February 12, 2020
Serial No. 20-1593

The Honorable Sabino Anastacio
Speaker of the House of Delegates
10th Olbiil Era Kelulau
Ngerulmud, Palau National Capitol
Republic of Palau 96939

Re: Signing Statement for HB 10-71-5S, HD1, SD2

Dear Speaker Anastacio:

I am pleased to sign into law HB 10-71-5S, HD1, SD2, a bill that will ensure those who damage our public roads and roadway traffic control devices will pay for the damage they cause. I want to thank you for the work you have put into this bill’s development and the effort that has gone into bringing it to this stage.

This bill makes two simple but important changes to our laws. First, the bill amends Title 17 of the Palau National Code so that, in cases involving damage to Palau’s roads or traffic control devices, the court is required to order the defendant to make restitution for the damage to the roads and traffic control devices by the defendant’s actions. The bill also directs these restitution payments to the Road Maintenance Fund. Second, the bill amends Title 40 of the Palau National Code to permit funds in the Road Maintenance Fund to be used for repairing Palau’s roads and traffic control devices. Together, these two changes ensure that those who damage our roads and road signs will be responsible for paying to repair them, shifting the burden from the public treasury to the culpable individual.

I thank you again for your work in crafting this bill. I am pleased to be able to sign it into law today.

Sincerely,

Tommy E. Remengesau, Jr.
President of the Republic of Palau

CC: Senate President Hokkons Baules
February 12, 2020
Serial No. 20-1593

The Honorable Hokkons Baules
Senate President
10th Olbiil Era Kelulau
Ngerulmud, Palau National Capitol
Republic of Palau 96939

Re: Signing Statement for HB 10-71-5S, HD1, SD2

Dear Senate President Baules:

I am pleased to sign into law HB 10-71-5S, HD1, SD2, a bill that will ensure those who damage our public roads and roadway traffic control devices will pay for the damage they cause. I want to thank you for the work you have put into this bill’s development and the effort that has gone into bringing it to this stage.

This bill makes two simple but important changes to our laws. First, the bill amends Title 17 of the Palau National Code so that, in cases involving damage to Palau’s roads or traffic control devices, the court is required to order the defendant to make restitution for the damage to the roads and traffic control devices by the defendant’s actions. The bill also directs these restitution payments to the Road Maintenance Fund. Second, the bill amends Title 40 of the Palau National Code to permit funds in the Road Maintenance Fund to be used for repairing Palau’s roads and traffic control devices. Together, these two changes ensure that those who damage our roads and road signs will be responsible for paying to repair them, shifting the burden from the public treasury to the culpable individual.

I thank you again for your work in crafting this bill. I am pleased to be able to sign it into law today.

Sincerely,

[Signature]

Tommy E. Remengesau, Jr.
President of the Republic of Palau

CC: Speaker of the House of Delegates Sabino Anastacio
HOUSE BILL NO. HOUSE BILL NO. 10-71-58, HD1, SD2

AN ACT

SEE TITLE INSIDE

OFFERED BY DELEGATE(S) OTORED, ARURANG, BASILIUSS ET AL.

DATE INTRODUCED: DECEMBER 15, 2017

HOUSE ACTION

FIRST READING: December 15, 2017
REFERRED TO: PM&ICP
STANDING COMMITTEE REPORT NO: 10-50
DATE ADOPTED: May 17, 2018
SECOND READING: May 17, 2018 w/HD1
LEGAL FORMAT: Proper
REVIEW: May 17, 2018
THIRD READING: May 29, 2018
FINAL ACTION: February 05, 2020 w/SD2

SENATE ACTION

FIRST READING: June 07, 2018
REFERRED TO: CIP
STANDING COMMITTEE REPORT NO: 10-235
DATE ADOPTED: January 29, 2020
SECOND READING: January 29, 2020
LEGAL FORMAT: Proper
REVIEW: January 29, 2020
THIRD READING: February 04, 2020
FINAL ACTION:

CONFERENCE COMMITTEE ACTION

DATE:
COMMITTEE REPORT:
DATE PASSED:

[Signatures]

MANGELLO NGERKELAU
HOUSE CLERK

ANN L. PEDRO
SENATE CLERK
TENTH OLBIIIL ERA KELULAU
Fifth Special Session, December 2017
RPPL No. 10-46
(Passed as House Bill No. 10-71-SS, HD1, SD2)

AN ACT

To amend Sections 612 and 657 of Title 17 of the Palau National Code to require the payment of restitution for property damage offenses related to the Republic's roads and roadway traffic control devices; to amend Section 1404 of Title 40 to allocate restitution for damage of certain public property to the Road Maintenance Fund; and for other related purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIIIL ERA KELULAU DO ENACT AS FOLLOWS:

Section 1. Legislative Findings. The Olbiil Era Kelulau finds that the Penal Code underwent dramatic revision in the Ninth Olbiil Era Kelulau, resulting in a modernization of the Republic’s criminal offenses. Consequently, property offenses were reclassified with greater specificity according to severity and amount of damage, and restitution for such offenses was delineated in a separate section from those offenses’ elements. While the Olbiil Era Kelulau finds that this revision brought necessary improvements to Palau’s criminal statutes, the law lacks clarity in linking property damage offenses related to the Republic’s roads or roadway traffic control devices with a restitution requirement for convicted individuals to pay to repair damage resulting from their criminal actions. Therefore, the Olbiil Era Kelulau finds that, to ensure repairs to public roads or roadway traffic control devices are financed by individuals who cause damage, explicit reference should be made to these property offenses in the restitution statute. The Olbiil Era Kelulau further finds that in cases in which public roads or roadway traffic control devices are damaged, all restitution awarded to the Republic should be allocated to the Road Maintenance Fund. These changes will ensure that when public property, such as road signage or railing, is damaged, restitution will cover the cost of repair.

Section 2. Amendment. Section 612 of Title 17 of the Palau National Code is hereby amended as follows:

“§ 612. Definitions of terms in this chapter.

In this chapter, unless a different meaning plainly is required:

(1) “Day” means a twenty-four-hour period of time.

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...  

(3) "Roadway traffic control device" means:  

(A) "Official traffic signs" as that term is defined in Section 101(g) of Title 42 of the Palau National Code;  

(B) signs and markers as referenced in Section 503 of Title 42 of the PNC;  

and  

(C) all other markers, signs, signal devices, road surface markings, traffic lights, rumble strips, and other devices installed and maintained by the Republic for the use of guiding and controlling traffic, including pedestrians, motor vehicle drivers, and bicyclists.

(4) ...  

(5) ..."

Section 3. Amendment. Section 657 of Title 17 of the Palau National Code is hereby amended as follows:

"§ 657. Victim restitution.

(a) ...  

(b) The court shall order the defendant to make restitution for reasonable and verified losses suffered by the victim or victims as a result of the defendant's offense when requested by the victim. For cases in which the defendant is convicted of an offense under Chapter 25 of this Title and the offense is related to damage of the Republic's roads or roadway traffic control devices, the court shall order the defendant to make restitution for reasonable and verified losses suffered by the Republic of Palau as a result of the defendant's offense. If the court orders payment of a fine in addition to restitution or a compensation fee, or both, the payment of restitution and compensation fee shall have priority over the payment of the fine, and payment of restitution shall have priority over payment of a compensation fee.

(c) ...  

(d) ...
(e) For cases in which the defendant is convicted of an offense under Chapter 25 of this Title and the offense is related to damage of the Republic’s roads or roadway traffic control devices, all restitution payments owed to the Republic shall be deposited in the Road Maintenance Fund established in 40 PNC § 1404(b).”

Section 4. Amendment. Section 1404 of Title 40 of the Palau National Code is hereby amended as follows:

“§ 1404. Road use tax.

(a) ...

(b) Road Maintenance Fund. There shall be established within the National Treasury a separate and distinct account for Road Maintenance. The total amount assessed and levied as an annual road use tax on all motor vehicles shall be deposited into the Road Maintenance Fund as collected to be used solely for the upkeep, maintenance, and repair of the Republic of Palau’s national and state government roads and roadway traffic control devices.”

Section 5. Effective date. This Act shall take effect either upon its approval by the President of the Republic of Palau or upon its becoming law without such approval.

PASSED: February 05, 2020

Approved this ___ day of ___, 2020

H. E. Tommy E. Remengesau, Jr.
President of the Republic of Palau