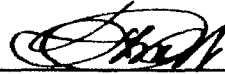


I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

FILE COPY

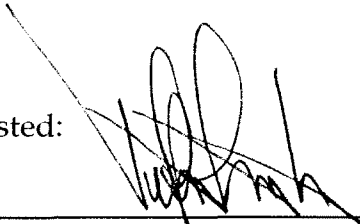
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 389-30 (COR), "AN ACT TO AMEND §3303 OF ARTICLE 3, §§3419 AND 3420 OF ARTICLE 4, AND §3619 OF ARTICLE 6, ALL OF CHAPTER 3 OF TITLE 11, GUAM CODE ANNOTATED; AND TO AMEND §§18102 AND 18121 OF ARTICLE 1, CHAPTER 18 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE MINIMUM LEGAL DRINKING AGE; AND TO BE KNOWN AS THE 'RAMON SOMEROS OBERIANO ACT' ", was on the 2nd day of July, 2010, duly and regularly passed.



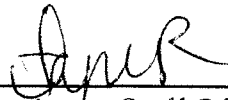
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 6th day of July 2010, at 5 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 389-30 (COR)

As amended on the Floor.

Introduced by:

B. J.F. Cruz
T. C. Ada
V. Anthony Ada
F. B. Aguon Jr.
F. F. Blas, Jr.
E. J.B. Calvo
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §3303 OF ARTICLE 3, §§3419 AND 3420 OF ARTICLE 4, AND §3619 OF ARTICLE 6, ALL OF CHAPTER 3 OF TITLE 11, GUAM CODE ANNOTATED; AND TO *AMEND* §§18102 AND 18121 OF ARTICLE 1, CHAPTER 18 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE MINIMUM LEGAL DRINKING AGE; AND TO BE KNOWN AS THE “*RAMON SOMEROS OBERIANO ACT.*”

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that among alcohol control policies, the minimum legal drinking age has been the

1 most studied and which, according to the American Medical Association, research
2 shows that a higher minimum legal drinking age is effective in preventing alcohol-
3 related deaths and injuries among youth.

4 *I Liheslaturan Guåhan* finds that after Prohibition nearly all States
5 restricting alcohol to young people designated twenty-one (21) as the minimum
6 legal drinking age, but with the change in the minimum voting age in the 1970s,
7 most States began to lower their minimum legal drinking age laws. Since then,
8 family advocacy groups and organizations, such as the American Medical
9 Association, have helped to convince almost all State assemblies to return their
10 minimum legal drinking age to twenty-one (21).

11 *I Liheslaturan Guåhan* further finds that numerous developmental health
12 studies show younger consumers of alcohol may impair their brain development,
13 develop alcoholism, liver problems, and psychological problems. Young drinkers
14 may be less ambitious and engage in risky behavior, including promiscuity and the
15 use of illicit drugs.

16 It is, therefore, the intent of *I Liheslaturan Guåhan* that, by following the
17 example of almost all jurisdictions in the United States and increasing the
18 minimum legal drinking age to twenty-one (21), we ensure the safety and well-
19 being of our younger people.

20 **Section 2.** §3303 of Article 3, Chapter 3 of Title 11, Guam Code
21 Annotated, is hereby *amended* to read:

22 **“§3303. Same: Same: Minors.**

23 The Board *shall not* issue a license of any class to a person under twenty-one
24 (21) years of age.”

25 **Section 3.** §3419 of Article 4, Chapter 3 of Title 11, Guam Code
26 Annotated, is hereby *amended* to read:

27 **“§3419. Same: To Minor.**

1 A licensee, his agent or employee *shall not* sell, give, nor permit to be
2 sold, given or served any alcoholic beverages to any person under twenty-
3 one (21) years of age. For the purpose of preventing any violation of this
4 Section, any licensee, *or* his agent *or* employee, may refuse to sell or serve
5 alcoholic beverages to any person who is unable to produce adequate written
6 evidence that he or she has reached the age of twenty-one (21) years. In any
7 criminal prosecution or proceeding for the suspension or revocation of any
8 license and based upon a violation of this Section, proof that the defendant
9 licensee, *or* his agent *or* employee, demanded and was shown, before
10 furnishing any alcoholic beverage to a minor, an identification card or other
11 bona fide documentary evidence of majority of such person *shall* be a
12 defense to such prosecution or proceeding for the suspension or revocation
13 of any license. Every person who violates this Section *shall* be guilty of a
14 petty misdemeanor.”

15 **Section 4.** §3420 of Article 4, Chapter 3 of Title 11, Guam Code
16 Annotated, is hereby *amended* to read:

17 **“§3420. Same: False Identification by Minor.**

18 Any person under twenty-one (21) years of age who exhibits a false
19 identification card or false document for the purpose of purchasing or
20 obtaining alcoholic beverages *shall* be guilty of a petty misdemeanor.”

21 **Section 5.** §3619 of Article 6, Chapter 3 of Title 11, Guam Code
22 Annotated is hereby *amended* to read:

23 **“§3619. Same: Minors.**

24 Any person under the age of twenty-one (21) years purchasing or
25 consuming alcoholic beverages or in possession thereof *shall* be guilty of a
26 petty misdemeanor. This provision, with regards to possession of alcoholic
27 beverages, *does not* apply to persons eighteen (18) to twenty (20) years of

1 age who are performing paid work for and on behalf of a licensed
2 establishment that provides alcohol. For purposes of this Section, ‘*provide*’
3 means various methods of distribution or retrieval, including, but *not* limited
4 to, selling, serving, or transporting alcoholic beverages.”

5 **Section 6.** §18102 of Article 1, Chapter 18 of Title 16, Guam Code
6 Annotated, is hereby *amended* to read:

7 **“§18102. Influence of Alcohol and Controlled Substances;**
8 **Causing Bodily Injury to Person Other Than Driver; Alcoholic Content**
9 **in Blood; Proof.**

10 (a) It is unlawful for any person, while under the influence of an
11 alcoholic beverage or any controlled substance, or under the combined
12 influence of an alcoholic beverage and any controlled substance, to operate
13 or be in physical control of a motor vehicle.

14 (b) It is unlawful for any person, while having eight one-
15 hundredths of one percent (0.08%) or more, by weight, of alcohol in his or
16 her blood to operate or be in physical control of a motor vehicle.

17 (c) It is unlawful for any person, while under the influence of an
18 alcoholic beverage or any controlled substance, or under the combined
19 influence of an alcoholic beverage and any controlled substance, to operate
20 or be in physical control of a motor vehicle and, when doing so, do any act
21 forbidden by law or neglect any duty imposed by law in the driving of the
22 vehicle or who negligently drives a vehicle, which act or neglect or
23 negligence proximately causes bodily injury to any person other than the
24 driver.

25 (d) It is unlawful for any person, while having eight one-
26 hundredths of one percent (0.08%) or more, by weight, of alcohol in his or
27 her blood to operate or be in physical control of a motor vehicle and, when

1 doing so, do any act forbidden by law or neglect any duty imposed by law in
2 the driving of the vehicle, which act or neglect proximately causes bodily
3 injury to any person other than the driver.

4 (e) In any prosecution under this Section, it is a rebuttable
5 presumption that the person with eight one-hundredths of one percent
6 (0.08%) or more, by weight, of alcohol in his or her blood at the time of
7 operating or in actual physical control of a motor vehicle is under the
8 influence of alcohol if the person had eight one-hundredths of one percent
9 (0.08%) or more, by weight, of alcohol in his or her blood at the time of the
10 performance of a blood or breath test within three (3) hours after the driving.

11 (f) In proving the person neglected any duty imposed by law in the
12 driving of the vehicle, it is *not* necessary to prove that any specific section of
13 this title was violated.

14 (g) (1) Notwithstanding the other provisions of this Section, a
15 person under the age of twenty-one (21) years *shall* be guilty of a violation
16 of Subsections (b) or (d) of this Section *if* such person *shall* be found within
17 three (3) hours of his or her arrest for a violation of this Section to have four
18 one-hundredths of one percent (0.04%) or more, by weight, of alcohol in his
19 or her blood.

20 (2) A person convicted for the first time of a violation of item
21 (1) of this Subsection *shall* be guilty of a misdemeanor and *shall* have
22 his or her license or permit to operate a motor vehicle suspended for
23 six (6) months. Upon any subsequent conviction of the person while
24 under the age of twenty-one (21) years, the person's license or permit
25 to operate a motor vehicle *shall* be suspended for one (1) year with *no*
26 exception for occupational driving privileges. Upon any conviction
27 the Court *shall* notify the Department of Revenue and Taxation of

1 such suspension of the person's privilege to drive and confiscate the
2 person's license or permit to operate a motor vehicle. In addition to the
3 required mandatory suspension of a person's license or permit to
4 operate a motor vehicle, the Court may impose such additional
5 penalty as may be permitted by law for conviction of a misdemeanor.”

6 **Section 7.** §18121 of Article 1, Chapter 18 of Title 16, Guam Code
7 Annotated, is hereby *amended* to read:

8 **“§ 18121. Possession of Opened Container in a Motor Vehicle.**

9 (a) It *shall* be a misdemeanor for any person to transport or possess in
10 any moving vehicle upon a public highway, street or alley any alcoholic
11 beverage, or any intoxicating beverage, except in the original container
12 which *shall not* have been opened and from which the original cap or seal
13 *shall not* have been removed, *unless* the opened container be in a sealed,
14 secured or rear compartment *not* accessible to the driver or any other person
15 in the vehicle while it is in motion. Any person violating the provisions of
16 this Section and its Subsections *shall* be deemed guilty of a misdemeanor.

17 (b) The provisions of Subsection (a) of this Section *shall not* apply
18 to the passenger area of a bus or limousine, provided the operator is enclosed
19 within a driver’s compartment *not* accessible to passengers, clients or
20 customers where alcohol is present while the vehicle is in motion.

21 (c) *No* employee, driver or agent of any limousine or bus company
22 *shall* consume, nor be permitted to consume, any alcoholic beverage while
23 on duty.

24 (d) Unless authorized by license and as prescribed by the Alcoholic
25 Beverage Control Board by regulation, *no* alcoholic beverage *shall* be sold,
26 offered or consumed by any person within the premises of any limousine or
27 bus. Each limousine and bus authorized by this Act to sell, offer or allow

1 alcoholic beverages within the premises of the limousine or bus *shall* be
2 individually licensed and *shall* be required to display such license within the
3 limousine or bus. The license *shall* include the vehicle identification number
4 of the vehicle.

5 (e) No alcoholic beverages *shall* be sold, offered or consumed by
6 any person within the premises of any limousine or bus, *except* during hours
7 prescribed by the Alcoholic Beverage Control Board.

8 (f) The exemption in Subsection (b) of this Section *shall not* apply
9 if any passenger is a minor below the age of twenty-one (21) years
10 unaccompanied by a parent or legal guardian. It *shall* be the duty of the
11 driver of the vehicle to verify the age of all passengers.

12 (g) As used in this Section:

13 (1) ‘*Bus*’ means a vehicle chartered for transportation of
14 persons for hire. It *shall not* mean a school bus transporting children,
15 open vehicles resembling trolleys, or a vehicle operated pursuant to a
16 public or private franchise operating over a regularly scheduled route;
17 and

18 (2) ‘*Limousine*’ means a chauffeur-driven motor vehicle,
19 other than a bus or taxicab, designed and used for transportation of
20 persons for compensation.”