

TITLE 22 – HIGHWAYS AND MOTOR VEHICLES

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TITLE 22 – CHAPTER 01 – VEHICLE LICENSING AND REGISTRATION

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I. REGISTRATION GENERALLY.

22.0101 Authority.

The rule codified in this article is issued under the authority of 22.1004 and 22.1202 (a) (2) A.S.C.A.

History: Rule 9-79, eff 21 Nov 79, § 1.

22.0102 Purpose.

This article establishes a system for the annual registration of privately owned motor vehicles determined by the first digit of the motor vehicle license number.

History: Rule 9-79, eff. 21 Nov 79, § 2.

22.0103 Current registration and tag display mandatory.

No privately owned motor vehicle shall be operated on any public highway in American Samoa unless it is currently registered and the motor vehicle license tag issued for it is affixed to it as required by 22.1001 and 22.1003 A.S.C.A.

History: Rule 9-79, eff 21 Nov 79, § 3.

22.0104 Fee-Safety, insurance certificates.

In accordance with 22.1002 A.S.C.A., no privately owned motor vehicle shall be registered without:

- (1) payment of the annual motor vehicle license fee of \$25 prescribed by 22.1002 A.S.C.A., or the prorated amount thereof when applicable under 22.0105 (b), of this chapter;
- (2) presentation of an official certificate of safety inspection issued pursuant to 22.1201 through 22.1231 A.S.C.A., within the immediately preceding 10 days;
- (3) presentation of a certificate of compulsory motor vehicle liability insurance coverage required by 22.2001 through 22.2019 A.S.C.A., and effective for the entire, succeeding period of registration.

History: Rule 9-79, eff 21 Nov 79, § 4.

22.0105 Renewal date.

- (a) Effective 1 Oct 79, the first digit of the motor vehicle license number issued upon new or renewal registration of each privately owned motor vehicle will correspond to the month of issuance, as follows:

1	January
2	February
3	March
4	April
5	May
6	June
7	July
8	August
9	September
0	October-December.

- (b) The registration of a privately owned motor vehicle during each month shall expire annually on the last day of the same month during the next succeeding year; provided, that in order to facilitate this registration system and accommodate the program for safety inspection of ASG vehicles during November and December of each year, new registrations during October, November, and December of each year shall expire on 31 Oct of the next succeeding year. The annual motor vehicle license fee for new registrations in November or December shall be prorated accordingly.

History: Rule 9-79, eff 21 Nov 79, § 6.

II. NEWLY PURCHASED OR IMPORTED VEHICLES

22.0110 Authority.

The rule codified in this article is adopted under the authority of 22.1004, 22.1005 (2), 22.1005 (4), and 22A 202 (a) (2) A.S.C.A.

History: Rule 12-80, eff 1 Jul 80, § 1.

22.0111 Purpose-Applicability.

This article establishes the system for the registration and licensing of privately owned motor vehicles which are newly purchased from licensed dealers in American Samoa or directly imported by the owner, with or without valid license tags issued by another jurisdiction, into American Samoa.

History: Rule 12-80, eff Jul 80, § 2.

22.0112 Newly purchased vehicles.

- (a) No licensed dealer in American Samoa shall deliver a privately owned motor vehicle to the purchaser unless and until the purchaser provides the dealer or his authorized representative with a certificate of compulsory motor vehicle liability insurance coverage required by 22.2001 through 22.2019 A.S.C.A., and effective through the last day of the same month 1 year after the month in which the insurance coverage is issued.
- (b) Upon presentation of the certificate of compulsory motor vehicle liability insurance coverage, the licensed dealer shall cause to be affixed in the rear window of the motor vehicle, preferably in the lower right-hand corner, a temporary license tag on which the dealer has marked in bold numerals the expiration date as the fifth day, excluding Saturday and Sunday
- (c) after the date of delivery of the motor vehicle to the purchaser.
- (c) The purchaser of the motor vehicle shall have the vehicle inspected, registered, and licensed on or before the expiration date of the temporary license tag in accordance with 22.1002 and 22.1202 A.S.C.A., and Article 1 of this chapter.

History: Rule 12-80, eff 1 Jul 80, § 3.

22.0113 Imported motor vehicles.

- (a) Except as provided in 22.0114, the period of exemption permitted under 22.1004 and 22.1005 (2) A.S.C.A., from registration and licensing in American Samoa of any motor vehicle validly registered and licensed in another jurisdiction expires immediately upon arrival of the vehicle in American Samoa.
- (b) The director of port administration shall not release a privately owned motor vehicle to the owner upon its importation into American Samoa unless and until the owner provides the director or his authorized representative with a certificate of compulsory motor vehicle liability insurance

coverage required by 22.2001 through 22.2019 A.S.C.A., and effective through the last day of the same month 1 year after the month in which the insurance coverage is issued, and further removes any license tags issued by another jurisdiction from the vehicle.

- (c) Upon presentation of the certificate of compulsory motor vehicle liability insurance coverage and removal of any foreign license tags from the vehicle, the director of port administration shall cause to be affixed in the rear window of the motor vehicle, preferably on the lower right-hand corner, a temporary license tag on which the port director has marked in bold numerals the expiration date as the fifth day, excluding Saturday and Sunday, after the date of release of the motor vehicle to the owner.
- (d) The owner of the motor vehicle shall have the vehicle inspected, registered, and licensed on or before the expiration date of the temporary license tag in accordance with 22.1002 and 22.1202 A.S.C.A., and Article 1 of this chapter.

History: Rule 12-80, eff 1 Jul 80, § 4 (d).

22.0114 Existing imported motor vehicles.

- (a) The period of exemption permitted under 22.1004 and 22.1005 (2) A.S.C.A., from registration and licensing in American Samoa of any motor vehicle validly registered and licensed in another jurisdiction upon arrival in American Samoa before and still valid on 1 Jul 80 expires on 31 Jul 80.
- (b) The owner of any motor vehicle validly registered and licensed in another jurisdiction upon arrival in American Samoa before 1 Jul 80 shall have the vehicle inspected, registered and licensed on or before 31 Jul 80 in accordance with 22.1002 and 22.1202 ASCA, and Article 1 of this chapter.

The owner shall further remove the license tags issued by another jurisdiction from the vehicle at the time but before completion of the registration.

History: Rule 12-80, eff 1 Jul 80, § 5.

22.0115 Temporary license tag distribution.

All temporary license tags issued under this article shall be serialized and distributed to licensed dealers and the director of port administration under the direction of the director of traffic safety.

History: Rule 12-80, eff 1 Jul 80, § 6.

[End Of Title 22 – Chapter 1]

TITLE 22 – CHAPTER 02 – COMPULSORY INSURANCE

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I. **ASSIGNED RISK FOR TRANSIT-VEHICLE COVERAGE**

Prior History: Emergency Rule 2-79, eff 1 Mar 79.

22.0201 Authority.

The regulation codified in this article is adopted pursuant to 29.0205 and 29.0216 A.S.C.A.

History: Rule 4-79, eff 26 Jul 79, § 1.

22.0202 Established.

There is established an assigned risk arrangement for the issuance of motor vehicle liability insurance coverage of vehicles used in transportation of passengers for hire including buses and taxis, which shall be governed by the provisions of this article.

History: Rule 4-79, eff 26 Jul 79, § 2.

22.0203 Insurance carrier mandatory participation, legal compliance.

Every insurance carrier authorized to engage in the business of motor vehicle liability insurance in American Samoa shall participate in the assigned risk arrangement established by 22.0202, and shall conduct such business in compliance with all applicable insurance laws and rules of American Samoa.

History: Rule 4-79, eff 26 Jul 79, § 3.

22.0204 Referral by carriers-Assignment by insurance commissioner.

- (a) Insurance carriers may issue to the applicant motor vehicle liability insurance coverage of vehicles used for transportation of passengers for hire, including buses and taxis. However, if the carriers determine not to issue insurance to any applicant, the applicant and application shall be referred to the insurance commissioner for assignment under the assigned-risk arrangement. The carriers are jointly and severally responsible to make the referrals.
- (b) The insurance commissioner shall assign the risk of coverage to one of the insurance carriers authorized to engage in the business of motor vehicle liability insurance in American Samoa. Assignment shall be on a rotational basis in alphabetical order among the carriers.

History: Rule 4-79, eff 26 Jul 79, § 4.

22.0205 Enforcement-Penalty for violation.

- (a) The insurance commissioner may enforce the provisions of this article by any means authorized under the insurance laws of American Samoa.
- (b) Violation of any provision of this article by an insurance carrier shall be grounds for suspension or revocation of the carrier’s certificate of authority in accordance with the insurance laws of American Samoa.

History: Rule 9-79, eff 26 Jul 79, § 5.

II. **SAFE DRIVER PLAN**

22.0210 Authority.

The rule codified in this article is promulgated under the authority of 29.0216 and 29.1564 A.S.C.A.

History: Rule 5-78, eff 28 Jun 78, § 1.

22.0211 Adoption.

The “Safe Driver Plan”, as described in 29.1564 A.S.C.A., is adopted.

History: Rule 5-78, eff 28 Jun 78, § 2.

22.0212 Applicability-Point assignment for accidents and violations.

- (a) This section applies only to the following kinds of private motor vehicles:

- (1) Four-wheel motor vehicles of the passenger, station wagon, or jeep types;
 - (2) Four-wheel motor vehicles of the pickup or other truck type with a load capacity of 1,500 pounds or less not used for business or commercial purposes other than farming; or
 - (3) Motorcycles and motorbikes.
- (b) Points shall be assigned for violations for which the applicant or any operator of the motor vehicle currently resident in the same household has been convicted during the experience period.
- (1) Three points shall be assigned for conviction of:
 - (A) driving while intoxicated or under the influence of drugs; or
 - (B) failure to stop and report when involved in an accident; or
 - (C) homicide or assault arising out of the operation of a motor vehicle; or
 - (D) driving during a period while license is suspended or revoked.
 - (2) Two points shall be assigned for the accumulation of 12 points under the territorial point system established by 22.0213.
 - (3) One point shall be assigned for conviction of any other moving traffic violation as a result of which an operator's license was suspended or revoked.
- (c) One point shall be assigned for each motor vehicle accident during the experience period involving the applicant, or any operator or the motor vehicle currently resident in the same household, resulting in damage to any property, including his own, in excess of \$200 or in bodily injury or death. One point shall be assigned, if, during the experience period, there were 2 or more accidents, each of which resulted in damage to property of \$200 or less. No points shall be assigned under the applicant's policy for accidents incurred by an operator demonstrated to be a named insured or principal operator of an automobile insured under a separate policy, or for accidents if the insured demonstrates that the accident occurred under the following circumstances:
- (1) The motor vehicle was law fully parked (a motor vehicle rolling from a parked position shall be considered as the operation of the last operator); or
 - (2) The applicant or another operator residing in the same household, or owner, was reimbursed by or on behalf of a person responsible for the accident or has judgment against such person; or
 - (3) The motor vehicle of an applicant or other operator resident in the same household was struck in the rear by another vehicle, and the applicant or other resident operator has not been convicted of a moving traffic violation in connection with the accident; or
 - (4) The operator of the other motor vehicle involved in such accident was convicted of a moving traffic violation and the applicant or other operator resident in the same household was not convicted of a moving traffic violation in connection therewith; or
 - (5) The motor vehicle operated by the applicant or other operator resident in the same household was damaged by a "hit-and-run" driver, if applicant or other operator so reported the accident to proper authority within 24 hours; or
 - (6) An accident involving damage by contact with animals or fowl; or
 - (7) Accidents involving physical damage limited to and caused by flying gravel, missiles, or falling objects; or
 - (8) An accident occurring as a result of the operation of any motor vehicle in response to an emergency, if the operator, at the time of the accident, was responding to a call to duty as a paid or volunteer member of any fire department first aid squad, or law enforcement agency.
- (d) The experience period shall be the 3 years immediately preceding the date of application or the preparation of the renewal.
- (e) For purposes of this article, operators currently resident in the same household as the applicant shall include all persons, whether or not related by blood, who are living in the same housing unit or are living in other housing units on contiguous land of his family.

History: Rule 5-75, eff 28 Jun 78, § 3.

22.0213 Point values of violations-Territorial point system.

- (a) The first number listed in paragraphs (b)(1) through (b) (34) of this section are the applicable chapter-section numbers in Title 22 A.S.C.A.
- (b) The accumulation of points for purposes of 22.0212 (b) (2) shall be based on the following schedule:

Violation		Points
(1)	.0222 (2) Permit unlawful use of operator's license	12
(2)	.1003 Unlawful display of license	6
(3)	.1006 Fraudulent registration acts	12
(4)	.0302 Disobeying traffic-control devices	6
(5)	.0305 Failure to drive on right	8
(6)	.0307-.0309 Improper overtaking or passing	10
(7)	.0310 Following too close	12
(8)	.0311 Right-of-way, unregulated intersection	10
(9)	.0312 Right-of-way, regulated intersection	6
(10)	.0401 Right-of-way, pedestrians	6
(11)	.0316 Improper turn or stop signals	4
(12)	.0319 Passing stopped school bus	10
(13)	.0320 Obstructing traffic	6
(14)	.0323 Speeding, 1-14 MPH in excess	6
(15)	.0323 Speeding, 15-29 MPH in excess	10
(16)	.0323 Speeding, over 29 MPH excess	12
(17)	.0324 Improper backing	4
(18)	.0325 Driving on sidewalk	8
(19)	.0331 Riding on load	6
(20)	.0701 Careless driving	8
(21)	.0702 Reckless driving	12
(22)	.0703 Carrying passengers improperly	6
(23)	.0705 Fleeing from police officer	10
(24)	.0708 Driving under influence, bodily injury	12
(25)	.1101 Driving without lights	6
(26)	.1101(d) Failure to dim lights	4
(27)	.1103 No lamp or flag, projecting load	4
(28)	.1108 Defective brakes	6
(29)	.1113 Obstructed vision	4
(30)	.0214 No helmet	4
(31)	.1150 Other unsafe equipment	4
(32)	.0352 No safety inspection tag	6
(33)	.0352 Duty to emergency vehicle	4
(34)	.2002 No liability insurance	12

History: Rule 5-75, eff 28 Jun 78, § 4.

22.0214 Multiple vehicles under one policy.

When 2 or more private motor vehicles to which the Safe Driver Plan is applicable are insured in the same policy, points shall be assigned to 1 motor vehicle

with the highest rate in accordance with 22.0212, and no points shall be assigned to the other vehicles.

History: Rule 5-78, eff 28 Jun 78, § 8.

22.0215 Other operators in household.

The points of both the applicant and all other operators, currently resident in the same household, of the motor vehicle to which the Safe Driver Plan is applicable shall be cumulative.

History: Rule 5-78, eff 28 Jun 78, § 6.

22.0216 Rate-change procedure.

No policy shall be endorsed in term to effect a change of premium rates. Such change may be effected only by cancellation of the policy on a short rate basis and rewriting for an annual term, or such other term as may be required by law or rule, on the basis of a new, signed application.

History: Rule 5-78, eff 28 Jun 78, § 7.

22.0217 Information sources for point assignment.

- (a) New Business (risks not written by the company under the Safe Driver Plan for the previous 12 months). The initial information necessary to assign the proper number of points shall be obtained from an application signed personally by the applicant under oath. The signature of the applicant on all applications received from an agent, broker, or solicitor shall be certified by such agent, broker, or solicitor.
- (b) Renewal Business (risks written by the company under the Safe Driver Plan for the previous 12 months). The information necessary to assign the proper renewal number of points shall be determined from any 1 or a combination of the following:
 - (1) Company's own records; or
 - (2) Motor vehicle records; or
 - (3) An application signed by the applicant and certified by an agent, broker, or solicitor.

History: Rule 5-78, eff 28 Jun 78, § 8.

22.0218 Application form.

The following form shall be used to obtain from the applicant the information under oath necessary to assign the proper initial number of points. It may, however, be expanded to require additional information or the sequence of the items may be rearranged:

Date of Application _____

1 Name of Applicant _____
 First Middle Last

Address _____

Date of Birth _____ Driver's Lic. No. _____

Previous address during past three years _____

2 Other operators of the motor vehicle resident in the same household as the applicant: *

Name	Date of Birth	Driver's Lic. No.
_____	_____	_____

*Includes all person, whether or not related by blood, who are living in the same housing unit or other housing units in contiguous family land

3 Statement of Convictions

Has the applicant or any other person named in (2) been convicted of any of the following motor vehicle violations during the preceding 36 months?

	(Yes or No)	
	Yes	Date
(a) Driving while under the influence of alcoholic beverage or other drug	()	_____
(b) Failure to stop and report when involved in an accident.	()	_____
(c) Homicide or assault arising out of the operation of a motor vehicle	()	_____
(d) Driving during a period while license is suspended or revoked	()	_____
(e) Any convictions of other traffic violations	()	_____

4 Statement of accidents

Has the application or any person named in (2) been involved in an automobile accident while operating any private motor vehicle, resulting in damage to any property, including his own, or in bodily injury or death during the preceding 26 months?

(Yes or No)

If "Yes", complete the following:

Date of Accident	Location of Accident	Bodily injury or death (Yes or No)	Damage to Property (Amt)
_____	_____	_____	_____
_____	_____	_____	_____

If the answers to any of the following are "Yes" insofar as they involve the applicant, person residing in the household, or owner of the automobile being used, so state and give date of accident.

Yes	Date of Accident
_____	_____

(a) Motor lawfully parked and not rolling () _____

(b) Automobile struck in rear end and applicant or person residing in his household was not convicted. () _____

(c) Reimbursed by, or on behalf of person responsible for the accident or have judgement against such person. () _____

(d) Other person involved in accident was convicted. Applicant or person residing in his household was not convicted () _____

(e) Damaged by "hit-and-run" driver and accident reported to police within 24 hours from time of accident. () _____

(f) Damage solely by contact with animals or fowl. () _____

(g) Damage solely by flying gravel, missiles, or falling objects. () _____

(h) Accident while responding to emergency call to duty as paid or volunteer member of any fire department, first aid squad or law enforcement agency. () _____

I am aware that I make this application under oath and that under the laws of American Samoa (29.0107 ASCA) it is a felony to knowingly make a material false statement or conceal any material fact in this application. I hereby allow my insurance company to obtain a certified copy of my driving records from the Office of Motor Vehicles at any time subsequent to my completion of this application.

Signature of Applicant

Subscribed and sworn to before me this _____ day of _____, 19____ at _____, American Samoa.

Signature and Title of person authorized to administer oath

History: Rule 5-78, eff 28 Jun 78, § 9.

END OF TITLE 22 – HIGHWAYS AND MOTOR VEHICLES