I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 122-31 (LS), "AN ACT TO *ADD* A NEW §3336 (d) TO ARTICLE 3 OF CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE PENALTIES FOR DRIVERS WHO DISREGARD THE SAFETY OF SCHOOL CHILDREN ENTERING OR EXITING SCHOOL BUSES",** was on the 10th day of May, 2011, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12th day of May, 2011, at 10:30 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 122-31 (LS)
As amended by the Committee on Public Safety,
Law Enforcement and Judiciary, and further amended on the Floor.

Introduced by: Adolpho B. Palacios, Sr.
Judith T. Won Pat, Ed.D.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A.Yamashita, Ph.D.

AN ACT TO *ADD* A NEW §3336 (d) TO ARTICLE 3 OF CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE PENALTIES FOR DRIVERS WHO DISREGARD THE SAFETY OF SCHOOL CHILDREN ENTERING OR EXITING SCHOOL BUSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that current penalties may be inadequate for drivers who harm school children by passing a school bus when such passenger carrier is receiving or discharging

passengers. *I Liheslaturan Guåhan* finds that §3336 of Title 16 Guam Code Annotated sanctions the issuance of a citation and collection of a nominal penalty fee, both of which may not help to effectively deter drivers who may engage in this form of imprudent driving.

I Liheslaturan Guåhan further finds that Guam law recognizes reckless driving as operating a vehicle on a highway in willful or wanton disregard for the safety of persons or property. *I Liheslaturan Guåhan* finds the act of driving past a school bus, which has stopped to receive or discharge children, to be a wanton disregard for the safety of those children. This violation becomes more serious when drivers cause injury upon school children because of the failure of the drivers to stop and allow passengers to reach an area of safety.

It is, therefore, the intent of *I Liheslaturan Guåhan* to add a special penalty to existing penalties by allowing for violators to be charged with reckless driving, and provide a degree of justice to individuals who fall victim to this wanton disregard for public safety. *I Liheslaturan Guåhan* further intends to use these penalties as a means to help deter drivers from compromising the safety of Guam's school children.

Section 2. A new Subsection (d) is hereby *added* to §3336 of Article 3 of Chapter 3, Title 16, Guam Code Annotated, to read:

"(d) Any person who is in violation of §3336 (c), and as a result has caused bodily injury or damage to personal or public property, *shall* be charged with reckless driving and is punishable under the provisions of §3111, Article 1 of this Chapter, and §9107 of Chapter 9 of this Title 16, Guam Code Annotated, as applicable."

Section 3. Effective Date. The provisions contained herein *shall* be effective upon the enactment of this Act, and *shall* apply prospectively.

Section 4. Severability. *If* any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to Law, such invalidity shall *not* affect other provisions or applications of this Act which can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.