

**16 GCA VEHICLES  
CH. 9 PENALTIES**

**CHAPTER 9  
PENALTIES**

- § 9101. Penalty: Vehicle Without Identification: Sale, Purchase or Possession.
- § 9102. Same: Vehicle Identification: Removal, etc.
- § 9103. Same: Certificate, License, Plate: Forgery or Fraud.
- § 9104. Driving While Under the Influence of Alcohol or Drugs.
  - § 9104.1. Counseling on Conviction.
  - § 9104.2. Records.
- § 9105. Drinking in Motor Vehicle.
- § 9106. Same: Same.
- § 9107. Same: Reckless Driving.
- § 9108. Violation of This Title - Petty Misdemeanor.

**§ 9101. Penalty: Vehicle Without Identification:**

Sale, Purchase or Possession. Every person who knowingly buys, receives, disposes of, sells or offers for sale, or has in his possession any motor vehicle, or motor removed from a motor vehicle, from which the manufacturer's serial or motor number or other distinguishing number or identification mark or number placed thereon under assignment from the Department of Revenue and Taxation has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of such motor vehicle or motor is guilty of a misdemeanor.

**SOURCE:** GC § 23400, enacted by P.L. 1-88 as amended by P.L. 13-187:153.

**§ 9102. Same: Vehicle Identification: Removal, etc.**

(a) Every person who intentionally defaces, destroys, or alters the motor number or other distinguishing number or identification mark of a vehicle required or employed for registration purposes without written authorization from the Department of Revenue and Taxation, or who places or stamps any serial, motor or other number or mark upon a vehicle, except one assigned thereto by the Department, is guilty of a felony.

(b) This Section does not prohibit the restoration by an owner of an original motor, or other number or mark when such restoration is authorized by the Department, nor prevent any manufacturer from placing in the ordinary course of business numbers or marks upon new motor vehicles or new parts thereof.

**16 GCA VEHICLES**  
**CH. 9 PENALTIES**

**SOURCE:** GC § 23401, enacted by P.L. 1-88, Subsection (a) amended by P.L. 13-187:154.

**§ 9103. Same: Certificate, License, Plate: Forgery or Fraud.**

Every person who, with intent to defraud or with intent to misrepresent the same as issued by the Department of Revenue and Taxation, alters, forges, counterfeits or falsifies any certificate of ownership, registration card, certificate, license or special plate or permit mentioned in this Title, or who alters, forges, counterfeits or falsifies with fraudulent intent any endorsement or transfer on a certificate of ownership or who with fraudulent intent displays or causes or permits to be displayed or have in his possession any cancelled, suspended, revoked, altered, forged, counterfeited, or false certificate of ownership, registration card, certificate, license or special plate or permit mentioned in this Title, or who utters, publishes, passes or attempts to pass, as true and genuine, any of the above-named false, altered, forged or counterfeited matters knowing the same to be false, altered, forged or counterfeited with intent to prejudice, damage or defraud any person is guilty of a felony.

**SOURCE:** GC § 23402, enacted by P.L. 1-88 as amended by P.L. 13-187:155.

**NOTE:** GC § 23403, (Penalty) Theft of Vehicle; and § 23404 (Penalty) Tampering With Vehicle, enacted by P.L. 1-88, were repealed by P.L. 13-187:156 and :157 respectively.

**§ 9104. Driving While Under the Influence of Alcohol or Drugs.**

**[Repealed]**

**SOURCE:** GC § 23405, enacted by P.L. 1-88 amended by P.L. 13-187:158. Repealed/reenacted by P.L. 20-35 as GC § 23405; further amended by P.L. 21-45 as GC § 23405. Repealed prospectively by P.L. 22-20:5 (6/22/93) as GC § 23404, also as 16 GCA § 9104. Also repealed by P.L. 22-146:20 as GC § 23405 and 16 GCA § 9104..

**CROSSREFERENCES:** See 16 GCA Chapter 18 - the *Safe Streets Act* -for the laws regarding driving while under the influence of alcohol and drugs and penalties therefor.

**NOTE:** While this section was codified some time before the 20th Guam Legislature, this section was formerly the same Government Code section which was repealed/reenacted and then amended by the 21st Guam Legislature. For this reason, the Compiler is assuming that the latest amendment to GC § 23405 was intended to amend this section and has placed that amendment as 16 GCA § 9104.

**§ 9104.1. Counseling on Conviction.**

**16 GCA VEHICLES**  
**CH. 9 PENALTIES**

Whenever the court penalizes a person under this Chapter, it shall also require that the person be referred to a qualified substance abuse counselor at the Department of Mental Health and Substance Abuse for an assessment of the person's alcohol dependence and need for treatment. The counselor shall submit a report with recommendations to the Court, which may require the person to obtain appropriate treatment. All costs for such assessment or treatment or both shall be borne by the penalized person except for one documented to be indigent.

**SOURCE:** Added as Section 2 of P.L. 21-45. Renumbered by Compiler.

**§ 9104.2. Records.**

The Guam Police Department in cooperation with the Traffic Division of the Superior Court of Guam shall establish a record and data base information system for all traffic violations, which information shall be made available to insurance companies upon request. The Guam Police Department and the Traffic Division shall insure timely compliance with such requests.

**SOURCE:** Added as § 23405.2. by P.L. 21-45:3. A standard "severability clause" was added by § 6 of P.L. 21-45 to apply to amendments made to §§ 9104, 9104.1 and 9104.2.

**COURT DECISIONS:** D.C.Guam, App.Div., 1967. Police officer's testimony as to defendant's driving and conduct after arrest, plus partly empty vodka bottle in care, support conviction for driving while intoxicated. *People v. Pugh*, 1 Guam R. 178.

D.C.Guam, App.Div., 1957. Where officers observed erratic driving, and where testimony showed that driver was unsteady, could hardly walk, was abusive and loud, and smelled of "alcohol", defendant could be convicted of driving while intoxicated. *Govt. of Guam v. Rolinski*, 1 Guam 384.

D.C.Guam, App.Div., 1977. Evidence of officer observing defendant's driving, passenger's observation of his behavior, breath-alcohol level as measured by intoxalizer machine, and expert testimony of doctor as to effect of defendant's blood-alcohol level on his driving, all amply support conviction for driving while under the influence of intoxicating liquor. *People v. Villarta*, 1 Guam R. 425.

**§ 9105. Drinking in Motor Vehicle.**

**[Repealed]**

**SOURCE:** GC § 23405.1, enacted by P.L. 7-8 repealed and reenacted by P.L. 11-153. Repealed prospectively by P.L. 22-20:5 (6/22/93).

**§ 9106. Same: Same.**

**[Repealed]**

**16 GCA VEHICLES**  
**CH. 9 PENALTIES**

**SOURCE:** GC § 23406 enacted by P.L. 7-8 as amended by P.L. 13-187:159. Repealed prospectively by P.L. 22-20:5 (6/22/93).

**NOTE:** P.L. 22-20:5 stated with respect to pending charges under the above repealed sections:

(a) Except for pending charges as provided in paragraph (b) of this section, §§ 9104, 9105 and 9106 of Title 16, Guam Code Annotated, and § 23404 and subsection (a) of § 23100 of Title XXIV, Government Code, are hereby repealed.

(b) The repeal of the sections and subsection set out in paragraph (a) of this section shall not be effective as to any charge that has been brought against any person prior to the effective date of this Act, and as to such charges, the prosecution of such persons shall continue as if such sections and subsection were in full force and effect. The intent of this paragraph is that no person shall be exonerated of a pending charge as a result of the adoption of this Act nor shall any person be subject to a more stringent penalty than would have been the case under the law as it existed at the time that such person was arrested.

**§ 9107. Same: Reckless Driving.**

(a) Every person who drives any vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Every person convicted under this Section shall be guilty of a petty misdemeanor upon a first conviction. Upon a second or any subsequent conviction of the violation of this Section within a period of five (5) years of the date of commission of the first offense the offender shall be guilty of a misdemeanor.

(b) Whenever such reckless driving of a vehicle proximately causes bodily injury to any person, the person so driving such vehicle shall be guilty of a misdemeanor.

(c) Whenever such reckless driving of a vehicle proximately causes a collision in which bodily injury or property damage result, the person so driving such vehicle shall, upon conviction, and in addition to the penalties provided in Subsections (a) and (b), be required to attend a course in driver education not less than six (6) weeks in length and to obtain a certificate of attendance at the satisfactory completion of such course. Such course shall be conducted under the auspices of the Department of Public Safety and shall be attended by the convicted reckless driver after serving his sentence or paying his fine, or both. Failure of such convicted reckless driver to attend such course shall constitute a separate offense and shall be punishable as a petty misdemeanor.

**16 GCA VEHICLES**  
**CH. 9 PENALTIES**

**COURT DECISIONS:** D.C. Guam, App.Div., 1963. Evidence of intoxication, excessive speed and crossing a no-passing line shortly before accident amply prove the charge of reckless driving. It is immaterial whether or not the other driver might have been subject to a contributory negligence claim in a civil action. *People v. Carolan*, 1 Guam R. 103.

D.C.Guam, App.Div., 1967. Where drinking and speeding driver skids twice into path of oncoming cars before accident, he know or could appreciate fact that his actions could cause danger, and was guilty of reckless driving. While drinking alone will not constitute reckless driving, such drinking may be evaluated as part of evidence showing reckless driving. *People v. Santos*, 1 Guam R. 399.

**§ 9108. Violation of This Title - Petty Misdemeanor.**

Except in cases where a different punishment is provided by this Title, every person who fails or refuses to comply with or violates any provision of this Title is guilty of a petty misdemeanor.

**SOURCE:** GC § 23408, enacted by P.L. 1-88 as amended by P.L. 13-187:161.

**NOTE:** GC § 23409, Jurisdiction of Police Court, enacted by P.L. 1-88, was repealed by P.L. 4-54.

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