



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

OCT 24 1997

Refer to  
Legislative Secretary

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910


Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 412 (LS), "AN ACT TO ESTABLISH RULES AND REGULATIONS GOVERNING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES.", which I have signed into law today as Public Law No. 24-106.

The rules and regulations approved are the result of work done by the Guam Visitors Bureau in partnership with tour operators and the tourism industry. The rules and regulations are designed to implement a licensing process for tour guides and tour operator businesses to ensure that the quality of the industry is maintained.

Licensed tour guides and tour operator businesses would possess the necessary training and background knowledge to provide quality services to our visitors. This keeps the standards of professionalism high and provides satisfactory service to visitors, encouraging them to return to our island.

Very truly yours,

  
Carl T. C. Gutierrez  
Governor of Guam

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>D. D. D.</u>
Time	<u>5:28pm</u>
Date	<u>10-24-97</u>

Attachment

cc: The Honorable Joanne M. S. Brown  
Legislative Secretary


Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 10/24/97  
Time: 10:05  
Rec'd by: [Signature]  
Print Name: Charlene Dumas

00520

TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Bill No. 412 (LS), "AN ACT TO ESTABLISH RULES AND REGULATIONS GOVERNING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESSES," was on the 9<sup>TH</sup> day of October, 1997, duly and regularly passed.

  
\_\_\_\_\_  
ANTONIO R. UNPINGCO  
Speaker

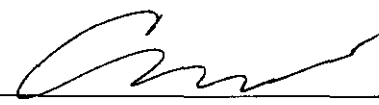
Attested:

  
\_\_\_\_\_  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 17<sup>th</sup> day of October, 1997, at  
4:35 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 10-24-97

Public Law No. 24106

**TWENTY-FOURTH GUAM LEGISLATURE  
1997 (FIRST) Regular Session**

**Bill No. 412 (LS)**

As amended on the Floor.

Introduced by:

A. C. Lamorena, V.  
A. C. Blaz  
Mark Forbes  
Felix P. Camacho  
T. C. Ada  
F. B. Aguon, Jr.  
E. Barrett-Anderson  
J. M.S. Brown  
Francisco P. Camacho  
M. C. Charfauros  
E. J. Cruz  
W. B.S.M. Flores  
L. F. Kasperbauer  
C. A. Leon Guerrero  
L. Leon Guerrero  
V. C. Pangelinan  
J. C. Salas  
A. L.G. Santos  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

**AN ACT TO ESTABLISH RULES AND  
REGULATIONS GOVERNING THE  
CERTIFICATION OF TOUR GUIDES AND  
LICENSING OF TOUR OPERATOR BUSINESSES.**

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

2 **Section 1. (a) Authority for the Guam Visitors Bureau to**

1 **Promulgate Rules and Regulations.** Subsections 9105(d) and (e) of Chapter 9,  
2 Title 12, Guam Code Annotated, and regulations pursuant to the  
3 Administrative Adjudication Act as may be necessary for the exercise of its  
4 powers and performance of its duties. Public Law Number 23-136 authorizes  
5 the Board of Directors of the Guam Visitors Bureau to set the rules and  
6 regulations regulating the conduct and operations of tour companies and their  
7 tour guide employees.

8 The rules and regulations contained in Subsection (c) of this Section had  
9 a public hearing by the Guam Visitors Bureau on July 7, 1997.

10 **(b) Submission of Rules and Regulations.** Public Law Number 24-27  
11 requires that rules and regulations proposed by a government agency, and  
12 where required by law, approved by the Governor, be filed with the  
13 Legislative Secretary of the Guam Legislature. Public Law Number 24-27  
14 further provides that no rule shall be effective until after compliance and  
15 ninety (90) calendar days have elapsed from the date of filing with the  
16 Legislative Secretary. The Guam Legislature may approve, disapprove or  
17 amend any rule within ninety (90) calendar days from the date of filing with  
18 the Legislative Secretary.

19 **(c) Approval of Rules and Regulations Provided by the Guam**  
20 **Visitors Bureau.** The rules and regulations for the Guam Visitors Bureau  
21 *contained in the attached "Exhibit A"* are approved by the Guam Legislature.

4 GAR-COMMERCE

CHAPTER 3

GUAM VISITORS BUREAU  
GUAM ADMINISTRATIVE RULES

Article 2 Rules and Regulations

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Section 3222.	Severability

1           Section       3201.           Purpose       Of       Regulation.

2           The Guam Visitors Bureau ("GVB") intends to enhance the  
3 professionalism of the most visible occupation on island in the  
4 eyes of Guam's foreign visitors. To achieve the intended goal,  
5 Public Law 23-136 requires the GVB to adopt rules and regulations  
6 establishing a due process procedure within the GVB for certifying  
7 tour guides and licensing tour operator businesses.

8           Section       3202.       Scope Of Procedure.       This due process  
9 procedure shall govern actions taken by the GVB or by agents or  
10 other entities acting on behalf of the GVB (collectively referred  
11 to as the GVB unless the context requires otherwise) in the  
12 implementation of certification of tour guides and licensing of  
13 tour operator businesses. Procedure shall further govern the  
14 development and administration of examinations necessary for the  
15 certification of tour guides and set forth the standard of conduct  
16 for all tour guides.

17           Section 3203. Definitions. For the purpose of this chapter,  
18 and unless required by context, the following terms shall have the  
19 following definitions:

20           (a) The "GVB" means the Guam Visitors Bureau.

21           (b) "Person" means an individual, trust, an estate, a  
22 partnership, an association, a company, or a corporation.

23           (c) "Day" means a calendar day.

24           (d) "Tour Operator" means any person who, for  
25 compensation of any kind, engages in a business as a tour guide as

1 defined in this Section or who employs one or more tour guides.

2 (e) "Tour Guide" means any individual who, for  
3 compensation of any kind, undertakes to guide, direct, lead or  
4 conduct tours and who, while undertaking such duties, explains to  
5 or informs tourists of the history and culture of Guam, or directs  
6 tourists to scenic, cultural or historic sites on Guam or leads  
7 tour groups while the same are on conducted shopping tours on Guam.  
8 This definition shall not include a person whose sole occupation is  
9 to drive a tour bus or other tour vehicles.

10 **Section 3204. Requirements For Tour Operators.**

11 (a) All persons engaging in business as tour operators  
12 must, at the time of application or renewal of licensing to the  
13 Department of Revenue and Taxation, submit certification of  
14 eligibility issued by the GVB that all tour guides under his or her  
15 employ have undergone the GVB approved training and passed the  
16 necessary GVB administered examinations covering history, culture,  
17 and historic landmarks of Guam.

18 (b) This requirement shall not apply to tour companies  
19 whose tour guide services are properly contracted with another  
20 licensed tour operator. The GVB will issue an "Exempt  
21 Certification" once the company has submitted a "proof of contract"  
22 to the GVB.

23 **Section 3205. Requirements For Tour Guides.** Any individual  
24 performing services as a tour guide must produce evidence as having  
25 passed the GVB approved training program and examination provided  
26 for herein covering the history, culture, historic landmarks,

1 English and foreign language proficiency communication skills and  
2 other related information of Guam and of having been certified by  
3 the GVB.

4 Section 3206. Application.

5 (a) Application for tour guide certification shall be  
6 obtainable from the GVB. Applicants shall be required to submit  
7 documentation as determined by the GVB.

8 (b) Application for a tour operator certification for  
9 licensing required by the Department of Revenue and Taxation, shall  
10 be obtainable from the GVB. Applicants shall be required to submit  
11 documentation as determined by the GVB.

12 Section 3207. Issuance.

13 (a) Within sixty (60) days of the implementation of the  
14 Rules and Regulations, an individual currently employed as a tour  
15 guide may apply for a temporary certification badge. It shall be  
16 valid for a period not to exceed one hundred eighty (180) days from  
17 date of issue. A written request for an extension must be made by  
18 the Tour Operator to the GVB, outlining the circumstances why a  
19 tour guide did not receive certification within the 180 day period,  
20 and when certification will be completed. Each extension will be  
21 decided on a case-by-case basis.

22 (b) A permanent certification badge shall be issued to  
23 an applicant who has successfully completed the required training  
24 and testing for certification and has met all documentation  
25 requirements of the GVB.

26 (c) Provisional badges not to exceed seven (7) days



1 shall be issued to companies who must provide tours when certified  
2 tour guides are not available to handle special groups such as  
3 cruise ship passengers or chartered air passengers. Any company  
4 applying for a provisional badge shall substantiate the  
5 unavailability of certified tour guides by submitting written  
6 justification for its request and provide a list of names to whom  
7 provisional badges will be issued. In no case shall a provisional  
8 badge be issued to the same individual more than three (3) times  
9 during the same calendar year without approval of the GVB Board or  
10 its designated review panel.

11 Section 3208. Denial. The GVB shall notify an applicant by  
12 mail specifying the reason for its refusal. The applicant may,  
13 within twenty (20) days of the date of receipt of such notice,  
14 appeal to the Board of Directors of the GVB or its designated  
15 review panel.

16 Section 3209. Term/Renewal Application. A tour guide  
17 certification shall be in force from the date of issuance for three  
18 (3) years unless previously revoked or suspended. In no event  
19 shall a new examination be required until three (3) years have  
20 elapsed from the date of certification issuance. Upon application  
21 for renewal, the GVB may require applicant to retake the  
22 examination. Each tour guide shall be required to renew his tour  
23 guide certification badge annually.

24 Section 3210. Fee. Fees as established by the GVB shall be  
25 payable at the time of application, certification and upon each  
26 annual renewal of a tour guide certification badge. Fees to the

1 GVB for applications, temporary badges, certification badges,  
2 provisional badges and renewals thereof, shall be Five Dollars  
3 (\$5.00).

4 Section 3211. Condition To Issuance.

5 (a) Applicant shall be required to pass such tests of  
6 proficiency conducted by the GVB. Applicant shall be tested in a  
7 language or languages of his choice, in which he will be conducting  
8 tours.

9 (b) Any individual certified by documentation that he or  
10 she has been employed as a tour guide and has consistently worked  
11 as a tour guide over the last year and who, within sixty (60) days  
12 of the implementation of these Rules and Regulations, passes the  
13 proficiency test, shall be exempted from certain segments of the  
14 required training course as determined by the GVB. Persons who  
15 fail the proficiency test shall be required to complete the  
16 training course.

17 Section 3212. Official Certification Badge. A certification  
18 badge shall be issued indicating therein, the language(s) which the  
19 individual is certified to communicate in as a tour guide.

20 Section 3213. Compliance To Rules. A certified tour guide  
21 shall comply with all the conditions set out in the Rules and  
22 Regulations for Tour Guides and Rules of Conduct for Tour Guides.

23 Section 3214. Violations.

24 (a) The GVB may refuse to renew or may recommend the  
25 revocation or suspension of the license of any tour operator or  
26 certification of a tour guide for a period not to exceed one (1)

1 year, for violation by the tour operator or tour guide of any of  
2 the Rules and Regulations or standards of conduct promulgated by  
3 the GVB. Eligibility for re-application, in the case of a failure  
4 to renew, will not occur until a year has elapsed from the date of  
5 revocation as determined by the GVB.

6 (b) Misrepresentation by attempts of false certification  
7 by any person or business entity shall be punishable by a fine of  
8 not less than One Thousand Dollars (\$1,000.00) nor more than Five  
9 Thousand Dollars (\$5,000.00) for the first offense, and the fines  
10 for subsequent offenses shall be not less than One Thousand Dollars  
11 (\$1,000.00) nor greater than Ten Thousand Dollars (\$10,000.00).

12 (c) Any tour operator or any other person who knowingly  
13 employs a tour guide who is not properly certified, as required by  
14 the Rules and Regulations, shall be punishable by a fine of no less  
15 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand  
16 Dollars (\$5,000.00) for the first offense, and the fines for  
17 subsequent offenses shall be not less than One Thousand Dollars  
18 (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00).

19 (d) A certified tour guide and/or tour operator who has  
20 three (3) or more written complaints about their unprofessional  
21 actions which the review panel or Board of Directors of the GVB has  
22 determined are justified, may have their certification revoked  
23 and/or the GVB may recommend to the Department of Revenue and  
24 Taxation for the revocation or suspension of their business  
25 license.

26 (e) A violation of the laws or regulations of Guam or

1 the United States shall be construed to be a violation of the Rules  
2 and Regulations.

3 Section 3215. Notice Of Intention. Before recommending the  
4 revocation or suspension of any license or certification, the GVB  
5 shall give, in writing, its intention to revoke or suspend. The  
6 notice shall specify a date, not less than thirty (30) days after  
7 the date of the notice, a time and location of hearing at which  
8 the person concerned may show cause, to the review panel or Board  
9 of Directors of the GVB, why his certification should not be  
10 revoked or suspended.

11 Section 3216. Notice Of Action.

12 (a) The GVB shall notify the person concerned by written  
13 notice of the recommended revocation or suspension to be forwarded  
14 to the Department of Revenue and Taxation, Government of Guam.

15 (b) Notice for violations: a citation will be issued to  
16 a tour guide or tour operator who is found in violation of any of  
17 the Rules and Regulations.

18 Section 3217. Responsibilities Of Certified Tour Guide.

19 Where a certification has been revoked or suspended, the person  
20 concerned shall, within ten (10) days after notification is  
21 delivered, return the official badge, to the GVB, for cancellation.

22 Section 3218. Employer's Responsibilities. No person shall  
23 employ any individual to act as a tour guide who is not the holder  
24 of a tour guide certification badge in the language in which he is  
25 to guide. Employers shall be required to provide the GVB with a  
26 listing of all tour guides under its employ on a quarterly basis,

1 on a form provided by the GVB.

2 Section 3219. Authorized Agents. All notices of violations  
3 to be issued by the GVB under these Rules and Regulations may be  
4 issued by any person duly authorized by the GVB. A duly authorized  
5 person shall enforce all the tour guide Rules and Regulations and  
6 issue notices of violation to tour guides or tour operators  
7 committing such violations.

8 Section 3220. Notice. Every notice required by these Rules  
9 and Regulations to be given or served on any person:

10 (a) Shall be in writing and shall be dispatched to the  
11 person by any reasonable manner including, but not limited to,  
12 first class, certified, or registered mail or by personal delivery  
13 or service.

14 (b) The GVB shall be deemed to have made a reasonable  
15 attempt to notify the person if the GVB uses the most recent  
16 address information provided on the application for license or  
17 certification unless the GVB receives clear and concise  
18 notification from the person that notices from the GVB are to be  
19 sent to an address different from the address on the application  
20 for license or certification. Clear and concise notification means  
21 that the person has provided the GVB with written notification  
22 including the person's name, the person's new address, and the  
23 person's intent to have the GVB notices sent to the new address.

24 (c) The notice shall be in conformance with the  
25 Administrative Adjudication Act and shall inform the person:

26 (1) That the GVB intends to refer the person's

1 license or certification to the Department of Revenue and Taxation  
2 for revocation or suspension;

3 (2) That the person shall within fifteen (15) days  
4 after the date of notice file with the GVB a notice of defense in  
5 which he may request a hearing. The hearing shall be in  
6 conformance with the Administrative Adjudication Act;

7 (3) That such notice of defense and request for  
8 hearing must be in writing and must be received by the GVB no later  
9 than fifteen (15) days after the date of notice;

10 (4) That the GVB will consider any evidence  
11 presented by such person before it makes a decision whether to  
12 refer the person's license or certification to the Department of  
13 Revenue and Taxation for revocation or suspension;

14 (5) That if the person desires to discuss such  
15 evidence in person or by telephone at a hearing to be conducted by  
16 the GVB, such request must be received in writing by the GVB no  
17 later than fifteen (15) days after the date of notice; and

18 (6) That if the person does not submit any evidence  
19 in writing to the GVB within fifteen (15) days after the date of  
20 notice, the GVB will make a decision whether the license or  
21 certification shall be referred to the Department of Revenue and  
22 Taxation for revocation or suspension.

23 **Section 3221. Rules Of Conduct For Tour Guides.**

24 (a) A certified tour guide, when acting as a guide, shall  
25 at all times conspicuously display the official badge supplied by  
26 the GVB.

1           (b) A certified tour guide shall attend and successfully  
2 complete such courses of training and pass such tests of  
3 proficiency as the GVB may require.

4           (c) A certified tour guide shall submit such information  
5 as the GVB may require concerning his activities as a tour guide  
6 from time to time.

7           (d) A certified tour guide shall permit a person  
8 authorized by the GVB or Department of Revenue and Taxation to  
9 inspect his badge and record of guiding activities at all  
10 reasonable times.

11           (e) A certified tour guide shall inform the GVB when he  
12 ceases to perform the functions of a tour guide and return his or  
13 her certification badge to the GVB.

14           (f) A certified tour guide shall report any and all  
15 remuneration from any person where applicable to the Department of  
16 Revenue and Taxation.

17           (g) A certified tour guide shall not receive or solicit  
18 any remuneration from any person unless specifically authorized by  
19 the tour company they are employed with or hired by and in  
20 compliance with Section (f) above.

21           (h) A certified tour guide shall not conduct any tour in  
22 any language except in the language(s) which the tour guide has a  
23 certificate of proficiency issued by the GVB.

24           Section 3222. Severability. If any part of these  
25 regulations is for any reason declared to be invalid by a court of  
26 law, the remaining regulations under this Chapter shall not be

1 affected thereby, and shall remain valid and enforceable.

2 DFR5088.1 FIG-0018.6 (Rev. 07-25-97)



PL  
24-106



Uffsina para l  
Minaolek Guahan

# Alberto "Tony" Cristobal Lamorena V

Senator  
Twenty-Fourth Guam Legislature

October 1, 1997

Chairman  
Committee on

The Honorable Antonio R. Unpingco  
Speaker  
Twenty-Fourth Guam Legislature  
155 Hesler St.  
Agana, Guam 96910

Tourism

Dear Mr. Speaker,

The Committee on Tourism, Economic Development and Cultural Affairs, to which was referred **Bill No. 412, relative to the Guam Visitors Bureau Rules and Regulations Governing the Certification of Tour Guides and Licensing of Tour Operator Businesses**, has had the same under consideration, and now wishes to report back the same with the recommendation **To Pass**.

Economic  
Development

The Committee votes are as follows:

and

To Pass	<u>9</u>
Not To Pass	<u>-0-</u>
Abstain	<u>-0-</u>
Inactive File	<u>-0-</u>

Cultural  
Affairs

A copy of the Committee Report and all pertinent documents are attached for your information and file.

Vice-Chairman  
Committee on

Sincerely,  
  
ALBERTO C. LAMORENA, V

Natural  
Resources

attachments





**Senator Alberto "Tony" Cristobal Lamorena V**  
 Chairman  
**COMMITTEE ON TOURISM, ECONOMIC DEVELOPMENT  
 AND CULTURAL AFFAIRS**  
 Twenty-Fourth Guam Legislature

VOTING SHEET ON  
**BILL NO. 412**

**AN ACT TO ESTABLISH RULES AND  
 REGULATIONS GOVERNING THE  
 CERTIFICATION OF TOUR GUIDES AND  
 LICENSING OF TOUR OPERATOR  
 BUSINESSES.**



**RECOMMENDATION TO**

Committee Members	Signature	To pass	Not to pass	Abstain	Place in Inactive File
Senator Alberto "Tony" Lamorena Chairperson		✓			
Senator Joanne Brown Vice-Chairperson		✓			
Speaker Antonio Unpingco		✓			
Vice-Speaker Anthony Blaz		✓			
Senator Mark Forbes		✓			
Senator Carlotta Leon Guerrero		✓			
Senator Felix Camacho		✓			
Senator Eduardo Cruz, M.D.		✓			
Senator William Flores		✓			
Senator Mark Charfauros					
<b>TOTAL VOTES:</b>		<b>9</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>



**24th Guam Legislature**  
**Committee on Rules, Government**  
**Reform and Federal Affairs**  
*Senator Mark Forbes, Chairman*

---

**received**  
10.1.97/mf

**OCT 01 1997**

**MEMORANDUM**

**TO:** Chairman  
Committee on Tourism, Economic Development and Cultural Affairs

**FROM:** Chairman ~~MF~~  
Committee on Rules, Government Reform and Federal Affairs

**SUBJECT:** Referral - Bill No. 412

The above Bill is referred to your Committee as the principal committee. It is recommended you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

**MARK FORBES**

Attachment



## ASSOCIATION OF PACIFIC ISLAND LEGISLATURES

P.O Box V, Agana, Guam 96932 Office:194 Hernan Cortes Street, Agana, Guam Tel:(671) 472-3416 Fax:(671) 477-1323

September 15, 1997

TO ALL ADVERTISERS:

"Hafa Adai and Kaselehia"!

I take great pleasure in presenting the attached *souvenir booklet* of the **16th General Assembly**, held July 20-25, on Pohnpei, Federated States of Micronesia.

The APIL-Pohnpei Host Nation Committee, which coordinated the preparation, solicitations, and printing of this informative publication, consists of Senator Ambros T. Senda - Chairman, Senator Yosuo Phillip, and staff Walden Weilbacher. Their efforts are truly commendable, with over 1,000 copies already distributed or in transit to government offices and businesses all over Micronesia.

Thank you for your participation through your company's advertisements in this partnership in the sponsorship of this annual regional forum.

Sincerely,

CARLOTTA LEON GUERRERO  
APIL President-Elect

**COMMITTEE REPORT**  
**Bill No. 412**

**Relative to the Guam Visitors Bureau Rules and Regulations Governing the  
Certification of Tour Guides and Licensing of Tour Operator Businesses**

**INTRODUCTION**

The Committee on Tourism, Economic Development and Cultural Affairs conducted a Public Hearing 5:47 p.m. Tuesday, September 30, 1997 in the Public Hearing Room of the Guam Legislature Temporary Bldg. in Agana.

<b>Committee Members Present:</b>	Senator Alberto C. Lamorena, V., Chairman Senator Anthony C. Blaz Senator Carlotta A. Leon Guerrero
<b>Other Senators Present:</b>	Senator Frank B. Aguon, Jr. Senator Vicente C. Pangelinan
<b>Government Officials:</b>	Theresa R. Cruz-Paulino - Deputy General Manager Guam Visitors Bureau Doris C. Ada, Tourism Industry Relations Officer Guam Visitors Bureau Attorney Richard Arens, Guam Visitors Bureau Legal Counsel

**SUMMARY OF TESTIMONY**

The Guam Visitors Bureau presented oral testimony in support of the proposed rules and regulations. The intent of these rules and regulations is to provide a procedure that would certify tour guides as well as licensing tour operator businesses. The Guam Visitors Bureau officials also requested this assistance of the Committee in expediting the approval process of these rules and regulations. Months of work has gone into the final product. Participation from all the tour operators as well as the tourism industry has contributed to these rules and regulations.

**COMMITTEE FINDINGS**

The committee finds that these rules and regulations will enhance the professionalism of the most visible occupation on our island in the eyes of Guam's foreign visitors. These rules and regulations when approved will instill a degree of professionalism and accountability that has been absent in certain elements of the tour guides and tour operator businesses.

## **COMMITTEE RECOMMENDATIONS**

The Committee on Tourism, Economic Development and Cultural Affairs hereby reports out the **Bill No. 412, Relative to the Guam Visitors Bureau Rules and Regulations Governing the Certification of Tour Guides and Licensing of Tour Operator Businesses**, to the Twenty-Fourth Guam Legislature with the recommendation **To Pass**.

4 GAR-COMMERCE

CHAPTER 3

GUAM VISITORS BUREAU  
GUAM ADMINISTRATIVE RULES

Article 2 Rules and Regulations

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1           **Section 3201. Purpose Of Regulation.**

2           The Guam Visitors Bureau ("**GVB**") intends to enhance the  
3 professionalism of the most visible occupation on island in the  
4 eyes of Guam's foreign visitors. To achieve the intended goal,  
5 Public Law 23-136 requires the **GVB** to adopt rules and regulations  
6 establishing a due process procedure within the **GVB** for certifying  
7 tour guides and licensing tour operator businesses.

8           **Section 3202. Scope Of Procedure.** This due process  
9 procedure shall govern actions taken by the **GVB** or by agents or  
10 other entities acting on behalf of the **GVB** (collectively referred  
11 to as the **GVB** unless the context requires otherwise) in the  
12 implementation of certification of tour guides and licensing of  
13 tour operator businesses. Procedure shall further govern the  
14 development and administration of examinations necessary for the  
15 certification of tour guides and set forth the standard of conduct  
16 for all tour guides.

17           **Section 3203. Definitions.** For the purpose of this chapter,  
18 and unless required by context, the following terms shall have the  
19 following definitions:

20           (a) The "**GVB**" means the Guam Visitors Bureau.

21           (b) "**Person**" means an individual, trust, an estate, a  
22 partnership, an association, a company, or a corporation.

23           (c) "**Day**" means a calendar day.

24           (d) "**Tour Operator**" means any person who, for  
25 compensation of any kind, engages in a business as a tour guide as



1 defined in this Section or who employs one or more tour guides.

2 (e) **"Tour Guide"** means any individual who, for  
3 compensation of any kind, undertakes to guide, direct, lead or  
4 conduct tours and who, while undertaking such duties, explains to  
5 or informs tourists of the history and culture of Guam, or directs  
6 tourists to scenic, cultural or historic sites on Guam or leads  
7 tour groups while the same are on conducted shopping tours on Guam.  
8 This definition shall not include a person whose sole occupation is  
9 to drive a tour bus or other tour vehicles.

10 **Section 3204. Requirements For Tour Operators.**

11 (a) All persons engaging in business as tour operators  
12 must, at the time of application or renewal of licensing to the  
13 Department of Revenue and Taxation, submit certification of  
14 eligibility issued by the **GVB** that all tour guides under his or her  
15 employ have undergone the **GVB** approved training and passed the  
16 necessary **GVB** administered examinations covering history, culture,  
17 and historic landmarks of Guam.

18 (b) This requirement shall not apply to tour companies  
19 whose tour guide services are properly contracted with another  
20 licensed tour operator. The **GVB** will issue an "Exempt  
21 Certification" once the company has submitted a "proof of contract"  
22 to the **GVB**.

23 **Section 3205. Requirements For Tour Guides.** Any individual  
24 performing services as a tour guide must produce evidence as having  
25 passed the **GVB** approved training program and examination provided  
26 for herein covering the history, culture, historic landmarks,

1 English and foreign language proficiency communication skills and  
2 other related information of Guam and of having been certified by  
3 the **GVB**.

4 **Section 3206. Application.**

5 (a) Application for tour guide certification shall be  
6 obtainable from the **GVB**. Applicants shall be required to submit  
7 documentation as determined by the **GVB**.

8 (b) Application for a tour operator certification for  
9 licensing required by the Department of Revenue and Taxation, shall  
10 be obtainable from the **GVB**. Applicants shall be required to submit  
11 documentation as determined by the **GVB**.

12 **Section 3207. Issuance.**

13 (a) Within sixty (60) days of the implementation of the  
14 Rules and Regulations, an individual currently employed as a tour  
15 guide may apply for a temporary certification badge. It shall be  
16 valid for a period not to exceed one hundred eighty (180) days from  
17 date of issue. A written request for an extension must be made by  
18 the Tour Operator to the **GVB**, outlining the circumstances why a  
19 tour guide did not receive certification within the 180 day period,  
20 and when certification will be completed. Each extension will be  
21 decided on a case-by-case basis.

22 (b) A permanent certification badge shall be issued to  
23 an applicant who has successfully completed the required training  
24 and testing for certification and has met all documentation  
25 requirements of the **GVB**.

26 (c) Provisional badges not to exceed seven (7) days

1 shall be issued to companies who must provide tours when certified  
2 tour guides are not available to handle special groups such as  
3 cruise ship passengers or chartered air passengers. Any company  
4 applying for a provisional badge shall substantiate the  
5 unavailability of certified tour guides by submitting written  
6 justification for its request and provide a list of names to whom  
7 provisional badges will be issued. In no case shall a provisional  
8 badge be issued to the same individual more than three (3) times  
9 during the same calendar year without approval of the **GVB** Board or  
10 its designated review panel.

11 **Section 3208. Denial.** The **GVB** shall notify an applicant by  
12 mail specifying the reason for its refusal. The applicant may,  
13 within twenty (20) days of the date of receipt of such notice,  
14 appeal to the Board of Directors of the **GVB** or its designated  
15 review panel.

16 **Section 3209. Term/Renewal Application.** A tour guide  
17 certification shall be in force from the date of issuance for three  
18 (3) years unless previously revoked or suspended. In no event  
19 shall a new examination be required until three (3) years have  
20 elapsed from the date of certification issuance. Upon application  
21 for renewal, the **GVB** may require applicant to retake the  
22 examination. Each tour guide shall be required to renew his tour  
23 guide certification badge annually.

24 **Section 3210. Fee.** Fees as established by the **GVB** shall be  
25 payable at the time of application, certification and upon each  
26 annual renewal of a tour guide certification badge. Fees to the

1 **GVB** for applications, temporary badges, certification badges,  
2 provisional badges and renewals thereof, shall be Five Dollars  
3 (\$5.00).

4 **Section 3211. Condition To Issuance.**

5 (a) Applicant shall be required to pass such tests of  
6 proficiency conducted by the **GVB**. Applicant shall be tested in a  
7 language or languages of his choice, in which he will be conducting  
8 tours.

9 (b) Any individual certified by documentation that he or  
10 she has been employed as a tour guide and has consistently worked  
11 as a tour guide over the last year and who, within sixty (60) days  
12 of the implementation of these Rules and Regulations, passes the  
13 proficiency test, shall be exempted from certain segments of the  
14 required training course as determined by the **GVB**. Persons who  
15 fail the proficiency test shall be required to complete the  
16 training course.

17 **Section 3212. Official Certification Badge.** A certification  
18 badge shall be issued indicating therein, the language(s) which the  
19 individual is certified to communicate in as a tour guide.

20 **Section 3213. Compliance To Rules.** A certified tour guide  
21 shall comply with all the conditions set out in the Rules and  
22 Regulations for Tour Guides and Rules of Conduct for Tour Guides.

23 **Section 3214. Violations.**

24 (a) The **GVB** may refuse to renew or may recommend the  
25 revocation or suspension of the license of any tour operator or  
26 certification of a tour guide for a period not to exceed one (1)

1 year, for violation by the tour operator or tour guide of any of  
2 the Rules and Regulations or standards of conduct promulgated by  
3 the **GVB**. Eligibility for re-application, in the case of a failure  
4 to renew, will not occur until a year has elapsed from the date of  
5 revocation as determined by the **GVB**.

6 (b) Misrepresentation by attempts of false certification  
7 by any person or business entity shall be punishable by a fine of  
8 not less than One Thousand Dollars (\$1,000.00) nor more than Five  
9 Thousand Dollars (\$5,000.00) for the first offense, and the fines  
10 for subsequent offenses shall be not less than One Thousand Dollars  
11 (\$1,000.00) nor greater than Ten Thousand Dollars (\$10,000.00).

12 (c) Any tour operator or any other person who knowingly  
13 employs a tour guide who is not properly certified, as required by  
14 the Rules and Regulations, shall be punishable by a fine of no less  
15 than One Thousand Dollars (\$1,000.00) nor more than Five Thousand  
16 Dollars (\$5,000.00) for the first offense, and the fines for  
17 subsequent offenses shall be not less than One Thousand Dollars  
18 (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00).

19 (d) A certified tour guide and/or tour operator who has  
20 three (3) or more written complaints about their unprofessional  
21 actions which the review panel or Board of Directors of the **GVB** has  
22 determined are justified, may have their certification revoked  
23 and/or the **GVB** may recommend to the Department of Revenue and  
24 Taxation for the revocation or suspension of their business  
25 license.

26 (e) A violation of the laws or regulations of Guam or

1 the United States shall be construed to be a violation of the Rules  
2 and Regulations.

3 **Section 3215. Notice Of Intention.** Before recommending the  
4 revocation or suspension of any license or certification, the **GVB**  
5 shall give, in writing, its intention to revoke or suspend. The  
6 notice shall specify a date, not less than thirty (30) days after  
7 the date of the notice, a time and location of hearing at which  
8 the person concerned may show cause, to the review panel or Board  
9 of Directors of the **GVB**, why his certification should not be  
10 revoked or suspended.

11 **Section 3216. Notice Of Action.**

12 (a) The **GVB** shall notify the person concerned by written  
13 notice of the recommended revocation or suspension to be forwarded  
14 to the Department of Revenue and Taxation, Government of Guam.

15 (b) Notice for violations: a citation will be issued to  
16 a tour guide or tour operator who is found in violation of any of  
17 the Rules and Regulations.

18 **Section 3217. Responsibilities Of Certified Tour Guide.**

19 Where a certification has been revoked or suspended, the person  
20 concerned shall, within ten (10) days after notification is  
21 delivered, return the official badge, to the **GVB**, for cancellation.

22 **Section 3218. Employer's Responsibilities.** No person shall  
23 employ any individual to act as a tour guide who is not the holder  
24 of a tour guide certification badge in the language in which he is  
25 to guide. Employers shall be required to provide the **GVB** with a  
26 listing of all tour guides under its employ on a quarterly basis,

1 on a form provided by the **GVB**.

2 **Section 3219. Authorized Agents.** All notices of violations  
3 to be issued by the **GVB** under these Rules and Regulations may be  
4 issued by any person duly authorized by the **GVB**. A duly authorized  
5 person shall enforce all the tour guide Rules and Regulations and  
6 issue notices of violation to tour guides or tour operators  
7 committing such violations.

8 **Section 3220. Notice.** Every notice required by these Rules  
9 and Regulations to be given or served on any person:

10 (a) Shall be in writing and shall be dispatched to the  
11 person by any reasonable manner including, but not limited to,  
12 first class, certified, or registered mail or by personal delivery  
13 or service.

14 (b) The **GVB** shall be deemed to have made a reasonable  
15 attempt to notify the person if the **GVB** uses the most recent  
16 address information provided on the application for license or  
17 certification unless the **GVB** receives clear and concise  
18 notification from the person that notices from the **GVB** are to be  
19 sent to an address different from the address on the application  
20 for license or certification. Clear and concise notification means  
21 that the person has provided the **GVB** with written notification  
22 including the person's name, the person's new address, and the  
23 person's intent to have the **GVB** notices sent to the new address.

24 (c) The notice shall be in conformance with the  
25 Administrative Adjudication Act and shall inform the person:

26 (1) That the **GVB** intends to refer the person's

1 license or certification to the Department of Revenue and Taxation  
2 for revocation or suspension;

3 (2) That the person shall within fifteen (15) days  
4 after the date of notice file with the **GVB** a notice of defense in  
5 which he may request a hearing. The hearing shall be in  
6 conformance with the Administrative Adjudication Act;

7 (3) That such notice of defense and request for  
8 hearing must be in writing and must be received by the **GVB** no later  
9 than fifteen (15) days after the date of notice;

10 (4) That the **GVB** will consider any evidence  
11 presented by such person before it makes a decision whether to  
12 refer the person's license or certification to the Department of  
13 Revenue and Taxation for revocation or suspension;

14 (5) That if the person desires to discuss such  
15 evidence in person or by telephone at a hearing to be conducted by  
16 the **GVB**, such request must be received in writing by the **GVB** no  
17 later than fifteen (15) days after the date of notice; and

18 (6) That if the person does not submit any evidence  
19 in writing to the **GVB** within fifteen (15) days after the date of  
20 notice, the **GVB** will make a decision whether the license or  
21 certification shall be referred to the Department of Revenue and  
22 Taxation for revocation or suspension.

23 **Section 3221. Rules Of Conduct For Tour Guides.**

24 (a) A certified tour guide, when acting as a guide, shall  
25 at all times conspicuously display the official badge supplied by  
26 the **GVB**.



1 (b) A certified tour guide shall attend and successfully  
2 complete such courses of training and pass such tests of  
3 proficiency as the **GVB** may require.

4 (c) A certified tour guide shall submit such information  
5 as the **GVB** may require concerning his activities as a tour guide  
6 from time to time.

7 (d) A certified tour guide shall permit a person  
8 authorized by the **GVB** or Department of Revenue and Taxation to  
9 inspect his badge and record of guiding activities at all  
10 reasonable times.

11 (e) A certified tour guide shall inform the **GVB** when he  
12 ceases to perform the functions of a tour guide and return his or  
13 her certification badge to the **GVB**.

14 (f) A certified tour guide shall report any and all  
15 remuneration from any person where applicable to the Department of  
16 Revenue and Taxation.

17 (g) A certified tour guide shall not receive or solicit  
18 any remuneration from any person unless specifically authorized by  
19 the tour company they are employed with or hired by and in  
20 compliance with Section (f) above.

21 (h) A certified tour guide shall not conduct any tour in  
22 any language except in the language(s) which the tour guide has a  
23 certificate of proficiency issued by the **GVB**.

24 **Section 3222. Severability.** If any part of these  
25 regulations is for any reason declared to be invalid by a court of  
26 law, the remaining regulations under this Chapter shall not be

1 affected thereby, and shall remain valid and enforceable.

2 D#R5088.1 F#G-0018.6 (Rev. 07-25-97)

**FISCAL NOTE**  
**BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

**BBMR-F7**

Bill Number: 412(LS) Date Received: 10/1/97  
 Amendatory Bill: No Date Reviewed: 10/1/97

Department/Agency Affected: Guam Visitors Bureau  
 Department/Agency Head: James Nelson  
 Total FY Appropriation to Date: \$11,000,000 (Tourist Attraction Fund)

Bill Title (preamble): **AN ACT TO ESTABLISH RULES AND REGULATIONS GOVERNING THE CERTIFICATION OF TOUR GUIDES AND LICENSING OF TOUR OPERATOR BUSINESS.**  
 Change in Law: N/A

Bill's Impact on Present Program Funding:  
 Increase \_\_\_\_\_ Decrease \_\_\_\_\_ Reallocation \_\_\_\_\_ No Change X

Bill is for:  
 Operations \_\_\_\_\_ Capital Improvement \_\_\_\_\_ Other X

**FINANCIAL/PROGRAM IMPACT**

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
<i>Autonomous</i>		1/	

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER						1/
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? \_\_\_\_\_ - IF NO, ADD'L AMOUNT REQUIRED \$ \_\_\_\_\_  
 AGENCY/PERSON/DATE CONTACTED: \_\_\_\_\_

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER						
TOTAL						N/A

ANALYST Paul Leon Guerrero DATE 10/1/97 DIRECTOR Joseph Rivera DATE OCT 1 1997

*Joseph E. Rivera, Acting*

**FOOTNOTES:**

*The cost involved will be determined by the amount of effort to ensure compliance by the industry.*