

## Public Law 25-096

### Bill No. 348 (LS)

As substituted by the Author on the Floor and amended.

#### Introduced by:

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### AN ACT TO ADD ARTICLE 1A TO CHAPTER 3 OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ENACTMENT OF GRADUATED DRIVER'S LICENSES FOR NEW DRIVERS.

#### BE IT ENACTED BY THE PEOPLE OF GUAM:

##### Section 1.

Article 1A is *added* to Chapter 3 of Title 16 of the Guam Code Annotated to read as follows:

##### "Article 1A. Graduated Drivers Licenses.

##### Section 3A100. Legislative Findings and Intent.

##### Section 3A101. Effective Date.

##### Section 3A102. Definitions.

##### Section 3A103. Applicability and Exceptions.

##### Section 3A104. Stage 1: Learner's Permit.

##### Section 3A104a. Administrative Provisions for Stage 1: Learner's Permit.

##### Section 3A105. Stage 2: Intermediate License.

##### Section 3A105a. Administrative Provisions for Stage 2: Intermediate License.

##### Section 3A106. Stage 3: Full Licensure.

##### Section 3A107. Administrative Rules and Regulations.

##### Section 3A100. Legislative Findings and Intent.

*I Liheslaturan Guåhan* finds momentum continues to build for the adoption of graduated driver licensing systems. Recent releases from the National Highway Traffic Safety Administration ('NHTSA') and the National Transportation Safety Board ('NTSB') clearly indicate that their programs will emphasize graduated licensing as a measure to improve traffic safety for new drivers and drivers who are under the age of twenty-one (21).

The NHTSA encourages states to implement a graduated driver licensing system to ease young drivers and new drivers into the driving environment through more controlled exposure to progressively more difficult driving experiences or driver licensing stages, prior to full licensure.

Authorities attribute the problems of new drivers, especially younger drivers, to inexperience and inadequate driving skills, excessive driving during high risk hours - especially nighttime, risk-taking, poor judgment and poor decision making. It also is believed that considerable experience is required, after initial licensing, before a new driver achieves dependable driving know-how, skill and judgment.

To address these problems, NHTSA and the American Association of Motor Vehicle Administrators ('AAMVA') developed an entry-level driver licensing system. It consists of three (3) distinct stages, named by the type of license possessed at each stage: learner's permit, intermediate (provisional) license, and full license. Young drivers are required to demonstrate responsible driving behavior in each stage of licensing before advancing to the next. This legislation is modeled after those recommendations.

In recent years graduated and provisional licensing laws have been enacted in several States and the trend is continuing. Several other States have introduced legislation to implement graduated licensing requirements. To be effective, graduated licensing must be coordinated with driver education. Graduated licensing, in combination with improved driver education, holds promise as a way to provide positive incentives for new drivers to drive safely.

It is the intent of *I Liheslaturan Guåhan* to implement Graduated Drivers Licensing for Guam for all new licensees obtaining a drivers license after June 30, 2000. In doing so *I Liheslaturan Guåhan* affirms that a driver's license is a privilege, *not* a right and such privilege, for the safety of all who use our roadways should only be extended through demonstrated driving experience.

**Section 3A101. Effective Date.**

The Graduated Licensing requirements of this Article shall be effective on June 30, 2000.

**Section 3A102. Definitions.**

Definitions as used in this Article include:

- (a) '*Zero Tolerance*' for Alcohol means a Blood Alcohol Content ('BAC') of 0.02 percent or less while driving. Although an alcohol free driver is desirable, 0.02% BAC is the accepted level required by the National Highway Traffic Safety Administration to account for certain medical conditions, such as certain forms of diabetes mellitus in which the bodies of some individuals afflicted with this disease may naturally produce small quantities of alcohol during the metabolism of carbohydrates.
- (b) '*BAC*' means Blood Alcohol Content.
- (c) '*Drivers Education*' means a course of instruction approved by the Director of the Department of Revenue and Taxation for the purpose of providing prospective licensed drivers with a general knowledge of traffic laws, motor vehicle safety and safe operation of a motor vehicle.

**Section 3A103. Applicability and Exceptions.**

This Article shall apply to all new prospective driver's licensees. The Director of the Department of Revenue and Taxation shall exempt licensees who have received a valid drivers license from any state, territory or possession of the United States or from countries that have been determined use prudent and acceptable drivers licensing standards. All individuals possessing a learner's permit on June 30, 2000, shall be required to complete the licensing requirements of this Article.

All license holders under the age of eighteen (18) on June 30, 2000 shall retain their full licensure privileges.

**Section 3A104. Stage 1: Learner's Permit.**

The following are the requirements to obtain and for the use of a Learner's Permit:

- (a) the minimum age for a learner's permit is fifteen and one-half (15 1/2) years, candidates for a Learner's Permit are required to pass vision and written knowledge tests, including rules of the road and traffic signs and signals;
- (b) permit holders under the age of eighteen (18) years must be accompanied by a parent or adult guardian who is a fully licensed driver at all times while driving; (In the event that the permit holder does *not* have a parent or guardian who is a fully licensed driver, that parent or guardian may designate, during the application process for a Learner's Permit, a responsible adult who is a fully licensed driver who either is twenty-one (21) years of age or older, or the permit holder's spouse to accompany the permit holder while driving.);
- (c) permit holders over the age of eighteen (18) years must be accompanied by a licensed driver who is either twenty-one (21) years of age or older, or the permit holder's spouse at all times while driving, *except* for United States military personnel while on their work duty schedule or married persons;
- (d) permit holders under the age of eighteen (18) years must have the permit holder's parent, guardian or designee certify that the permit holder has completed at least fifty (50) hours of supervised driving, ten (10) hours of which must be during night hours after 7:00 p.m.; *and*
- (e) Zero Tolerance for Alcohol: permit holders must *not* have a blood alcohol content that exceeds 0.02 at any time while driving. Permit holders must *not* be at fault in any collision and remain conviction free of all traffic and motor vehicle code violations for six (6) consecutive months to move to Stage 2.

**Section 3A104a. Administrative Provisions for Stage 1: Learner's Permit.**

- (a) The Department of Revenue and Taxation shall ensure that Stage 1 Learner's Permits are distinctive from other driver's licenses, and all vehicles driven by the permit holder must be adequately insured to cover the permit holder for liability consistent with the mandatory liability insurance provisions of Chapter 19 of Title 16 of the Guam Code Annotated.
- (b) Law enforcement officers shall report all violations to the Department of Revenue and Taxation within ten (10) working days of the violation. Upon a receipt of a report of a violation by the Department, the permit holder who has violated any of the provisions of this Act shall *not* advance to the next stage of licensure for an additional period of six (6) months, *subject* to the Administrative Rules and Regulations required by this Act.

**Section 3A105. Stage 2: Intermediate License.**

The following are the requirements to obtain and for the use of an Intermediate License:

- (a) the minimum age for an Intermediate License is sixteen (16) years; candidates for an Intermediate License are required to pass a behind-the-wheel, on-road test to obtain an Intermediate License;
- (b) must have completed a Driver's Education course approved by the Department of Revenue and Taxation to obtain an Intermediate license; *and*
- (c) Zero Tolerance for Alcohol: Intermediate Licensees must *not* have a blood alcohol content that exceeds 0.02 at any time while driving (Intermediate Licensees under the age

of eighteen (18) years must be accompanied by a parent or adult guardian who is a fully licensed driver at all times while driving between the hours of 10:00 p.m. and 6:00 a.m. on weeknights and 12:00 a.m. and 6:00 a.m. on weekend nights, *except* while driving to and from work. The driver must show proof of employment. In the event that the Intermediate Licensee does *not* have a parent or guardian who is a fully licensed driver, that parent or guardian may designate, during the application process for an Intermediate license, a responsible adult who is a fully licensed driver who is either twenty-one (21) years of age or older, or the permit holder's spouse to accompany the Intermediate Licensee while driving.);

- (d) Intermediate Licensees over the age of eighteen (18) years must be accompanied by a licensed driver who is either twenty-one (21) years of age or older, or the permit holder's spouse at all times while driving between 12:00 a.m. and 6:00 a.m. nightly, *except* while driving to and from work (The driver must show proof of employment.); *and*
- (e) the Intermediate Licensee must *not* be at fault in any collision and remain conviction free of all traffic and motor vehicle code violations for twelve (12) consecutive months to move to Stage 3.

### **Section 3A105a. Administrative Provisions for Stage 2: Intermediate License.**

The Department of Revenue and Taxation shall ensure that Stage 2 Intermediate Licenses are distinctive from other driver's licenses, and all vehicles driven by the Intermediate Licensee must be adequately insured to cover the Intermediate Licensee for liability consistent with the mandatory liability insurance provisions of Chapter 19 of Title 16, Guam Code Annotated.

Law enforcement officers shall report all violations to the Department of Revenue and Taxation within ten (10) working days of the violation. Upon a receipt of a report of a violation by the Department, the permit holder who has violated any of the provisions of this Act shall *not* advance to the next stage of licensure for an additional period of six (6) months, *subject* to the Administrative Rules and Regulations required by this Act.

### **Section 3A106. Stage 3: Full Licensure.**

The following are the requirements to obtain full licensure:

- (a) a full licensee must be at least Seventeen (17) years of age; *and*
- (b) must have completed the intermediate licensing stage or be exempt under the provisions of §3A103 as a result of possessing a valid drivers license from any state, territory or possession of the United States, or from countries that have been determined use prudent and acceptable drivers licensing standards, in which case the provisions of Chapter 3 shall apply. The Director may waive the requirements of §§3A104 and 3A105 *if* it can be determined that through prior driving experience, an applicant meets the safe driving experience requirements for full licensure, but may, *however*, require passage of a written examination on the traffic laws of Guam.

The Director of Revenue and Taxation may, upon suspension of any full license by operation of law, require that such licensee upon completion of the suspension period, revert to Stage 2: Intermediate licensing, as a condition for reinstatement of full licensure privileges.

### **Section 3A107. Administrative Rules and Regulations.**

The Department of Revenue and Taxation and government law enforcement agencies shall develop rules and regulations pursuant to the Administrative Adjudication Law, including

provisions of fees charged to Permit Holders and Intermediate Licensees and enforcement of all the provisions of this Act. The Department shall submit such rules and regulations to *Liheslaturan Guåhan* by March 31, 2000."

**Section 2.** To facilitate its implementation consistent with the provisions of Article 1 of Chapter 3 of Title 16 of the Guam Code Annotated, the Compiler of Laws is authorized to renumber and codify the provisions of this Act consistent with its intent.