

Lourdes A. Leon Guerrero
Governor of Guam

Joshua F. Tenorio
Lieutenant Governor

**BUREAU OF
STATISTICS & PLANS**
SAGAN PLANU SIHA YAN EMFOIMASION

Government of Guam
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Tyrone J. Taitano
Director

Matthew Santos
Deputy Director

December 29, 2021

Memorandum

To: Director, Department of Public Works
From: Director, Bureau of Statistics and Plans
Subject: Requirements for a Impound Lot

Hafa Adai! As discussed at this week's Islandwide Beautification Task Force meeting regarding the need for a government impound lot, I am transmitting the following documents:

- Statutory requirements for an impound lot. More specifically, the citations refer to tow truck businesses and tow truck drivers for Storage Facilities to store vehicles the tow truck businesses have taken into its custody (Attachment A).
 - 16 GCA, Chapter 12 Tow Trucks
 - 30 GAR, Division 2, Chapter 12 Tow Truck Regulations
- Suggested site for an impound lot: Yigo lot map and Public Law 34-36 (Attachment B).

Operating under the assumption that impound lot requirements would apply to both private and publicly owned lots, the cited statute and regulations set out the requirements for a government impound lot. Also included is information with respect to a lot identified by the Director of Land Management as a possible site for this impound lot.

As stipulated by the Lt. Governor, please provide a cost estimate to implement a secure facility for the storage of vehicles on the identified lot based on the following requirements:

- If the facility is a fenced area, the fence must be in good repair and at least six feet high. At night the area must be entirely illuminated. When no employee is present, the area must be locked and completely secured.

- If the facility is an enclosed structure, the structure must be locked and completely secured when no employee is present.

Should you have any questions, please feel free to contact me.

Si Yu'os Ma'ase'.

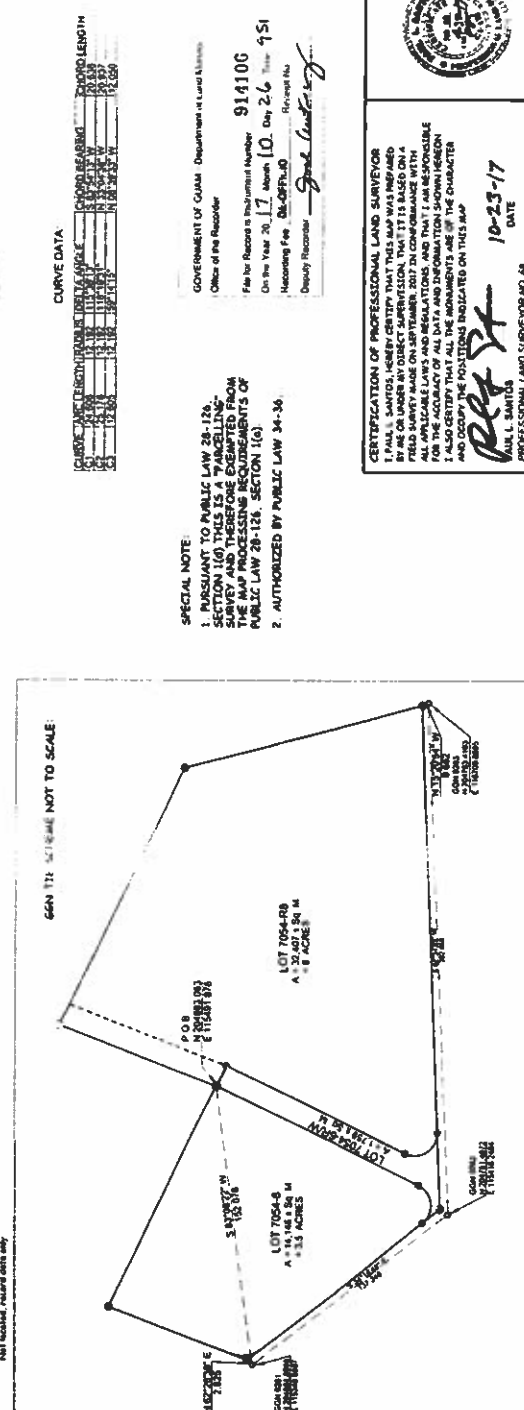


TYRONE J. TAITANO

Attachments

Cc: Sigundo Maga'låhen Guåhan



[illegible]

5-15412

I Mina Trentai Kaditro Ne Liheslaturan
 BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	DATE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORTED	FISCAL NOTES	NOTES
105-34 (CON)	Thomas C. Ada	AN ACT TO GRANT ADMINISTRATIVE JURISDICTION TO A PORTION OF LOT 7054-R5 THAT IS ABOUT 3.5 ACRES IN THE MUNICIPALITY OF YIGO, AS SHOWN ON DLM MAP NO. 167FY93 TO THE OFFICE OF THE CHIEF OF POLICE, GUAM POLICE DEPARTMENT.	6/2/17 4:01 p.m.	6/7/17	Committee on Environment, Land, Agriculture, and Procurement Reform	5/5/17 9:00 a.m.	7/1/17 9:55 a.m. As amended by the Committee on Environment, Land, Agriculture, and Procurement Reform	Fiscal Note Request 6/7/17 Fiscal Note 6/7/17	
	SESSION DATE 7/24/2017	AN ACT TO RESCIND ADMINISTRATIVE JURISDICTION OF APPROXIMATELY 3.5 ACRES OF LOT NO. 7054-R5, MUNICIPALITY OF YIGO, AS SHOWN ON DLM MAP NO. 167FY93, GRANTED TO THE DEPARTMENT OF LAND MANAGEMENT, AND TO VEST THE OFFICE OF THE CHIEF OF POLICE, GUAM POLICE DEPARTMENT, WITH ADMINISTRATIVE JURISDICTION OF THE SAME.	DATE PASSED 7/16/17	TRANSMITTED 7/27/17 1:55 p.m. Further amended on the floor:	DUE DATE 8/8/17	PUBLIC LAW 34-36	DATE SIGNED 8/7/2017		Received: 8/11/17 Mess and Comm. Doc. No. 34GL 17-0876



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

AUG 11 2017

GLA 34-17-876
Speaker Benjamin J.F. Cruz

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

AUG 11 2017
Time 11:41 AM
Received By akm File No. 34-779

Dear Mr. Speaker:

Transmitted herewith is Bill No. 105-34 (COR), "AN ACT TO RESCIND ADMINISTRATIVE JURISDICTION OF APPROXIMATELY 3.5 ACRES OF LOT NO. 7054-R5, MUNICIPALITY OF YIGO, AS SHOWN ON DLM MAP NO. 167FY93, GRANTED TO THE DEPARTMENT OF LAND MANAGEMENT, AND TO VEST THE OFFICE OF THE CHIEF OF POLICE, GUAM POLICE DEPARTMENT, WITH ADMINISTRATIVE JURISDICTION OF THE SAME," which was signed into law on August 7, 2017, as Public Law 34-36.

Senseraamente,


EDDIE BAZA CALVO

2017 AUG 11 PM 12:00 (S)

0876



I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
Thirty-Fourth Guam Legislature

July 27, 2017

The Honorable Edward J.B. Calvo
I Maga'láhen Guáhan
Ufisinan I Maga'lahi
Hagåtña, Guam

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill Nos. 38-34 (LS), 118-34 (COR), 105-34 (COR), 106-34 (COR), 107-34 (COR), 115-34 (COR), 117-34 (COR); and Substitute Bill No. 49-34 (COR) which were passed by *I Mina'Trentai Kuáttro Na Liheslaturan Guáhan* on July 26, 2017.

Sincerely,


RÉGINE BISCOE LEE
Legislative Secretary

Enclosure (8)

OFFICE OF THE GOVERNOR
CENTRAL FILES

TIME 1:25 RECEIVED BY [Signature] DATE 7-27-17



GUAM CONGRESS BUILDING • 163 CHALAN SANTO PAPA • HAGÁTÑA, GUAM 96910

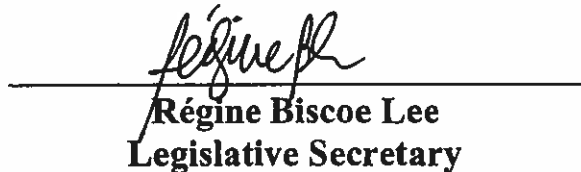
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

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

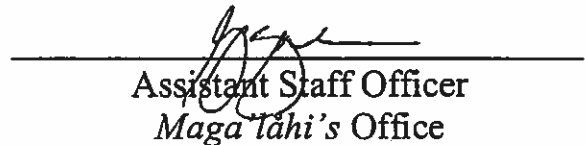
This is to certify that Bill No. 105-34 (COR), "AN ACT TO RESCIND ADMINISTRATIVE JURISDICTION OF APPROXIMATELY 3.5 ACRES OF LOT NO. 7054-R5, MUNICIPALITY OF YIGO, AS SHOWN ON DLM MAP NO. 167FY93, GRANTED TO THE DEPARTMENT OF LAND MANAGEMENT, AND TO VEST THE OFFICE OF THE CHIEF OF POLICE, GUAM POLICE DEPARTMENT, WITH ADMINISTRATIVE JURISDICTION OF THE SAME," was on the 26th day of July 2017, duly and regularly passed.


Benjamin J.F. Cruz
Speaker

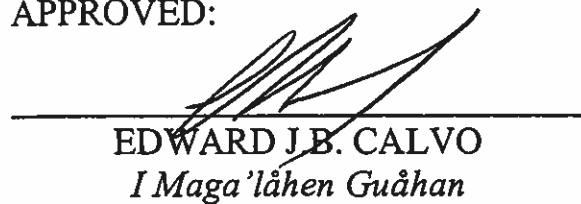
Attested:


Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 27th day of July,
2017, at 1:45 o'clock P.M.


Assistant Staff Officer
Maga'låhi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: AUG 07 2017

Public Law No. 34-36

I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 105-34 (COR)

As amended by the Committee on Environment,
Land, Agriculture and Procurement Reform;
and further amended on the Floor.

Introduced by:

Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
B. J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Telena Cruz Nelson
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Michael F.Q. San Nicolas
Therese M. Terlaje
Mary Camacho Torres

**AN ACT TO RESCIND ADMINISTRATIVE
JURISDICTION OF APPROXIMATELY 3.5 ACRES OF
LOT NO. 7054-R5, MUNICIPALITY OF *YIGO*, AS
SHOWN ON DLM MAP NO. 167FY93, GRANTED TO
THE DEPARTMENT OF LAND MANAGEMENT, AND
TO VEST THE OFFICE OF THE CHIEF OF POLICE,
GUAM POLICE DEPARTMENT, WITH
ADMINISTRATIVE JURISDICTION OF THE SAME.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Lot No. 7054-R5 in the municipality of *Yigo* comprises 48,309 square meters

1 (11.94 acres), as shown on DLM Map No. 167FY93. Lot No. 7054-R5 is owned by
2 the government of Guam and is under the split administrative jurisdiction of the
3 *Chamorro Land Trust Commission* (8.44 acres) and the Department of Land
4 Management (3.5 acres) as undivided portions, pursuant to Document 508926 (also
5 known as the *Public Land Inventory of Transferred Lands to the Chamorro Land*
6 *Trust Commission*). Additionally, Public Law 22-18 does not reserve the Department
7 of Land Management's undivided portion of 3.5 acres for any public purpose.

8 *I Liheslaturan Guåhan* intends to rescind administrative jurisdiction of that
9 undivided 3.5-acre portion granted to the Department of Land Management and to
10 vest said jurisdiction with the Office of the Chief of Police, Guam Police Department
11 (GPD). Said 3.5-acre portion is deemed to be best suited for the construction of
12 needed GPD police services facilities, to include a precinct headquarters, equipment
13 and evidence storage facility, and related police facilities.

14 **Section 2. Rescindment of Administrative Jurisdiction of a 3.5-Acre**
15 **Portion of Lot 7054-R5, Municipality of Yigo.**

16 (a) Notwithstanding Document 508926, *Public Land Inventory of*
17 *Transferred Lands to the Chamorro Land Trust Commission*, administrative
18 jurisdiction of a 3.5-acre portion of Lot 7054-R5 in the municipality of *Yigo*
19 granted to the Department of Land Management is hereby rescinded and *shall*
20 rest with the Office of the Chief of Police, Guam Police Department, for the
21 purpose of developing that portion of Lot 7054-R5 for a police service
22 facility(s), to include, but not be limited to, a precinct headquarters, equipment
23 and evidence storage facility, and related police facilities.

24 (b) The remaining portion of Lot 7054-R5 in the municipality of
25 *Yigo* consisting of 8.44 acres *shall* remain pursuant to Document 508926,
26 *Public Land Inventory of Transferred Lands to the Chamorro Land Trust*

1 *Commission*, under the administrative jurisdiction of the *Chamorro* Land
2 Trust Commission (CLTC) and within the CLTC lands inventory.

3 (c) A map designating the two (2) portions of Lot 7054-R5 (the 8.44
4 acres under the *Chamorro* Land Trust Commission and the 3.5 acres under
5 the Guam Police Department) *shall* be prepared, recorded, and provided by
6 the Department of Land Management to the *Chamorro* Land Trust
7 Commission and the Chief of Police. The location of the 3.5-acre portion *shall*
8 be at the discretion of the Chief of Police, with public rights of way reserved
9 to the remaining property.

10 **Section 3. “Land Zoning Consideration Report” Required.** Pursuant to
11 2 GCA § 2110, a “Land Zoning Consideration Report” *shall* be included in the
12 committee report of the legislative standing committee reporting the bill out of
13 committee before being placed on a legislative session agenda.

14 **Section 4. Exemption from Appraisals.** 2 GCA § 2107(b) and Section
15 6.04(c)(1) of the 34th Guam Legislature Standing Rules, or any other provision of
16 law, rule or regulation relative to land appraisals, *shall not* apply to this Act.

17 **Section 5. Rezoning from Agricultural Zone (A) to Light Industrial**
18 **Zone (M1).** Notwithstanding 21 GCA § 61637 or any other provision of law or rule
19 or regulation, that 3.5-acre portion of Lot No. 7054-R5 that is to be placed under the
20 administrative jurisdiction of the Office of the Chief of Police, Guam Police
21 Department, pursuant to this Act, is hereby rezoned from Agricultural Zone (A) to
22 Light Industrial Zone (M1) for a Public Facility.

23 **Section 6. Severability.** If any provision of this Act or its application to any
24 person or circumstance is found to be invalid, or contrary to law, such invalidity
25 *shall not* affect other provisions or applications of this Act that can be given effect
26 without the invalid provision or application, and to this end the provisions of this
27 Act are severable.

Requirements to Establish an Impound Lot for Abandoned vehicles

To establish an impound lot – the following regulations apply to tow truck businesses and tow truck drivers promulgated by the Department of Revenue and taxation:

- <http://www.guamcourts.org/CompilerofLaws/GAR/30GAR/30GAR002-12.doc.pdf>
- § 12117. Storage Facilities.

(a) Every tow truck business must have a secure facility for the storage of vehicles which the tow truck business has taken into its custody. The facility may be either a fenced and lighted area or a completely enclosed structure.

- If the facility is a fenced area, the fence must be in good repair and at least six feet high. At night the area must be entirely illuminated. When no employee is present, the area must be locked and completely secured.
- If the facility is an enclosed structure, the structure must be locked and completely secured when no employee is present.

(b) An employee of the tow truck business must be present at the storage facility and available to release vehicles in the custody of the tow truck business from 8:00 a.m. to 5:00 p.m. Monday through Friday except on holidays and from 9:00 a.m. to noon on Saturdays.

(c) A tow truck business which has been in operation prior to the effective date of this section 12117 shall have 180 days from the effective date of this section to comply with the requirements of this section.

(d) All vehicles in the custody of a tow truck business must be kept in a storage facility required by this section 12117.

(e) The premises of a business which does any type of vehicle repairing do not qualify as a facility for the storage of vehicles under this section 12117.

(f) Every tow truck business shall notify the Director of the location of every facility it uses for the storage of vehicles. This notice must be given to the Director within ten days of the date that the facility is first used for the storage of vehicles.

**30 GAR - REVENUE AND TAXATION
DIV. 2 - LICENSE DIVISION
CH. 12 - TOW TRUCK REGULATIONS**

**DIVISION 2
LICENSE DIVISION**

**CHAPTER 12
TOW TRUCK REGULATIONS**

2011 COMPILER NOTE: These rules and regulations were filed with the Legislative Secretary on October 1, 1998 and became effective January 1, 1999 pursuant to a letter dated January 7, 1999 from then Legislative Secretary Joanne M.S. Brown to then Compiler of Laws, Charles H. Troutman, stating these rules and regulations became effective pursuant to the affirmative legislative decision to not act upon them pursuant to 5 GCA, Ch. 9, the Administrative Adjudication Law.

Adopted as § 12100-1, *et seq.*, renumbered by the Compiler to fit the Title's numerical scheme. References to the original sections within chapter have also been changed.

The terms "wench" and "preform," as adopted are manifest errors which the Compiler has replaced with the terms "winch" and "perform."

- § 12101. Purpose.
- § 12102. Definitions.
- § 12103. Certificates of Inspection.
- § 12104. Classification of Tow Trucks.
- § 12105. Class-A Tow Truck.
- § 12106. Class-B Tow Truck.
- § 12107. Class-C Tow Truck.
- § 12108. Class-D Tow Truck.
- § 12109. Transition to New Requirements.
- § 12110. Tow Truck Standards.
- § 12111. Towing Damaged or Disabled Vehicles.
- § 12112. Use of a Dolly or Other Wheeled Auxiliary Device.
- § 12113. Disconnecting the Drive Line.
- § 12114. Safety Considerations.
- § 12115. Safety Equipment.
- § 12116. Altered, Mutilated or Missing Vehicle Identification Numbers (VIN).
- § 12117. Storage Facilities.
- § 12118. Impounded Vehicles.
- § 12119. Owner Inspection.
- § 12120. Stolen Vehicles.

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- § 12121. Disposal of Vehicles.
- § 12122. Notice to Legal Owner.
- § 12123. Maximum Fees for Specified Tow Truck Services.
- § 12124. Maximum Fees for Storage of Specified Vehicles.
- § 12125. Other Fees.
- § 12126. Enforcement.
- § 12127. Liability.
- § 12128. Penalties.

§ 12101. Purpose.

These regulations apply to tow truck businesses and tow truck drivers. They have been promulgated by the Department of Revenue and Taxation in order to implement and carry out the provisions of 16 GCA §§ 12101 through 12108 (Public Law 23-144:3). In addition to these regulations, tow trucks and tow truck businesses must comply with the Federal Motor Carrier Safety Regulations.

§ 12102. Definitions.

(a) The definitions found in 16 GCA § 12101 (Public Law 23-144:3) apply to these regulations.

(b) *Holiday* means those days designated as holidays or public holidays by the Guam Legislature.

(c) *Legal owner* has the same meaning as is stated in 16 GCA § 1102(pp).

(d) *Owner* has the same meaning as is stated in 16 GCA § 1102(w).

(e) *Registered owner* has the same meaning as is stated in 16 GCA § 1102(cc).

§ 12103. Certificates of Inspection.

A tow truck business must obtain a certificate of inspection from the Department of Revenue and Taxation for every tow truck used for tow truck services. The certificate of inspection must be carried in the tow truck at all times. The Department shall charge a fee of fourteen dollars for the inspection of each vehicle and for issuing the certificate of inspection.

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§ 12104. Classification of Tow Trucks.

Each tow truck used by a tow truck business shall be classified according to the amount of weight the tow truck is authorized to tow. The certificate of inspection shall state the classification for each tow truck. Tow trucks shall be classified according to the following weight limits:

Class-A: a tow truck authorized to tow a load weighing up to 8,000 pounds.

Class-B: a tow truck authorized to tow a load weighing over 8,000 pounds and up to 12,000 pounds.

Class-C: a tow truck authorized to tow a load weighing over 12,000 pounds and up to 25,000 pounds.

Class-D: a tow truck authorized to tow a load weighing over 25,000 pounds.

§ 12105. Class-A Tow Truck.

(a) A Class-A tow truck shall have equipment adequate to tow a load weighing up to 8,000 pounds.

(b) A wrecker-type Class-A tow truck shall have the following truck specifications:

- (1) a gross vehicle weight rating of not less than 10,000 pounds;
- (2) a minimum length of five feet from cab to rear axle;
- (3) an automatic or manual transmission; and
- (4) duo rear wheels.

(c) A wrecker-type Class-A tow truck shall have the following wrecker specifications:

- (1) a lifting capacity of not less than four tons;
- (2) a winching capacity of not less than four tons, single line pull;
- (3) at least a 3/8 inch cable for the winch; and
- (4) a tow bar, cradle, sling attachment, under-reach or rollback

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vehicle carrier.

(d) A carrier-type Class-A tow truck shall have the following truck specifications:

- (1) a gross vehicle weight rating of not less than 10,000 pounds;
- (2) a minimum length of 8 feet from cab to axle;
- (3) an automatic or manual transmission; and
- (4) duo rear wheels.

(e) A carrier-type Class-A tow truck shall have the following vehicle carrier specifications:

- (1) a minimum length of 17 feet;
- (2) a winching capacity of not less than four tons; and
- (3) at least a 3/8 inch cable for the winch.

§ 12106. Class-B Tow Truck.

(a) A Class-B tow truck shall have equipment adequate to tow a load weighing up to 12,000 pounds. If a Class-B tow truck renders services which a Class-A tow truck is authorized to perform, the Class-B tow truck must charge the same fee charged for tow truck services rendered by a Class-A tow truck.

(b) A wrecker-type Class-B tow truck shall have the following truck specifications:

- (1) a gross vehicle weight rating of not less than 11,000 pounds;
- (2) a minimum length of five feet from cab to rear axle;
- (3) an automatic or manual transmission; and
- (4) duo rear wheels.

(c) A wrecker-type Class-B tow truck shall have the following wrecker specifications:

- (1) a lifting capacity of not less than eight tons;
- (2) a winching capacity of not less than eight tons, single line

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pull;

(3) at least a 3/8 inch cable for the winch; and

(4) a tow bar, cradle, sling attachment, under-reach or rollback vehicle carrier.

(d) A carrier-type Class-B tow truck shall have the following truck specifications:

(1) a gross vehicle weight rating of not less than 14,000 pounds;

(2) a minimum length of 9 feet from cab to rear axle;

(3) an automatic or manual transmission; and

(4) duo rear wheels.

(e) A carrier-type Class-B tow truck shall have the following vehicle carrier specifications:

(1) a minimum length of 17 feet;

(2) a winching capacity of not less than four tons; and

(3) at least a 3/8 inch cable for the winch.

§ 12107. Class-C Tow Truck.

(a) A Class-C tow truck shall have equipment adequate to tow a load weighing up to 25,000 pounds. If a Class-C tow truck renders services which a Class-A tow truck is authorized to perform, the Class-C tow truck must use equipment which meets the Class-C specifications and the Class-C tow truck must charge the same fee charged for tow truck services rendered by a Class-A tow truck. If a Class-C tow truck renders services which a Class-B tow truck is authorized to perform, the Class-C tow truck must use equipment which meets the Class-C specifications and the Class-C tow truck must charge the same fee charged for tow truck services rendered by a Class-B tow truck.

(b) A Class-C tow truck shall have the following truck specifications:

(1) a gross vehicle weight rating of not less than 25,000 pounds;

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- (2) an automatic or manual transmission;
- (3) duo rear wheels; and
- (4) a minimum length of 10 feet from cab to rear axle; and
- (5) full air brakes constructed so as to lock power wheels upon air failure.

(c) A Class-C tow truck shall have the following wrecker specifications:

- (1) a lifting capacity of not less than ten tons;
- (2) a combined winching capacity of not less than ten tons;
- (3) at least a 7/16 inch cable for the winch; and
- (4) a tow bar, cradle, sling attachment, under-reach or rollback vehicle carrier.

(d) A tractor operated by a tow truck business may be used in towing a trailer when the trailer is part of a damaged or disabled unit. A lowboy may be used when a tractor, trailer or other Class-C weight vehicle cannot be towed by a tractor. The contents of a damaged or disabled unit may be transported by means of a carrier or trailer when appropriate.

§ 12108. Class-D Tow Truck.

(a) A Class-D tow truck shall have equipment adequate to tow a load weighing more than 25,000 pounds. If a Class-D tow truck renders services which a Class-A tow truck is authorized to perform, the Class-D tow truck must use equipment which meets the Class-D specifications and the Class-D tow truck must charge the same fee charged for tow truck services rendered by a Class-A tow truck. If a Class-D tow truck renders services which a Class B tow truck is authorized to perform, the Class-D tow truck must use equipment which meets the Class-D specifications and the Class-D tow truck must charge the same fee charged for tow truck services rendered by a Class-B tow truck. If a Class-D tow truck renders services which a Class-C tow truck is authorized to perform, the Class-D tow truck must use equipment which meets the Class-D specifications and the Class-D tow truck must charge the same fee charged for tow truck services rendered by a Class-C tow

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truck.

(b) A Class-D tow truck shall have the following truck specifications:

- (1) a gross vehicle weight rating of not less than 49,000 pounds;
- (2) a manual transmission;
- (3) duo axle (tandem) rear wheels;
- (4) a minimum length of 10 feet from cab to rear axle; and
- (5) full air brakes constructed so as to lock power wheels upon air failure.

(c) A Class-D tow truck shall have the following wrecker specifications:

- (1) a lifting capacity of not less than twenty-five tons;
- (2) a combined winching capacity of not less than twenty-five tons;
- (3) at least a 5/8 inch cable for the winch; and
- (4) a tow bar, cradle or sling attachment, under-reach or rollback vehicle carrier.

(d) A tractor operated by a tow truck business may be used in towing a trailer when the trailer is part of a damaged or disabled unit. A lowboy may be used when a tractor, trailer or other Class-D weight vehicle cannot be towed by a tractor. The contents of a damaged or disabled unit may be transported by means of a carrier or trailer when appropriate.

§ 12109. Transition to New Requirements.

This section 12109 applies to sections 12105, 12106, 12107 and 12108. Any tow truck and tow truck equipment, which is already being used by a tow truck business on the date that these regulations go into effect and which met the previously accepted requirements, may be approved for continued use by the Director for a period of up to three years. The date on which such approval expires shall be noted on the certificate of inspection. The Director shall consider the safety of the

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tow truck and tow truck equipment in granting the approval to allow the continued use of a tow truck and tow truck equipment which does not meet all the requirements of the foregoing sections of these regulations. This approval may be withdrawn at any time, if the Director finds that a tow truck or any tow truck equipment is unsafe.

§ 12110. Tow Truck Standards.

(a) The standards for each class of tow truck shall be determined solely by the manufacturer's specifications for the capabilities of the tow truck and all tow truck equipment. The gross vehicle weight rating shall be painted on the doors of the tow truck cab in letters which are at least four inches tall.

(b) Except as provided in subsection (c) below, all tow trucks shall be equipped with winches and booms which have been produced and constructed by a manufacturer that regularly produces tow truck winches and booms of guaranteed quality.

(c) The use of winches and booms, which are of a quality which is not guaranteed, may be approved by the Director. The tow truck owner must submit an application to the Director for the use of a winch or a boom which is not guaranteed. The application must be accompanied by a verified statement from the Motor Carrier Division of the Department of Revenue and Taxation or from a reputable local testing laboratory which regularly engages in the testing of the same or similar equipment. The statement must certify that the capacity of the winch or boom is not less than that required for the class of tow truck on which it will be used. The Department may charge a fee for testing and certifying the capacity of a winch or a boom.

§ 12111. Towing Damaged or Disabled Vehicles.

The following requirements apply to the towing of damaged or disabled vehicles:

(a) Except as provided in subsection (c) below, either the front wheels or the rear wheels of the vehicle being towed shall be clear of the highway.

(b) There shall be a cradle or bar to provide a rigid space between the vehicle being towed and the tow truck.

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(c) If the gross weight of the vehicle being towed, including lading, exceeds 10,000 pounds, a cradle or bar may be used without lifting the front or rear wheels of the towed vehicle.

(d) No vehicle shall be transported by pushing.

§ 12112. Use of a Dolly or Other Wheeled Auxiliary Device.

(a) No vehicle shall be transported on a dolly or other wheeled auxiliary device, except when the dolly or other device is specifically designed for towing damaged or disabled vehicles.

(b) No dolly or other wheeled auxiliary device shall be used to tow a vehicle, unless it is necessary to prevent additional damage to the vehicle being towed or the nature of the existing damage to the vehicle prevents moving it another way; provided, however, if it is feasible to make the vehicle capable of being towed without the use of a dolly or other wheeled auxiliary device by changing one tire, the person performing the tow truck service must do so if a spare tire is readily available at the site.

(c) No dolly or other wheeled auxiliary device shall be used when its use could jeopardize the safety of the public.

(d) Class-A and Class-B tow trucks may use dollies or other wheeled auxiliary devices, unless otherwise prohibited by these regulations. Class-C and Class-D tow trucks may use converter dollies when necessary to transport vehicles which only Class-C or Class-D tow trucks are authorized to transport.

§ 12113. Disconnecting the Drive Line.

A person performing a tow truck service may disconnect or remove the drive line of a vehicle to be towed when it is necessary to prevent damage to the vehicle or the vehicle cannot be towed by lifting the rear end.

§ 12114. Safety Considerations.

(a) A tow truck business is not obligated to tow vehicles when in the reasonable judgment of the person who is to perform a tow truck service, the weather or road conditions make it unsafe to do so.

(b) No person, other than an employee of the tow truck business, shall ride in a vehicle which is being towed.

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(c) If in performing a tow truck service, it is necessary to block a highway or in any way impede traffic, flag men must be placed at least 100 feet from the obstruction in both directions along the highway to halt and/or warn approaching traffic. If visibility along the highway requires that flag man be placed at a greater distance from the obstruction, the flag man shall be placed at a reasonable distance for the circumstances. Flag men must be equipped with red flags during daylight hours and electric lanterns with red lights or flares during hours of darkness.

(d) Reflector vests must be worn after dark by each person involved in a tow truck service.

§ 12115. Safety Equipment.

All tow trucks must have the following equipment which must be in good working order:

(a) front and rear flashing amber lights which must be in operation whenever a tow truck is performing a tow truck service;

(b) a vehicle in tow must have flashing emergency lights operating or be equipped with stop and turn signals operated from the tow truck;

(c) spot lights which are capable of lighting the scene at which a tow truck is performing a tow truck service and capable of illuminating a vehicle being towed, and the lights must be used when a tow truck service is performed after dark;

(d) one hand axe and two snatch blocks;

(e) one wrecking bar at least four feet in length;

(f) at least one broom, one pan for sweeping up debris and one shovel which shall be used to remove broken glass and other debris from the highway;

(g) one ten-unit type first-aid kit,

(h) three triangle-type reflectors;

(i) six twenty minute flares;

(j) four red signal flags with minimum dimensions of two feet by two feet, and

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(k) one fire extinguisher with at least a ten-pound capacity of dry chemical capable of extinguishing class A, B and C fires.

§ 12116. Altered, Mutilated or Missing Vehicle Identification Numbers (VIN).

When any person employed by a tow truck business learns that a vehicle in the custody of the business has an altered, mutilated or missing VIN, an agent of the business must immediately notify the Guam Police Department of this fact in writing.

§ 12117. Storage Facilities.

(a) Every tow truck business must have a secure facility for the storage of vehicles which the tow truck business has taken into its custody. The facility may be either a fenced and lighted area or a completely enclosed structure.

(1) If the facility is a fenced area, the fence must be in good repair and at least six feet high. At night the area must be entirely illuminated. When no employee is present, the area must be locked and completely secured.

(2) If the facility is an enclosed structure, the structure must be locked and completely secured when no employee is present.

(b) An employee of the tow truck business must be present at the storage facility and available to release vehicles in the custody of the tow truck business from 8:00 a.m. to 5:00 p.m. Monday through Friday except on holidays and from 9:00 a.m. to noon on Saturdays.

(c) A tow truck business which has been in operation prior to the effective date of this section 12117 shall have 180 days from the effective date of this section to comply with the requirements of this section.

(d) All vehicles in the custody of a tow truck business must be kept in a storage facility required by this section 12117.

(e) The premises of a business which does any type of vehicle repairing do not qualify as a facility for the storage of vehicles under this section 12117.

(f) Every tow truck business shall notify the Director of the location

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of every facility it uses for the storage of vehicles. This notice must be given to the Director within ten days of the date that the facility is first used for the storage of vehicles.

§ 12118. Impounded Vehicles.

(a) If a vehicle has been impounded by a law enforcement agency and entrusted to the custody of a tow truck business, the tow truck business must obtain a written authorization from the law enforcement agency before releasing the vehicle to any person including the owner.

(b) If a vehicle has been impounded by a law enforcement agency and entrusted to the custody of a tow truck business, the tow truck business must obtain a written authorization from the law enforcement agency before allowing any person including the owner to inspect the vehicle or to remove proof of ownership or any other personal property from the vehicle.

(c) If a tow truck business has a vehicle in its possession which has been impounded as an abandoned vehicle pursuant to 16 GCA § 3606(a) and (b), and the owner or legal owner has not been given the notice provided in 16 GCA § 3606(c), the tow truck business shall notify the Director and request that the Director implement the provisions of 16 GCA § 3606(c) and (d).

§ 12119. Owner Inspection.

Except as provided in subsections 12118(a) and (b), the owner of a vehicle or the owner's agent shall have the right, without charge, to inspect the vehicle and to remove personal property from the vehicle, including proof of ownership of the vehicle, from 8:00 a.m. to 5:00 p.m. Monday through Friday except on holidays and from 9:00 a.m. to noon on Saturdays.

§ 12120. Stolen Vehicles.

A tow truck business shall release a stolen vehicle to the owner of the vehicle without charge to the owner (See 16 GCA § 12104(2)). A copy of a stolen vehicle report filed with the Guam Police Department shall be sufficient proof that the vehicle was stolen. This section is subject to the release requirements of subsections 12118(a) & (b).

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§ 12121. Disposal of Vehicles.

A tow truck business shall not dispose of an unclaimed vehicle or any parts from an unclaimed vehicle except as provided by law, including 18 GCA §§ 39105, 39106 & 39107; 16 GCA § 3606; 16 GCA § 12107 and any other applicable provision of law.

§ 12122. Notice to Legal Owner.

Whenever a tow truck business is required to provide notice to the owner or registered owner of a vehicle or to the Director, the tow truck business shall send a copy of such notice by certified mail to the legal owner of the vehicle within the same time limitation required for notice to the owner, registered owner or Director. The Division of Motor Vehicles shall, upon the presentation of official documents (Guam Police Report or Department of Revenue and Taxation Directive) provide tow truck businesses with the name and last known address of the legal owner of the vehicle. This section applies to the notice requirement found in 16 GCA § 12104(b) and any other applicable provisions of law.

§ 12123. Maximum Fees for Specified Tow Truck Services.

(a) This section states the maximum fees a tow truck business may charge for tow truck services performed in response to a peace officer dispatch call, a Motor Vehicle Division call and any other call when the owner of the vehicle has not consented to removal of his vehicle.

(b) The following definitions apply to this section.

(1) *regular business hour services* means tow truck services performed from 6:00 a.m. to 6:00 p.m. Monday through Friday, excluding holidays.

(2) *non-regular business hour services* means tow truck services performed between 6:00 p.m. and 6.00 a.m. Monday through Friday and all day Saturday, Sunday and holidays.

(3) *retrieve a vehicle* means move a vehicle which is off the roadway back on the roadway.

(4) *waiting time* is the time after a tow truck has arrived at the place where a vehicle is to be towed, but, due to circumstances at the scene, actual tow truck services cannot begin, provided, however, that waiting time does not begin until one-half hour after

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the tow truck has arrived at the scene and waiting time ends when the tow truck and/or the tow truck equipment are used at the scene.

(c) The maximum fees a tow truck business may charge for regular business hour services are:

(1) \$115.00 for tow truck services which a Class-A tow truck is authorized to perform,

(2) \$125.00 for tow truck services which a Class-B tow truck is authorized to perform;

(3) \$135.00 for tow truck services which a Class-C tow truck is authorized to perform; and

(4) \$145.00 for tow truck services which a Class-D tow truck is authorized to perform.

(d) The maximum fees a tow truck business may charge for non-regular business hour services are:

(1) \$125.00 for tow truck services which a Class-A tow truck is authorized to perform;

(2) \$135.00 for tow truck services which a Class-B tow truck is authorized to perform;

(3) \$145.00 for tow truck services which a Class-C tow truck is authorized to perform; and

(4) \$155.00 for tow truck services which a Class-D tow truck is authorized to perform.

(e) In addition to the maximum fees a tow truck business may charge under subsections (c) and (d) above, a tow truck business may charge:

(1) \$30.00 to disconnect the drive line of a vehicle;

(2) \$30.00 for the use of a dolly or other wheeled auxiliary device;

(3) \$15.00 per tire changed on the towed vehicle;

(4) \$35.00 for every one-half hour it takes to retrieve a vehicle;

(5) \$10.00 for every one-half hour of waiting time; and

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(6) \$20.00 per hour for extra labor which is necessary due to unusual circumstances.

§ 12124. Maximum Fees for Storage of Specified Vehicles.

(a) This section states the maximum fees a tow truck business may charge for the storage of vehicles stored as a result of a peace officer dispatch call, a Motor Vehicle Division call and any other call when the owner of the vehicle has not consented to removal of his vehicle.

(b) A tow truck business may charge \$10 per day for the storage of a vehicle in a fenced area and \$20.00 per day for the storage of a vehicle in an enclosed structure.

(c) If a vehicle is impounded, the tow truck business may not charge a storage fee for the first twenty-four hours the impounded vehicle is in the custody of the tow truck business at the storage facility. If any portion of this twenty-four-hour period occurs on a day when a person cannot retrieve the vehicle from the tow truck business during regular business hours (that is 9:00 a.m. to 5:00 p.m.), the portion of the twenty-four period during which the vehicle cannot be retrieved, shall carry over to the next day when the tow truck business is open during regular business hours. [Comment: The following is an example of the application of subsection 12124(c). A tow truck business is open from 9:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. to noon on Saturday. A vehicle is towed at 4:00 p.m. on Friday. One hour of the twenty-four period runs on Friday and three hours run on Saturday. The remaining twenty hours begin to run on Monday at 9:00 a.m. and runs out twenty hours later at 5:00 a.m. on Tuesday.]

§ 12125. Other Fees.

(a) A tow truck business may charge a reasonable fee to prevent perishable goods contained in a towed vehicle from spoiling.

(b) If a tow truck business uses the services of the Motor Vehicle Division of the Department of Revenue and Taxation or a motor vehicle division of another jurisdiction to obtain information, the tow truck business may charge an amount equal to the fee paid to the Motor Vehicle Division plus 10%.

(c) A tow truck business may charge an amount equal to the postage paid for notices sent pursuant to these regulations and the statutes cited in

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these regulations.

§ 12126. Enforcement.

Officials from the Department of Revenue and Taxation shall, at any reasonable time, be allowed to inspect the tow trucks and the storage facilities of a tow truck business to insure compliance with the law and with these regulations.

§ 12127. Liability.

These regulations are not intended to limit the liability of a tow truck business for performing tow truck services and for storing vehicles.

§ 12128. Penalties.

(a) Any violation of these regulations shall be grounds for the suspension or termination of the business license of a tow truck business. In addition, the failure of a tow truck business to meet the requirements of section 12117, regarding storage facilities, shall be grounds for the denial of a business license or the refusal to renew a business license.

(b) The failure of a tow truck driver to comply with these regulations when engaged in a tow truck service, shall be grounds for the suspension or termination of the tow truck driver's motor vehicle operator's license and/or chauffeur's license.

(c) A tow truck business which fails to meet the notice requirements of 16 GCA § 12104 shall forfeit the right to a lien on the vehicle towed and the right to any fee for tow truck services and storage of the vehicle.

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**CHAPTER 12
TOW TRUCKS**

SOURCE: Chapter 12 added by P.L. 23-144:3 (Jan. 2, 1997).

- § 12101. Definitions.
- § 12102. Business Requirements.
- § 12103. Department of Revenue and Taxation Duties.
- § 12104. Notice Requirements.
- § 12105. Tow Truck Advisory Board.
- § 12106. Tow Truck and Impound Regulation; Rates.
- § 12107. Lien on Towed vehicles; Lien Holders' Sale.
- § 12108. Prohibitions.
- § 12109. Rules and Regulations.
- § 12110. Penalty.

§ 12101. Definitions.

As used in this Chapter:

(a) Director means the Director of the Department of Revenue and Taxation.

(b) Lien, as defined in § 35101 of Title 18, Guam Code Annotated, means a charge imposed in some mode other than by a transfer in trust upon specific property by which it is made security for the performance of an act.

(c) Tow truck means a motor vehicle constructed, designed, altered, or equipped primarily for the purpose of towing or removing vehicles from a highway by means of a crane, hoist, tow bar, tow line, dolly, sling, wheel-lift, flatbed or other means as approved by the Division of Motor Vehicles of the Department of Revenue and Taxation.

(d) Tow truck business means any sole proprietorship, corporation, limited liability company, partnership, joint venture or other form of business entity engaged in the business of providing tow truck services.

(e) Tow truck service means the recovery of a vehicle or the transportation on a highway of damaged, disabled, abandoned, seized, or impounded vehicles by a tow truck.

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(f) Vehicle condition report means a report completed by a person operating a tow truck and performing a tow truck service, which documents the condition of the vehicle on which such service is performed, including comprehensive notes, diagrams and photographic evidence, either analog or digital, to establish the condition of a vehicle and any damage thereto when such vehicle is taken into custody of the tow truck business.

SOURCE: Added by P.L. 23-144:3 (Jan. 2, 1997). Subsection (d) amended by P.L. 32-092:3 (Nov. 27, 2013). Subsection (f) added by P.L. 32-092:4 (Nov. 27, 2013).

2014 NOTE: Subsection designations were altered to adhere to the Compiler's alphanumeric scheme pursuant to the authority granted by 1 GCA § 1606.

§ 12102. Tow Truck Business Requirements.

A person who operates a tow truck business shall:

(a) comply with equipment requirements under § 12103 of this Chapter;

(b) ensure that all his tow truck drivers are properly:

(1) trained to operate tow truck equipment; and

(2) licensed, as required under Article 1, Chapter 3, of this Title; and

(c) obtain and display a current certificate of inspection for each tow truck, as required under § 12103 of this Chapter.

(d) obtain a service license as required by § 16200 of the Government Code of Guam pertaining to the issuance of a business license.

SOURCE: Added by P.L. 23-144:3 (Jan. 2, 1997).

2013 NOTE: Subsection designations were altered to adhere to the Compiler's alphanumeric scheme pursuant to the authority granted by 1 GCA § 1606.

§ 12103. Department of Revenue and Taxation Duties; Inspections; Equipment Requirements; Rule Making.

(a) (1) The Department of Revenue and Taxation shall conduct inspections of tow trucks to ensure compliance with the Federal Motor Carrier Safety Regulations and the provisions of this chapter.

(2) Each inspection of a tow truck shall be conducted prior to the tow truck beginning operation and at least every quarter thereafter.

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(3) (A) The Department of Revenue and Taxation shall issue a certificate of inspection for each tow truck that complies with the provisions of this article.

(B) The inspection certificate shall expire one quarter from the month of issuance.

(4) The Department of Revenue and Taxation may charge a fee to cover the cost of the inspection required under this section, subject to the Administrative Adjudication Act,

(b) The Department of Revenue and Taxation shall promulgate rules specifying the equipment required to be carried on each tow truck, including limits on loads that may be moved based on equipment capacity and load weight. The rules shall be adopted in conformance with the Administrative Adjudication Act.

SOURCE: Added by P.L. 23-144:3 (Jan. 2, 1997).

2014 NOTE: Subsection designations were altered to adhere to the Compiler's alphanumeric scheme pursuant to the authority granted by 1 GCA § 1606.

§ 12104. Towing Notice Requirements; Cost Responsibilities.

(a) Unless a vehicle is impounded under § 3606 of Article 6, Chapter 3 of this Title 16, after performing a tow truck service, the person operating the tow truck business shall:

(1) complete a vehicle condition report, as defined in § 12101(f) of this Chapter;

(2) within one (1) hour of arriving at the place of storage or impound of the vehicle, contact the law enforcement agency having jurisdiction over the area from which the vehicle was towed and notify the agency of the:

(A) location of the vehicle;

(B) date, time, and location from which the vehicle was removed;

(C) reasons for the removal of the vehicle;

(D) person who requested the removal of the vehicle; and

(E) vehicle's description, including its identification number and license number; and

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(3) within seven (7) days of performing the tow truck service, make reasonable efforts via phone call to the last known phone number of the legal owner, registered owner, vehicle insurer and lienholder (obtained from the DRT Division of Motor Vehicles) and send a certified letter to the last known address of the legal owner, registered owner, vehicle insurer and lienholder, where applicable, of the vehicle (obtained from the DRT Division of Motor Vehicles), notifying them of the:

- (A) location of vehicle;
- (B) date, time, and location from which the vehicle was removed;
- (C) reasons for the removal of the vehicle;
- (D) person who requested the removal of the vehicle;
- (E) vehicle's description, including its identification number and license number;
- (F) costs and procedures to retrieve the vehicle; and
- (G) a copy of the vehicle condition report required by Subsection (a)(1) of this Section.

(4) For purposes of this Section, the Division of Motor Vehicles shall, upon the presentation of a declaration made under penalty of perjury that a vehicle has been towed and taken into the possession of a tow truck business, provide tow truck businesses with the last known address and telephone numbers of the legal owner, registered owner, vehicle insurer, and lienholder, where applicable, of the vehicle in question. The tow truck business shall furnish the Division of Motor Vehicles with a copy of the notice sent pursuant to Subsection (a)(3) of this Section within seven (7) days via certified mail after the release of the addresses of the legal owner, registered owner, vehicle insurer and lienholder, where applicable.

(b) (1) The legal owner, registered owner, insurer or lienholder seeking the release of a vehicle that is lawfully towed is responsible for paying the towing, impound, and storage fees incurred by the tow truck business in towing, impounding, and storing such vehicle in order to obtain its release; provided, however, that if the tow truck business has failed to comply with the requirements of Subsection (a)(3) and

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Subsection (d) of this Section, all such fees shall be forfeited, and the vehicle shall be delivered to said legal owner, registered owner, or lienholder immediately upon demand.

(2) Any tow truck business or other person responsible for or authorizing the towing, impounding or storage of a vehicle relative to this Section, but failing to comply with Subsection (a)(3) and Subsection (d) of this Section shall be guilty of a misdemeanor, and shall be liable to the legal owner, registered owner, insurer or lienholder, where applicable, of said vehicle for an amount equal to three (3) times the damages incurred by them as a consequence of said failure, together with their costs of the suit and reasonable attorneys' fees.

(c) A tow truck business which has towed a vehicle shall be liable for the cost of repair or replacement, as applicable, of the vehicle if the vehicle is damaged, destroyed or lost while in the custody of such tow truck business. Such tow truck business shall not be responsible for damage that occurred prior to the time of towing and documented by the vehicle condition report required by Subsection (a)(1) of this Section.

(d) After performing a tow truck service of a vehicle bearing the logo of the company of ownership, including, but not limited to, rental car businesses and car dealerships, the person operating the tow truck business shall within one (1) hour of arriving at the place of storage or impound of the vehicle, contact the company to which the vehicle belongs via phone call notifying it of the:

- (1) location of vehicle;
- (2) date, time, and location from which the vehicle was removed;
- (3) reasons for the removal of the vehicle;
- (4) person who requested the removal of the vehicle;
- (5) vehicle's description, including its identification number and license number;
- (6) costs and procedures to retrieve the vehicle; and
- (7) a copy of the vehicle condition report required by Subsection (a)(1) of this Section.

SOURCE: Added by P.L. 23-144:3 (Jan. 2, 1997), and amended by P.L. 32-092:5 (Nov. 27, 2013), effective 120 days after enactment. Subsection (a) amended by P.L.

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33-127:1 (Mar. 4, 2016). Subsection (b) amended by P.L. 33-127:2 (Mar. 4, 2016). Subsection (d) added by P.L. 33-127:3 (Mar. 4, 2016).

2016 NOTE: Subitem designations were added by the Compiler in subsection (b) and (c) pursuant to authority granted by 1 GCA § 1606.

2014 NOTE: The amendment made by P.L. 32-092:9 (Nov. 27, 2013) would become effective 120 days after enactment. Within thirty (30) days of enactment, DRT was required to issue notices to all towing companies licensed on Guam. DRT was further required to deliver to the Speaker of the Guam Legislature, a list of the towing companies that were sent notices of this law and copies of said notice.

§ 12105. Tow Truck Advisory Board.

(a) The Director shall appoint a tow truck advisory board consisting of not less than seven nor more than nine members who shall serve for a term of three years. The membership of the board shall include, but need not be limited to, representatives of the tow truck industry, motor or automobile club industry, the automobile rental and leasing association, law enforcement agencies, and local government consumer protection agencies, and a representative of the Guam Claims Association. The Director shall select from among the members a chairman, who shall serve as such for a period of two years. Members of the board shall not be compensated, but shall be allowed their actual and necessary expenses incurred in the performance of their duties. The board shall meet at least twice annually.

(b) The board shall advise the Director on matters regarding tow truck safety and operations, including but not limited to, developing standards for licensure and inspection of tow trucks and requirements and qualifications for drivers thereof. In addition, the board shall advise the Director on matters relating to the establishment of maximum rates pursuant to § 12107 of this Article.

SOURCE: Added by P.L. 23-144:3 (Jan. 2, 1997).

2013 NOTE: Subsection designations were altered to adhere to the Compiler's alphanumeric scheme in accordance with the authority granted by 1 GCA § 1606.

§ 12106. Tow Truck and Impound Regulation; Rates.

The Director of the Department of Revenue and Taxation shall promulgate, in accordance with the Administrative Adjudication Law, rules and regulations:

(a) establishing maximum rates tow truck businesses may charge for the towing of vehicles that are towed and taken into possession for

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impound or storage by a tow truck business, including, without limitation, vehicles towed in response to:

- (1) a peace officer dispatch call;
- (2) a Motor Vehicle Division call; and
- (3) any other call.

(b) establishing maximum rates impound yards may charge for the storage of vehicles towed and taken into possession for impound or storage by a tow truck business including, without limitation, vehicles towed as a result of:

- (1) a peace officer dispatch call;
- (2) a Motor Vehicle Division call; and
- (3) any other call where the legal owner, registered owner, insurance company, and lienholder of the vehicle has not consented to the storage of his vehicle.

(c) establishing procedures or requirements for clearances and licensing of impoundment and storage facilities.

(d) establishing any other procedures or requirements that the Director deems appropriate to ensure that tow truck businesses are operated efficiently and safely, and to ensure that residents are provided with adequate tow truck services. Such regulations shall provide for the suspension or termination of tow truck driver's licenses of individual tow truck drivers and for the suspension or termination of the business licenses of tow truck businesses when the Director finds either such individuals or businesses in substantial noncompliance with the regulations promulgated pursuant to this Section.

SOURCE: Added by P.L. 23-144:3 (Jan. 2, 1997). Amended by P.L. 32-092:6 (Nov. 27, 2013). Subitem (a)(3) amended by P.L. 33-127:4 (Mar. 4, 2016).

§ 12107. Lien on Towed Vehicles; Lien Holders' Sale.

(a) Notwithstanding any other provision of law, *unless* a vehicle is impounded under § 3606 of Article 6, Chapter 3 of this Title 16, every tow truck business which tows a vehicle and to which the requirements of § 12104 of this Chapter apply and are complied with by such tow truck business, while lawfully in possession of the vehicle, has a lien thereon, dependent upon possession, for the compensation, if any, which is due it.

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(b) Notwithstanding any other provision of law, § 39106 of Title 18, Guam Code Annotated, concerning a lien in excess of Three Hundred Dollars (\$300.00), shall not apply to tow truck services rendered to vehicles towed and taken into possession for impound or storage by a tow truck business, including, without limitation, tow truck services provided in response to a peace officer dispatch call; a Motor Vehicle Division call; and any other call.

SOURCE: Added by P.L. 23-144:3 (Jan. 2, 1997). Subsection (b) amended by P.L. 33-127:5 (Mar. 4, 2016).

§ 12108. Prohibitions.

(a) It is a misdemeanor for the owner or operator of a tow truck to stop at the scene of an accident for the purpose of soliciting an engagement for towing services, either directly or indirectly, or to furnish any towing services, unless summoned to the scene, requested to stop, or flagged down by the owner or operator of a disabled vehicle or requested to perform the service by a law enforcement officer or public agency pursuant to that agency's procedures.

(b) It is a misdemeanor for the owner or operator of a tow truck to move any vehicle from a highway, street, or public property without the express authorization of the owner or operator of the vehicle or a law enforcement officer or public agency pursuant to that agency's procedures, when the vehicle has been left unattended or when there is an injury as the result of an accident.

(c) This section shall not apply to the following:

(1) A vehicle owned or operated by, or under contract to, a motor club, which stops to provide services for which compensation is neither requested nor received, provided that those services may not include towing other than that which may be necessary to remove the vehicle to the nearest safe shoulder. The owner or operator of such a vehicle may contact a law enforcement agency or other public agency on behalf of a motorist, but may not refer a motorist to a tow truck owner or operator, unless the motorist is a member of the motor club, the motorist is referred to a tow truck owner or operator under contract to the motor club, and, if there is a dispatch facility which services the area and is owned or operated by the motor club, the referral is made through that dispatch facility.

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(2) A tow truck operator employed by a law enforcement agency or other public agency.

(3) A tow truck owner or operator acting under contract with a law enforcement or other public agency to abate abandoned vehicles, or to provide towing service, to the extent authorized by law.

(d) It is a misdemeanor for an owner or operator of a tow truck to store vehicles on lots other than duly licensed impound lots or storage lots certified, approved and licensed by the Division of Motor Vehicles of the Department of Revenue and Taxation. This prohibition shall not apply to vehicles stored on private non-commercial property at the direction of the owner of the vehicle and with the consent of the property owner.

SOURCE: Added by P.L. 23-144:3 (Jan. 2, 1997).

2013 NOTE: Subsection designations were altered to adhere to the Compiler's alphanumeric scheme in accordance with the authority granted by 1 GCA § 1606.

§ 12109. Promulgation of Rules and Regulations.

The Department of Revenue and Taxation shall promulgate rules and regulations necessary to carry out the provisions of this Act within one-hundred eighty (180) days after its enactment.

SOURCE: Added by P.L. 23-144:3 (Jan. 2, 1997).

§ 12110. Penalty.

(a) A violation of any provision of this Chapter is a civil violation.

(b) Each violation shall be subject to the following penalties:

(1) First offense shall be subject to a penalty of up to One Hundred Dollars (\$100.00);

(2) Second offense of the same provision within a twelve (12)-month period shall be subject to a penalty of up to Four Hundred Dollars (\$400.00) but no less than One Hundred Dollars (\$100.00);

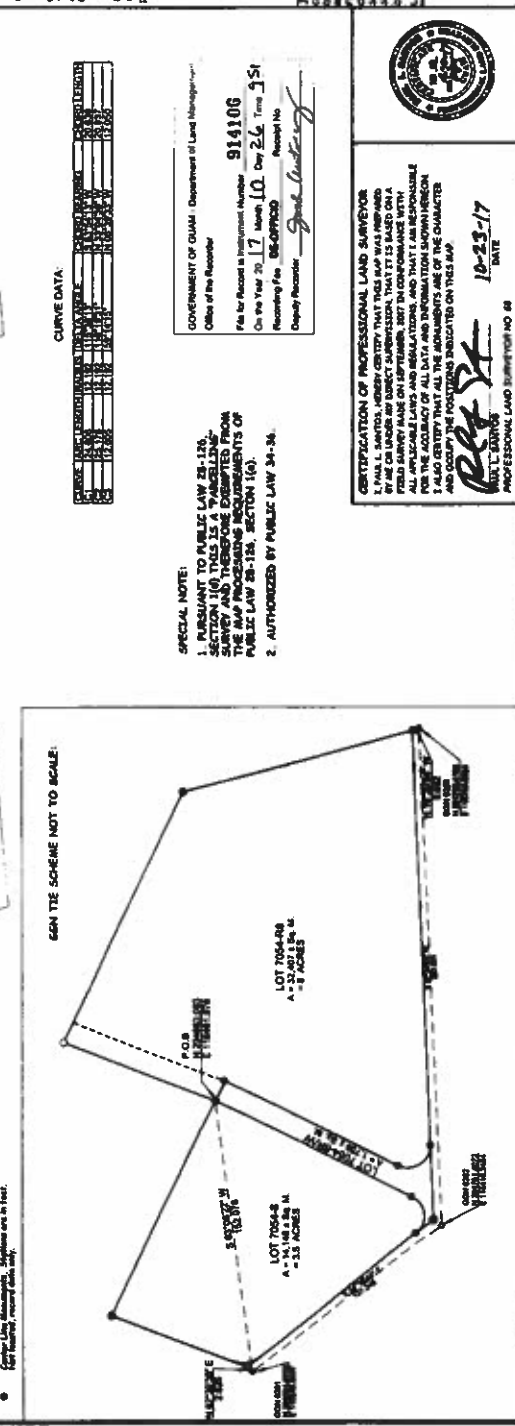
(3) Third offense of the same provision within a twelve (12)-month period shall be subject to a penalty of no less than One Thousand Dollars (\$1,000.00);

(4) Fourth offense of the same provision within a twelve (12)-month period shall be punishable as a misdemeanor and the business license shall be suspended for up to one (1) year or until the violation has been cured.

16 GCA VEHICLES
CH. 12 TOW TRUCKS

(c) All fines imposed under this Section shall be deposited into the Police Patrol Vehicle and Equipment Revolving Fund pursuant to § 77135, Chapter 77, 10 GCA.

SOURCE: Added by P.L. 33-127:6 (Mar. 4, 2016).



5-15412

I Mina Trentai Kuatro Na Likelakuren
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
105-34 (COR)	Thomas C. Ada	AN ACT TO GRANT ADMINISTRATIVE JURISDICTION TO A PORTION OF LOT 7054-R5 THAT IS ABOUT 3.5 ACRES IN THE MUNICIPALITY OF YIGO, AS SHOWN ON DLM MAP NO. 167FY93 TO THE OFFICE OF THE CHIEF OF POLICE, GUAM POLICE DEPARTMENT.	6/2/17 4:01 p.m.	6/7/17	Committee on Environment, Land, Agriculture, and Procurement Reform	5/5/17 9:00 a.m.	7/7/17 9:55 a.m. As amended by the Committee on Environment, Land, Agriculture, and Procurement Reform	Fiscal Note Request 6/7/17 Fiscal Note 6/20/17	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW	DATE SIGNED		
	7/24/2017	AN ACT TO RESCIND ADMINISTRATIVE JURISDICTION OF APPROXIMATELY 3.5 ACRES OF LOT NO. 7054-R5, MUNICIPALITY OF YIGO, AS SHOWN ON DLM MAP NO. 167FY93, GRANTED TO THE DEPARTMENT OF LAND MANAGEMENT, AND TO VEST THE OFFICE OF THE CHIEF OF POLICE, GUAM POLICE DEPARTMENT, WITH ADMINISTRATIVE JURISDICTION OF THE SAME.	7/16/17	7/22/17 1:55 p.m. Further amended on the floor.	8/8/17	34-35	8/7/2017		Received: 8/11/17 Mess and Comm. Doc. No. 34GL 17-0876



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

AUG 1 1 2017

GL# 34-17-876
Speaker Benjamin J.F. Cruz

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kudttro Na Liheslaturan Gudhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

AUG 1 1 2017
Time: 11:41 AM File No. 34-779
Received By: allen

Dear Mr. Speaker:

Transmitted herewith is Bill No. 105-34 (COR), "AN ACT TO RESCIND ADMINISTRATIVE JURISDICTION OF APPROXIMATELY 3.5 ACRES OF LOT NO. 7054-R5, MUNICIPALITY OF YIGO, AS SHOWN ON DLM MAP NO. 167FY93, GRANTED TO THE DEPARTMENT OF LAND MANAGEMENT, AND TO VEST THE OFFICE OF THE CHIEF OF POLICE, GUAM POLICE DEPARTMENT, WITH ADMINISTRATIVE JURISDICTION OF THE SAME," which was signed into law on August 7, 2017, as Public Law 34-36.

Senseramente,


EDDIE BAZA CALVO

2017 AUG 11 PM 12:00
C-5

0876



I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
Thirty-Fourth Guam Legislature

July 27, 2017

The Honorable Edward J.B. Calvo
I Maga'låhen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill Nos. 38-34 (LS), 118-34 (COR), 105-34 (COR), 106-34 (COR), 107-34 (COR), 115-34 (COR), 117-34 (COR); and Substitute Bill No. 49-34 (COR) which were passed by *I Mina'Trentai Kuåttro Na Liheslaturan Guåhan* on July 26, 2017.

Sincerely,


RÉGINE BISCOE LEE
Legislative Secretary

Enclosure (8)

OFFICE OF THE GOVERNOR
CENTRAL FILES
RECEIVED BY
TIME 1:27 DATE 7-27-17



GUAM CONGRESS BUILDING • 163 CHALAN SANTO PAPA • HAGÁTÑA, GUAM 96910

I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN

This is to certify that **Bill No. 105-34 (COR), "AN ACT TO RESCIND ADMINISTRATIVE JURISDICTION OF APPROXIMATELY 3.5 ACRES OF LOT NO. 7054-R5, MUNICIPALITY OF YIGO, AS SHOWN ON DLM MAP NO. 167FY93, GRANTED TO THE DEPARTMENT OF LAND MANAGEMENT, AND TO VEST THE OFFICE OF THE CHIEF OF POLICE, GUAM POLICE DEPARTMENT, WITH ADMINISTRATIVE JURISDICTION OF THE SAME,"** was on the 26th day of July 2017, duly and regularly passed.


Benjamin J.F. Cruz
Speaker

Attested:


Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 27th day of July,
2017, at 1:45 o'clock P.M.


Assistant Staff Officer
Maga'låhi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: AUG 07 2017

Public Law No. 34-36

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Bill No. 105-34 (COR)

As amended by the Committee on Environment,
Land, Agriculture and Procurement Reform;
and further amended on the Floor.

Introduced by:

Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
B. J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Telen Cruz Nelson
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Michael F.Q. San Nicolas
Therese M. Terlaje
Mary Camacho Torres

**AN ACT TO RESCIND ADMINISTRATIVE
JURISDICTION OF APPROXIMATELY 3.5 ACRES OF
LOT NO. 7054-R5, MUNICIPALITY OF YIGO, AS
SHOWN ON DLM MAP NO. 167FY93, GRANTED TO
THE DEPARTMENT OF LAND MANAGEMENT, AND
TO VEST THE OFFICE OF THE CHIEF OF POLICE,
GUAM POLICE DEPARTMENT, WITH
ADMINISTRATIVE JURISDICTION OF THE SAME.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds

that Lot No. 7054-R5 in the municipality of *Yigo* comprises 48,309 square meters

1 (11.94 acres), as shown on DLM Map No. 167FY93. Lot No. 7054-R5 is owned by
2 the government of Guam and is under the split administrative jurisdiction of the
3 *Chamorro Land Trust Commission* (8.44 acres) and the Department of Land
4 Management (3.5 acres) as undivided portions, pursuant to Document 508926 (also
5 known as the *Public Land Inventory of Transferred Lands to the Chamorro Land*
6 *Trust Commission*). Additionally, Public Law 22-18 does not reserve the Department
7 of Land Management's undivided portion of 3.5 acres for any public purpose.

8 *I Liheslaturan Guåhan* intends to rescind administrative jurisdiction of that
9 undivided 3.5-acre portion granted to the Department of Land Management and to
10 vest said jurisdiction with the Office of the Chief of Police, Guam Police Department
11 (GPD). Said 3.5-acre portion is deemed to be best suited for the construction of
12 needed GPD police services facilities, to include a precinct headquarters, equipment
13 and evidence storage facility, and related police facilities.

14 **Section 2. Rescindment of Administrative Jurisdiction of a 3.5-Acre**
15 **Portion of Lot 7054-R5, Municipality of Yigo.**

16 (a) Notwithstanding Document 508926, *Public Land Inventory of*
17 *Transferred Lands to the Chamorro Land Trust Commission*, administrative
18 jurisdiction of a 3.5-acre portion of Lot 7054-R5 in the municipality of Yigo
19 granted to the Department of Land Management is hereby rescinded and *shall*
20 rest with the Office of the Chief of Police, Guam Police Department, for the
21 purpose of developing that portion of Lot 7054-R5 for a police service
22 facility(s), to include, but not be limited to, a precinct headquarters, equipment
23 and evidence storage facility, and related police facilities.

24 (b) The remaining portion of Lot 7054-R5 in the municipality of
25 Yigo consisting of 8.44 acres *shall* remain pursuant to Document 508926,
26 *Public Land Inventory of Transferred Lands to the Chamorro Land Trust*

1 *Commission*, under the administrative jurisdiction of the *Chamorro* Land
2 Trust Commission (CLTC) and within the CLTC lands inventory.

3 (c) A map designating the two (2) portions of Lot 7054-R5 (the 8.44
4 acres under the *Chamorro* Land Trust Commission and the 3.5 acres under
5 the Guam Police Department) *shall* be prepared, recorded, and provided by
6 the Department of Land Management to the *Chamorro* Land Trust
7 Commission and the Chief of Police. The location of the 3.5-acre portion *shall*
8 be at the discretion of the Chief of Police, with public rights of way reserved
9 to the remaining property.

10 **Section 3. “Land Zoning Consideration Report” Required.** Pursuant to
11 2 GCA § 2110, a “Land Zoning Consideration Report” *shall* be included in the
12 committee report of the legislative standing committee reporting the bill out of
13 committee before being placed on a legislative session agenda.

14 **Section 4. Exemption from Appraisals.** 2 GCA § 2107(b) and Section
15 6.04(c)(1) of the 34th Guam Legislature Standing Rules, or any other provision of
16 law, rule or regulation relative to land appraisals, *shall not* apply to this Act.

17 **Section 5. Rezoning from Agricultural Zone (A) to Light Industrial**
18 **Zone (M1).** Notwithstanding 21 GCA § 61637 or any other provision of law or rule
19 or regulation, that 3.5-acre portion of Lot No. 7054-R5 that is to be placed under the
20 administrative jurisdiction of the Office of the Chief of Police, Guam Police
21 Department, pursuant to this Act, is hereby rezoned from Agricultural Zone (A) to
22 Light Industrial Zone (M1) for a Public Facility.

23 **Section 6. Severability.** If any provision of this Act or its application to any
24 person or circumstance is found to be invalid, or contrary to law, such invalidity
25 *shall not* affect other provisions or applications of this Act that can be given effect
26 without the invalid provision or application, and to this end the provisions of this
27 Act are severable.

