

16 GCA VEHICLES
CH. 26 PASSENGER RESTRAINT DEVICES

CHAPTER 26
PASSENGER RESTRAINT DEVICES

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NOTE: Chapter 26, §§ 26101-26105, was added by P.L. 18-45:1 and amended as indicated herein.

§ 26101. Child Restraint: Requirement for Child Restraint System, Non-Booster Seat.

The driver of a motor vehicle, as defined in Title 16, Guam Code Annotated, §1102(s), excluding a motorcycle, as defined in Title 16, Guam Code Annotated, §1102(q), in which a child under four (4) years of age is being transported, shall secure such child during transit in a child passenger restraint system which meets federal motor vehicle safety standards and is used in accordance with the manufacturer's operating instructions.

SOURCE: § 26101 added by P.L. 18-45:1 (Dec. 10, 1986). Amended by P.L. 30-033:2 (June 16, 2009), effective Jan. 1, 2010, pursuant to P.L. 30-033:9.

§ 26102. Child Restraint: Requirement for Child Restraint System, Booster Seat.

The driver of a motor vehicle, as defined in Title 16, Guam Code Annotated, §1102(s), excluding a motorcycle, as defined in Title 16, Guam Code Annotated, §1102(q), in which a passenger less than four feet nine inches (4'9") tall and between four (4) and eleven (11) years of age is being transported, shall secure such passenger during transit in a booster seat or appropriately fitting child restraint system that meets federal motor vehicle safety standards and is used in accordance with the manufacturer's operating instructions.

SOURCE: § 26102 added by P.L. 18-45:1 (Dec. 10, 1986). Amended by P.L. 30-033:3 (June 16, 2009), effective Jan. 1, 2010, pursuant to P.L. 30-033:9.

§ 26103. Driver and Passenger(s). Seat Belts Required.

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Each driver and all passengers of a motor vehicle, as defined in Title 16, Guam Code Annotated, §1102 (s), excluding a motorcycle, as defined in Title 16, Guam Code Annotated, §1102 (q), and excluding passengers covered under §§ 26101 and 26102 of this Chapter, shall be restrained by a seat belt assembly that meets federal motor vehicle safety standards and is used in accordance with the assembly manufacturer's operating instructions.

(a) Passengers riding in the bed of a pickup truck are exempted from the requirement to utilize a seat belt assembly, as stated in this Section, provided, that the following criteria are met:

(1) The bed of the pickup truck is surrounded on all four (4) sides by a secure vertical body extension, inclusive of a tailgate, that is at least fourteen (14)-inches high;

(2) All seats in the cab of the pickup truck are occupied by a passenger;

(3) Passengers in the bed of the truck are twelve (12) years of age or older;

(4) Passengers in the bed of a pickup truck remain seated on the floor of the truck bed at all times;

(5) Passengers are *not* leaning against the tailgate of the pickup truck; and

(6) There are *no more than* five (5) passengers riding in the bed of the pickup truck.

SOURCE: § 26103 added by P.L. 18-45:1(Dec. 10, 1986). Amended by P.L. 30-033:4 (June 16, 2009), effective Jan. 1, 2010, pursuant to P.L. 30-033:9.

§ 26104. Exemptions.

No driver of a motor vehicle, as defined in Title 16, Guam Code Annotated, §1102(s), shall be in violation of §§ 26101, 26102 or 26103 of this Chapter *if*:

(a) The motor vehicle being driven is participating in the annual Liberation Day parade, with said motor vehicle *not* exceeding a speed of ten miles per hour (10 mph);

(b) The inadequately restrained individual has a condition that prevents appropriate restraint by the seat belt assembly or child restraint system. Such a condition must be duly certified by a

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physician who shall state the nature of the condition, as well as the reason such restraint is inappropriate. For a physician's statement to qualify under this Section, the physician giving the statement must state why use of a child restraint system or seat belt assembly by the person would be impractical or harmful to the person by reason of physical condition and medical issue. Such physician statement shall be in the possession of the individual;

(c) The inadequately restrained individual is a passenger of an emergency, passenger transport vehicle or taxicab. As used in this Section, *unless* the context otherwise requires:

(1) *Emergency vehicle* means an on-duty official ambulance, official firefighting vehicle, official rescue vehicle, or official law enforcement vehicle;

(2) *Passenger transport vehicle* means any vehicle operated to carry passengers en masse with:

(A) gross vehicle weight rating of over ten thousand (10,000) pounds;

(B) that is specified on the vehicle's federal certification label by the manufacturer as any type of bus; or

(C) that is classified as a bus, *or* issued a bus license plate, by the Department of Revenue and Taxation;

(3) *Taxicab* means any vehicle being licensed, operated *or* maintained for the transportation of persons for hire, compensation or profit, with a gross vehicle rating *under* ten thousand (10,000) pounds.

(d) The vehicle being operated was manufactured before January 1, 1967.

SOURCE: § 26104 added by P.L. 18-45:1 (Dec. 10, 1986). Amended by P.L. 30-033:5 (June 16, 2009), effective Jan. 1, 2010, pursuant to P.L. 30-033:9. Subsections (c) and (d) amended by P.L. 30-122:1 (Apr. 1, 2010).

§ 26105. Conviction of First Violation of §§ 26101, 26102, or 26103; Penalties.

Any driver convicted of violating §§ 26101, 26102, or 26103 of Title 16, Guam Code Annotated, shall be fined a sum *no greater than* One Hundred Dollars (\$100) per violation.

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SOURCE: § 26105 added by P.L. 18-45:1 (Dec. 10, 1986). Amended by P.L. 30-033:6 (June 16, 2009), effective Jan. 1, 2010, pursuant to P.L. 30-033:9.

§ 26106. Conviction of Violation of §§ 26101, 26102, or 26103 Within One Year after Prior Violation; Penalties.

Any driver convicted of violating §§ 26101, 26102, or 26103 of Title 16, Guam Code Annotated, and the offense occurred within one (1) year of a separate conviction for violations of either § 26101, § 26102, or § 26103, *shall* be fined a *sum no greater than* Two Hundred Dollars (\$200) per violation.

SOURCE: Added by P.L. 30-033:7 (June 16, 2009), effective Jan. 1, 2010 pursuant to P.L. 30-033:9.

§26107. Conviction Involving Passengers Riding in the Truck Bed.

(a) Notwithstanding any other provision of law, a person convicted of violating §3301 of Title 16, Guam Code Annotated, shall be fined One Hundred Dollars (\$100) for each passenger riding in the truck bed. This fine is in addition to, and *not in lieu* of, the fines or penalties incurred for driving in excess of the speed limit.

SOURCE: Added by P.L. 30-033:8 (June 16, 2009), effective, Jan. 1, 2010, pursuant to P.L. 30-033:9.
