

## EXECUTIVE ORDER NO. 198

*Delegating Authority and  
Establishing a Schedule of Penalties for Driving Recklessly/Negligently or  
Under the Influence of Alcohol/Drugs*

**WHEREAS**, the Republic experiences many car crashes caused by unsafe drivers operating motor vehicles recklessly or negligently; and

**WHEREAS**, over half of all car crashes in the Republic are caused by intoxicated drivers under the influence of alcohol or drugs; and

**WHEREAS**, unsafe and intoxicated drivers are responsible for needless loss of life and property; and

**WHEREAS**, unsafe and intoxicated drivers create an inordinate demand on the resources of the Ministry of Health in the provision of medical care for themselves and their victims; and

**WHEREAS**, unsafe and intoxicated drivers cause the needless expenditure of government resources to investigate, prosecute, try, and incarcerate unsafe and intoxicated drivers; and

**WHEREAS**, it is necessary and appropriate to exercise lawful authority to deter people from driving unsafely or while intoxicated and to keep such drivers off the road; and

**WHEREAS**, the President has the authority, in his discretion, for good cause, to suspend a driver's license for a period not exceeding one year or revoke the license of any person pursuant to 42 PNC § 411,

**NOW, THEREFORE**, by virtue of the authority vested in me as President of the Republic of Palau, and pursuant to the Constitution and laws of the Republic of Palau, it is hereby ordered that the Director of the Bureau of Public Safety shall suspend and revoke driver's licenses of persons driving under the influence of alcohol or drugs or recklessly or negligently, as more specifically described in the attached schedule of sanctions. In determine [sic] the appropriate sanction, the points for all violations occurring within the past three years shall be added to the present violation. The Director shall provide notice and hearing to any person prior to imposing a suspension or revocation. Any person who has a license suspended or revoked may petition the President, and the President may, for good cause, reinstate the license under such terms as the President deems appropriate

The Director shall submit quarterly reports to my office of all actions taken pursuant to the authority granted by this executive order.

***IN WITNESS WHEREOF***, I have hereunto set my hand and affixed my official seal this 12<sup>th</sup> day of August, 2001, at the State of Koror, Republic of Palau.

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

**WRITTEN NOTICE**

August 7, 2001

**HAND-DELIVERED**

**NAME**

P.O. Box

STATE, Palau 96940

Dear NAME:

- Upon receipt of this notice, your license is hereby suspended for NUMBER MONTHS until DAY/MONTH/YEAR
- permanently revoked

You must surrender your driver's license immediately. If you drive while your license is

- suspended
- revoked

you may be prosecution [sic] under 42 PNC § 412 or additionally penalized.

**AUTHORITY**

The Director of the Bureau of Public Safety has been delegated authority under Executive Order No. \_\_\_\_\_ to suspend and revoke licences pursuant to the President's power set forth in 42 PNC § 411. Please refer to the attached information.

**CONTESTING SUSPENSION/REVOCAION**

To contest this suspension/revocation print your name, sign, date and deliver this form to the Director of the Bureau of Public Safety **within ten days of receipt**.

I \_\_\_\_\_ contest this SUSPENSION/REVOCAION.  
(PRINT NAME)

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(PHONE NUMBER(S))

If you do not contest this

- suspension
- revocation

within the ten-day period it shall become final. If you timely contest this SUSPENSION/REVOCAION the Director will schedule a hearing at the Bureau of Public Safety within ten days of receipt. You may contest a final decision by petitioning the President. Please refer to the attached information.

**REASON FOR SUSPENSION/REVOICATION**

Based on the attached Bureau of Public Safety traffic accident report, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, you were:

- Driving under the influence of alcohol/drugs or recklessly/negligently resulting in death, life threatening injuries or permanent disability to a person
- Driving under the influence of alcohol/drugs resulting in injury, property damage or substantially endangering the life of a person
- Driving under the influence of alcohol/drugs
- Driving recklessly/negligently resulting in injury, property damage or substantially endangering the life of a person
- Driving recklessly/negligently
- Speeding: 41 MPH or more over the speed limit
- Speeding: 21 to 40 MPH or more over the speed limit .Speeding: up to 20 MPH over the speed limit
- Driving while license is suspended/revoked, or while not licensed

**VERIFICATION OF DELIVERY**

I, \_\_\_\_\_ have received a copy of this written notice \_\_\_\_\_  
(NAME) (NAME SIGNATURE)

**VERIFICATION OF DELIVERY**

I, \_\_\_\_\_ served this written notice on \_\_\_\_\_ this \_\_\_\_\_  
(OFFICER NAME) (NAME)

day of \_\_\_\_\_, 2001. (CHECK ALL THAT APPLY)

Voluntarily surrendered his/her license.

Did not surrender his/her license.

Refused to sign this letter.

\_\_\_\_\_  
(OFFICER NAME)

\_\_\_\_\_  
(OFFICER SIGNATURE)

**QUESTIONS**

If you have any questions please refer to the attached information or call Kaoru Brell, Director of the Bureau of Public Safety, at 488-2423.

APPLICATION OF  
SCHEDULE OF SANCTIONS

**1. Points Cumulative:**

In determining the sanction to be imposed upon the motorist, the points for all violations occurring within the past three years shall be added to the present violation.

Example: On January 1, 2001, Motorist receives five points for a violation, and has his license suspended for six months. On January 1, 2002, Motorist receives 8 points for another violation. Since the violations occurred within three years, the five and eight points are added together for a total of 13 points. The motorist has his license permanently revoked.

**2. Start Date:**

Any sanction imposed upon a motorist for driving while a license is suspended, revoked, or while not licensed, shall begin on the date that the driver becomes eligible to drive.

Example: An unlicensed, underage Motorist has his license suspended for six months. The suspension runs from the date on which the Motorist has passed the driver's test and is eligible to drive.

Example: On January 1, 2001, Motorist has his license suspended for three months. On February 1, 2002, Motorist receives 3 points for another violation. The sanction for the second violation begins to run on April 1, 2001.

**3. Procedure for imposing sanction; notice and hearing:**

The Director shall prepare a written notice of suspension or revocation and direct a police officer to hand deliver the notice to the motorist. The suspension or revocation shall be effective upon receipt by the motorist. The notice shall state that: the sanction is effective immediately; the reason for the sanction; the length of time of any suspension; and, that the motorist is required to surrender his or her driver's license to the officer forthwith. The officer shall obtain the license and have the motorist sign a copy of the notice acknowledging receipt of the notice and surrender of the license. The notice shall also inform the motorist of his or her right to contest the sanction as stated below.

A motorist wishing to contest the sanction, shall deliver a written request for a hearing to the Director within ten days of receiving the notice. Suspensions or revocations not contested within the ten-day period shall be final. Upon receipt of a written request within the ten-day period, the Director shall schedule a hearing within ten days of receiving the request. Notice of the hearing shall be served upon the motorist at least 48 hours prior to the hearing. At the hearing the rules of procedure and evidence of the Courts of the Republic of Palau Rules shall not apply. The motorist may, however, call witnesses, ask questions of witnesses, and contest evidence. The Director shall issue a final decision within 5 days after the hearing, based on a preponderance of the evidence, finding either in favor or against the suspension or revocation. A

copy of the

**SCHEDULE OF SANCTIONS  
Driving Violations**

OFFENSE	POINTS
Driving under the influence of alcohol/drugs or recklessly/negligently resulting in death, life threatening injuries or permanent disability to a person	10
Driving under the influence of alcohol/drugs resulting in injury, property damage or substantially endangering the life of a person	7
Driving under the influence of alcohol/drugs	5
Driving recklessly/negligently resulting in injury, property damage or substantially endangering the life of a person	3
Driving recklessly/negligently	1
Speeding: 41 MPH or more over the speed limit	3
Speeding: 21 to 40 MPH over the speed limit	2
Speeding: up to 20 MPH over the speed limit	1
Driving while license suspended/revoked, or while not licensed	5

POINTS	SANCTION
10 or more	Permanent Revocation
8-9	One Year Suspension
6-7	Nine Month Suspension
4-5	Six Month Suspension
3	Three Month Suspension
2	One Month Suspension
1	Warning Letter