

THE THIRTY-SECOND LEGISLATURE OF AMERICAN SAMOA

Second Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eleventh day of July
two thousand and eleven

AN ACT RESTRICTING USE OF MOTOR VEHICLE AFTERMARKET SOUND AMPLIFICATION SYSTEMS; AND AMENDING THE DEFINITION OF "LICENSE TAG" TO CONFORM TO PRIOR AMENDMENTS; AMENDING SECTION 22.0101 A.S.C.A.; CREATING A SECTION 22.1143 A.S.C.A.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 22.0101 is amended to read:

"22.0101 Definitions.

The following words and phrases shall, for the purposes of this title, have the following meanings, except when the context otherwise requires:

(1) "Aftermarket" means the market for replacement parts, accessories, and equipment for the care or the enhancement of an original motor vehicle.

(1) (2) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

(2)(3) "Bicycle" means a device propelled by human power upon which any person may ride, having 2 tandem wheels either of which is more than 14 inches in diameter.

(3) (4) "Chief" means the Chief of Police or his designee.

(4) (5) "Commissioner" means the Commissioner of Public Safety in American Samoa.

~~(5)~~ (6) “Crosswalk” means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadwalk; or any portion of a roadway at an intersection distinctly indicated for pedestrian crossing by lines or other surface marking.

~~(6)~~ (7) “Dealer” means every person engaged in the business of buying, selling or exchanging vehicles, who has an established place of business for such purpose in this Territory.

~~(7)~~ (8) “Driver” means every person who drives or is in actual physical control of a vehicle.

~~(8)~~ (9) An “authorized emergency vehicle” is a police, fire or ambulance vehicle, or an emergency repair vehicle of the Department of Public Works, or any other vehicle specified by the commissioner, equipped with emergency flashing lights and other equipment required by the commissioner.

~~(9)~~ (10) “Governor” means the Governor of American Samoa.

~~(10)~~ (11) “Highway” means the entire width between the boundary lines of every publicly maintained way when any part thereof is opened to the use of the public for the purpose of vehicular travel.

~~(11)~~ (12) “Intersection” means the area embraced within the prolongation or connection of the lateral curblines or if none, then the lateral boundary lines of the roadways of 2 highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.

~~(12)~~ (13) “License tag” means that visible material required by the ~~Treasurer~~ Commissioner to be affixed to a motor vehicle for purposes of evidencing that such vehicle is validly licensed in accordance with the laws of American Samoa.

~~(13)~~ (14) "Motorcycle" means every motor vehicle having one or more seats for the use of one or more riders and designed to travel on not more than 3 wheels in contact with the ground. No distinction shall be made between motorcycles and motor-driven cycles or motorbikes.

~~(14)~~ (15) "Motor vehicle" means every vehicle which is self-propelled, including motorcycles, track and road tractors, trucks, forklifts, except where specific exception is made.

~~(15)~~ (16) "Moving traffic offense" means any manner of operating a moving motor vehicle which is prohibited by this title, excluding serious traffic offenses.

~~(16)~~ (17) "Nonresident" means not a permanent resident.

~~(17)~~ (18) "Official traffic-control devices" means all signs, signals, markings and devices not inconsistent with this title, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

~~(18)~~ (19) "Owner" means a person, other than a lienholder, having the property in or title to a vehicle. This term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes the lessee under a lease not intended as security.

~~(19)~~ (20) "Park or parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in, loading or unloading merchandise or passengers.

~~(20)~~ (21) "Pedestrian" means any natural person on foot.

~~(21)~~ (22) "Person" means every natural person, firm, copartnership, association or corporation.

~~(22)~~ (23) "Police officer" means every officer authorized to direct or regulate traffic or to make an arrest for violation of traffic regulations.

~~(23)~~ (24) "Registration" means the registration certificates issued under the laws of this Territory and pertaining to the registration of vehicles.

~~(24)~~ (25) “Right-of-way” means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed, and proximity as to give rise to danger of collision unless one grants precedence to the other.

~~(25)~~ (26) “School bus” means every motor vehicle which complies with the provisions of this title and is used to transport children to or from school or in connection with school activities.

~~(26)~~ (27) “Serious traffic offense” means any offense enumerated in 22.0701 et seq.

~~(27)~~ (28) “Sidewalk” means that portion of a highway between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

~~(28)~~ (29) “Stand or standing” means the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

~~(29)~~ (30) “Stop” when required means complete cessation of movement.

~~(30)~~ (31) “Stop or stopping” when prohibited means any halting, even momentarily, of a motor vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.

~~(31)~~ (32) “Territory” means the Territory of American Samoa.

~~(32)~~ (33) “Treasurer” means the Treasurer of the Government of American Samoa.

~~(33)~~ (34) “Vehicle”, where not referring to motor vehicle, means any conveyance or device in, upon or by which any person or property is or may be transported upon a highway.”

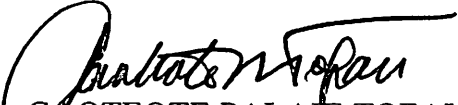
~~Section 12.~~ There is created a section 22.1143 which reads:

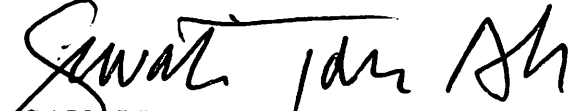
“22.1143 Sound amplification systems.

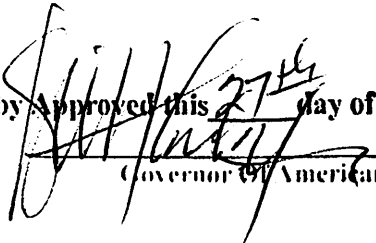
(a) No driver of a motor vehicle shall operate, or permit the operation of, any sound amplification system which can be heard outside the vehicle from 50 or more feet when the vehicle is being operated upon a highway, unless that system is being operated to request assistance or warn of a hazardous situation.

(b) This section does not apply to Department of Public Safety vehicles, authorized emergency vehicles or to sound systems of vehicles used in properly permitted parades.

(c) Section 22.1150 notwithstanding, violation of this section shall be an infraction.”


GAOTEOTE PALAIE TOFAU
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 27th day of October 2011

Governor of American Samoa

NOFOA'IGA TOLUSEFULU-LUA FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Lua

Nofoia ma usua i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulu-tasi o Iulai
lua afe sefulu-tasi

O SE TULAFONO E TAOFIA AI LE FA'AAOGAINA O MEA FAALEOTELE LEO O TAAVALE NA FAAOPOPO I AI E ESE MAI LE MEA NA AUMAI AI MA SUIA AI LE UIGA O LE "PEPA O LE LAISENE" E OGATASI AI MA SUIGA NA FAIA MUAMUA; SUIA AI MAGA 22.0101 TTAS; FAAVAEINA AI LE MAGA 22.1143 T.T.A.S.

IA FAATULAFONOINA E LE FONOFAITULAFONO O AMERIKA SAMOA:

Maga 1. 22.0101 ua suia e faitauina:

"22.0101 Uiga o upu:

O upu nei ma faaupuga, mo le faaaogaina i lenei lava ulutala, o latou uiga nei, sei vagana ai ua ese mai se manaoga o ni faaupuga o loo omai faatasi ai:

(1) "Maketi e ese mai le mea na sau ai" o lona uiga o le maketi e faatau ai totoga e sui ai, mea e faaoga mo le tausia ma le suia o se taavale mai lona tulaga sa mua'i aumai ai.

(1) (2) "Auala tua" o lona uiga o se auala e faamoemoe e mafai ai ona sao atu le taavale i tua poo autafa foi o ni fanua poo ni fale i nofoaga tu i le taulaga, ae le faamoemoe ina ia fai ma auala e sao atu ai ni taavale i le isi itu.

(2)(3) Uila vilivae" o lona uiga o se mea e faagaoioi i le malosi o le tagata e mafai ona tietie ai soo se tasi, e lua ona uili e sili atu i le tai 14 inisi mai le tasi itu i le isi itu.

(3) (4) "Taitai" o lona uiga o le Taitai leoleo poo sona sui.

(4) (5) "Komesina" o lona uiga o le Komesina o le Saogalemu Lautele o Amerika Samoa.

(5) (6) "Ala kolosi/savali" o lona uiga o le vaega o le auala i se magaala o loo aofia i totonu o fesootaiga o laina o le alasavali i tafaala i itu faafesagai o le auala e fua mai le sima lena e i le pitoala ae afai foi e leai ni sima o i ai mai itu o le alasavali; poo soo se vaega o se auala i se magaala o loo faailoga faapitoa mo le savali ai o tagata i le isi itu o le auala poo isi lava faailoga o loo i ai.

(6) (7) “Faipisinisi” o lona uiga o tagata uma i le pisinisi o le faatau mai, faatau atu, poo le faafesuia’ia o ni taavale, e iloga lava le nofoaga o lana pisinisi mo lena lava faamoemoe i totonu o le Teritori.

(7) (8) “Avetaavale” o lona uiga soo se tagata e aveina poo loo ia faafoeina foi se taavale.

(8) (9) O se “taavale faatagaina mo faalavelave faafuasei” o se taavale lea a leoleo, tineimu poo le falemai, poo taavale e lipeaina le taavale mo falavelave faafuasei a le Matagaluega o Galuega Lautele, poo se isi lava taavale e faatonu e le komesina, e i ai ni moli emoemo o faalavelave ma nisi meafaigaluega e manaomia e le komesina.

(9) (10) “Kovana” o lona uiga o le Kovana o Amerika Samoa.

(10) (11) “Auala” o lona uiga o le lautele atoa lava i le va o laina tua’oi o soo se auala e teuina ma tausia e le malo pe afai e tatalaina soo se vaega mo le faaaogaina lautele e taavale.

(11) (12) “Magaala” o lona uiga o se vaega atoa lava o loo aofia i totonu o le sa’oga poo le fesootaiga foi o tafaala, ae afai foi e leai ni laina faailogaina, o lona uiga o laina tua’oi o ni magaala o ni alatetele se lua e fesootai i se tulimanu, poo se vaega i totonu o se mea e fetau ai ni taavale o loo faaaogaina ni auala eseese ma e mafai ona faaono feteenai ai.

(12) (13) “Pepa Laisene” o lona uiga o se mea e mafai ona vaaia e manaomia e le Teutupe Komesina ina ia faapipii i se taavale mo le faamoemoe e faailoa ai o lea taavale ua uma ona laiseneina e tusa ai ma tulafono a Amerika Samoa.

(13) (14) “Uilaafi” o lona uiga soo se uila e tasi pe sili atu ona nofoa mo tagata tietie ma e faatatau ina ia faaaogaina ai uili e le sili atu i le tolu e papai i le palapala. E leai se eseese e faia i le va o uilaafi ma uila e faagaioi e le afi ma isi uila faapea.

(14) (15) “Taavale afi” o lona uiga soo se taavale e alu lava ia, e aofia ai uilaafi, masini e alu i luga o auala, loli, lifi, vagana ai ni mea e faapito ona faagafua.

(15) (16) “Solitulafono o taavale feoi” o lona uiga soo se gaioiga e faafoe ai se taavale e faasa i lenei ulutala, e ese mai ai solitulafono mamafa tau taavale.

(16) (17) “Tagata le nofomau” o lona uiga o se tasi e le nofomau iinei.

(17) (18) “Mea aloa’ia mo le pulea/faatonutonu o taavale” o lona uiga o faailoga uma, faailoilo, maka ma mea uma lava e le feteenai ma lenei ulufale, o loo tuuina i luga o le pule a se vaega a le malo poo se tasi e oo lana pule mo le faatonutonuina, lapata’ia ma le ta’ialaina o taavale.

(18) (19) “O le ana ia” o lona uiga o se tasi, e ese mai ai i le o loo taofia le nonoina o le taavale, o loo i ai le meatotino poo le pule o le taavale. O lenei la faaupuga e aofia ai le tagata e agavaa na te faaaoga ma umia se taavale e faalagolago i se mea e faamau ai le taavale o loo i le tasi tagata, ae le aofia ai le o loo lisiina le taavale i lalo o se lisi e le o faamoemoe e faamau ai.

(19) (20) “Paka” poo se pakaga” o lona uiga o le tulaga o le taavale, poo i ai se tasi pe leai, i se tulaga e ese mai ai i se tu le tumau, mo le faamoemoe e utaina pe tuu foi i lalo se uta poo ni pasese.

(20) (21) “Tagata savali” o lona uiga o se tagata o loo savali.

(21) (22) “Tagata” o lona uiga o soo se tagata, kamupani, pa’aga, faalapopotoga poo se sosaiete.

(22) (23) “Leoleo” o lona uiga soo se ofisa e fatagaina na te faatonutonu taavale pe pue faapagota foi se tasi ona o solitulafono tau taavale.

(23) (24) “Lesitala” o lona uiga o tusi lesitala e tuuina mai i lalo o tulafono a le Teritori faatatau i le lesitalaina o taavale.

(24) (25) “Aia e faafaigofie ai ona uia” o lona uiga o le aia o se taavale poo se tagata savali e alu ai ae tu se tasi taavale poo se tagata savali e latalata mai i se tulaga faapea poo se itu foi, o le saosaoa ma le tulata ai i se tulaga le saogalemu e faaono oo ai ina feto’ai sei vagana ua tuu atu e le tasi le avanoa i le isi.

(25) (26) “Pasi A’oga” o lona uiga o taavale uma e usita’ia aiaiga o lenei ulutala ma e faaoga e feaveai ai tamaiti i le a’oga ma le toe foi pe o gaoioiga foi tau a’oga.

(26) (27) “Solitulafono matuia tau taavale” o lona uiga soo se solitulafono o loo ta’ua i le 22.0701 ma isi maga mulimuli mai ai.

(27) (28) “Auala savali i tafaala” o lona uiga o le vaega o le alatele i le va o tua’oi poo laina o le auala, ma laina o meatotino latalata ane ai, e faamoemoe e faaogaina e tagata savali.

(28) (29) “Tu pe tutu” o lona uiga o le taofia o se taavale, pe i ai se tasi pe leai, e ese ai mai se tulaga le tumau, mo le faamoemoe e ave pe tuu foi ni pasese.

(29) (30) “Taofi” pe a manaomia o lona uiga o le matua tu lava e le gaoioi.

(30) (31) “Taofi” poo le taofiga” pe a faasaina o lona uiga soo se taofiga, tusa lava pe na o sina taimi, o se taavale, pe o i ai se tasi pe leai, sei vagana ua tatau ai ona ia aloese mai se faalavelave ma se isi taavale poo le usita’ia foi o faasinoga a se leoleo poo se faailoga e pulea ai taavale.

(31) (32) “Teritori” o lona uiga o le Teritori o Amerika Samoa.

(32) (33) “Teutupe” o lona uiga o le Teutupe a le Malo o Amerika Samoa

(33) (34) “Taavale” pe afai e le o faatatau i se taavale afi, o lona uiga soo se ituaiga o auala e feaveai ai se tagata poo se meatotino i luga o se alatele.”

Maga 4 2. Ua faavaeina nei le vaega 22.1143 e faitauina faapea:


“22.1143 Mea faaleotele leo.

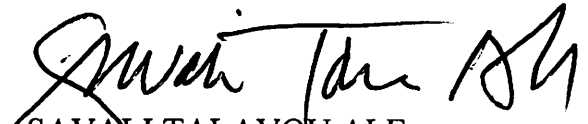
(a) E leai se ave taavale o se taavale e fa’aaoga, pe fa’ataga e fa’aaoga, soo se mea faaleotele leo e mafai ona faalogoina i fafo atu o le 50 futu poo le

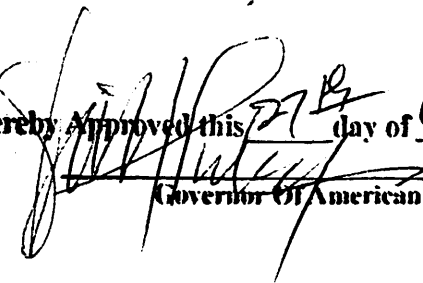
sili atu foi pe afai e aveina le taavale i luga o le ala taavale, se'i vagana o le mea faaleotele leo o loo fa'aaogaina e faatalosagaina ai se fesoasoani poo le faailoina o se mea matuia.

(e) O leni vaega e le aafia ai taavale a le Matagaluega o le Saogalemu Lautele, taavale ua i ai le faatanaga mo faalavelave faafuase'i poo mea faaleotele leo a taavale ua fa'aaogaina mo savaliga ua tatau ona faatagaina.

(i) E le afaina ai le Maga 22.1150, o le solia o leni vaega o se solitulafono mama."


GAOTEOTE PALAME TOFAU
Peresetene, Maota Mauluga


SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui

Hereby Approved this 27th day of October 2011

Governor Of American Samoa