

GUAM CODE ANNOTATED

TITLE 16

VEHICLES

**UPDATED THROUGH P.L. 31-143
(NOVEMBER 17, 2011)**

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**CHAPTER 1
DEFINITIONS**

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

§ 1101. Title.

This Title shall be known as the *Vehicle Code*.

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

§ 1102. Definitions.

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

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

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

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

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

(A) has a gross vehicle weight rating (GVWR) as classified by the vehicle manufacturer, or gross combination weight rating (GCWR), or gross vehicle weight (GVW), or

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gross combination weight (GCW), of 4,536 kg (10,001 pounds) or more, whichever is greater; or

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

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

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

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

(d) A *crosswalk* is either:

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

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

(e) A *dealer* is a person engaged in the business of buying, selling or exchanging vehicles of a type required to be registered hereunder who has an established place of business for such purpose in Guam.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(w) An *owner* is a person having all the incidents of ownership including the legal title of a vehicle whether or not such person lends, rents or pledges such vehicle; the person entitled to the possession of a vehicle as the purchaser under a conditional sale contract; the mortgager of a vehicle; or the Government, when entitled to the possession and use of a vehicle under a lease, lease-sale, or rental-purchase agreement for a period of twelve (12) months or more.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(oo) A *vehicle* is a device in, upon *or* by which any person *or* property is *or* may be propelled, moved *or* drawn upon a highway, *except* a device moved by human power *or* used exclusively upon stationary rails *or* tracks *or* an electric personal assistive mobility device.

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

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

(rr) An *Electric Personal Assistive Mobility Device (EPAMD)* is a self-balancing two (2) non-tandem-wheeled device with an electric propulsion system with an average of seven hundred fifty (750) watts (1 horsepower) that limits the maximum speed of the device to twelve and a half (12.5) miles per hour *or* less and that is designed to transport only one (1) person at a maximum speed of twelve and a half (12.5) miles per hour. An Electric Personal Assistive Mobility Device (EPAMD) *shall* have a maximum footprint of thirty-nine and a half (39.5) inches in width by twenty-six and a half (26.5) inches in length

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by fifty (50) inches high and *shall* weigh *no* greater than one hundred fifty (150) pounds.

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

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

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

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

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

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

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

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

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

P.L. 31-082:3 provides:

“Section 3. Inclusion of Operator’s License Endorsement A. Subsections (ss) and (uu) of §1102 of Chapter 1, Title 16, Guam Code Annotated, are hereby *amended* to read as follows:

“(ss) *Examiner* means an Examiner duly employed by the

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Department of Revenue and Taxation Agency, government of Guam, authorized to administer an operator's license road examination or a commercial drivers license road examination.”

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

COURT DECISIONS: CA9, 1963. Neither seller, who gave an endorsed certificate of ownership of the car to the buyer, nor the buyer, who resold the car to motorist and who gave him the endorsed title without adding 1st buyer's endorsement, was an *owner* under this section, even though neither of the two sellers had reported their respective sales to the Department of Revenue and Taxation. *Look v. Mobley*, 323 F.2d 214.

§ 1103. Definition: Bicycle.

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

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