


*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
71-35 (LS)	James C. Moylan	AN ACT TO AMEND §5101, §5105, §5107, §5109, §5112(a)(3), AND §5114, AND TO ADD §5119, ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.	3/25/19 10:03 a.m.						

**I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN**  
**2019 (FIRST) Regular Session**

Bill No. **H**-35 (**LS**)

Introduced by:

James C. Moylan 

**AN ACT TO AMEND §5101, §5105, §5107, §5109, §5112(a)(3), AND §5114, AND TO ADD §5119, ALL TO CHAPTER 5 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO THE SIZE, WEIGHT, AND LOAD LIMITATIONS, AND RESTRICTIONS OF CERTAIN VEHICLES.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that Public Law 33-106, which established size, weight, and load limitations for certain vehicles, while it certainly achieved the objectives of assuring the long term sustainability of our roads, it also impacted the cost of goods entering our island. It is important to have such weights and measures in place to assure that the wear and tear of our roads are not expeditiously ruined by overweight vehicles, however, a balance also has to be achieved to reassure that the cost of the everyday goods are not increased at the cash registers because of additional shipping rates.

PL 33-106 established a bridge formula as a means to determine the maximum weight that our roads can sustain, which was also a very conservative measure established in many states for those jurisdictions with actual bridges. A great majority of our roads can carry loads that are well above the capacity that bridges can sustain, thus it is vital that amendments take place in the maximum weights allowed on our rods.

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Lower weight measures require wholesalers to increase their shipping needs for the same amount of goods they were bringing in previously, thus these additional shipping costs are passed over to the price of the goods being imported, which ultimately results in consumers paying more. With the Business Privilege Tax increase taking place in 2018, and the weights and measures mandate coming into fruition the year prior, solutions need to be found to help island residents cope with the rising costs of goods. Amending the requirements mandated in PL 33-106 would be the ideal step in that direction.

In discussions with various businesses that were impacted by PL 33-106, there were many instances and sound reasons to find a balance in how much weight we can allow for vehicles driving on our roads. Just reviewing the cost of shipping alone from the United States West Coast, the current formula estimates to be almost 17% higher versus if a reasonable and balanced weights and measure formula was utilized.

When it comes to everyday commodities, a similar discussion was held to provide a variance in the average retail costs of the goods comparing the current formula with a revised one. Some of the examples that emerged indicated that a 50lb bag of Jasmin Rice would be almost \$8 more with the current formula, while a 2kg bag of sugar is about 6% higher at the cash register. A pound of butter and a gallon of milk have been increased by 5%, while a pound of chicken thighs was 26% higher. An 11.5 ounce can of corned beef has been impacted by 6% increase, while a 10lb case of pork ribs, estimated an average cost increase of \$12.00.

There are other factors to consider such as the increased cost of construction material, which directly impacts residents and commercial entities alike. Those construction contracts that were established prior to the enactment of PL 33-106 had to assume the increased costs impact created by the bridge formula. By creating more conservative weights and measure formulas would mean more

hauling of containers, hence more trucks on our roads. While it is important to have a procedure in place, one with more discussion and within reasonable means needs to be established.

Amending the provisions instituted in PL 33-106 would be a responsible approach in assuring that while we reassure that our roads are not ambushed by heavy vehicles, that we don't maintain a formula that hurts island residents at the cash registers. Changes have to be made, and national standards have to be reviewed to generate a balance in the amount of the size, weight and loads we accept on our roads.

**Section 2.** §5101 of Chapter 5, Title 16, Guam Code Annotated, is hereby *amended* to read as follows:

**§ 5101. Definitions.**

As used in this Chapter, the following definitions will hold true:

(a) **Axle:** The common axis of rotation of one (1) or more wheels, whether in one (1) or more segments and regardless of the number of wheels carried thereon.

(b) **Axle Group:** An assemblage of two (2) or more consecutive axles considered together in determining their combined load effect on a bridge or pavement structure.

(c) **Axle Load:** The total weight transmitted to the road by a single axle.

(d) **Connecting Mechanism:** An arrangement of parts interconnecting two (2) or more consecutive axles to the frame of a vehicle in such a manner as to equalize the load between the axles.

(e) **Continuous Trip Permit:** A special permit issued for oversize or overweight loads, valid for multiple days, multiple routes and/or between multiple points of destination, for the duration of a specific project, but not

to exceed ninety (90) days, unless deemed warranted otherwise by the DPW Director.

(f) Gross Combination Weight (GCW): The total weight of the power unit and the total weight of the towed unit and any load thereon.

(g) Gross Combination Weight Rating (GCWR): The value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, GCWR will be determined by adding the GVWR of the power unit and the total weight of the towed unit and any load thereon.

(h) Gross Vehicle Weight (GVW): The total weight of the loaded vehicle. This includes the vehicle itself and the cargo that is loaded within that vehicle.

(i) Gross Vehicle Weight Rating (GVWR): The value specified by the manufacturer as the loaded weight of a single motor vehicle.

(j) Gross Weight: The weight of a vehicle and/or vehicle combination without load, plus the weight of any load thereon.

(k) Haul Road Highway: Designated highways with a higher standard designed for the movement of heavier vehicles. The DPW Director shall designate and publish a listing of these highways.

(~~l~~) Height: The total vertical dimension of any vehicle above the ground surface including any load and load holding device thereon.

(~~m~~) Highway: The entire width between the boundary lines of every publicly maintained surface, when any part thereof is open to the use of the public for purposes of vehicular travel; synonymous and interchangeable in usage with "street".

(n) Highway Approved Heavy Equipment: Heavy Equipment designed for use at locations where they are utilized to perform tasks on a

designated location. These types of equipment utilize pneumatic tires and have DOT approved lighting and safety devices to allow self-transport on Guam public roads. The equipment must be licensed on Guam with an SE plate.

(om) Length: The total longitudinal dimension of any vehicle or combination of vehicles, including any load or load holding devices thereon.

(pn) Load: A weight or quantity of anything resting upon a support.

(qe) Motor Vehicle: A vehicle which is self-propelled or propelled by electric power obtained from overhead trolley wires, but not operating upon rails.

(r) Non-Commerce Vehicle: Well Drilling Rigs, Concrete Pumps, Cranes (Truck, Rough Terrain & All-Terrain), Boom Trucks and Bucket Trucks that do not carry cargo are not required to conform to axle load requirements while on Guam highways as long as they are licensed as Special Equipment. Boom Trucks carrying cargo are subject to §5107 (d).

(sp) Owner: A person, other than a lien holder, having the property in or title to a vehicle, including a person entitled to use and possession of a vehicle subject to a security interest in another person, but excluding a lessee under a lease not intended as security.

(tq) Portable Scales: A movable weighing device.

(ur) Primary Road: A primary road is a road with two (2) or more lanes each way, or any road with at least two (2) contiguous miles with a speed limit of thirty-five (35) miles per hour or greater.

(vs) Scale Tolerance: An allowable variation in the static weight of an axle load in accordance with, but not exceeding, the precision of the scale involved.

(wt) Secondary Road: A secondary road is any road, paved or unpaved, that does not meet the definition of “primary road” as herein stated.

~~(u) Semi-Trailer: A vehicle designed for carrying persons or property and drawn by a truck tractor on which parts of its weight and load rests.~~

(x) Semi-Trailer Category S (Short): A vehicle designed for carrying persons or property and drawn by a truck-tractor on which parts of its weight and load rests with a wheelbase of less than 30 feet from the center of the towing truck’s rearmost axle to the center of the trailer’s rearmost axle.

(y) Semi-Trailer Category L (Long): A vehicle designed for carrying persons or property and drawn by a truck-tractor on which parts of its weight and load rests with a wheelbase of 30 feet or greater from the center of the towing truck’s rearmost axle to the center of the trailer’s rearmost axle.

(zv) Single Axle: An assembly of two (2) or more wheels, whose centers are on one (1) transverse vertical plane or may be included between two (2) parallel transverse vertical planes forty (40) inches or less apart extending the full width of the vehicle.

(aaw) Single Axle Weight: The total weight transmitted to the road by a single axle.

(bbx) Single Trip Permit: A special permit issued for oversize or overweight loads, valid for a single trip on a specified route between predetermined points of origin and destination, and which shall expire within twenty-four (24) hours.

(ccy) Special Permit: A written authorization to move or operate on a highway, a vehicle or vehicles with indivisible load of a size and/or weight exceeding the limits prescribed for vehicles in regular operation. Said permit may be for a single trip or for a continuous trip.

(~~ddz~~) Static Scales: An immovable measuring scale, similar to a rule, that is attached to the edge of an optical comparator screen.

(~~eea~~) Tandem Axle: Any two (2) or more consecutive axles whose centers are more than forty (40) inches and not more than ninety-six (96) inches apart, and are individually attached and/or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between the axles.

(~~ffb~~) Tandem Axle Weight: The total weight transmitted to the road by a tandem axle.

(~~ggee~~) Trailer: A vehicle designed for carrying persons or property and drawn by a motor vehicle which carries no part of the weight and load of the trailer on its own wheels.

(hh) Tridem Axle: Any (3) or more consecutive axles whose centers are more than forty (80) inches and not more than one hundred forty-four(144) inches apart, and are individually attached and/or articulated from a common attachment to the vehicle including a connecting mechanism designed to equalize the load between the axles.

(ii) Tridem Axle Weight: The total weight transmitted to the road by a tridem axle combination.

(~~jjd~~) Truck: A motor vehicle designed, used or maintained primarily for the transportation of property.

(~~kke~~) Truck-Tractor: A motor vehicle designed for drawing other vehicles, but not for a load other than a part of the weight of the vehicle and load drawn.

(~~lff~~) Vehicle: A device in, upon or by which any person or property may be transported or drawn upon a highway.



(~~mmgg~~) Vehicle Combination: A truck-tractor and semi-trailer, either with or without a full trailer, or a truck with one (1) or more full trailers.

(~~nnhh~~) Weigh-in-Motion Scales: Weighing-in-Motion (WIM) is, as the name implies, the process of weighing a vehicle as it is moving along the highway in an effort to estimate the equivalent static weight of the vehicle.

(~~ooii~~) Wheel Load: The total load transmitted to the road by a wheel. Dual wheels that share an axle mounting are considered a single wheel for load requirements.

(~~ppjj~~) Width: The total outside transverse dimension of a vehicle, including any load or load holding devices thereon, but excluding approved safety devices and tire bulge due to load.

**Section 3.** §5104 of Chapter 5, Title 16, Guam Code Annotated, is hereby *amended* to read as follows:

**§ 5104. Height of Vehicles and Loads.**

No vehicle, or vehicle combination, including any load and load holding devices thereon, *shall* exceed a total height of fifteen (15) feet, a width of nine (9) feet, or a length of sixty-five (65) feet, for public roads, streets or highways, and ninety (90) feet on designated haul road highways. Any vehicle or loads exceeding the dimensions in height, length or width shall be required to get a Special Permit as specified in this Chapter.

**Section 4.** §5107 of Chapter 5, Title 16, Guam Code Annotated, is hereby *amended* to read as follows:

**§ 5107. Gross Weight, Axle, and Wheel Loads.**

No motor vehicle or combination of vehicles equipped wholly with pneumatic tires, which has a gross weight, an axle load, or a wheel load in excess of the limits set forth in this Section shall be operated or moved upon

any public road, street, or highway; and no vehicle or combination of vehicles shall be operated on or moved over any bridge or other highway structure if the gross weight, including vehicle and load, exceeds the posted maximum gross weight limitation for the bridge or other highway structure.

(a) The total gross weight, in pounds, imposed on any public road, street, or highway by any axle group on a vehicle or combination of vehicles *shall not* exceed the following when the distance between the first and last axles of the group under consideration is:

(1) forty (40) inches or less; the axle load *shall not* exceed twenty thousand (20,000) pounds;

(2) more than forty (40) inches, but not more than eight (8) feet; the tandem axle weight imposed *shall not* exceed forty thirty-four thousand (40,000 34,000) pounds.

(3) more than eighty-six (86) inches, but not more than one hundred forty-four (144) inches; the tridem axle weight imposed shall not exceed sixty thousand (60,000) pounds.

(4) any additional lift axle designed to help distribute weight is limited to twenty thousand (20,000) pounds, or the axle manufacturers rating whichever is less.

~~(b) The total gross weight, in pounds, imposed on any public road, street, or highway by any axle group on a vehicle or combination of vehicles *shall not* exceed that resulting from application of the Bridge Formula:~~

~~$$W = 500 \left( \frac{LN}{N-1} + 12N + 36 \right)$$
 when the distance between the first and last axles of the axle group under consideration is over eight (8) feet and where~~

~~W = maximum gross weight in pounds carried on any axle group,~~

~~L = distance in feet between the outer axles of any axle group, to the nearest foot, and~~

~~N = number of axles in group under consideration; provided that two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more; and provided also that the overall gross weight does not exceed eighty thousand (80,000) pounds.~~

(be) No vehicle or combination of vehicles shall be used or operated on any public road, street, or highway with:

(1) a load upon any single, ~~or tandem~~ or tridem axle, or combination of axles which exceeds the carrying capacity of the axles specified by the manufacturer; or

(2) with a total weight in excess of its designed capacity as indicated by its designed gross vehicle weights or gross combination weights.

(cd) The single axle weight *shall not* exceed twenty thousand (20,000) pounds.

(d) Maximum Weight shall be eighty-five thousand (85,000) pounds, Gross Vehicle Weight, for a single unit truck on roads and highways.

(e) Maximum Weight shall be eighty-five thousand (85,000) pounds, Gross Vehicle Weight, for a combination of truck tractor and semi-trailer combinations with axle spacing of thirty (30) feet or less

from the center of the rearmost axle on the tractor and the center of the rearmost axle on the trailer on roads and highways but allowable to one-hundred thousand (100,000) pounds on designated haul roads.

(f) Maximum Weight shall be one-hundred ten thousand (110,000) pounds, Gross Vehicle Weight, for a combination of truck tractor and semi-trailer combinations with axle spacing of thirty (30) feet or more from the center of the rearmost axle on the tractor to the center of the rearmost axle on the trailer but allowable to one hundred sixty thousand (160,000) pounds on designated haul roads.

(g) The maximum wheel load imposed upon any public road, street, or highway *shall not* exceed eight hundred ~~ten thousand~~ (800 ~~10,000~~) pounds per inch of tire tread width or the tire manufacturers rating listed on the tire, whichever is less.

(hf) The Director of the Department of Public Works (DPW Director) may place and maintain signs to limit the gross weight of a vehicle or combination of vehicles traveling over a bridge or other highway structure in the interest of public safety when it is determined that the theoretical load carrying capacity of the bridge or structure is less than the maximum gross vehicular weight allowed by this Chapter.

(ig) The DPW Director may issue an Overweight Vehicle Load Permit for a vehicle that meets the axle group load requirements of the formula in Subsection (ab) of this Section, but with a gross vehicle weight in excess of the allowable weights stated in this Section ~~eighty thousand (80,000) pounds~~. Such special permit *shall* be issued in accordance with § 5114 of this Chapter.

**Section 5.** §5109 of Chapter 5, Title 16, Guam Code Annotated, is hereby *amended* to read as follows:

**§ 5109. Authority to Stop, Inspect and Weigh Vehicles; Removal of Excess Loads.**

(a) For purposes of the enforcement of this Chapter, the Director of Revenue and Taxation (DRT Director) and the DPW Director shall have such powers of enforcement as may be necessary to implement their respective responsibilities under this Chapter.

(1) The DRT Director, whose Department is primarily responsible for implementing and enforcing this Chapter as such relates to the registration and safety of vehicles, may delegate enforcement to the Administrator of the Division of Motor Vehicles/Motor Carrier Safety Assistance Program (DMV/MCSAP).

(2) The DPW Director, whose Department is primarily responsible for implementing and enforcing this Chapter as such relates to truck gross weight and the safety and maintenance of Guam's public roads, streets and highways, may delegate the enforcement of this Chapter to the Administrator of the Division of Highways.

(b) For the purpose of the safety, welfare and health of the general public, and the safe transportation of hazardous materials, waste and other materials on any public road, street or highway, and the enforcement of this Chapter and of all rules adopted pursuant to this Chapter, the responsibilities of each agency shall be as follows:

(1) Department of Revenue and Taxation (DRT):

(A) inspect business premises, buildings, freight and equipment of commercial motor carriers;

(B) stop and inspect freight and equipment of all motor carriers operating on any public road, street or highway, except that any motor carrier with military cargo shall be permitted to proceed, unless safety to the general public dictates otherwise, to the vehicle's destination for appropriate review therein and such action shall not be a violation of this Chapter;

(C) inspect shipping papers and hazardous waste manifests of all motor carriers and persons subject to this Chapter operating on any public road, street or highway;

(D) during the course of an inspection, weigh any vehicle and/or combination of vehicles equipped wholly with pneumatic tires to ensure compliance with the provisions of § 5107(c)(1) and (2) of this Chapter;

(E) whenever a police officer or DMV/MCSAP inspector, upon inspection of a vehicle and/or load, determines the existence of a violation, a citation may be issued. The vehicle may be allowed to proceed directly to its own shop or facility for correction. When a vehicle is found to be unsafe to the driver or the public, the police officer or DMV/MCSAP inspector has the authority to direct the discontinuance of the vehicle passage and require corrective action on the spot as appropriate, and such vehicle shall not be allowed back into normal operations until corrections are made;

(F) every ~~police officer~~, or DMV/MCSAP inspector shall assist in the enforcement of this Chapter and of all rules adopted pursuant to this Chapter and may issue citations for violations as appropriate; and

(G) fines collected from citations issued by DMV/MCSAP inspectors for violations of this Subsection shall be deposited in the Better Public Service Fund and expended in accordance with §16101 of Chapter 161, Title 11, Guam Code Annotated.

(2) Department of Public Works (DPW):

(A) operate the Truck Enforcement Screening Station (TESS) Facility located on Route 11 to weigh vehicles and/or combinations of vehicles operating on Guam's roads, streets, or highways;

(B) every ~~police officer or~~ DPW inspector having reason to believe that the weight or dimension of a vehicle operating on a public road, street or highway, either with or without load, is in violation of the provisions of this Chapter, shall be authorized to require the driver to stop and submit to an inspection of same by means of portable scales, static scales, or weigh-in-motion scales, or as otherwise appropriate, except that any motor carrier with military cargo shall be permitted to proceed, unless safety to the general public dictates otherwise, to the vehicle's destination for appropriate review therein and such action shall not be a violation of this Chapter. Violations for any dimensions or GVW in excess of permissible limits, as established by the provisions of this Chapter, shall be subject to the penalties cited in § 5112(a) of this Chapter;

(C) whenever a ~~police officer or~~ DPW inspector, upon weighing a vehicle and load, as provided above, determines that the GVW exceeds allowable limits, such ~~police officer or~~ DPW

inspector may require the driver to stop the vehicle in a suitable area where corrective action can be determined by the ~~police officer~~ or DPW inspector. Corrective action may include removal of the non-conforming portion of the load and distribution to another vehicle, or allowance of the vehicle to proceed to another location for unloading. Nothing herein is intended to waive any applicable fines;

(D) every ~~police officer~~ or DPW inspector shall assist in the enforcement of this Chapter and of all rules adopted pursuant to this Chapter and issue citations for violations as appropriate;

(E) fines collected from citations issued by DPW inspectors for violations of this Subsection shall be deposited in the TESS Facility Fund, and shall be expended in accordance with §5118 of this Chapter.

**(3) Guam Police Department (GPD):**

(A) Every DMV/MCSAP-Trained & Certified Police Officer having reason to believe that the weight or dimension of a vehicle operating on a public road, street or highway, either with or without load, is in violation of the provisions of the Chapter, shall be authorized to require the driver to stop and submit to an inspection of same by means of measuring devices including the use of portable scales, static scales, or weigh-in-motion scales, or as otherwise appropriate, except that any motor carrier with military cargo shall be permitted to proceed, unless safety to the general public dictates otherwise, to the vehicle's destination for appropriate review therein and such



action shall not be a violation of this Chapter. Any DMV/MCSAP Trained & Certified Police Officer stopping a vehicle suspected of being in violation shall have ninety (90) minutes from the time of the pullover to have a DPW or DRT Inspector perform a weight inspection with the appropriate equipment. If the vehicle is stopped in excess of ninety (90) minutes without performing said weight inspection, the vehicle shall then be allowed to proceed to its destination without further delay. Violations for any dimension violations or GVW violations in excess of permissible limits, as established by the provisions of this Chapter, shall be subject to the penalties cited in §5112(a) of this Chapter;

(B) Whenever a DMV/MCSAP-Trained & Certified Police Officer, upon weighing vehicle and load, as provided above, determines that the GVW exceeds allowable limits, such police officer or DPW inspector *may* require the driver to stop the vehicle in a suitable area where corrective action can be determined by the police officer or DPW inspector. Corrective action *may* include removal of the non-conforming portion of the load and distribution to another vehicle, or allowance of the vehicle to proceed to another location for unloading. Nothing herein is intended to waive any applicable fines;

(C) Every DMV/MCSAP-Trained & Certified Police Officer *shall* assist in the enforcement of this Chapter and of all rules adopted pursuant to this Chapter and issue citations for violations as appropriate;

(D) Fines collected from citations issued by DMV/MCSAP-Trained & Certified Police Officer for violations of this Subsection shall be deposited in the TESS Facility Fund, and shall be expended in accordance with §5118 of this Chapter.

(c) Any driver of a vehicle who fails or refuses to stop and submit the vehicle, either with or without load, to an inspection and/or weighing, or who fails or refuses when directed by a police officer, DMV inspector, or DPW inspector upon inspection and/or weighing of the vehicle to discontinue the operation of the vehicle and otherwise comply with the provisions of this Section shall be guilty of a civil violation. Each violation for failure or refusal to stop and submit the vehicle to an inspection and/or take subsequent corrective actions shall be subject to the following:

(1) a first violation shall be subject to a penalty of One Hundred Dollars (\$100.00);

(2) a second violation of the provisions of this Subsection within a six (6) month period from the date of the first violation shall be subject to a penalty of Two Hundred Dollars (\$200.00);

(3) a third violation of the provisions of this Subsection within a six (6) month period from the date of a second violation shall be subject to a penalty of Five Hundred Dollars (\$500.00);

(4) a fourth violation of the provisions of this Subsection within a six (6) month period from the date of the third violation shall be subject to a penalty of One Thousand Dollars (\$1,000.00) and the operator shall be subject to suspension ~~revocation~~ of their driver's license for a period of one calendar year.

**Section 6.** §5112(a)(3) of Chapter 5, Title 16, Guam Code Annotated, is hereby *amended* to read as follows:

**§ 5112. Penalties.**

(a) Every person, entity or organization convicted of a violation of any of the provisions of this Chapter for which another penalty is not provided *shall* be guilty of a civil violation and subject to a penalty of up to Five Hundred Dollars (\$500.00). Every person, entity or organization found to be in violation of the weight limitations established in this Chapter *shall* be subject to the following:

(1) for a first violation, such person, entity or organization *shall* be guilty of a civil violation and punished by a fine of up to Five Hundred Dollars (\$500.00) and Twenty-five Cents (\$0.25)/pound over the maximum allowable load authorized in §5107;

(2) for a second violation within a six (6) month period from the date of the first violation, such person, entity or organization *shall* be guilty of a civil violation and punished by a fine of up to Seven Hundred Fifty Dollars (\$750.00) and Fifty Cents (\$0.50)/pound over the maximum allowable load authorized in §5107; and

(3) should a person, entity or organization be found guilty of a third violation of the weight limitations established by this Chapter within six (6) months after a second violation, such person, entity or organization *shall* be guilty of a civil violation and subject to fine of *not less than* One Thousand Dollars (\$1,000.00) and Seventy-five Cents (\$0.75)/pound over the maximum allowable load authorized in § 5107; ~~and the responsible party, as defined in Subsection (d) of this Section, may have their Guam business license revoked in accordance with the following:~~

(A) The Director of the Department of Public Works (DPW Director) *shall* notify the responsible party (respondent), in writing, of the finding of a third violation of this Section.

(B) The respondent may request, in writing, an administrative hearing to dispute the findings of the Director. Said request for a hearing must be delivered, in writing, to the Office of the DPW Director within fifteen (15) calendar days from the date of receipt of the DPW Director's findings.

(C) Notwithstanding §9220 of Chapter 9 of Title 5, Guam Code Annotated, the hearing *shall* be conducted by the DPW Director who *shall* be the hearing officer. The Office of the Attorney General or a Special Assistant Attorney General, appointed by the Attorney General, *shall* assist in providing advice to the DPW Director when matters of law arise. The hearing process *shall* be subject to the procedures of Chapter 9 of Title 5, Guam Code Annotated, with the exception noted above, to § 9220 of the same. The findings of the Director, upon the delivery to the respondent, *shall* fulfill the requirements of §9201 of Chapter 9 of Title 5, Guam Code Annotated.

(D) In the event that the DPW Director affirms the finding of a third violation is valid, or if no hearing is requested in writing within fifteen (15) calendar days from the date of receipt of the findings by the respondent, the DPW Director may request, in writing, that the appropriate licensing entity revoke the respondent's license to do business on Guam immediately, for a period of up to three (3) years, as determined

by the Director. Upon receipt of the DPW Director's written recommendation, the appropriate licensing entity may suspend such license to do business on Guam in accordance with the recommendation of the DPW Director. The hearing required of this Subsection *shall* fulfill the requirements to suspend a business license found in Chapter 9 of Title 5 GCA.

(4) Any person found to be in violation of the dimensional limitations established by this Chapter *shall* be guilty of a civil violation and subject to the following:

If the excess dimension (length or width) is as follows, the fine *shall* be:

Up to 5 feet	\$ 50.00
Over 5 feet and up to 10 feet	\$100.00
Over 10 feet and up to 15 feet	\$150.00
Over 15 feet	\$200.00,

plus \$10.00 for each additional foot.

(5) Any person who commits any of the acts prohibited by this Section or any rules adopted to enforce this Chapter where no penalty is provided for *shall* be guilty of a civil violation and *shall* be fined *not less than* Five Hundred Dollars (\$500.00), as determined by the DPW Director.

**Section 7.** §5114 of Chapter 5, Title 16, Guam Code Annotated, is hereby *amended* to read as follows:

**§ 5114. Permits for Excess Size and Weight.**

(a) A surety bond in a minimum amount of Five Hundred Dollars (\$500.00), or proper evidence of adequate insurance, must be filed with the Director of Public Works before a permit will be issued for transporting

over-width, over-length or over-weight loads on the highway, except when the applicant is a territorial or federal government agency.

(b) The Director of Public Works, or his authorized representative, may in his discretion, upon application in writing and good cause being shown therefore, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight exceeding the maximum specified in this Chapter, or otherwise not in conformity with the provisions of this Chapter, upon the highways of Guam. A permit issued under this Section *shall not* authorize the operation or moving of any vehicle or combination of vehicles without the compliance with Chapter 7 of this Title.

(c) The application for any such permit *shall* specifically describe the vehicle or combination of vehicles and load to be operated or moved, and the particular highways for which the permit to operate is requested, and whether such permit is requested for a single trip, or for continuous operation for a designated period of time. Application shall be requested by the vehicle registered owner or duly authorized representative.

(d) The Director of Public Works, or his authorized representative, is authorized to issue or withhold such permit at his discretion, or, if such a permit is issued, to limit the number of trips or to establish time limitations within which the vehicles described may be operated, or to prescribe the conditions of the operations of such vehicle or vehicles when necessary to assure against undue damage to the highway foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any such highway foundations, surfaces or structure. Each permit *shall* be valid only for a designated number of consecutive calendar days as specified in the permit,

but in no event shall a permit be granted for a period longer than ten (10) days.

(e) At the discretion of the Director of Public Works or his authorized representative, blanket permits will be issued for over-sized vehicles ~~presently on island~~, and said over-sized vehicles may be subject to time-of operations restrictions.

(f) Every such permit *shall* be carried in the vehicle or combination of vehicles to which it refers and *shall* be open to inspection by any police officer. It *shall* be unlawful for any person to violate any of the terms or conditions of such permits.

(g) All permitted vehicle or combination of vehicles to which it refers must display two (2) warning signs in addition to the permit number. Each warning sign *shall* consist of black letters at least twelve inches (12") high and not less than one and a half inches (1½") wide on a yellow background. The sign *shall* state "OVERSIZED LOAD" or "WIDE LOAD," as provided in the permit, and include the permit number. One sign will either be bumper-mounted or roof-mounted. If one of the signs is roof-mounted, then the other sign must be at the rear of the towed unit or at the rear of the load. The permit number shall consist of black letters at least ten inches (10") high and not less than one and a half inches (1½") wide. Clearance lights are also required during night time travel. Voids (holes) may be cut in the warning signs, as the signs must not cover any vehicle light or reflector.

(h) A fee *shall* be charged for each permit issued by the DPW Director as follows:

(1) Thirty (30) days ~~Single trip~~ permit for oversize and overweight loads: One Hundred Fifty Dollars (\$150.00).

(2) One Year Continuous~~trip~~ permit for oversize and overweight loads: One Thousand Two Hundred Dollars (\$1,200.00).

All permits may include date, time and route restrictions as determined by the DPW Director. Such fees *shall* be deposited in the TESS Facility Fund of the Department of Public Works, and *shall* be expended in accordance with §5118 of this Chapter.

(i) Any vehicle issued with a permanent special equipment license or requiring a special permit, as required under this Chapter, *shall* be prohibited from operating on the highways during the hours of 7:00 to 9:00 a.m., 12:00 to 1:00 p.m., and 4:00 to 6:00 p.m., Mondays through Fridays, except in cases of emergencies or at the direction of the Director of Public Works.

(j) Special Equipment License Highway Assessment Fees shall be assessed at a rate of Ten Dollars (\$10.00) per thousand pounds of Gross Vehicle Weight per annum in addition to the license and registration fees charged by the Department of Revenue and Taxation.

**Section 8.** §5119 is hereby *added* to Chapter 5 of Title 16, Guam Code Annotated, to read as follows:

**§ 5119. Exemptions.**

(a) Tow Trucks: A wrecker may tow any disabled truck or other motor vehicle or combination of vehicles to a place for repairs, parking, or storage from the point that the vehicle was disabled without being in violation of Guam weight limits, however all axles on the tow vehicle shall have an operational braking systems.

(b) Non-Commerce Vehicle: Well drilling rigs, Concrete Pumps, Cranes, Boom Trucks and Bucket Trucks that do not carry cargo are not required to conform to axle load requirements while on Guam highways. However, the vehicle shall be limited to One Hundred Sixty Thousand



(160,000) pounds GVW, and they must be registered and licensed as a Special Equipment (SE plate) vehicle. Cranes may be over-dimension and covered with a Special Permit issued under this Chapter. The maximum wheel load imposed upon any public road, street, or highway shall not exceed Eight Hundred (800) pounds per inch of tire tread width or the tire manufacturers rating listed on the tire whichever is less.

(c) Fire Trucks, Ambulances and Other Emergency Vehicles: Fire trucks, ambulances and other emergency vehicles are exempt from Guam laws governing size, weight, and load.

**Section 9. 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 that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

**Section 10. Effective Date.** This Act *shall* become effective upon enactment.