

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
104-37 (LS) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and substituted and further amended on the Floor	Sabino Flores Perez Christopher M. Dueñas Chris Barnett Telo T. Taitague Dwayne T.D. San Nicolas Joanne Brown Frank Blas, Jr. Thomas J. Fisher Jesse A. Lujan Tina Rose Muña Barnes William A. Parkinson Roy A. B. Quinata Joe S. San Agustin Amanda L. Shelton	AN ACT TO AMEND § 3606 OF ARTICLE 6, CHAPTER 3, TITLE 16 GUAM CODE ANNOTATED, AND TO AMEND § 51202(c) OF ARTICLE 2, CHAPTER 51, AND TO AMEND § 51301(p), § 51305, AND § 51306 (b) OF ARTICLE 3, CHAPTER 51, AND TO ADD A NEW ARTICLE 6 TO CHAPTER 51. ALL OF TITLE 10 GUAM CODE ANNOTATED, AND TO ADD A NEW § 46.85 TO CHAPTER 46 OF TITLE 9 GUAM CODE ANNOTATED, RELATIVE TO THE DISPOSAL OF ABANDONED AND JUNK VEHICLES.	4/26/23 12:33 p.m.	5/1/23	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	Request: 5/2/23 5/15/23	5/5/23 9:00 a.m.	12/11/23 12:23 p.m.	As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	1/22/24	AN ACT TO AMEND § 3606 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED; TO AMEND § 51202(c) OF ARTICLE 2, AND §§ 51301(p), 51305, AND 51306(b) OF ARTICLE 3, AND ADD A NEW ARTICLE 6, ALL OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 46.85 TO CHAPTER 46 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE DISPOSAL OF ABANDONED AND JUNK VEHICLES.	1/26/24	1/30/24	2/10/24	37-60	2/9/24	Received: 2/9/24 Messages and Communications Doc. No. 37GL-24-1636	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to: speaker@guamlegislature.org

February 9, 2024

HONORABLE THERESE M. TERLAJE, Speaker

I Mina'trentai Siette Na Liheslaturan Guåhan

37th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

376L-24-1636
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

FEB 09 2024

Time: 6:25 pm
Received: SN

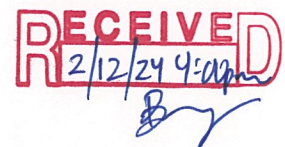
Re: Substitute Bill No. 104-37 (LS) - AN ACT TO AMEND § 3606 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED; TO AMEND § 51202(c) OF ARTICLE 2, AND §§ 51301(p), 51305, AND 51306(b) OF ARTICLE 3, AND ADD A NEW ARTICLE 6, ALL OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; AND TO ADD A NEW § 46.85 TO CHAPTER 46 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE DISPOSAL OF ABANDONED AND JUNK VEHICLES

Håfa Adai Madam Speaker,

Substitute Bill No. 104-37 (LS) seeks to address our island's persistent challenges in removing and disposing of abandoned and junk vehicles that have accumulated over several decades.

Existing Guam law outlines procedures for the removal of abandoned vehicles parked on public streets and private property without permission, after 24 to 48 hours. The law further requires that the Director of the Department of Revenue and Taxation ("DRT") provide notice by certified mail of the removal and storage to the record owner of the vehicle. After ten (10) days have elapsed, if the vehicle is not reclaimed, the law authorizes the sale of the vehicle following publication of the notice of sale in a newspaper of general circulation.

Substitute Bill No. 104-37 adds additional protections for the owners of vehicles suspected of being abandoned. First, it extends the time to reclaim such vehicles from ten (10) days to thirty (30) days. Additionally, it requires the DRT to publish detailed information about the removed vehicle on the DRT's website, along with the name and address of the owner, in addition to the notice provided by certified mail. These measures will provide a vehicle owner additional means of receiving notice that their vehicle was removed, as well as additional time and opportunity to reclaim their vehicle. The bill further authorizes the ultimate sale of the vehicle by tow truck companies, instead of the government, which incentivizes the participation of private entities in holding or storing abandoned vehicles and minimizes the impact of towing or storing such vehicles using government resources.



To: Therese M. Terlaje, *Speaker*, 37th Guam Legislature
Fr: Lourdes A. Leon Guerrero, *Governor of Guam*
Date: February 9, 2024
Re: Substitute Bill No. 104-37 (LS) nka P.L. 37-60

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Importantly, Substitute Bill No. 104-37 also addresses the disposal of junk vehicles, a long-standing issue in our community. These vehicles clutter streets and private property in every village on our island, leading to the deterioration of our environment and the degradation of our island's natural beauty. This bill treats junk vehicles left along our roadways or on private property without the consent of the landowner as litter, subject to removal or the jurisdiction of the Guam Environmental Protection Agency and the Department of Public Works.

Similar laws in other jurisdictions incorporate more specific provisions that reflect the nuance and circumstances of their particular communities. While we recognize that additional refinements to local procedures may be necessary following implementation of this bill, it is critical and timely to take these meaningful steps towards modernizing our abandoned vehicle and junk vehicle law to adapt to current realities on our island. Substitute Bill No. 104-37 is an important step toward such modernization.

I would like to recognize Lt. Governor Josh Tenorio for his leadership in finding new and innovative ways to address the problems associated with abandoned and junk vehicles in Guam. I also extend my thanks to the sponsor of this bill, Senator Sabina Perez, for her partnership in this effort.

For these reasons, I sign Substitute Bill No. 104-37 (LS) into law as ***Public Law No. 37-60***.

Senseramente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

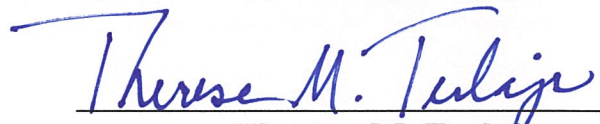
Enclosure: Substitute Bill No. 104-37 (LS) nka P.L. 37-60

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 104-37 (LS)**, “AN ACT TO *AMEND* § 3606 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED; TO *AMEND* § 51202(c) OF ARTICLE 2, AND §§ 51301(p), 51305, AND 51306(b) OF ARTICLE 3, AND *ADD* A NEW ARTICLE 6, ALL OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW § 46.85 TO CHAPTER 46 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE DISPOSAL OF ABANDONED AND JUNK VEHICLES,” was on the 26th day of January 2024, duly and regularly passed.



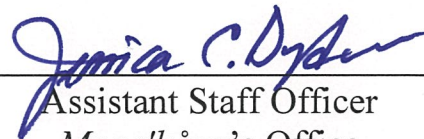
Therese M. Terlaje
Speaker

Attested:



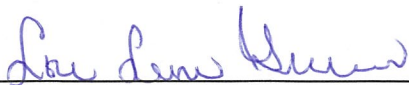
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 30th day of January
2024, at 10:17 o'clock A.M.



Assistant Staff Officer
Maga'håga's Office

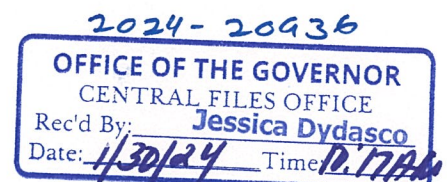
APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 2/9/2024

Public Law No. 37-60



I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 104-37 (LS)

As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning; and substituted and further amended on the Floor.

Introduced by:

Sabina Flores Perez
Christopher M. Dueñas
Chris Barnett
Telo T. Taitague
Dwayne T.D. San Nicolas
Joanne Brown
Frank Blas, Jr.
Thomas J. Fisher
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Roy A. B. Quinata
Joe S. San Agustin
Amanda L. Shelton
Therese M. Terlaje

AN ACT TO *AMEND* § 3606 OF ARTICLE 6, CHAPTER 3, TITLE 16, GUAM CODE ANNOTATED; TO *AMEND* § 51202(c) OF ARTICLE 2, AND §§ 51301(p), 51305, AND 51306(b) OF ARTICLE 3, AND *ADD* A NEW ARTICLE 6, ALL OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED; AND TO *ADD* A NEW § 46.85 TO CHAPTER 46 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE DISPOSAL OF ABANDONED AND JUNK VEHICLES.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Guam's current abandoned vehicle law is structured to provide a means of due

1 process to all owners whose vehicles were impounded or towed for unlawful parking
2 to claim their cars. Additionally, the abandoned vehicle law has been proven to be
3 difficult to implement and, thus, ineffective in removing abandoned vehicles. On
4 Guam, the term abandoned vehicles has been used colloquially by public officials
5 and the news media to mostly describe junk cars that are apparently inoperable, in
6 addition to being abandoned on public property or private property without the
7 expressed consent of the landowner.

8 Most junk cars are discarded on public property to avoid paying scrap yard
9 charges. A significantly smaller number were dumped following a theft. Junk
10 vehicles are discovered mostly on public property and fewer on private property. By
11 the time they are discovered, they have been completely stripped of any usable or
12 recyclable parts.

13 The laws and ordinances of U.S. states and cities differentiate between
14 abandoned vehicles and junk vehicles. In other jurisdictions, owners of abandoned
15 vehicles are usually given a specified period of time to claim their vehicles or they
16 will be auctioned to the highest bidder. If the legal owner claims the abandoned
17 vehicle, the cost to claim it includes the towing and storage cost and the amount of
18 any parking fines. In contrast, junk vehicles left off roadsides, in forests, on deserts
19 or in lakes and ponds are treated as litter. Litter laws for junk vehicles usually have
20 affirmative defenses in cases where the vehicle was stolen or where the registered
21 owner of record is able to establish proof that the vehicle was sold.

22 *I Liheslaturan Guåhan* further finds that Guam appears to have a more serious
23 junk vehicle littering problem than the rest of the nation. This is likely because there
24 is no junk vehicle littering law. Using the abandoned vehicle disposal process for
25 junk vehicles could take from a few weeks to several decades to remove the vehicle
26 from Guam.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to update vehicle laws to
2 differentiate and streamline the removal process of unclaimed abandoned vehicles
3 and junk vehicles that are dumped on public property or on private property without
4 the expressed consent of the landowner that may pose safety and environmental
5 issues and mar Guam’s natural beauty. *I Liheslatura* further intends to make
6 dumping junk vehicles on government of Guam land or on private property without
7 the consent of the landowner littering violations, and violators will be held
8 accountable for fines and restitution for the cost of disposal.

9 **Section 2.** § 3606 of Article 6, Chapter 3, Title 16, Guam Code Annotated,
10 is hereby *amended* to read as follows:

11 **“§ 3606. Abandoned Vehicles: Removal: Sale.**

12 (a) No person shall abandon a vehicle in a public right-of-
13 way, or upon public property or upon private property without the
14 expressed or implied consent of the owner or person in lawful
15 possession or control of such private property.

16 (b) Any peace officer, or employee authorized in writing by
17 the Director of the Department of Public Works, who finds that a
18 vehicle has been parked for more than twenty-four (24) hours on public
19 property or private property without the expressed or implied consent
20 of the owner or person in lawful possession or control of such private
21 property, shall remove or order a licensed garage man or a tow truck
22 company to remove the vehicle from such property. Upon ordering the
23 removal of the abandoned vehicle after the twenty-four (24) hour
24 period, the peace officer or DPW employee shall collect the following
25 information of the abandoned vehicle and report such information to
26 the Department of Revenue and Taxation (DRT):

- 27 (1) photograph of the vehicle;

- 1 (2) the location of where the vehicle was picked up;
- 2 (3) the time and day the vehicle was picked up;
- 3 (4) the vehicle identification number (VIN) and license
- 4 plate number, if available;
- 5 (5) the make, model, and color of the vehicle, if
- 6 identifiable; and
- 7 (6) the name of the licensed garage man or tow truck
- 8 company that picked up the vehicle.

9 (c) The Department of Revenue and Taxation shall:

10 (1) post the information required by Subsection (b) and

11 the name and address of the owner, which includes the lien

12 holder of the abandoned vehicle, on its website; and

13 (2) within five (5) days after an abandoned vehicle has

14 been removed and stored, send a notice by certified mail of the

15 removal and storage to the owner or legal owner, if any, as shown

16 in the records of the Department of Revenue and Taxation.

17 (3) If the abandoned vehicle is not claimed after thirty

18 (30) days, it may be auctioned by DRT or sold pursuant to

19 Subsection (f) of this Section.

20 (d) A violation of this Section shall be additionally punished

21 by a fine of One Thousand Dollars (\$1000.00), payable by the owner

22 of the vehicle to the Public Rights-Of-Way Account of the Territorial

23 Highway Fund.

24 (e) It shall be a new violation for each thirty (30) day period

25 the owner fails to lawfully dispose of the vehicle.

26 (f) A licensed garage man or tow truck company may charge

27 the owner of an abandoned vehicle a flat rate fee, promulgated by the

1 Department of Revenue and Taxation through the Administrative
2 Adjudication Law found in Chapter 9, Title 5, Guam Code Annotated,
3 for towing, holding or storing the vehicle for thirty (30) days. If the
4 abandoned vehicle is not claimed after thirty (30) days, the licensed
5 garage man or tow truck company may sell the vehicle.

6 (g) Abandoned vehicle, for purposes of this Section, means a
7 motor vehicle that is left on private property, without the expressed
8 consent of the landowner, or on public streets, roads, or highways for
9 more than twenty-four (24) hours within the right-of-way, including
10 parking strips and sidewalks, of any public street or highway.”

11 **Section 3.** § 51202(c) of Article 2, Chapter 51, Title 10, Guam Code
12 Annotated, is *amended* to read as follows:

13 “(c) Litter shall mean discarded, used or leftover solid materials,
14 including, but not limited to, garbage, trash, rubbish, refuse, paper, containers,
15 bulky metallic waste, packing or construction materials, carcasses of dead
16 animals, or junk vehicles as defined in § 51301(p) of Article 3 of this
17 Chapter.”

18 **Section 4.** § 51301(p) of Article 3, Chapter 51, Title 10, Guam Code
19 Annotated, is *amended* to read as follows:

20 “(p) “*Junk Vehicle*” means a motor vehicle that is abandoned by being
21 placed, dumped, discarded, or disposed of on public or private property
22 without approval by the owners of said property, and that is incapable of being
23 operated on public streets, roads, and highways.”

24 **Section 5.** § 51305 of Article 3, Chapter 51, Title 10, Guam Code
25 Annotated, is *amended* to read as follows:

26 “§ 51305. **Levy and Collection of Recycling Fees.**

1 The Director of Revenue and Taxation is hereby authorized to
2 levy a Recycling Fee on individuals who are renewing their annual
3 motor vehicle registration with the Department of Revenue and
4 Taxation Division of Motor Vehicles, through the vehicle registration
5 system. The Director of Revenue and Taxation shall collect the
6 Recycling Fees mandated by this Article and transmit the fees to the
7 Administrator for deposit in the Recycling Revolving Fund. Monies
8 collected, herein, shall be deposited in the Recycling Revolving Fund
9 within twenty (20) days following the end of the month for which the
10 fees are collected. Revenues from the collection of these fees shall be
11 reported in the Special Revenue Fund Tracking Report in accordance
12 with Title 2, Guam Code Annotated, § 13109 (a)(1).”

13 **Section 6.** § 51306(b) of Article 3, Chapter 51, Title 10, Guam Code
14 Annotated, is *amended* to read as follows:

15 “(b) At a minimum, DPW and MCOG shall require that all
16 solicitations include proof of current approved permits, certification of
17 compliance with Title 10, GCA, Chapter 51 from GEPA, and a plan to remove
18 collected recyclable materials, including abandoned or junk vehicles, from
19 Guam’s waste stream. Contractors employed under this Section shall perform
20 all work under this Article in compliance with all applicable laws, including
21 those of this Chapter, and the applicable rules and regulations of GEPA.”

22 **Section 7.** A new Article 6 is hereby *added* to Chapter 51, Title 10, Guam
23 Code Annotated, to read as follows:

24 “**ARTICLE 6**
25 **JUNK VEHICLES**

26 § 51601. Definitions.

27 § 51602. Conditions Applicable to Scrap Dealers.

1 § 51603. Enforcement by the Attorney General.

2 § 51604. Removal of Junk Vehicles from Public Property or at the Request
3 of Private Landowners.

4 **§ 51601. Definitions.**

5 For purposes of this Article:

6 (a) *Automotive scrap metal* means the parts of an automobile
7 made of iron or alloys of iron and *non-ferrous metals* as defined in 11
8 GCA, Chapter 74, § 74101(d).

9 (b) *Depollution* means the first step in vehicle recycling, and
10 it focuses on the removal of batteries, glass, plastics, rubber, upholstery,
11 and all the fluids that are used in the operation of a motor vehicle,
12 including, but not limited to: gasoline, diesel fuel, oil, coolant, brake
13 fluid, transmission fluid, air conditioning refrigerant, gear oil, and
14 windshield washer fluid. These materials, once removed from the
15 vehicle, can be reused, reprocessed, recycled, or disposed of, in an
16 environmentally responsible way that will not contaminate the water
17 table or the food supply in the ground. All those fluids are then stored
18 in tanks and safely contained until they can also be reused or recycled.

19 (c) *Vehicle certificate of title* means a document issued by the
20 Department of Revenue and Taxation that is utilized to prove
21 ownership of a vehicle.

22 (d) *Junk vehicle* means the same as § 51301(p) of Article 3,
23 Chapter 51, 10 Guam Code Annotated.

24 (e) *Owner* means the holder of a certificate of title or
25 ownership, or an individual who possesses a receipt or other form of
26 evidence indicating the junk vehicle was purchased from the holder of
27 the certificate of title or ownership.

1 (f) *Scrap dealer* means a scrap metal business as defined in
2 11 GCA, Chapter 74, § 74101(g).

3 (g) *Transportation and disposal cost* means the cost to tow a
4 junk vehicle to a scrap dealer, salvage yard, or a recycling center for
5 depollution and proper disposal and the cost to ship the junk vehicle
6 away from Guam.

7 **§ 51602. Conditions Applicable to Scrap Dealers.**

8 All the provisions of Guam law and the Guam Administrative Rules
9 and Regulations shall continue to apply to scrap dealers and no additional
10 rules and regulations are required for scrap dealer businesses as a result of the
11 enactment of this Article.

12 **§ 51603. Enforcement by the Attorney General.**

13 Nothing herein in this Article shall be construed as to prevent the
14 Attorney General of Guam from enforcing this Article.

15 **§ 51604. Removal of Junk Vehicles from Public Property or at the**
16 **Request of Private Landowners.**

17 (a) The Guam Environmental Protection Agency (GEPA) and the
18 Department of Public Works (DPW) shall continue to utilize existing rules,
19 regulations, policies, procedures and practices that have been in place prior to
20 the enactment of this Article for the removal, depollution, transportation and
21 disposal of junk vehicles. The GEPA and DPW shall enter into a
22 Memorandum of Understanding (MOU) with the Mayors Council of Guam
23 (MCOG) that will permit village Mayors to remove junk vehicles in their
24 respective villages.

25 (b) Nothing herein is to be construed as to prevent the GEPA, the
26 DPW or the MCOG from removing junk vehicles that have been dumped on
27 private property without the permission of the landowner.”

1 **Section 8.** A new § 46.85 is *added* to Chapter 46, Title 9, Guam Code
2 Annotated, to read as follows:

3 “**§ 46.85. Tampering With Vehicle Identification Number or Other**
4 **Vehicle Identifiers.**

5 A person commits a felony if he or she knowingly destroys, removes or
6 conceals, or attempts to destroy, remove or conceal, any Vehicle Identification
7 Number (VIN) or other vehicle identifiers with intent to deceive or injure
8 anyone or to conceal any wrongdoing including littering violations.”

9 **Section 9. Severability.** If any provision of this Act or its application to any
10 person or circumstance is found to be invalid or inorganic, such invalidity shall not
11 affect other provisions or applications of this Act that can be given effect without
12 the invalid provision or application, and to this end the provisions of this Act are
13 severable.

14 **Section 10. Effective Date.** This Act shall be effective ninety (90) days from
15 enactment.