

**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.
- § 9107.1. Defensive Driving Program Guidelines.
- § 9108. Violation of This Title - Violation.

§ 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. 1-088 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.

16 GCA VEHICLES
CH. 9 PENALTIES

(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.

SOURCE: GC § 23401, enacted by P.L. 1-088, 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. 1-088 as amended by P.L. 13-187:155.

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

[Repealed.]

SOURCE: GC § 23405, enacted by P.L. 1-088 amended by P.L. 13-187:158. Repealed/reenacted by P.L. 20-035 as GC § 23405; further amended by P.L. 21-045 as GC § 23405. Repealed prospectively by P.L. 22-020:5 (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.

CROSS REFERENCES: See 9 GCA Chapter 92 - the Safe Streets Act of 2018 for the laws regarding driving while under the influence of alcohol and drugs and penalties therefor.

§ 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 Guam Behavioral Health and Wellness Center 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 by P.L. 21-045:2 (Sept. 19, 1991). Codified by the Compiler to this section.

2013 NOTE: Pursuant to P.L. 32-024:2 (May 6, 2013) which renamed the Department of Mental Health and Substance Abuse (DMHSA) to the Guam Behavioral Health and Wellness Center, all references to DMHSA were altered to the Guam Behavioral Health and Wellness Center.

§ 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. 21-045:3 (Sept. 19, 1991). A standard "severability clause" was added by § 6 of P.L. 21-045 to apply to amendments made to §§ 9104, 9104.1 and 9104.2.

§ 9105. Drinking in Motor Vehicle.

[Repealed.]

SOURCE: GC § 23405.1, enacted by P.L. 7-008 (Feb. 13, 1963), repealed and reenacted by P.L. 11-153 (July 14, 1972) and repealed by P.L. 22-020:5 (June 22, 1993).

§ 9106. Same: Same.

[Repealed.]

SOURCE: GC § 23406 enacted by P.L. 1-088, amended by P.L. 13-187:159. Repealed by P.L. 22-020:5 (June 22, 1993).

§ 9107. Same: Reckless Driving.

16 GCA VEHICLES
CH. 9 PENALTIES

(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) Where a person drives in wanton disregard of persons or property, or 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 or filing, without contest, of an official investigation report that the person committed the offense of reckless driving, 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, and/or a defensive driving program at the discretion of the court, for a first offense. Such course or program shall be provided by a company/provider certified by the Department of Revenue and Taxation, 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 or program shall constitute a separate offense and shall be punishable as a petty misdemeanor.

(1) In addition to the penalties provided in Subsections (a) and (b) of this Section, when the person driving the vehicle has one (1) or more prior convictions for the offense of reckless driving, which may or may not have resulted in bodily injury or property damage, shall upon conviction or filing, without contest, of an official investigation report that the person committed the offense of an additional violation of reckless driving, within eighteen (18) months of the first violation, require the driver to take and complete a defensive driving program, in addition to taking, or retaking, a driver education course.

16 GCA VEHICLES
CH. 9 PENALTIES

(2) All costs for the taking of a defensive driving course, as ordered by the court, shall be paid by the person convicted of the offense of reckless driving.

SOURCE: Subsection (c) amended by P.L. 31-208:3 (May 9, 2012).

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 knows 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.

§ 9107.1. Defensive Driving Program Guidelines.

The defensive driving training and certification shall be offered in a traditional classroom setting and virtual/online learning. A student verification mechanism shall be used throughout the program if online training is elected. Classroom instruction must be offered, but either a classroom or virtual/online program satisfies the training and certification requirement. The defensive driving program shall be a minimum of four hundred (400) minutes, and a final test shall be administered and passed for a student to get certification. The defensive driving program must have an on-island administrator who has a minimum of two (2) years experience in the administration of a nationally- recognized defensive driving program that is certified to train by any authorizing recognized organization that meets the criteria provided herein. And further provided, that the defensive driving program has a demonstrated performance record of reducing reckless driving directly attributable to the program, within any of the states, counties, municipalities, cities, and/or in providing like services for federal agency programs.

(a) Defensive driving schools and programs shall be regulated by the Motor Vehicle Division, Guam Department of Revenue and Taxation;

(b) Defensive driving schools and programs established on Guam shall meet the standards to become certified and

16 GCA VEHICLES
CH. 9 PENALTIES

licensed by the Guam Department of Revenue and Taxation, Motor Vehicle Division;

(c) Defensive driving programs shall be completed in no less than four hundred (400) minutes;

(d) The organizations authorized to provide this training shall retain student records for at least five (5) years. For purposes of clarification, defensive driving training is not drivers education, as defined by § 3103 of Chapter 3, Title 16, Guam Code Annotated; and

(e) Defensive driving programs on Guam shall cover such areas as Guam specific needs and general defensive driving training in traffic law, methods of accident avoidance and force reduction, human limitations, the effects of alcohol and drugs on the driver and driving, the serious dangers of driving distractions, and a translation of traffic violations into their resultant damages, including property, injury, death, and societal impact.

SOURCE: Added by P.L. 31-208:4 (May 9, 2012).

§ 9108. Violation of This Title - Violation.

(a) Except in cases where a different punishment is provided by this Title or other law, every person who fails or refuses to comply with or violates any provision of this Title is guilty or liable of a civil violation punishable by a fine not to exceed Five Hundred Dollars (\$500.00).

(b) Notwithstanding Subsection (a) of this Section, the Office of the Attorney General is not precluded from filing a criminal complaint or indictment, pursuant to Chapters 15, 45 and 50 of Title 8, Guam Code Annotated, in the Superior Court of Guam that may include charges involving the violation of, or failure or refusal to comply with any provisions of Title 16, Guam Code Annotated.

SOURCE: GC § 23408, enacted by P.L. 1-088, amended by P.L. 13-187:161. Repealed and reenacted by P.L. 32-027:1 (May 10, 2013).
