile.

(b) Every sailing vessel when propelled by sail alone shall exhibit the following lights: on the starboard side a green light, and on the port side a red light, so constructed as to show an unbroken light over an arc of the horizon from right ahead to two (2) points abaft the beam. Such

vessels shall also carry at the stern a twelve (12) point white light so fixed as to throw the light six (6) points from aft to each side of the vessel; or in a small vessel if it is not possible on account of bad weather or other sufficient causes for the light to be fixed, such vessel shall carry ready at hand a lantern or flashlight to show a white light which shall be exhibited in sufficient time to avert collision. Sailboats less than forty (40) feet in length may carry a combined light in lieu of separate side lights.

(c) All manually propelled vessels operated between sunset and sunrise shall have ready at hand a lantern or flashlight to show a white light which shall be exhibited in sufficient time to avoid collision.

(d) All vessels at anchor between sunset and sunrise, unless anchored at a designated site, shall carry forward or where it can best be seen a bright white light to show all around the horizon and visible for one (1) mile.

(e) Any vessel Inland Waters may and those on the High Seas shall carry and exhibit the light required by the International Rules of Road (33 U.S.C. 1061-1069) in lieu of the lights prescribed above.

(f) Flashing red lights shall only be used on a vessel authorized by the Director in writing; provided, that in case of an emergency, a vessel may use a flashing red light.

(g) Flashing the rays of a searchlight or other blinding light onto the bridge, into the pilothouse or into the eyes of the operator of any vessel underway is prohibited.

(h) All floodlights or headlights which may interfere with the proper navigation of an approaching vessel shall be shielded that the lights will not blind the operator of such vessel.

(i) Marine law enforcement patrol craft may, in addition to any other lights prescribed by this Section, be equipped with a rotating (flashing) blue light to show all around the horizon. Such rotating (flashing) blue lighting shall not be used on any vessel other than an authorized marine law enforcement patrol craft.

**§4143. Same: Whistle or Other Sound Producing Mechanical Appliance: While Operating on Inland Waters.** (a) A motorboat shall be provided with an efficient whistle, horn or other sound producing device as set forth in Table I.

**TABLE I**

Class of Motorboat	Type of Device
A	None
1	Mouth, hand or power operated, whistle or other sound producing mechanical device capable of producing a blast of two (2) seconds or more duration, and audible for at least one-half (1/2) mile.
2	Hand or power operated, horn or whistle capable of producing a blast of two (2) seconds or more duration, and audible for a distance of at least one (1) mile; and a bell.
3	Power operated, horn or whistle capable of producing a blast of two (2) seconds or more duration, and audible for a distance of at least one (1) mile; and a bell.

(b) **Racing Motorboat.** Any motorboat engaged in any race which has been approved by the Department or Coast Guard or while engaged in such navigation as is incidental to the tuning up of the outboard motorboat and engine for the race, need not carry the devices required by this Section.

**§4144. Same: Same: While Operating on the High Seas.** (a) A motorboat of forty (40) feet or more in length shall be provided with an efficient whistle, sounded by steam or some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn to be sounded by mechanical means and also with an efficient bell. A sailing vessel of forty (40) feet or more in length shall be provided with a similar fog horn and bell.

(b) A vessel less than forty (40) feet in length shall be provided with any device specified in Table I, §4143, capable of producing an efficient sound signal.

**§4145. Same: Sirens.** No vessel shall be equipped nor shall any person use upon such vessel a siren except as follows:

(a) Any vessel authorized by the Director in writing may be equipped with a siren, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet

and of a type acceptable to the Department, but such siren shall not be used except when such vessel is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the operator of such vessel shall sound said siren when reasonably necessary to warn the operators of other vessels of the approach thereof or as a signal for the suspected violator to stop.

(b) Any vessel required by federal laws or regulations relating to the navigation of vessels to be equipped with an efficient whistle or siren sounded by steam or some substitute for steam, to give the necessary whistle signals required by the Rules of the Road may be equipped with and any person may use any such siren acceptable for such use.

**§4146. Same: Unnecessary Use of Sound Signalling Device Prohibited.** Giving unnecessary sound signals is prohibited.

**§4147. Same: Life Preserver and Other Lifesaving Equipment: Vessels Less Than Forty (40) Feet in Length.**

(a) **Carrying Passengers for Hire.** A vessel less than forty (40) feet in length carrying passengers for hire shall be provided with an approved adult type life preserver for each person on board and, in addition, unless the service is such that children are never carried, there shall be provided a number of approved life preservers suitable for children equal at least ten percent (10%) of the total number of persons carried.

(b) Commercial fishing motorboats of Class A, 1 or 2 shall carry an approved life preserver, ring life buoy, buoyant vest, buoyant cushion or wood float for each person on board.

(c) **Other.** A vessel less than forty (40) feet in length not otherwise specifically provided for, shall carry an approved type life preserver, ring life buoy, buoyant vest, special purpose water safety buoyant device or buoyant cushion for each person on board.

**§4148. Same: Same: Vessels Over Forty (40) Feet and Not More Than Sixty-Five (65) Feet in Length.** (a)

**Carrying Passengers for Hire.** A vessel over forty (40) feet and not more than sixty-five (65) feet carrying passengers for hire shall be provided with an approved adult type life preserver for each person on board and, in addition, unless the service is such that children are never carried, there

shall be provided a number of approved life preservers suitable for children equal to at least ten percent (10%) of the total number of persons carried.

(b) Commercial fishing motorboats of Class 3 shall carry an approved life preserver, ring life buoy or wood float for each person on board.

(c) **Other.** A vessel of over forty (40) feet and not more than sixty-five (65) feet not otherwise specifically provided for, shall carry an approved life preserver or ring life buoy for each person on board.

**§4149. Same: Same: Vessels Over Sixty-Five (65) Feet in Length.** (a) **Carrying Passengers for Hire.** A vessel over sixty-five (65) feet in length carrying passengers for hire shall carry an approved adult type life preserver for each person on board and, in addition, unless the service is such that children are never carried, there shall be provided a number of approved life preservers suitable for children equal to at least ten percent (10%) of the total number of persons carried.

(b) **Other.** A vessel over sixty-five (65) feet in length not carrying passengers for hire shall carry an approved life preserver for each person on board.

**§41450. Same: Same: Barge Carrying Passengers for Hire.** A barge carrying passengers for hire when regularly operated with any power driven vessel shall be provided with:

An approved adult type life preserver for each person on board and, in addition, unless the service is such that children are never carried, a number of approved life preservers suitable for children equal to at least ten percent (10%) of the total number of persons carried.

**§4151. Same: Fire Extinguishing Equipment.** Any vessel being operated on the waters of the territory of Guam shall be provided with approved fire extinguishers as prescribed in these Rules and Regulations, which shall at all times be maintained in good and serviceable condition for immediate and effective use and shall be so placed as to be readily accessible.

**§4152. Same: Fire Extinguishers - Definitions.** (a) *B type fire extinguisher* means a fire extinguisher system suitable for extinguishing fires involving flammable liquids, greases and so forth.

(b) *Hand portable fire extinguisher* means a fire extinguisher of either of the following sizes:

Type	Size	Foam Gallons	Carbon	Dry
			Dioxide Pounds	Chemicals Pounds
B	I	1-1/4	4	2
B	II	2-1/2	15	10

(c) *Semi-portable fire extinguisher* means a fire extinguisher system of the following size or larger which is fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered.

Type	Size	Foam Gallons	Carbon	Dry
			Dioxide Pounds	Chemicals Pounds
B	III	12	35	20

(d) *Fixed fire extinguisher system* means a fire extinguisher system of an approved carbon dioxide type, designed and installed in agreement with the applicable provisions of Subpart 76.15 of Subchapter H of Title 45, Code of Federal Regulations, as amended which by reference are hereby incorporated in these Rules and Regulations and made a part hereof as though fully recited herein.

**§4153. Same: Fire Extinguishing Equipment: Vaporizing Liquid Type Prohibited.** A vaporizing liquid type fire extinguisher containing carbon tetrachloride or chlorobromethane or other toxic vaporizing liquids are not acceptable as equipment required by §4151.

**§4154. Same: Same: Markings Required.** Each hand portable fire extinguisher and semi- portable fire extinguishing system shall have permanently attached thereto an approved marine type label.

**§4155. Same: Same: Requirement.** (a) Class A, 1, 2 or 3 Motorboat. A Class A, 1, 2 or 3 motorboat shall carry at least the minimum number of hand portable fire extinguishers set forth below in Table II.

**TABLE II**

Minimum number of type B-1 hand portable fire extinguishers required

Class of Motor-Motorboat	Length feet	Without fixed fire extinguishing system in machinery space	With fixed fire extinguishing system in machinery space
A	Under 16	1	0
1	16 and over, but under 26	1	0
2	26 and over, but under 40	2	1
3	40 and over, but not over 65	3	2

(1) One (1) type B-II hand portable fire extinguisher may be substituted for two (2) type B-I hand portable fire extinguishers. Exceptions: A motorboat of any of the following types is not required to carry a fire extinguisher:

(A) Less than twenty-six (26) feet in length propelled by outboard motors and not carrying passengers for hire if the construction of such motorboat will not permit the entrapment of explosive or flammable gases or vapors. The intent of these Regulations is shown in the illustrations (Figures 1 and 2) on the following pages.

(B) Propelled by electric motors of ten (10) horsepower or less.

(C) Any motorboats engaged in any race which has been authorized by the Director or Coast Guard, or while engaged in such navigation as is incidental to the tuning up of the motorboat and engines for the race.

(2) Fire extinguishers are required if any one (1) or more of the following conditions exist:

(A) Closed compartment under thwarts and seats wherein portable fuel tanks may be stored.

(B) Double bottoms not sealed to the hull or which are not completely filled with flotation material.

(C) Closed living spaces.

(D) Closed storage compartments in which combustible or flammable materials are stored.

(E) Permanently installed fuel tanks.

(3) The following conditions do not, in themselves, require that fire extinguishers be carried:

(A) Bait wells.

(B) Glove compartments.

(C) Buoyant flotation material.

(D) Open slatted flooring.

(E) Ice chests.

(b) **Motor Vessels.** A motor vessel shall carry at least the minimum number of hand portable fire extinguishers set forth below in Table III and, in addition, the following fire extinguishing equipment shall be fitted in the machinery space:

(1) One (1) type B-II hand portable fire extinguisher for each one thousand (1,000) B.H.P. of the main engine or fraction there of. However, not more than six (6) such extinguishers need be carried. On motor vessels of over three hundred (300) gross tons, either one (1) type B-III semi-portable fire extinguishing system shall be fitted or alternatively, a fixed fire extinguishing system shall be fitted in the machinery space.

**TABLE III**

Gross Tonnage		Minimum number of B-III hand portable fire extinguishers
Over	Not Over	
--	50	1
50	100	2

100

500

3

(c) Barge carrying passengers:

(1) **Sixty-Five (65) Feet in Length or Less.** A barge sixty-five (65) feet in length or less while carrying passengers, when towed or pushed by a motor vessel, or steam vessel shall be fitted with hand portable fire extinguishers as required by Table II depending upon the length of the barge.

(2) **Over Sixty-Five (65) Feet in Length.** A barge of over sixty-five (65) feet in length while carrying passengers, when towed or pushed by a motorboat, motor vessel or steam vessel shall be fitted with hand portable fire extinguishers as required by Table III above, depending upon the gross tonnage of the barge.

**§4156. Same: Backfire Flame Control.** (a) Every gasoline engine installed in a motorboat or motor vessel after April 25, 1940, except outboard motors, shall be equipped with an efficient means of backfire flame control. Installations made before November 19, 1952, need not meet the detailed requirements of this Section and may be continued in use as long as they are in good and serviceable condition. The following are acceptable means of backfire flame control for gasoline engines:

(1) A backfire flame arrestor specifically approved by the United States Coast Guard. The flame arrestor shall be suitably secured to the air intake with flame tight connections.

(2) An engine air and fuel intake system which provides adequate protection from propagation of backfire flame to the atmosphere equivalent to that provided by an approved flame arrestor. A gasoline engine which has such an air and fuel intake system and which is to be operated without an approved flame arrestor shall be labeled to meet requirements of the United States Coast Guard.

(3) Any attachment to the carburetor or location of the engine air intake by means of which flames caused by engine backfire must be dispersed to the

atmosphere outside the vessel in such a way that the flames will not endanger the vessel or persons on board. All attachments shall be of metallic construction with flame tight connections and firmly secured to withstand vibration, shock and engine backfire. Such installations do not require formal approval but upon installation, must meet the requirements of this Subsection.

**§4157. Same: Ventilation.** (a) All motor boats or motor vessels, except open boats, the construction or decking over of which is commenced after April 25, 1940, which use fuel having a flash point of 110\_ (degrees Fahrenheit) or less shall have at least two (2) ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or inflammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one (1) exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilges and at least one (1) intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness so as to prevent displaced fumes from being recirculated.

(b) As used in this Section, the term *open boats* means those motorboats or motor vessels with all engine and fuel tank compartments and other spaces to which explosive or flammable gases and vapors from these compartments may flow, open to the atmosphere so as to prevent the entrapment of such gases and vapors within the vessel.

(c) Where alterations are needed for existing motorboats or motor vessels to comply with this Section, such alterations shall be accomplished as soon as practicable but in any case shall be completed by June 1, 1966.

**§4158. Same: Liquified Petroleum Gas.** A vessel carrying passengers for hire on the waters of the territory of Guam may not use for heating, cooking or lighting, any liquified petroleum gas or any of those inflammable liquids which are prohibited by federal regulations or requirements.

**§4159. Same: Mufflers.** A vessel propelled by an internal combustion engine shall, when in operation, be equipped with an efficient muffler, underwater exhaust or other modern device in good working order and in constant operation capable of adequately muffling the sound of the exhaust of the engine. The use of cutouts, or open exhaust stacks is prohibited except for motorboats competing in a race or regatta approved by the Department or a federal agency or while competing in official trials for speed records and for such vessels while on trial runs as is incidental to the tuning up of the boats and engines.

The phrase adequate muffling shall mean that the motor's exhaust at all times be so muffled or suppressed as to not create excessive or unusual noise. The discharge of cooling water through the exhaust of an inboard engine shall be considered an adequate muffling device.

**§4160. Same: Recognition of Motorboat Examination Decals.** In order to free enforcement personnel for other inspections and duties and in recognition of the exacting requirements of the Courtesy Motorboat Examination, enforcement personnel shall not stop and board any vessel properly displaying a valid United States Coast Guard Auxiliary Courtesy Motorboat Examination decal for the purpose of determining compliance with this Part, except upon reasonable belief that any such vessel is being operated in violation of any provisions of these Rules and Regulations or other regulations or laws.

**§4161. Pilot Rules and Rules of the Road: Standard of Due Care.** Vessels shall at all times be operated with due care for the rights and safety of persons and property.

**§4162. Same: Rules of the Road.** (a) Persons operating vessels on Inland Waters as defined in §4104 shall comply with the Inland Rules of the Road (33 U.S.C. 154) and any amendments thereto, which by reference are hereby incorporated in these Rules and Regulations and made a part hereof as though fully recited herein.

(b) Persons operating vessels on the High Seas as defined in §4104 shall comply with the International Regulations for Preventing Collisions at Sea (33 U.S.C. 1051), commonly called the International Rules of the

Road, and any amendments thereto, which by reference are hereby incorporated in these Rules and Regulations and made a part hereof as though fully recited herein.

(c) To insure the safety of their vessels and passengers the statutory rules of the road, *supra*, which have been enacted by Congress to prevent collisions of vessels, must be observed by operators of vessels. The following regulations, 1 through 5, outline certain specific requirements set forth in the above mentioned Rules of the Road:

(1) In narrow channels, when it is safe and practicable, every vessel shall keep to the right of the middle of the channel.

(2) When vessels are approaching each other head-on, or nearly so, each shall be operated to pass the other on the port (left) side at a distance and speed so that the wake of each will not endanger the other.

(3) When a vessel desires to pass another traveling in the same direction, the overtaking vessel shall keep clear of the overtaken vessel and shall not pass until it is safe to do so, and then at such speed and distance so as not to endanger the overtaken vessel. The overtaken vessel shall maintain its course and speed until the overtaking vessel has safely passed. An overtaking situation shall exist whenever a vessel approaches another from any direction more than two (2) points abaft the beam of the other vessel.

(4) A crossing situation shall exist when two (2) vessels are approaching each other at right angles or obliquely so as to involve a risk of collision, other than when one vessel is overtaking another. In a crossing situation, the vessel which has the other on her own port (left) side shall hold her course and speed; and the vessel which has the other on her own starboard (right) side shall keep out of the way of the other by directing her course to starboard so as to cross the stern of the other vessel, or stop and reverse if necessary to avoid collision.

(5) Any vessel propelled by machinery whether under sail or not shall keep clear of any vessel under

sail not using any propelling machinery or being propelled by oars or paddles.

**§4163. Same: General Prudential Rules.** In obeying and construing the rules in this Part, due regard shall be had to all dangers of navigation and collision and to any special circumstances which may render a departure from said rules necessary in order to avoid immediate danger.

**§4164. Same: Pamphlet - Rules of the Road.** All vessels over sixty-five (65) feet in length upon the Inland Waters of the territory of Guam shall, where practicable, carry on board and maintain for ready reference copies of the current edition of the United States Coast Guard Pamphlet CG-169, "Rules of the Road, International - Inland."

**§4165. Same: Rule of Good Seamanship.** Nothing in these Rules and Regulations shall exonerate any vessel, or the owner or master or crew, thereof, from the consequences of any neglect to carry lights or signals or of any neglect to keep a proper lookout, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

**§4166. Same: Distress Signals.** (a) When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used for display by her, either together or separately, namely:

(1) A gun or other explosive signal fired at intervals of about a minute.

(2) A continuous sounding with any fog-signaling apparatus.

(3) Rockets or shells, throwing red stars fired one at a time at short intervals.

(4) A signal made by radiotelegraphy or by any other signaling method consisting of the group ..... in the Morse Code.

(5) A signal sent by radiotelephony consisting of the spoken word "Mayday."

(6) The International Code Signal of distress indicated by N.C.

(7) A signal consisting of a square flag having above or below it a ball or anything resembling a ball.

(8) Flames on the vessel (as from a burning tar barrel, oil barrel, etc.).

(9) A rocket parachute flare or a hand flare showing a red light.

(10) A smoke signal giving off a volume of orange-colored smoke.

(11) Standing in a conspicuous place on vessel and slowly and repeatedly raising and lowering arms outstretched to each side, preferably with bright object such as white towel in each hand.

(12) Display of a large flag, international orange in color.

(b) The use of any of the foregoing signals except for the purpose of indicating that vessel is in distress, and the use of any signals which may be confused with any of the above signals are prohibited.

**§4167. Same: Careless Operation.** No person shall operate any vessel in a careless or heedless manner so as to be grossly indifferent to the person or property of other persons, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the vessel to a stop within the assured clear distance ahead.

**§4168. Same: Reckless Operation.** No person shall operate any vessel in willful or wanton disregard for the safety of persons or property.

**§4169. Same: Speed Restrictions.** (a) No person shall operate a vessel on waters of the territory of Guam at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary (1) to prevent the vessel's wash or wake from causing damage or unnecessary

inconvenience, or (2) to avoid colliding or otherwise damaging any vessel, person or property adjacent, on, or entering any waterway in compliance with legal requirements and the duty of all persons to use due care.

(b) Except when a special hazard exists that requires lower speed for compliance with Subsection (a) of this Section, the limits specified for areas designated in this Subsection or as directed by signs, buoys or other markers posted by the Department, shall be the maximum lawful speeds and no person shall operate a vessel in excess of such maximum limits; provided, that this Subsection shall not apply to persons engaged in authorized patrol, rescue or other emergency activities or in authorized regattas or marine parades. The maximum speed limit for the following areas shall be five (5) nautical miles per hour:

(1) Small boat harbors.

(2) Within one hundred (100) feet of any person in the water, launching ramp, dock, pier, stationary vessel or designated "SLOW" area.

**§4170. Same: Persons Under the Influence of Intoxicating Liquor.** (a) No person who is under the influence of intoxicating liquor shall operate or be in actual physical control of any vessel upon waters of the territory of Guam.

(b) No owner of any vessel or any person in charge or in control of a vessel shall authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor.

**§4171. Same: Persons Under the Influence of Drugs.** No person who is a habitual user of or under the influence of any narcotic drug or who is under the influence of any drug to a degree which renders him incapable of safely operating a vessel shall operate a vessel on the waters of the territory of Guam. The fact that any person charged with a violation of this Section is or has been entitled to use such drug under the laws of the territory of Guam shall not constitute a defense against any charge of violating this Section.

**§4172. Same: Incapacity of Operator.** No owner of any vessel or any person in charge or in control of a vessel shall authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such vessel under the prevailing circumstances.

**§4173. Same: Interference With Navigation.** No person shall operate any vessel in a manner which shall unreasonably or unnecessarily interfere with other vessels or with the free and proper navigation of the waterways of the territory of Guam. Anchoring under bridges or in restricted channels shall constitute such interference if unreasonable under the existing circumstances.

**§4174. Same: Overloading.** No vessel shall be loaded with persons or cargo beyond its safe carrying capacity taking into consideration weather and other existing operating conditions.

**§4175. Same: Overpowering.** No vessel shall be equipped with any motor or other propulsion machinery beyond its safe power capacity taking into consideration the type and construction of such vessel and other existing operating conditions.

**§4176. Same: Restricted Area.** No person shall operate a vessel within a water area which has been clearly marked, in accordance with, and as authorized by, these Rules and Regulations, by buoys or some other distinguishing device as a bathing, swimming or otherwise restricted areas; provided, that this Section shall not apply in the case of an emergency, or to patrol or rescue craft.

**§4177. Same: Riding on Bow or Gunwales Prohibited.** No person operating a motorboat of twenty-six (26) feet or less in length shall allow any person to ride or sit on the gunwales there of or on the decking over the bow of the vessel while underway unless such motorboat is provided with adequate guards or railing to prevent passengers from being lost overboard. Nothing in this Section shall be construed to mean that passengers or other persons aboard a motorboat cannot occupy the decking over a bow of the boat to moor the vessel or to cast off from a mooring, or for any other necessary purpose.

**§4178. Same: Water Skiing - Dangerous Practices Prohibited.** (a) No motorboat which shall have in tow or shall be otherwise assisting a person on water skis, aqua-plane or similar contrivance, shall be operated or propelled in or upon any waterway, unless such motorboat shall be occupied by at least two (2) competent persons, one of whom shall observe at all times the progress of the person or persons being towed; provided, that this Subsection shall not apply to motorboats used in duly authorized water ski tournaments, competitions, expositions or trials therefor, or to any motorboat equipped with an adequate rear view mirror. A rear view mirror shall be considered adequate if it permits the operator to see the person being towed when that person is within the tow boat wakes on a 75-foot line and to identify common hand signals used by the person being towed. An observer shall be considered competent if, in fact, he is at all times observing the progress of the person or persons being towed and is accurately relaying signals or other pertinent information to the vessel operator concerning the progress of the person being towed.

This Subsection shall not apply to vessels less than sixteen (16) feet in length actually operated by the person or persons being towed and so constructed as to be incapable of carrying the operator in or on the vessel.

(b) No motorboat shall have in tow or shall otherwise be assisting a person on water skis, aqua-plane or similar contrivance during the period from sunset to sunrise; provided, that this Subsection shall not apply to motorboats used in duly authorized water ski tournaments, competitions, expositions or trials therefor.

(c) All motorboats having in tow or other wise assisting a person on water skis, aqua-plane or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons or property so as not to endanger the life or property of any person.

(d) No person shall operate or manipulate any vessel, tow rope or other devices by which the direction or location of water skis, an aqua-plane or similar device may be affected or controlled in such a way as to cause the water skis, aqua-plane or similar devices, or any person

thereon to collide with or strike against any person or object.

The provisions of this Subsection do not apply to collisions with tow lines nor to collisions of two (2) or more persons, aqua-planes or similar devices being towed behind the same vessel, nor to collisions with ski jumps, buoys or similar objects normally used in competitive or recreational water skiing.

(e) No person shall operate any motorboat towing or otherwise assisting a person on water skis, aqua-plane or similar contrivance unless such vessel is equipped with a ladder, steps or similar means by which any person being towed can be taken from the water; provided, that this Subsection shall not apply to motorboats used in duly authorized water ski tournaments, competitions, expositions or trials therefor.

(f) No person shall operate any motorboat towing or otherwise assisting a person on water skis, aqua-plane or similar contrivance unless the person being towed is equipped with a lifesaving device; provided that this Subsection shall not apply to persons participating in authorized water ski tournaments, competitions, expositions, or trials therefor.

(g) No person who is under the influence of intoxicating liquor or who is a habitual user of or under the influence of any drug to a degree which renders him incapable of safely manipulating water skis or aqua-plane or similar contrivance shall manipulate water skis, an aqua-plane or similar contrivance on the waters of the territory of Guam.

(h) The following uniform system of hand signals shall be used by water skiers while engaged in water skiing activity:

(1) **Faster.** Palm of the hand pointing upward.

(2) **Slower.** Palm of the hand pointing downward.

(3) **Speed (O.K.)** Correct. Arm upraised with the thumb and forefinger forming a circle.

(4) **Right Turn.** Arm outstretched pointing to the right.

(5) **Left Turn.** Arm outstretched pointing to the left.

(6) **Back to The Drop-Off Area.** Arm at forty-five (45) degree angle from body pointing down to water and swinging.

(7) **Cut Motor.** Finger drawn across throat.

(8) **Stop.** Hand up, palm forward, police traffic style.

(9) **Skier (O.K.) Unhurt After Fall.** Hands clenched overhead.

(10) **Pick Me Up - Fallen Skier - Watch Out.** One ski held vertical (pointing sky ward) as far out of the water as practicable.

(i) No person shall manipulate any water skis, aquaplane or similar device in a reckless or negligent manner so as to endanger any person or property.

**§4179. Waterway Marking System: Scope.** The purpose of this Part is to adopt a uniform system for marking the waters of the Territory; such rules and regulations to establish:

(a) a system of regulatory markers for use on all waters of the Territory to meet needs not provided for by the United States Coast Guard System or navigational aids; and

(b) a system of navigational aids for use on the waters of the Territory not marked by the United States Coast Guard; provided, that such rules and regulations shall not be in conflict with the markings prescribed by the United States Coast Guard.

**§4180. Same: Definitions.** (a) *Waterway marker* means any device designed to be placed in or near the water to convey an official message to a boat operator on matters which may affect health, safety or well being, except that

such devices of the United States or an agency of the United States are excluded from the meaning of the definition.

(b) *Regulatory Marker* means a waterway marker which indicates the existence of regulatory areas, speed zones or restricted areas and which has no equivalent in the United States Coast Guard system of navigational aids.

(c) *State Aid to Navigation* means a waterway marker which is the equivalent of a United States Coast Guard aid to navigation.

(d) *Buoy* means any device designed to float which is anchored in the water and which is used to convey a message.

(e) *Sign* means any device for carrying a message which is attached to another object such as a piling, buoy structure or land itself.

(f) *Display Area* means the area on a sign or buoy needed for display of a waterway marker symbol.

(g) *Symbols* means geometric figures such as a diamond, circle, rectangle, used to convey a basic message.

**§4181. Same: Waterway Markers.** Waterway markers used on the waters of the Territory shall be as follows:

(a) **Territorial Aids to Navigation:**

(1) A red buoy or sign shall indicate that side of a channel to be kept to the right of a vessel when entering the channel from the main water body or when proceeding upstream.

(2) A black buoy or sign shall indicate that side of a channel to be kept to the left of a vessel when entering the channel from the main body or when proceeding upstream.

(3) Buoys or signs in Subsections (1) or (2) above shall normally be used in pairs and only for the purpose of marking a clearly defined channel.

(4) A black and white vertically striped buoy or sign shall indicate the center of a navigable waterway.

(5) Territorial aids to navigation shall be numbered or lettered for identification. Red buoys and signs marking channels shall be identified with even numbers, and black buoys and signs marking channels shall be identified with odd numbers, the numbers increasing from the main water body or proceeding upstream. Buoys and signs indicating the center of a waterway will be identified by letters of the alphabet. All numbers and letters used to identify territorial aids to navigation shall be preceded by the letters "GM."

(6) Letters and numerals used with territorial aids to navigation shall be white, in block characters of good proportion and spaced in a manner which will provide maximum legibility.

(7) The shapes of Territorial aids to navigation shall be compatible with the shapes established by United States Coast Guard Regulations for the equivalent Coast Guard aids to navigation.

(8) Where reflectorized materials are used, a red reflector shall be used on a red buoy, and a green reflector on a black buoy. On black and white vertically striped buoys, reflectors, if used, shall be white.

**(b) Regulatory Markers:**

(1) A diamond shape of international orange with white center shall indicate danger. The nature of the danger may be indicated by words or well-known abbreviation in black letters inside the diamond shape, or above or below or above and below it on white background.

(2) A diamond shape of international orange with a cross of the same color within it against a white center shall indicate a zone from which all vessels are excluded.

(3) A circle of international orange with white center will indicate a control or restriction. The nature of the control or restriction shall be indicated by words, numerals or well-known abbreviations in black letters inside the circle. Additional explanation may be given above and/or below it in black letters on white background.

(c) **Guide Markers.** A rectangular shape of international orange with white center will indicate information, other than a danger, control or restriction, which may contribute to health, safety or well-being. The message will be presented within the rectangle in black letters.

(d) **Colors and Composition.** Letters or numerals used with regulatory or guide markers shall be black, in block characters of good proportion, spaced in a manner which will provide maximum legibility, and of a size which will provide the necessary degree of visibility. Where reflectorized materials are used on regulatory or guide markers, international orange reflectors only may be used to show the geometric shapes described above; any other reflectors used shall be white.

**§4182. Same: Authority to Place Markers.** No waterway markers shall be placed in or near the waters of the territory of Guam unless such placement is authorized by the Director, except that the provisions of this Section shall not apply to private aids to navigation under the jurisdiction of the United States Coast Guard.

**§4183. Same: Maintenance of Waterway Markers.** Waterway markers shall be maintained in proper condition, or be replaced or removed.

**§4184. Same: Display of Waterway Marker.** (a) A waterway marker may be displayed as a sign on a fixed support, as a buoy bearing a symbol on its surface, or as a sign mounted on a buoy.

(b) When a buoy is used to carry a symbol on its surface, it will be white with a band of international orange

at the top and a band of international orange above the waterline as prescribed by the Director.

(c) A buoy whose sole purpose is to carry a sign above it will be marked with an international orange horizontal band at the top and a white horizontal band just above the waterline as prescribed by the Director. If the height of the buoy permits, additional white and international orange horizontal bands, not less than six (6) inches wide, shall be placed between the two (2) bands required above. No buoy except a buoy placed for that sole purpose shall carry a sign.

(d) When symbols are placed on signs, a suitable white background may be used outside the symbol.

**§4185. Same: Specifications for Waterway Markers.**

(a) The size of a display area shall be as required by circumstances, except that no display area shall be smaller than one (1) foot in height. The size shall increase in increments of six (6) inches; provided, however, that the specification for increase in increments shall not apply to markers in existence prior to the adoption of these Rules and Regulations.

(b) The thickness of a symbol outline shall be one-tenth (1/10th) of the height of the display area.

(c) The outside width of the diamond, the inner diameter of the circle, and the average of the inside and outside widths of a square shall be two-thirds (2/3rds) of the display area height.

(d) The sides of the diamond shall slope at a thirty-five (35) degree angle from the vertical on a plane surface. Appropriate adjustments for curvature may be made when applied to a cylindrical surface.

(e) Waterway markers shall be made of materials which will retain, despite weather and other exposures, the characteristics essential to their basic significance, such as color, shape, legibility and position. Reflectorized materials may be used.

**§4186. Same: Other Waterway Marking Devices. (a) Mooring Buoys.** In order that mooring buoys shall not be

mistaken for aid to navigation or regulatory markers, they shall be white with a blue band clearly visible above the waterline placed at least one-half (1/2) the distance between the normal waterline and the top of the buoy; provided, that the provision of this Subsection shall not apply to mooring buoys located within an officially established mooring area prior to the adoption of these Rules and Regulations.

(b) **Special Purpose Buoys.** Buoys for special purposes which have no lateral significance shall be colored as follows: White buoys shall mark anchorage areas. White buoys with green tops shall be used in connection with dredging and survey operation. White and black alternate horizontally banded buoys shall mark fish net areas. White and international orange buoys alternately banded, either horizontally or vertically shall be used for special purposes to which neither the lateral system colors nor the other special purpose colors apply. The shape of special purpose buoys has no significance. They shall not be numbered, but may be lettered.

(c) **Placement of Special Purpose Buoys.** Placement of markers such as mooring buoys and permanent race course markers shall be as authorized by the Director and such markers shall not be of a color, shape, configuration or marking which could result in their confusion with any federal or territorial aid to navigation or any territorial regulatory marker, and shall not be placed where they will obstruct navigation, cause confusion or constitute a hazard.

**§4187. Same: Diver's Flag.** (a) A red flag with a white diagonal running from the upper left hand corner to the lower right hand corner (from masthead to lower outside corner) and known as the "Diver's Flag" shall, when displayed on the water, indicate the presence of a person engaged in underwater swimming or diving in the immediate area.

(b) No person shall engage in underwater swimming or diving using self contained underwater breathing apparatus or other artificial breathing device in navigable waters of the territory of Guam without marking his position with the "Diver's Flag." No person when so engaged shall knowingly surface more than fifty (50) feet from such marker, except in cases of emergency.

(c) No person shall engage in underwater swimming or diving in a manner which shall unreasonably or unnecessarily interfere with vessels or with free and proper navigation of the waterways of the territory of Guam. Such diving or swimming in narrow or otherwise restricted channels shall constitute such interference, if unreasonable under the circumstances.

(d) Recognition of the Diver's Flag by regulation shall not be construed as conferring any rights or privileges on its users, and its presence in a given water area shall not be construed in itself as restricting the use of the water area so marked. Operators of vessels shall, however, exercise precaution commensurate with conditions indicated.

(e) The Diver's Flag shall be displayed only when diving or underwater swimming is in progress, and its display in a water area when no diving is in progress in that area shall constitute a violation of these Regulations.

**§4188. Same: Mooring Vessels to Buoys or Beacons Prohibited.** No person shall deface, obliterate, tear down or destroy, in whole or in part, or attempt to deface, obliterate, tear down or destroy any buoy, sign, beacon or other markers posted pursuant to these Rules and Regulations.

**§4189. Authorization Required to Hold Regatta, Marine Parade, Boat Race or Exhibition.** (a) Definition of Terms Used in This Part. *Regatta or Marine Parade* means an organized water event of limited duration which is conducted according to a prearranged schedule.

(b) Authorization Required; Submission of Application:

(1) Any person or organization planning to hold a regatta or marine parade which, by its nature, circumstances or location will introduce extra or unusual hazards to the safety of persons or property on the waters of the territory of Guam, shall submit an application to the Director. No person shall hold such a regatta or marine parade, unless the authorization of the Director has been secured, except that the Director's authorization is not required if prior authorization has been secured from the United States

Coast Guard. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include, but are not limited to: an inherently hazardous competition the customary presence of commercial or pleasure craft in the area, any obstruction of navigable channels which may reasonably be expected to result, and the expected accumulation of spectator craft.

(2) Where such events are to be held regularly or repeatedly in a single area by an individual or organization, the Director may, subject to conditions set from time to time by the Department, grant a permit for such series of events for a fixed period of time, not to exceed one (1) year.

(3) The application shall be submitted no less than thirty (30) days prior to the start of the proposed event.

(4) The application shall include the following details:

(A) Name and address of sponsoring organization.

(B) Name, address and telephone number of person or persons in charge of the event.

(C) Nature and purpose of the event.

(D) Information as to general public interest.

(E) Estimated number and type of watercraft participating in the event.

(F) Estimated number and type of spectator watercraft.

(G) Number of boats being furnished by sponsoring organization to patrol event.

(H) Time schedule and description of events.

(I) A section of a chart or scale drawing showing the boundaries of the event, various

water courses or areas to be utilized by participants, officials and spectator craft.

(c) An authorization by the Director does not exempt a person holding an event from compliance with applicable federal law.

**§4190. Stolen or Lost Vessels.** (a) **Owner Reports to Department.** The owner of a vessel numbered in accordance with the laws of the territory of Guam which has been stolen, lost or embezzled may notify the Department of the theft or embezzlement, but in the event of an embezzlement the owner may make the report to the Department only after having procured the issuance of a warrant for the arrest of the person charged with such embezzlement. Every owner who has given any such notice shall notify the Department of a recovery of the vessel.

**§4191. Reporting Vessels Found.** Any person who finds a vessel which is adrift or has been lost shall report the whereabouts of such vessel to the owner, to any police officer or to the Department at the earliest possible time.

**§4192. Interstate Boat Compacts - Reciprocal Agreement and Courtesy.** (a) Declaration of Policy:

(1) As provided in 10 GCA §69104, it is the policy of the Department to promote, encourage and facilitate the fullest possible use of its waters and improve boating safety by making and executing boat numbering, equipment or accident reporting reciprocal or proportional agreements, arrangements and declarations with other jurisdictions with respect to vessels principally used in this and such other jurisdictions, thus contributing to the economic and social development and growth of the territory of Guam.

(2) A non-resident owner of any foreign vessel may operate or permit the operation within the territory of Guam of any such vessel meeting the requirements of any reciprocity arrangement, agreements or declarations made to carry out the provisions of this Section. This Subsection shall not apply to a vessel carrying freight or passengers for

hire or to a vessel leased by an owner engaged in the business of leasing vessels.

(b) **Declaration of Extent of Reciprocity.** In the absence of an agreement or arrangement with another jurisdiction, the Director may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vessels properly numbered or equipped in such other jurisdictions, as to the owners of such vessels, which shall in the judgment of the Director, be in the best interest of the territory of Guam and the citizens thereof, and which shall be fair and equitable to the territory of Guam and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of the territory of Guam from the uninterrupted flow of commerce; provided, however, all such vessels shall comply with the minimum equipment requirements of the Coast Guard.

(c) **Suspension of Reciprocity Agreements.** Agreements, arrangements or declarations made under the authority of this Section may include provisions authorizing the Director to suspend or cancel the exemption, benefits or privileges granted thereunder to a person who violates any of the conditions or terms of such agreements, arrangements or declaration or who violates the laws of the territory of Guam relating to vessels or rules and regulations lawfully promulgated thereunder.

**§4193. Manufacturer's or Builder's Serial Number Required.** (a) If a vessel contains a permanent identification number placed thereon by the manufacturer thereof, the manufacturer's serial number shall be used as the builder's hull number. If there is no manufacturer's serial number, or if the manufacturer's serial number has been removed or obliterated or if the vessel is homemade, the Department shall, upon a prescribed application, assign a permanent identification number which shall be used as the builder's hull number for such vessel, and this assigned number shall be permanently affixed to or imprinted by the applicant, at the place and in the manner designated by the Department upon the vessel for which such builder's hull number is assigned.

(b) No vessel manufactured after January 1, 1967 may be sold or offered for sale by any person in the territory of

Guam unless such vessel has a serial number regardless of whether assigned by the manufacturer or by the Department.

(c) Manufacturer's serial numbers for vessels shall be clearly imprinted in the stern transom, hull or other essential hull member near the stern by carving, stamping, impressing or marking with pressure, or in the case of inboard vessels on the main inside beam. In lieu of imprinting, the manufacturer's serial number may be displayed on a plate in a permanent manner. In addition to being permanent, the number shall be accessible. If the serial number is displayed in a location other than on or near the stern transom, or main inside beam, the Department must be notified by the manufacturer as to such location.

(d) No person, firm, association or corporation shall destroy, remove, alter, cover or deface the boat manufacturer's serial number or plate bearing such serial number or any serial number assigned by the Department, on any vessel.

(e) No person shall have possession of, buy, receive, sell or offer for sale, or otherwise dispose of in the territory of Guam a vessel, on which the manufacturer's or assigned serial number has been destroyed, removed, covered, altered or defaced, knowing of such destruction, removal, covering, alteration or defacement of such manufacturer's or assigned serial number.

**§4194. Report Required by Boat Builders and Boat Manufacturers.** All boat builders and boat manufacturers in the territory of Guam shall record with the Department the name and address of their business or firm and the name and address of the owner. They shall notify the Department upon termination of their business. The Department shall maintain a record of boat builders and boat manufacturers. No recording fee shall be charged.

**§4195. Report Required by Boat Dealers.** All boat dealers in the territory of Guam shall record with the Department the name and address of their place of business and the name and address of the owner. They shall notify the Department upon termination of their

business. The Department shall maintain a record of boat dealers. No recording fee shall be charged.

**§4196. Boat Liveries.** (a) **Reports Required.** All boat liveries shall record with the Department the name and address of their livery, the name and address of the owner and the number and lengths of boats in use. The boat livery shall notify the Department upon termination of service. The Department shall maintain a record of all boat liveries. No recording fee shall be charged.

(b) **Livery Record.** The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel, the identification number thereof, and the departure date and time and the expected time of return. The record shall be preserved for at least six (6) months.

(c) **Responsibility for Required Equipment.** Neither the owner of a boat livery nor his agent or employees shall permit any hired vessel to depart from his premises unless it shall have been provided, either by the owner or renter, with the equipment required pursuant to §§4140-4160.

**§4197. Department Not to Approve Products of Manufacturers.** The Department will not endorse or approve the products of any individual or firm.

**§4198. Vessel Capacity Plates: Vessels Affected.** (a) Every vessel less than twenty- six (26) feet in length designed to carry two (2) or more persons and to be propelled by machinery as its principal source of power, or designed to be manually propelled shall, if manufactured, assembled or offered for sale in the territory of Guam, have affixed permanently thereto by the manufacturer a capacity plate of a material which will retain optimum legibility despite continued exposure to weather; provided, that this Part shall not apply to canoes and sailing vessels. As used in this Part, *manufacturer* means any person who constructs or assembles a vessel or alters a vessel in such a manner as to change its weight capacity.

(b) This Part shall apply only to vessels manufactured or assembled or altered in such a manner as to change their weight capacity after January 1, 1967.

**§4199. Same: Information Required on Motor boat Capacity Plates.** A capacity plate shall bear the following information permanently marked thereon in such manner as to be clearly visible and legible from the position designed for, or normally intended to be occupied by, the operator of the vessel when underway:

(a) For all vessels designed for or represented by the manufacturer as being suitable for use with outboard motor:

(1) The total weight of persons, motor, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.

(2) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than one hundred fifty (150) pounds.

(3) Clear notice that the information appearing on the capacity plate is applicable under normal conditions and that the weight of the outboard motor and its associated equipment is considered to be part of total weight capacity.

(4) The maximum horsepower of the motor the vessel is designed or intended to accommodate.

(b) For all other vessels to which this Part applies:

(1) The total weight of persons, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.

(2) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than one hundred fifty (150) pounds.

(3) Clear notice that the information appearing on the capacity plate is applicable under normal conditions.

**§4200. Same: Maximum Weight Capacity: Inboard and Inboard-Outdrive Boats.** (a) The maximum weight capacity marked on a boat that has one or more inboard engines or inboard- outdrive units for propulsion must not exceed W in the formula:

$$W = \frac{\text{Maximum Displacement}}{5} - \frac{\text{Boat Weight}}{5} - 4 \frac{\text{Machinery Weight}}{5}$$

(b) For the purposes of Paragraph (a) of this Section:

(1) Maximum Displacement is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this Paragraph, a boat is level when it is transversely level and the points where the sheer intersects the stem and the stern (or transom) are equidistant above the water surface.

(2) Boat weight is the combined weight of the boat hull and all its permanent appurtenances, including machinery weight.

(3) Machinery weight is the combined weight of installed engines or motors, full fuel system and tanks, control equipment, drive units and batteries.

**§4201. Same: Same: Outboard Boats.** (a) The maximum weight capacity marked on a boat that is designed or intended to use one or more outboard motors for propulsion must be a number that does not exceed one-fifth (1/5th) of the difference between its maximum displacement and boat weight.

(b) For the purposes of Paragraph (a) of this Section:

(1) Maximum Displacement is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard except for water coming through one opening in the motor well with its greatest dimension not over

three (3) inches for outboard motor controls or fuel lines. For the purpose of this Paragraph, a boat is level when it is transversely level and the points where the sheer intersects the stem and the stern (transom) are equidistant above the water surface.

(2) Boat weight is the combined weight of the boat hull and all its permanent appurtenances. For the purposes of this Paragraph, outboard motors are not permanent appurtenances.

**§4202. Same: Same: Boats Without Mechanical Propulsion.** (a) The maximum weight capacity marked on a boat that is not deigned or intend ed to have mechanical propulsion must not exceed one-fifth (1/5th) of the difference between the boat's maximum displacement and the boat weight.

(b) For the purposes of Paragraph (a) of this Section:

(1) Maximum Displacement is the weight of the volume of water displaced by the boat at its maximum level immersion in calm water without water coming aboard. For the purpose of this Paragraph, a boat is level when it is transversely level and the points where the sheer intersects the stem and the stern (transom) are equidistant above the water surface.

(2) Boat weight is the combined weight of the boat hull and all its permanent appurtenances.

**§4203. Same: Persons Capacity: Inboard and Inboard-Outdrive Boats.** The persons capacity marked on a boat that is designed or intended to use one or more inboard engines or inboard- outdrive units must not exceed the lesser of the maximum weight capacity determined under §16.33 for the boat or the maximum persons capacity determined by the following test in calm water:

(a) Float the boat, with all its permanent appurtenances, including installed engines, full fuel system and tanks, control equipments, drive units and batteries.

(b) Gradually add weights along one (1) outboard extremity of each passenger carrying area at the height

of the seat nearest the center of that area and distributed equally forward and aft of that center in a place parallel to the floorboards, until the boat assumes the maximum list or trim, or both, without water coming aboard.

(c) Compute the persons capacity in the following formula:

Persons capacity =  $\frac{A}{0.6}$  where A is the total of the weights

0.6

added in Paragraph (b) of this Section.

**§4204. Same: Same: Outboard Boats.** The persons capacity marked on a boat that is designed or intended to use one (1) or more outboard motors for propulsion must not exceed the lesser of the maximum weight capacity determined under 2 GAR §8166.3 for the boat or the live load capacity determined by the following test in calm water:

(a) Float the boat with all its permanent appurtenances.

(b) Add, in normal operating positions, the dry motor and control weight, battery weight and portable tank weight, if any. For permanently installed fuel tanks, add 6 pounds of weight for each gallon of fuel capacity.

(c) Gradually add weights along one (1) outboard extremity of each passenger carrying area, at the height of the seat nearest the center of that area and distributed equally forward and aft of that center in a plane parallel to the floorboards until the boat assumes the maximum list of both, without water coming aboard.

(d) Compute the persons capacity in the following formula:

Persons capacity =  $\frac{A}{0.6}$  where A is the total of the weights

0.6

added in Paragraph (c) of this Section.

**§4205. Same: Pontoon Boats.** (a) Boats which are dependent solely upon the buoyancy of pontoons or similar flotation devices shall determine the allowable loading by the following tests, except that the method in Paragraph (b) below may be employed if the conditions stated herein are met. The tests shall be conducted with the maximum horsepower motor which is intended for use with the boat and with full fuel tanks and operating equipment in normal position:

(1) The transverse stability shall be tested by adding weight on the lower deck in the extreme outboard position which the arrangement permits (i.e., within one (1) foot of the edge) until the top of the pontoon on the loaded side becomes awash.

(2) The longitudinal stability shall be tested by adding weight on the lower deck evenly about a point one-fourth (1/4th) of the length of the deck from forward until the edge of the lower deck becomes immersed. This test shall be repeated at the aft end of the boat by adding weight evenly about a point one-fourth (1/4th) of the length of the deck from aft until the edge of the lower deck or the top of the motor mounting bracket becomes immersed, whichever occurs first.

(3) In a design having more than one (1) deck intended to support passengers (i.e., having railings and means of access), the tests in (a)(1) and (2) above shall also be conducted by adding weight in the specified locations on the upper deck until the conditions specified in (1) and (2) above respectively are attained.

(4) Ninety percent (90%) of the least of the weights attained in (a)(1), (2) and (3) above shall be the maximum weight for passengers.

(5) The weight carrying capacity for the craft shall then be the sum of the weight for passengers plus the weight for the maximum horsepower motor intended

for use with the boat, full fuel tanks and operating equipment.

(b) An alternate method for determining the weight carrying capacity of pontoon boats may be applied to pontoon boats having only one (1) deck. The deck must be within the width of the pontoons, must be no more than six (6) inches above the pontoons, its length within railings must be not more than eighty percent (80%) of the pontoon length and must not overhang the pontoon, and must be capable of draining over board freely. If the pontoon boat complies with all of these conditions, the weight carrying capacity shall not exceed one-fourth (1/4th) of the reserve buoyancy of the boat. The reserve buoyancy shall be determined by subtracting the weight of the boat, including the weight of the maximum horsepower motor used with the boat, the fuel tanks completely filled, and all of the other normal operating equipment of the boat, from the buoyant force of the boat's pontoons or similar flotation devices.

(c) **Passenger Guide.** Compute the passenger guide by the following equations, use whichever is less:

$$(1) P = WC - (M + G)$$

—————  
W

P = passengers  
 WC = weight carrying capacity  
 M = maximum motor weight  
 G = gear weight  
 W = average weight of one passenger, but not less than one hundred fifty (150) pounds.

$$(2) P = L \times B$$

—————  
15

L = boat length  
 B = maximum boat beam.

**§4206. Same: Maximum Horsepower.** The horsepower rating on the capacity plate for outboard motorboats shall be determined by the manufacturer and shall be the maximum horse power of the motor which the boat can safely accommodate. Boat manufacturers shall confirm the boat's ability to safely handle the recommended horsepower by appropriate testing. Boatmen should be aware that exceeding this recommended maximum safe horsepower may introduce

unsafe conditions, inefficient operation and structural damage.

**§4207. Same: Director May Authorize Alter native Compliance.** If any vessel required by these Rules and Regulations to have a capacity plate affixed thereto is of such design or construction as to make it impracticable or undesirable to affix such plate, the manufacturer or other person having the responsibility for affixing the plate, may represent such impracticability or undesirability to the Department in writing. Upon determination by the Department that such representation has merit and that a proper and effective substitute for the capacity plate which will serve the same purpose if feasible, the Director may authorize such alternative compliance and such alternative compliance shall thereafter be deemed compliance with the capacity plate requirements of these Rules and Regulations.

**§4208. Same: Director May Exempt Certain Vessels.** The Director may exempt from the requirements of the Port vessels which it finds to be of such unconventional design or construction that the information required on capacity plates would not assist in promoting safety or is not reasonably obtainable.

Table I - Capacity Formula Work Sheet

Step 1. Compute areas of sections.

Formula: 
$$\text{Area} = \frac{H}{12} (2 + 4b + 2c + 4d + e)$$

NOTE: For maximum allowable height (H) in any section, check Table II. Area A - Section quarter length forward:

$$A = \frac{H}{12} [a + 4(b) + 2(c) + 4(d) + e]$$

A = \_\_\_\_\_ square feet (two decimal places).

Area B - Section amidships:

$$B = \frac{H}{12} [a + 4(b) + 2(c) + 4(d) + e]$$

B = \_\_\_\_\_ square feet (two decimal places).

Area C - Section quarter length aft:

$$C = \frac{H}{12} [a + 4(b) + 2(c) + 4(d) + e]$$

Area D - Section aft:

$$D = \frac{H}{12} [4(a) + 2(b) + 4(c) + d + e]$$

D = \_\_\_\_\_ square feet (two decimal places).

Step 2. Compute cubic capacity.

Formula:

$$\text{Cubic capacity of hull} = \frac{L}{12} (4A + 2B + 4C + D) + \text{Note 1.}$$

$$\text{Cubic capacity} = \frac{L}{12} [4(a) + 2(b) + 4(c) + d] + \text{Note 1.}$$

$$\text{Cubic capacity} = \text{_____ cubic feet (one decimal place)}$$

**NOTE: 1:** The volume of integral structure aft of the transom below the static float line may be added to the calculated cubic capacity.

**NOTES: 1)** The volume of integral structure aft of the transom below the static float line may be added to the calculated cubic capacity.

- 2) Reference line (intersections of sheer with stem face and transom).
- 3) Static float line with motor well.
- 4) Static float line no motor well.

**Static Float Line -** Passes through the point of major leakage and is parallel with a line connecting the intersection of the sheer with the forward face of the stem and the sheer with the afterface of the transom.

**Transverse Sections -** (A, B and C) are taken at three (3) points obtained by dividing length (L) into four (4) equal parts.

**Horizontal Breadths -** (a, b, c, d and e) are secured by measuring at upper and lower points of the height (H) and at three (3) points selected by dividing (H) into four (4) equal parts below the static float line.

**Measurements -** Are taken outside planking or plating and recorded in feet with decimal equivalents for inches.

Table II

**NOTE:** Although reference is made to Table II for use in determining maximum allowable height, Table II was not included within these Regulations at the time of the original publication.]

Table III - Inches to Decimal Feet

Inches:	1/8"	1/4"	3/8"	1/2"	5/8"	3/4"
Decimals:	.010'	.021'	.031'	.042'	.052'	.062'
Inches:	7/8"	1"	2"	3"	4"	5"

Decimals: .073' .083' .167' .250' .333' .417'

Inches: 6" 7" 8" 9" 10" 11"

Decimals: .500' .583' .667' .750' .833' .917'

**§4209. Fines, Penalties, Enforcement and Records: Fines and Penalties.** Pursuant to 10 GCA §69104, any person violating any of the provisions of these Rules and Regulations, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both; provided that, in addition to, or as a condition to the suspension of, such fines and penalties, the Court may deprive such offender of the privilege of operating any vessel, on the waters of the territory of Guam for a period of not more than two (2) years.

**§4210. Same: Enforcement Personnel.** Pursuant to 10 GCA §69104, the Director, officers and employees of the Department designated by the Director, and every territorial officer charged with the enforcement of Territory laws hereinafter called enforcement personnel shall enforce and assist in the enforcement provisions of Chapter 69, Title 10 Guam Code Annotated and these Rules and Regulations.

**§4211. Same: Stopping Vessels for Inspection.** For the purpose of enforcing the Boating Law (10 GCA Chapter 69) of these Rules and Regulations, any person operating or in charge of a vessel on the waters of the territory of Guam shall stop such vessel after having been requested, or signaled to do so by an enforcement officer. The operator or the person in charge of such vessel and any other person on board shall give his correct name and address, exhibit the Certificate of Number awarded for the vessel, submit to a reasonable inspection of said vessel and to a reasonable inspection and test of the equipment of such vessel.

**§4212. Same: Powers of Arrest.** An enforcement officer who observes any violation by any person of any of the provisions of 10 GCA Chapter 69 or of these Rules and Regulations may forthwith arrest such person without a warrant.

**§4213. Same: Citation of Violation.** Except when required by territorial law to take immediately before a magistrate, a person arrested for a violation of any provisions of these Rules and Regulations, any person authorized to enforce the provisions of these Rules and Regulations, hereinafter referred to as an enforcement officer, upon arresting a person for violation of any provision of these Rules and Regulations shall, in the discretion of the enforcement officer as provided in 10 GCA §69127, either

(1) issue to the purported violator a summons or citation, warning him to appear and answer to the charge against him at a certain place and at a time within seven (7) days after such arrest; or

(2) take him without unnecessary delay before a magistrate.

**§4214. Same: Taking Legal Custody of the Vessel or Property.** As an incident to a lawful arrest, the arresting authority may take legal custody of the vessel or any personal property which is the subject of or related to any violation of 10 GCA Chapter 69, or of these Rules and Regulations. In the event the operator or the person in charge of the vessel refuses to obey the lawful command of an enforcement officer to navigate his vessel back to shore, the vessel may be towed at the owner's risk and expense and without liability to the Department for any damages which may result. The vessel or personal property shall be released according to law.

**§4215. Same: Attorney General.** The Attorney General may bring appropriate proceedings to enjoin the continuance of any act or omission in violation of the provisions of 10 GCA Chapter 69, or of these Rules and Regulations.

**§4216. Same: Records of Conviction.** The Department shall file all abstracts of records of conviction received relating to violation of the Territorial Boating Law, these Rules and Regulations, federal laws or regulations governing vessel operations, from other states or elsewhere and in connection therewith shall maintain convenient records by name of the violator in order that the individual record of each person convicted is readily

ascertainable. The Department shall retain any such abstract for a period of five (5) years at which time it shall be destroyed.

**§4217. Same: Records Furnished to Courts.** The Department shall, upon written request of a court, furnish to the Court a certified copy of the individual record of any person.

**§4218. Same: Reporting Non-Resident Convictions.** The Department upon receiving a record of conviction in the territory of Guam of an operator of a vessel numbered in another state of any offense of Chapter 69, Title 10, Guam Code Annotated, or of these Rules and Regulations, shall forward a certified copy of such record to the boating administrator of the state wherein such vessel is numbered.