

AN ACT

To require all persons working as Marine Tour Guides in Koror State to pass the Koror State Marine Tour Guide Certification Program and to be licensed by Koror State, to require certification in First Aid and CPR for tour guides, to require the presence of a licensed Marine Tour Guide on all commercial marine tours to the Rock Islands and/or the water of Koror State; and to provide penalties for violations of the foregoing, and for related purposes.

THE PEOPLE OF KOROR REPRESENTED IN THE LEGISLATURE OF THE STATE OF KOROR DO ENACT AS FOLLOWS:

1 **SECTION 1. FINDINGS.** The Ninth Koror State Legislature hereby finds that it is in the
2 best interests of the people of Koror State to require that all persons serving as Marine Tour Guides
3 in Koror State receive proper training and be licensed in order to ensure the safety and well being
4 of our tourists, and to protect and conserve our marine environment.

5 **SECTION 2. DEFINITIONS.** As used in this Act.

6 1. "Marine Tour Guide" means a person who serves or acts as a guide, instructor,
7 supervisor, or leader of a commercial marine tour, including persons who serve as scuba diving and
8 snorkeling guides, and including escorts on land tours and trips to marine lakes.

9 2. "Commercial Marine Tour" means any trip, excursion, or tour to the Rock Islands
10 and/or the waters of Koror State, including any land trip or tour and any marine lake trip or tour,
11 performed or offered in exchange for a fee, or offered as part of a package tour, or provided in
12 exchange for any good and valuable consideration.

13 3. "Rock Islands" means all islands, including the land, beaches, and marine lakes,
14 within the territorial jurisdiction of Koror State, with the exception of the islands of Koror (Oreor),
15 Malakal, Ngerkebesang, Ngerur Island, and any other small islands or islets joined to them by
16 causeway or bridge.

17 4. "Waters of Koror State" means all ocean waters from the land of Koror State to
18 twelve nautical miles seaward from the traditional baselines, and also includes any marine lake or
19 landlocked lake.

20 5. "CPR" means cardiopulmonary resuscitation.

21 6. "Acting as a Marine Tour Guide" means accompanying, escorting, guiding,
22 supervising, leading, or assisting people to tour, see, or visit the Rock Islands, a marine lake, or any
23 other location in the Waters of the State of Koror.

1 **SECTION 3. MARINE TOUR GUIDE TRAINING.** All persons working in Koror State
2 as Marine Tour Guides shall attend and successfully complete the Koror State Marine Tour Guide
3 Certification Program, and shall pass the final examination offered for such Program, before acting
4 as a Marine Tour Guide. In addition, such persons shall be currently certified in First Aid and CPR
5 by an accredited agency such as the International Red Cross before acting as a Marine Tour Guide.
6 Thereafter, all Marine Tour Guides shall take an annual “refresher” course to include CPR review.
7 The Governor may promulgate regulations for the scheduling of training sessions and related
8 matters.

9 **SECTION 4. MARINE TOUR GUIDE LICENSE REQUIREMENT.** All persons who
10 have satisfied the requirements of Section 3 of the Act will be issued a Marine Tour Guide License
11 by the Department of Law Enforcement. The license is valid for a period of one (1) year or for a
12 lesser period if a non-Palauan citizen has less than one full year remaining on an employment
13 contract. The fee for this license is \$25.00 payable at the Koror State Finance Office. The license
14 fee and terms are subject to change by regulations promulgated by the Director of Law Enforcement.
15 The fees shall be deposited into the Koror State treasury to be used to pay for the costs of training
16 and providing the certifications required by this Act, for the use of facilities (and utilities) to provide
17 training, and to offset costs and expenses of implementing the certification requirements of this Act.

18 **SECTION 5. MARINE TOUR GUIDE ON ALL COMMERCIAL MARINE TOURS;**
19 **POSSESSION OF LICENSE.**

20 A. All Marine Tour Guides shall undergo the training and obtain all certifications and the
21 Marine Tour Guide license required by this Act before escorting or otherwise taking people on any
22 Commercial Marine Tour.

23 B. A licensed Marine Tour Guide must be present on all commercial marine tours into the
24 Rock Islands and/or the waters of Koror State.

25 C. All Marine Tour Guides shall carry with them the license required by Section 4 of this
26 Act at all times while working or otherwise acting as a Marine Tour Guide.

27 D. No owner of any Commercial Marine Tour business may allow any person to act as a
28 Marine Tour Guide in violation of this Act.

29 **SECTION 6. PENALTIES; AIDERS AND ABETTORS.**

1 A. Any person found to be working as a Marine Tour Guide in Koror State without a valid
2 and current Marine Tour Guide License, or who violates any provision of this Act, shall, upon a first
3 conviction, be guilty of a misdemeanor and be sentenced to pay a fine to Koror State Treasury in the
4 amount of \$100.00. Upon conviction for a second offense, the sentence shall be a fine in the amount
5 of \$250.00, and upon a third and subsequent offenses, the fine shall be \$500.00. Each day that this
6 Act is so violated shall be deemed a separate offense which may be separately punished.

7 B. Any person or business entity that employs a person as a Marine Tour Guide who does
8 not possess a valid and current Marine Tour Guide License shall, upon a first conviction, be guilty
9 of a misdemeanor and be sentenced to pay a fine to Koror State Treasury in the amount of \$100.00.
10 Upon conviction for a second offense, the sentence shall be a fine in the amount of \$250.00, and
11 upon conviction for a third and subsequent offenses, the fine shall be \$500.00. Each day that this
12 Act is so violated shall be deemed a separate offense which may be separately punished.

13 In addition, upon a third conviction, the business license of such violator shall be subject to
14 suspension, revocation and cancellation, and the Governor may deny any business license application
15 by any violator for a period of one (1) year.

16 C. Any person or business entity that conducts a commercial tour in the waters of Koror State
17 without the presence of a licensed Marine Tour Guide shall, upon first conviction, be guilty of
18 misdemeanor and be sentenced to pay a fine to Koror State Treasury in the amount of \$100.00.
19 Upon conviction for a second offense, the sentence shall be a fine in the amount of \$250.00, and
20 upon a third and subsequent offenses, the fine shall be \$500.00. Each day that this Act is so violated
21 shall be deemed a separate offense which may be separately punished.

22 In addition, upon a third conviction, the business license of such violator shall be subject to
23 suspension, revocation and cancellation, and the Governor may deny any business license application
24 by any violator for a period of one (1) year.

25 D. It shall be unlawful to aid, abet, counsel, command, induce, or procure or cause the
26 commission of a violation of Section 3, Section 4 or Section 5 of this Act, which if directly
27 performed by any person would be a violation of Section 3, Section 4 or Section 5 of this Act, and
28 any such person may and shall be punished as a principal. No distinction is made between principals
29 in degrees, and no distinction is made between a principal and what may be referred to as an

1st Day, Third Special Session, November 12, 2010

1 accessory before the fact.

2 **SECTION 7. AUTHORITY TO PROMULGATE REGULATIONS** The Governor of
3 Koror State, or his designated representative, is hereby authorized to promulgated regulations to
4 implement and enforce this Act which shall have the force and effect of law, provided that the
5 provisions of this Act shall be enforceable in the absence of such regulations.


6 **SECTION 8. SUNSET DATE.** To the extent required by and under compulsion of 40
7 PNCA Section 2102(c), the \$25.00 license fee provisions of Section 4 of this Act shall sunset and
8 be of no further force and effect after midnight of December 31, 2015 unless prior thereto the Koror
9 State Legislature finds that the object of the legislation has not yet been completely achieved and re-
10 enacts the provisions contained herein.

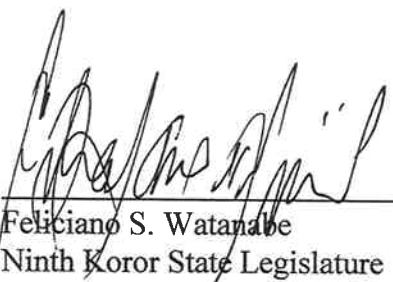
11 **SECTION 9. SEVERABILITY** In the event that a court of competent jurisdiction
12 determines that any part or portion of this Act is invalid or otherwise unenforceable, then the
13 offending part or portion may be stricken, and the remaining portions shall continue in full force and
14 effect.

15 **SECTION 10. EFFECTIVE DATE.** This Act shall take effect on its becoming law, and
16 shall be enforced on and after July 1, 2011.

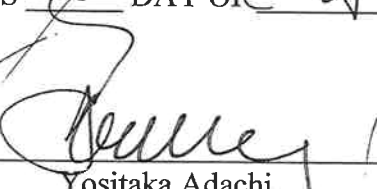
REPASSED: January 19, 2011

AS CERTIFIED AND ATTESTED TO BY:


Legislator Eyo Rudimch, Speaker
Ninth Koror State Legislature


Feliciano S. Watanabe
Ninth Koror State Legislature

APPROVED ON THIS 25TH DAY OF December 2011.


Yositaka Adachi
Governor, State of Koror