

(Substitute for
S. B. 637)
(Conference)

(No. 22)

(Approved January 7, 2000)

AN ACT

To adopt the “Puerto Rico Vehicle and Traffic Act”; and repeal Act Number 141 of July 20, 1960, as amended, known as the “Puerto Rico Vehicle and Traffic Law.”

STATEMENT OF MOTIVES

One of the most important obligations of the modern State is to promote and oversee public safety in all its forms, to simplify and expedite the procedures to be carried out by the citizenry in its day to day contact with government bodies, and to keep those laws and regulations that have a greater impact on the daily activities of the people up to date with current scientific and technological advances. Undoubtedly, hardly any legislation affects the lives and daily activities of the citizenry as that which regulates vehicle traffic on the island’s public roads.

Since its approval almost four decades ago, the “Puerto Rico Vehicle and Traffic Law,” Act No. 141 of July 20, 1960, has undergone countless amendments in an attempt to adjust said statute to the ever-changing social and technological realities. As a result thereof, and in spite of the best intentions, said Act shows undeniable signs of inadequacy and structural obsolescence such as confusing and disorganized wording, contradictory provisions, repetitive language, excessive length and lack of systematization.

In a constant effort to endow the modern Puerto Rican society with a dynamic and functional legislation in the essential aspects of day-to-day life, this Legislature approves the present “Puerto Rico Vehicle and Traffic Act”, and repeals the previous Act No. 141, *supra*. With this new statute, an orderly and efficient regulation regarding vehicles and traffic is established, thus responding to the needs of the people, simplifying government procedures in this important area, and minimizing the need for the intervention of public authority, yet reinforcing sanctions for those violations of the law that pose a serious risk to public safety. In this manner, public safety shall be strengthened, our daily lives in this fundamental aspect shall be easier, and at the same time, our quality of life shall be improved.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

CHAPTER I. TITLE AND DEFINITIONS

Section 1.01. —Short Title. —

This Act shall be known and may be cited as the “Vehicle and Traffic Act of Puerto Rico.”

Section 1.02. —Definitions. —

The following terms shall have the meaning indicated below, unless otherwise clearly indicated by the context.

Section 1.03. —Sidewalk. —

“Sidewalk” shall mean that portion of the public road built specifically for the use of pedestrians.

Section 1.04. —Law Enforcement Officer. —

“Law Enforcement Officer” shall mean an officer of the Puerto Rico Police, the Municipal Police or the Corps of Engineers of the Department of Natural and Environmental Resources.

Section 1.05. —Height of Vehicle. —

“Height of vehicle” shall mean the maximum vertical dimension of a vehicle from the surface of where it is parked, including the cargo and devices to sustain or hold the same.

Section 1.06. —Width of Vehicle. —

“Width of Vehicle” shall mean the maximum transversal dimension of a vehicle, including the cargo and devices to sustain or hold it, excluding safety devices, such as rearview mirrors and tire bulk.

Section 1.07. —Trailer. —

“Trailer” shall mean every vehicle not propelled by motive power, with two (2) or more load-bearing axles, designed and built to carry goods on or within its structure and to be drawn by a motor vehicle, the latter not having to support fully or partially the load weight.

Section 1.08. —Leaseholder. —

“Leaseholder” shall mean any natural or juridical person in possession of a vehicle through lease from its titleholder.

Section 1.09. —Moped or Scooter. —

“Moped or Scooter” shall mean any motorcycle, mini-bike or scooter, provided with an engine whose braking capacity does not exceed five (5) horsepower, as well as every bicycle to which an engine has been adapted.

Section 1.10. —Automobile. —

“Automobile” shall mean every motor vehicle designed especially for the transportation of eleven (11) or fewer passengers, whether or not for paid services, with the exception of motor scooters and motorcycles.

Section 1.11. —Automobile Driven by Whomever Rents or Leases The Same. —

“Automobile Driven by Whomever Rents or Leases The Same” shall mean every automobile driven by the person who rents it and shall not be deemed for purposes of this Act as a public service automobile. The fees to be paid for such automobiles shall be determined pursuant to the type and use of the vehicle, as provided in this Act.

Section 1.12. —Toll expressway. —

“Toll expressway” shall mean those highways especially designed and built for high-speed traffic, with controlled access, and for which payment of toll may be required.

Section 1.13. —Authority. —

“Authority” shall mean the Highway and Transportation Authority of Puerto Rico.

Section 1.14. —Local Authorities. —

“Local Authorities” shall mean every government body, including public corporations and municipal assemblies of the municipalities of Puerto Rico, authorized to legislate or promulgate regulations regarding vehicle traffic in areas under their jurisdiction, pursuant to laws in effect.

Section 1.15. —Bicycle. —

“Bicycle” shall mean any vehicle propelled by muscle power, consisting of two (2) or three (3) wheels, built to carry one or more persons on its structure.

Section 1.16. —Alley. —

“Alley” shall mean any public road giving access to the rear of a property or building, and which is not used for the constant traffic of vehicles.

Section 1.17. —Private Road. —

“Private Road” shall mean any road located within a private property, not intended by its owner for public use.

Section 1.18. —Truck. —

“Truck” shall mean any motor vehicle used mainly for the transportation of merchandise or freight, excluding trailer vehicles, which gross weight does not exceed ten thousand (10,000) pounds or five (5) ton, pursuant to the specifications of the manufacturer.

Section 1.19. —Heavy Truck. —

“Heavy Truck” shall mean any motor vehicle used mainly for the transportation of merchandise or freight, excluding trailers, with a gross weight exceeding ten thousand (10,000) pounds or five (5) tons, pursuant to the specifications of the manufacturer.

Section 1.20. —Lane. —

“Lane” shall mean a section of road designated for forward movement of motor vehicles or trailers, divided by traffic lines marked on the pavement.

Section 1.21. —Acceleration or Deceleration Lane. —

“Acceleration or Deceleration Lane” shall respectively mean those lanes that are provided so that vehicles may increase their speed when entering a road and decrease it upon exiting.

Section 1.22. —Special lane. —

“Special” shall mean that lane defined by the Secretary of Transportation and Public Works to be used exclusively or preferentially by vehicles transporting more than two (2) persons, and which complies with this and any other conditions determined by the Secretary through regulations.

Section 1.23. —Exclusive Bus Lane. —

“Exclusive Bus Lane” shall mean that lane defined by the Secretary of Transportation and Public Works to be used exclusively by buses of the Metropolitan Bus Authority and other vehicles designated by the Secretary through regulations.

Section 1.24. —Turn Only Lane. —

“Turn Only Lane” shall mean a lane marked by a sign or mark on the pavement to be used exclusively to perform the turns indicated by said marks or signs.

Section 1.25. —Ownership Certificate. —

“Ownership Certificate” shall mean the document issued by the Secretary of Transportation and Public Works, which certifies ownership of a natural or juridical person over a motor vehicle or trailer, and all the data required by this Act regarding its description and identification, as well as the manner and necessary information to transfer such ownership.

Section 1.26. —CESCO. —

“CESCO” shall mean the acronym in Spanish for Drivers Service Center.

Section 1.27. —Commission. —

“Commission” shall mean the Public Service Commission.

Section 1.28. —Motor Vehicle or Trailer Sales Dealer. —

“Motor Vehicle or Trailer Sales Dealer” shall mean any natural or juridical person engaged in the business of buying or selling motor vehicles or trailers.

Section 1.29. —Service Dealer. —

“Service Dealer” shall mean any natural or juridical person authorized by the Secretary of the Department of Transportation and Public Works to render services that are regularly rendered by the Department.

Section 1.30. —Special Dealer. —

“Special Dealer” shall mean any natural or juridical person engaged in efforts for the recovery, salvage, repair, reconstruction and sale in limited quantities of wrecked motor vehicles or trailers, pursuant to the provisions of this Act and upon prior authorization of the Secretary of the Department of Transportation and Public Works, subject to the regulations promulgated to such effects.

Section 1.31. —Driver. —

“Driver” shall mean any person who drives or physically controls a vehicle.

Section 1.32. —Department. —

“Department” shall mean the Department of Transportation and Public Works.

Section 1.33. —Right of Way. —

“Right of Way” shall mean the right that a vehicle or pedestrian has to proceed in a lawful manner and in preference to another approaching vehicle or pedestrian whenever the circumstances regarding speed, direction and proximity are such that an accident could occur, unless either one yields right of way.

Section 1.34. —Stand or Standing. —

“Stand or Standing” shall mean the instant halting of a vehicle with or without passengers, unless fully halted while engaged in receiving or discharging passengers.

Section 1.35. —DISCO. —

“DISCO” shall mean the acronym in Spanish for the Office of Drivers Services.

Section 1.36. —Motor Vehicle Distributor. —

“Motor Vehicle Distributor” shall mean any natural or juridical person who imports motor vehicles or trailers, directly from the manufacturer, for wholesale to dealers.

Section 1.37. —Owner of a Vehicle. —

“Owner of a Vehicle” shall mean the natural or juridical person under whose name a vehicle is registered in the Department or who otherwise is in charge of the same.

Section 1.38. —Axle. —

“Axle” shall mean the common rotation bar that links one or more segments of one or more wheels, propelled by energy or rotating freely, separately or continuously, regardless of the number of wheels in the vehicle.

Section 1.39. —Gas Emission. —

“Gas Emission” shall mean the residues emitted by motor vehicles into the environment as a result of fuel burned by the engine that propels such vehicle.

Section 1.40. —Special Endorsement. —

“Special Endorsement” shall mean the authorization issued by the Secretary to those persons who comply with the requirements established in this Act for driving certain types of vehicles and furthermore, under the conditions established by the Public Service Commission or by any other legislation and applicable federal and state regulation, whenever such motor vehicle is used to transport toxic materials or dangerous substances.

Section 1.41. —To Park—

“To Park” shall mean to stop a vehicle with or without passengers whenever there is no intention to immediately resume its movement.

Section 1.42. —Explosive. —

“Explosive” shall have the meaning set forth in Sections 2 to 33 of Act No. 134 of June 28, 1969, as amended, known the “Explosives Act of Puerto Rico” or in any subsequent law governing such issues.

Section 1.43. —Pedestrian Facility for Persons With Physical Disabilities. —

“Pedestrian Facility for Persons With Physical Disabilities” shall mean any structure or facility on any public road, ramp, or parking area designated to facilitate access to persons with physical disabilities, as designated or defined by the Secretary of the Department of Health or the corresponding government authorities. Said facilities may be of the following type of structure:

- (a) Pedestrian ramps. —Inclined walking surface which may connect several levels and which may be part of an exit or an entrance.
- (b) Walkway. —Type of sidewalk with a continuous and defined surface at terrain level between public roads and buildings or parking areas or between parking areas and buildings.

Section 1.44. —Service Franchise. —

“Service Franchise” shall mean the authorization granted by the Secretary of the Department of Transportation and Public Works to a natural or juridical person for the rendering of a service offered by the Department, through a contract subscribed by both parties, as may be determined by the Secretary through regulations.

Section 1.45. —Garage. —

“Garage” shall mean:

- (a) Any location where motor vehicles are repaired, stored, rebuilt, painted, inspected or disassembled.
- (b) Any carport or covered or uncovered structure, and any lateral patio where a vehicle is stored.

Section 1.46. —License Processing Agents. —

“License Processing Agents” shall mean every person authorized by the Secretary to engage in the service of assisting, handling or processing another person’s application to obtain or renew any type of motor vehicle license, upon such person’s authorization, and for which a service fee shall be received in exchange.

Section 1.47. —Tow Truck. —

“Tow Truck” shall mean any motor vehicle built or equipped specifically to pull or transport another vehicle atop its structure.

Section 1.48. —Fees. —

“Fees” shall mean money or any valuable, charged or imposed, collected, pledged, received or paid, directly or indirectly for any lawful service or act allowed or authorized in this Act.

Section 1.49. —Inspection of Motor Vehicles. —

“Inspection of Motor Vehicles” shall mean the procedure established by the Secretary of the Department of Transportation and Public Works for verification of the mechanical condition of motor vehicles authorized to travel on public roads in those services stations or places especially authorized for such purposes.

Section 1.50. —Intersection. —

“Intersection” shall mean the area comprised within the prolongation of the lateral curb lines, or in absence thereof, of the lateral lines within the roadways of two (2) or more public roads which join forming an approximate right angle, or the area in which vehicles that are traveling on different public roads that join at any other angle may come in conflict.

Section 1.51. —Median. —

“Median” shall mean the area that includes the paved walkway and land or grass stretch, located in the center of the roadway of a public road, and which divides traffic in the same or opposite directions.

Section 1.52. —Driver’s License. —

“Driver’s License” shall mean the authorization issued to a person pursuant to this Act to drive certain types of motor vehicles on the public roads of Puerto Rico, and for which authorization the Secretary of the Department of Transportation and Public Works shall require the petitioner compliance with the corresponding requirements, including the approval of a theoretical or practical examination, required in order to comply with the above indicated specifications for each type of license authorized. The license may be of any of the following types:

- (a) Learners. —To drive a motor vehicle during the period the aspirant acquires the minimum training required to obtain the corresponding driver’s license, with the exception of the Type II heavy motor vehicle license, which shall be issued on condition that the driver shall be accompanied by another driver authorized to operate such type of vehicle, except in the case of motorcycles, which shall not require an escort.

- (b) Drivers. —To operate private motor vehicles or private or public commercial vehicles, with or without retribution, with a gross weight ('GVW') that shall not exceed two (2) tons.
- (c) Chauffeurs. —To operate any private motor vehicles or any private or public commercial motor vehicles, with or without retribution, with a gross weight ('GVW') that shall not exceed five and a half (5.5) tons.
- (d) Heavy motor vehicles. —To operate any motor vehicle, subject to the conditions, requirements, restrictions and regulations established by the Secretary, which shall be specified in the following categories:
 - (1) Type I heavy motor vehicles. —To drive any motor vehicle with a gross weight (GVW) that shall not exceed seven and a half (7.5) tons.
 - (2) Type II heavy motor vehicles. —To drive any motor vehicle with a gross weight (GVW) that shall not exceed thirteen (13) tons.
 - (3) Type III heavy motor vehicles. —To drive any motor vehicle with a gross weight (GVW) exceeding thirteen (13) tons.
 - (4) Heavy motor vehicles with or without trailer or semi-trailer.
- (e) Motorcycle. —To operate motorcycles, mopeds, motor scooters or any similar vehicle, provided that any holder of any of the license types listed above may operate motorcycles, upon prior endorsement of the Secretary.

- (f) Special endorsement.— To operate a motor vehicle transporting toxic material or hazardous substances, issued by the Secretary, authorizing those persons in compliance with the requirements established in this Act and under the conditions established by the Commission and by any other federal or state legislation or regulation, to transport toxic or hazardous materials.

Section 1.53. —Lane Line. —

“Lane Line” shall mean a white broken line dividing two lanes for one-way traffic.

Section 1.54. —Reversible Lane Line. —

“Reversible Lane Line” shall mean two broken parallel and adjacent lines marked upon a public road to divide the boundary of a lane in which traffic direction is changed at certain times.

Section 1.55. —Center Line. —

“Median Line” shall mean a broken or continuous yellow line that divides the roadway of a public road separating opposing traffic movement, where it is allowed to pass another vehicle with due care and precaution.

Section 1.56. —Center and No-passing Line. —

“Center and No-passing Line” shall mean two continuous yellow lines dividing the roadway of a public road to separate opposing traffic movements and to indicate that all traffic must keep to their right, and where it is only allowed to cross the same to make a left turn.

Section 1.57. —No-passing Line. —

“No-passing Line” shall mean:

- (a) A continuous yellow line marked along a public road and to the right of a continuous yellow center line, or a lane line, to indicate that all traffic in a lane marked with such continuous

yellow line must keep to the its right, except if a left turn is to be made with due precaution. Traffic in the opposite direction may cross the yellow broken median line to overtake and pass another vehicle with due precaution.

- (b) Two continuous white lines that run along a public road to separate traffic in the same direction and to indicate that all vehicles must keep in their corresponding lane, and that it is prohibited to cross said lines.

Section 1.58. —Flammable Liquid. —

“Flammable Liquid” shall mean any liquid that ignites at 70F or less, as determined by specialized testing instruments or methods.

Section 1.59. —Solid Rubber Tire. —

“Solid Rubber Tire” shall mean every rubber tire that is not pneumatic.

Section 1.60. —Pneumatic Tire. —

“Pneumatic Tire” shall mean any tire filled with compressed air.

Section 1.61. —Length of the Vehicle. —

“Length of the Vehicle” shall mean the maximum longitudinal dimension of a vehicle or combination of vehicles.

Section 1.62. —Total Length. —

“Total Length” shall mean the maximum longitudinal dimension of a vehicle or combination of vehicles, including cargo and devices to support and hold the same, but excluding safety devices whose function is other than supporting or holding cargo.

Section 1.63. —Motorcycle. —

“Motorcycle” shall mean any motor vehicle with a braking capacity of more than three (3) horsepower, equipped with a driver seat and

manufactured to travel on two (2) or more wheels in contact with the pavement, excluding any tractor or hauler.

Section 1.64. —Non-resident. —

“Non-resident” shall mean any person who has not had a fixed place of residence in Puerto Rico for over one hundred and twenty (120) days during any natural year, but that, nevertheless complies with United States immigration laws applicable to aliens who are not American citizens.

Section 1.65. —Notice by Mail. —

“Notice by Mail” shall mean to deposit in the United States Postal Service any postpaid correspondence sent to the last known address of an addressee.

Section 1.66. —Vehicle Identification Number. —

“Vehicle Identification Number” shall mean the identification number (VIN) assigned by the manufacturer and used by the Department as an exclusive identification for any such vehicle.

Section 1.67. —Public or Private Bus. —

“Public or Private Bus” shall mean any light or heavy motor vehicle, designed for the transportation of over ten (10) persons, which may be used as a paid public or private vehicle.

Section 1.68. —School Bus or Transport. —

“School Bus or Transport” shall mean any motor vehicle in compliance with color, identification and other required features established by the Secretary of the Department of Transportation and Public Works, jointly with the Commission and through regulations, and which is used for the transportation of school students to or from the school premises, for school related activities, but does not include buses operated by transportation

businesses that are not exclusively engaged in the transportation of school students.

Section 1.69. —Windshield. —

“Windshield” shall mean the glass located in the front part of vehicles to protect passengers from wind impact.

Section 1.70. —Stop or Stopping. —

“Stop or Stopping” shall mean:

- (a) Full cessation from movement of a vehicle, whenever required by this Act or by any regulation promulgated and adopted pursuant to the same.
- (b) Full halting of a vehicle, even if momentarily, whenever prohibited by this Act or any regulation promulgated and adopted pursuant to the same, except when necessary to avoid traffic conflicts or to comply with the indications of a police officer, traffic light or traffic signal.

Section 1.71. —Shoulder of the road. —

“Shoulder of the road” shall mean the lateral part along the sides of a public road between the roadway and the adjacent properties or the median, except for those areas which condition makes it impossible or impractical for vehicle or pedestrian traffic.

Section 1.72. —Crosswalk. —

“Crosswalk” shall mean:

- (a) Any structure over or under a public road intended for pedestrian crossing.
- (b) Any part of a public road intended for pedestrian crossing, marked by lines or other markings on the pavement.

- (c) The width of a sidewalk in an intersection extending across the public road to the opposite sidewalk.

Section 1.73. —Pedestrian. —

“Pedestrian” shall mean any person on foot.

Section 1.74. —Person. —

“Person” shall mean any natural, individual group of individuals, partnership, association, corporation or juridical entity.

Section 1.75. —Motor Vehicle or Trailer Permit. —

“Motor Vehicle or Trailer Permit” means any certificate of registration or inscription of a motor vehicle or trailer issued by the Secretary, authorizing a motor vehicle to operate on the public roads of Puerto Rico.

Section 1.76. —Special Permit. —

“Special Permit” shall mean a written authorization by the Secretary of the Department of Transportation and Public Works or its authorized representative, to drive or operate on the public roads of Puerto Rico and strictly under the conditions specified therein, for a limited time, a vehicle or combination of vehicles with a weight or dimensions greater than those provided in this Act, or with a cargo that due to its nature or size cannot be divided and exceeds the limits established in this Act or its regulations.

Section 1.77. —GVW or Gross Vehicle Weight. —

“GVW or Gross Vehicle Weight” shall mean the weight equal to the sum, stated in pounds or tons, of its cargo capacity, vehicle weight, maximum volume fuel weight, the weight of all motor fluids, plus the approximate weight of two (2) adults, which shall not be less than one hundred and fifty (150) pounds per person.

Section 1.78. —Axle Weight. —

“Axle Weight” shall mean the total weight transferred to the pavement by an axle.

Section 1.79. —Police. —

“Police” shall mean the Puerto Rico Police.

Section 1.80. —Municipal Police. —

“Municipal Police” shall have the meaning established in Sections 2 to 17 of Act No. 45 of May 22, 1996, as amended, known as the “Municipal Police Act,” or in any law that subsequently governs on such matter.

Section 1.81. —Holder. —

“Holder” shall mean any person who holds a vehicle in possession, or any other license or authorization issued by the Secretary of the Department of Transportation and Public Works.

Section 1.82. — General Working Press. —

“General Working Press” shall mean those persons duly accredited by the Department of State of Puerto Rico, who are engaged in the search for information for the news media and for whom the same constitutes their primary means of living.

Section 1.83. —Double Semi-trailer Truck. —

“Double Semi-trailer Truck” shall mean any combination of a vehicle with two (2) semi-trailers connected by a B-train at the rear end of the first semi-trailer, which allows the connection (dolly) with the fifth wheel for the second semi-trailer.

Section 1.84. —Revoking of a Driver’s License. —

“Revoking of a Driver’s License” shall mean the cancellation by the Secretary of the Department of Transportation and Public Works of a

driver's license, which shall not be subject to renewal or reinstatement, except in those cases and in the manner established in this Act.

Section 1.85. —Secretary. —

“Secretary” shall mean the Secretary of the Department of Transportation and Public Works of Puerto Rico.

Section 1.86. —Compulsory Liability Insurance. —

“Compulsory Liability Insurance” shall mean the liability insurance implemented through Act No. 253 of December 27, 1995, as amended, and required to every person who registers for the first time or renews a motor vehicle license.

Section 1.87. —Semi-trailer. —

“Semi-trailer” shall mean any vehicle not propelled by motive power, with one or more cargo axles, designed and built to carry goods on its own structure and to be hauled by a motor vehicle, in such manner that part of its own weight or that of the cargo transported is absorbed or sustained by the towing motor vehicle.

Section 1.88. —Traffic Signals. —

“Traffic Signals” shall mean any signal, traffic control light, mark or device consistent with this Act, which has been installed or placed by order of a competent government body or official, for the purpose of regulating, controlling or managing traffic.

Section 1.89. —Automatic Traffic Control System. —

“Automatic Traffic Control System” shall mean any system operated by the Secretary or by a government agency or private company designated or hired under contract by the Secretary, through which a motor vehicle and its license plate may be registered on photograph, microphotograph, video or

any other type of image capturing, at the moment of committing a traffic violation.

Section 1.90. —Electronic Toll System. —

“Electronic Toll System” shall mean a toll collection system through a prepaid account established by a person or owner for such purposes, managed by means of an electronic device installed in the vehicle, which transmits information to a reading device that electronically collects said information to debit the amount of the toll to said account.

Section 1.91. —Biometric System. —

“Biometric System” shall mean any automated system for the identification of persons implemented by the Secretary and which has been designed to measure personal features and recognize or verify the identity of every person requesting the Secretary issue of a certificate, license or any document accrediting the identity of the applicant.

Section 1.92. —Superintendent. —

“Superintendent” shall mean the Superintendent of the Puerto Rico Police.

Section 1.93. —Suspension of License. —

“Suspension of License” shall mean the suspension or annulment of a driver’s license for a specific term, or any authorization issued by the Secretary.

Section 1.94. —License Plates. —

“License Plates” shall mean the individual identification issued by the Secretary as part of the vehicle permit, which may contain numbers or letters or a combination thereof.

Section 1.95. —Identification Card.—

“Identification Card” shall mean the identification certificate issued by the Secretary to a person who does not have a driver’s license.

Section 1.96. —Tractor or Hauler. —

“Tractor or Hauler” shall mean any motor vehicle designed to draw other vehicles, not to carry any load on its structure.

Section 1.97. —Traffic. —

“Traffic” shall mean the movement of pedestrians, vehicles and animals on a public road.

Section 1.98. —Stinger-steered Automobile Transporter. —

“Stinger-steered Automobile Transporter” shall mean any combination of hauler truck and trailer provided with a fifth wheel located on a drop frame below and behind and at a lower level than the rear -most axle of the power unit, which frame extends over the cab of the towing unit and over the semi-trailer.

Section 1.99. —Train or Railway. —

“Train or Railway” shall mean any machine propelled by electric, solar or any other type of power designed and used for the transportation of cargo or passengers, with or without wagons, operated on rails, except for streetcars.

Section 1.100. —Vehicle. —

“Vehicle” shall mean any machine or animal in which or by means of which any person or property is or may be transported or carried upon a public road, with the exception of those exclusively used on rails.

Section 1.101. —Motor Vehicle. —

“Motor Vehicle” shall mean every self-propelled vehicle, designed to operate on public roads, except the following vehicles or similar vehicles:

- (a) Traction machines
- (b) Road rollers
- (c) Tractors used for agricultural purposes exclusively, provided they not operate on the public roadway.
- (d) Traction power shovels
- (e) Road construction or maintenance equipment.
- (f) Well drilling machines
- (g) Small-wheeled vehicles used in factories, warehouses and railroad stations.
- (h) Vehicles moving on rails, by sea or air.
- (i) Vehicles operated on private property.
- (j) Vehicles designed by the manufacturer to be used off the public road.

Section 1.102. -Commercial Motor Vehicle. —

“Commercial Motor Vehicle” shall mean any vehicle designed and used for the transportation of goods and merchandise, whether or not for pay, public or private, excluding the type of vehicle known as station wagons and mini-vans, which gross weight does not exceed five and a half (5.5) tons.

Section 1.103. —Emergency Vehicle. —

“Emergency Vehicle” shall mean any vehicle from federal, state and municipal agencies, including, but not limited to, the Firefighters Corps, the Ranger Corps of the Department of Natural and Environmental Resources, the Armed Forces, the General Court of Justice and the Corrections Administration, as well as ambulances and every public or private vehicle designated or authorized for such purposes by the Secretary whenever used in emergency services.

Section 1.104. —Motor Vehicle Driven by Whomever Leases or Rents the Same. —

“Motor Vehicle Driven by Whomever Leases or Rents the Same” shall mean any motor vehicle driven by the person who rents or leases it and shall not be considered for purposes of this Act as a public service motor vehicle. The fees to be paid for such vehicles shall be determined pursuant to the type and use of the vehicle, as provided in this Act.

Section 1.105. —Vehicle Exempted from Registration. —

“Vehicle Exempted from Registration” shall mean those motor vehicles included in Section 1.101 of this Act, which however, shall be duly identified by their owners, as established through regulations by the Secretary, in order to operate on the public roads.

Section 1.106. —Exempted Confidential Vehicle. —

“Exempted Confidential Vehicle” shall mean any motor vehicle assigned to any law enforcement agency or government body, whether state or federal, used to conduct public safety related investigation, for which the Secretary shall issue a special permit, as provided through regulations.

Section 1.107. —Heavy Motor Vehicle. —

“Heavy Motor Vehicle” shall mean any motor vehicle with a gross weight (GVW) in excess of five and a half (5.5) tons of weight according to the manufacturer’s specifications.

Section 1.108. —Public Heavy Motor Vehicle Used by Owner As a Tool of his/her Trade. —

“Public Heavy Motor Vehicle Used by Owner As a Tool of his/her Trade” shall mean any public heavy motor vehicle used by its owner under the following conditions:

- (a) Its owner shall operate the vehicle.

- (b) The owner of the vehicle shall not hold, control, dominate or have any participation or interest in another motor vehicle used for paid cargo transportation.
- (c) The vehicle shall be, as a matter of fact, used exclusively for paid cargo transportation.

Section 1.109. —Automobile Transporter. —

“Automobile Transporter” shall mean any combination of vehicles designed and built to specifically transport assembled vehicles.

Section 1.110. —Boat Transporter

“Boat Transporter” shall mean any combination of vehicles designed and built specifically to transport assembled boats or boat hulls. —

Section 1.111. —“Windows” shall mean the lateral or rear windows of motor vehicles, which allow incoming air or light, depending on their construction.

Section 1.112. —Former prisoner of War Veteran. —

“Former prisoner of War Veteran” shall mean any natural person duly certified as such by the Federal Department of Veterans Affairs.

Section 1.113. —Public road. —

“Public road” shall mean any street, road or state or municipal highway, as well as any street, road or highway located in properties belonging to public corporations and its subsidiaries created by law, and shall comprise the total width within boundary lines of every publicly owned road open to public use for vehicle traffic.

Section 1.114. —Controlled Access Public road. —

“Controlled Access Public road” shall mean any public road, to which a person may gain access if in compliance with the determinations established by authority, according to the body of laws in effect.

Section 1.115. —Public Through Highway. —

“Public Through highway” shall mean any public road or portion thereof upon which vehicular traffic is given a preferential right of way and at the entrances of which vehicular traffic from other public roads must yield the right of way to those vehicles moving on such through highway in compliance with stop and yield signs, or duly installed official devices for traffic regulation.

Section 1.116. —Loading and Unloading Zone. —

“Loading and Unloading Zone” shall mean the space in a public road designated exclusively for loading and unloading merchandise from motor vehicles and trailers.

Section 1.117. —Vehicle Inspection Zone. —

“Vehicle Inspection Zone” shall mean any place or portion of a public road assigned and officially designated by the Secretary to inspect vehicles and verify compliance with the provisions of this Act and other applicable laws.

Section 1.118. —No Passing Zone. —

“No Passing Zone” shall mean that portion of a public road marked with a no passing line, with a center and no passing line, or with equivalent signals.

Section 1.119. —Weighing and Inspection Zone. —

“Weighing and Inspection Zone” shall mean any zone or portion of a public road reserved and officially designated by the Secretary for the inspection of heavy motor vehicles or trailers and to verify compliance with the provisions of this Act and other applicable laws regarding the maximum weight allowed for such vehicles and other related provisions.

Section 1.120. —Pavement or Roadway Zone. —

“Pavement or Roadway Zone” shall mean the portion of a public road designated for the traffic of vehicles, excluding the shoulders of the road

Section 1.121. —Safety Zone. —

“Safety Zone” shall mean the area or space of a roadway zone officially designated for the exclusive use of pedestrians, which shall be protected, marked or indicated by signals to make the same clearly visible while being designated as a safety zone.

Section 1.122. —School Zone. —

“School Zone” shall mean every section of a public road located in front of a school, in addition to the section of the public road at each side in front of a school and with a variable length, duly identified with the corresponding traffic signals.

Section 1.123. —Urban Zone. —

“Urban Zone” shall mean and include those sections of the public road lined at both sides by buildings devoted to housing, businesses or industries, at an average rate of less than fifteen (15) meters by a distance of not less than four hundred (400) meters.

Section 1.124. —Rural Zone. —

“Rural Zone” shall mean those sections of the public road outside the limits defined in Section 1.123 of this Act, as well as any zone expressly designated as such under regulations promulgated by the Planning Board of Puerto Rico.

**CHAPTER II. REGISTRY OF MOTOR VEHICLES
AND TRAILERS AND AUTHORIZATION TO OPERATE
ON THE PUBLIC ROADS**

Section 2.01. —Basic Rule. —

No motor vehicle, trailer or semi-trailer may operate on a public road unless duly authorized therefor by the Secretary, pursuant to the provisions of this Act, except when operating incidentally for the exclusive purpose of being transferred from one private property to another. Vehicles belonging to the Government of the United States of America are hereby exempted from the provisions of this Section.

Section 2.02. —Certificates of Title; Registries and Indexes. —

The Secretary shall issue certificates of title for every motor vehicle or trailer in Puerto Rico and shall keep a Register of all certificates issued. In addition he/she shall organize and keep any Indexes or Registers that will facilitate the classification of information on motor vehicles or trailers, according to the provisions of this Act, fiscal laws, or public service laws.

Section 2.03. —Authorization and Issuing of Certificates of Title. —

No motor vehicle shall be registered for the first time nor shall a certificate of title be issued to any motor vehicle if the applicant or the person who sold the motor vehicle does not present a receipt or document attesting to the payment of the corresponding excise taxes to the Secretary of the Department of the Treasury, pursuant to the provisions of the Puerto Rico Internal Revenue Code, and any other applicable legislation. When a vehicle is sold in Puerto Rico to be delivered in any state, or other territory of the United States, or in any foreign country, the buyer may Register it in Puerto Rico, upon complying with the requirements established in the law,

provided he/she posts bond to the Secretary of the Treasury in the amount of the excise taxes that the automobile must pay when it is introduced in Puerto Rico.

No person shall introduce any motor vehicle whatsoever to Puerto Rico without the corresponding document attesting to the title thereof, as provided below. No vehicle may be removed from the docks after its arrival in Puerto Rico unless the person who introduces it presents the document of title. In both cases, the Secretary can authorize the removal of a motor vehicle from the docks, as provided in Section 2.09 of this Act.

Section 2.04 - Proof of title of vehicles

(A) The following documents shall constitute proof of title of new vehicles:

(1) Vendor's bill of sale authenticated before a notary whose signature is verified, if the transaction was executed outside of Puerto Rico.

(2) Manufacturer's Statement of Origin issued by the manufacturer.

(3) Any other document that, in the judgment of the Secretary, is sufficient to prove title to the vehicle, as established by Regulations.

(B) The following documents shall constitute proof of title of used vehicles:

(1) Proof of Title for those cases in which the vehicle comes from a State or country that uses the title system. Said document must show on its face, the name of the applicant, as well as an indication as to whether the title was transferred and whether a lien existed or exists. In the event of a lien, it must appear as cancelled, or, in its defect, must include a certification from the entity that financed the purchase of the vehicle, establishing his/her authority for the vehicle to be

transferred to Puerto Rico. In the case of not having title, an application must be filed before the Court of First Instance for the authorization, with notice to the Secretary of Justice. The petitioner shall pay the Secretary the corresponding fees for the registration of the lien for said financing, as subsequently provided in this Act.

(2) Registration document with the Seal of the State, and the bill of sale authenticated before a notary, whose signature is verified, for those cases in which the vehicle originates from a State or country that does not use the system of certificates of title.

(3) Document of public auction that duly identifies the authorized bidder.

(4) Certificate of release.

(5) Insurance company's bill of sale.

(6) Any other document that, in the judgment of the Secretary, is sufficient to prove title to the vehicle, as established by regulations.

Section 2.05 - Registry of motor vehicles or trailers licensed to travel on public roads.

The Secretary shall establish and maintain an updated Register of all motor vehicles and trailers licensed to travel on the public roads. For said purpose, he/she shall extend an exclusive identification to each Registered motor vehicle or trailer that shall consist of the identification or serial number of the vehicle previously assigned by the manufacturer to said vehicle, as well as any other number that the Secretary deems appropriate, subject to the following standards:

With regard to motor vehicles and trailers, the Register shall contain the following information:

- (1) Description of the vehicle, including the make, model, color, type, effective horsepower, serial number, and vehicle identification number (VIN).
- (2) Name, residential and mailing address, and owner's Social Security Number.
- (3) Any transfer or lien related to the vehicle or its owner.
- (4) Identification or license plate issued to the vehicle.
- (5) Authorized use.
- (6) Payment of annual license fees.
- (7) Any other information needed to enforce the provisions of this Act, or any other applicable laws.

In addition to what is provided in the above Section, the Register shall contain the following information with regard to trailers:

- (1) Identification issued to trailer.
- (2) Any other information on the owner, his/her address and social security number, liens, features, authorized use, as well as any information needed to enforce the provisions of this Act, fiscal or public service laws, any other applicable laws, or that in the judgment of the Secretary, is convenient or necessary to be included, as established by Regulations.

Section 2.06 - Application for registration, issue of certificate, change of address

- (A) Every application for the registration of a motor vehicle or trailer in the Registry, as well as any application for the issue of a certificate of title, shall be made on the form provided for such purpose by the Secretary. All the information needed for the proper

registration or issuing of the title of the motor vehicles or trailers pursuant to the provisions of this Act, shall be stated on the form.

(B) Every owner of a registered motor vehicle or trailer shall be bound to notify the Secretary of any change of address, on the form provided for such purpose by the Secretary, within sixty (60) days following said change. Failure to comply with this subsection shall be deemed an administrative fault, which shall entail a fifty (50)- dollar fine.

Section 2.07- Heavy motor vehicles

Every application for the registration of a heavy motor vehicle, trailer or semi-trailer, as well as the permits issued by the Secretary, shall state the weight of the unloaded vehicle and the maximum loaded capacity thereof, according to its factory specifications.

This information must also be consigned on each side of every heavy motor vehicle. It shall be an administrative fault, to declare a different capacity for a heavy motor vehicle, whether greater or lesser, than that for which it is authorized according to its manufacturer specifications, which shall entail a fine of five hundred (500) dollars.

Section 2.08 - Provisional registration of vehicles

The Secretary shall establish a provisional registry of vehicles that shall be authorized to travel on the public roads for a period that shall not exceed thirty (30) days, without having to comply with the requirement of the title document referred to in Section 2.03 of this Act. No vehicle may be registered without having first paid the corresponding excise taxes, pursuant to the provisions of the Puerto Rico Internal Revenue Code, and any other applicable fiscal laws.

The owners of the vehicles thus registered must present said certificate of title during said thirty (30) day period. Once said period has elapsed without complying with said requirement, the vehicle cannot travel on the public roads. The driver of any vehicle that travels on the public roads once the term of thirty (30) days established in this Section has expired, and has not complied with the requirement of presenting the certificate of title, shall incur an administrative fault and shall be sanctioned with a fine of fifty (50) dollars.

Section 2.09. - Power of the Secretary to Regulate. -

The Secretary shall be empowered to regulate all that concerns the provisional registration and the necessary documentation for the final registry of any motor vehicle or trailer in the Register. The Secretary is hereby authorized to determine, by Regulations, the amount that the petitioner should pay for the registration of any lien in the Department's Registry of Motor Vehicles and Trailers. The money collected from such registration shall be deposited in a Special Fund destined to improve the service, facilities, and automated systems of **DISCO**. (Directory of Driver Services) Those liens, for which the form and/or manner that the payment shall be made is provided by law, are excluded from this provision.

The Secretary may authorize the receipt or issue of any document required or licensed under the provisions of this Act, in Spanish or English, according to his/her determination of the needs or best interests of the Department or its users, or by request of the interested party as provided by regulations.

Section 2.10 – Certificate of title and motor vehicle or trailer license

Once the registration of a motor vehicle or trailer has been accepted, the Secretary shall issue a certificate of title to the owner, upon payment of the

corresponding fees, on which the date of issue, the assigned license number, the name, address, and Social Security number of the owner, the names and addresses of persons holding liens on said vehicle, and a complete description thereof, including the make, model and vehicle identification number (VIN), as well as any other information that the Secretary deems convenient or necessary to identify the vehicle or its registration. This certificate shall be known as the Title of the motor vehicle or trailer, as the case may be. Every transaction regarding the ownership of the vehicle shall be made on the back of the certificate, upon cancellation of the liens that may exist. On the back of the Certificate of Title of the motor vehicle or trailer the Secretary shall provide a form to execute the transfer or reassignment thereof, pursuant to the requirements established by law.

In addition to the Certificate of Title, the Secretary shall issue a motor vehicle or trailer license by request of the titleholder of the vehicle, which, upon payment of the corresponding fees, shall constitute the authorization to travel on the public roads of Puerto Rico. This printed license, a legible photocopy thereof, or a digitized card shall be kept continuously in the motor vehicle or trailer, or carried by the person who drives it. The legible photocopy or the digitized card shall not be valid to execute any transactions of the vehicles.

The license issued for motor vehicles or trailers to travel on the public roads shall have an issue and expiration date, which shall be determined by the Secretary through regulations.

Section 2.11 – Renewal of motor vehicle or trailer license

Upon petition by the owner of any motor vehicle or trailer, and after payment of the corresponding fees, the Secretary may renew the license of said motor vehicle or trailer. Likewise, a new license shall be issued

whenever the motor vehicle or trailer changes ownership, whenever the use for which the vehicle was originally authorized to travel on the public roads is altered, or whenever the term of the original license expires. In all of the abovementioned situations, it shall be the duty of the Secretary to issue a Certificate of Title to those vehicles that did not have one because they were registered in the Motor Vehicle and Trailer Registry prior to July 10, 1987, which shall be the sole valid document to execute the transfer of title thereof, The Secretary shall establish a staggered system for the payment of license fees to travel on the public roads for motor vehicles and trailers registered in the motor vehicle registry. Said system shall be designed so that license fees may be renewed and paid each year on the same month that the motor vehicle or trailer was first registered for the first time. When said date coincides with a non-working day, the date of renewal and payment of the license fees shall be due on the next working day. The Secretary shall exclude staggered system any motor vehicles or trailers that are property of the Commonwealth Government and the municipalities, from the, and may exempt other motor vehicle and trailer categories when he/she deems it necessary or convenient, through regulations to such effect.

The Secretary may extend the effectiveness of the motor vehicle or trailer licenses for a period that shall not exceed thirty (30) days beyond the date of expiration of the year covered by the fees paid. During the last month before the expiration date of the license, the motor vehicles and trailers may travel bearing the licenses and license plates of the following year, whose owners have obtained them from the Secretary, but any matter related to the provisions of this Act that would require the use of the license, shall be executed using the one in effect, which shall not be discarded until its effectiveness terminates. The provisions of this paragraph do not apply for

the execution of the transfer of title, which shall be done on the Certificate of title.

Every owner of a motor vehicle or trailer who returns the license plate and vehicle license to the Secretary, upon petition to such effects, shall be reimbursed the fees paid for such license, proportionately to the remaining full months of the year for which such vehicle license or license plate was issued. No proportional reduction of the license fees shall apply when the owner requests a new license within the forty-five days that follow the date of issue or renewal thereof.

Section 2.12 – Provisional permit to operate motor vehicles or trailers imported for sale

Prior to the registry of a motor vehicle or trailer, whether new or used, the Secretary may authorize its use on the public roads through a provisional permit.

The provisional permit shall be valid for a term that shall not exceed thirty (30) days, starting from the date said vehicle was sold, and shall be kept in the motor vehicle or trailer at all times. The vendor shall be under the obligation to indicate the date of sale in the space provided for such purpose in the provisional license, and register the vehicle that is sold in the Department within thirty (30) days after the sale, stating the date of the sale. Upon expiration of said term, said vehicle shall not travel on the public roads if it has not been registered at the Department.

The provisional permits shall be authorized solely for those new or used vehicles that are imported or destined for sale and have not been previously registered in Puerto Rico, and in those other circumstances authorized under this Act. Along with the provisional permits, the Secretary shall authorize

the corresponding license plates, which may be used during the effectiveness of the license, subject to its terms.

The Secretary shall determine and promulgate through regulations, under the provisions of this Act, and in coordination with the Secretary of the Treasury, all matters concerning the issue, characteristics, duration and use of the provisional licenses and corresponding license plates. Said provisional permits and license plates shall be issued solely to new or used vehicles sold by persons engaged in the sale of motor vehicles or trailers, as provided in this Act.

Whenever a new or used vehicle is acquired by a dealer from the Public Service Commission for its use in the public service, it may travel with the authorization, to replace the one issued by said Commission. Said authorization shall serve as a provisional permit until a replacement is finally issued by the Department.

Section 2.13 – Obligation to return the license or license plate

Every license or license plate issued by the Secretary shall be considered property of the Department, and it shall be the duty of each person in whose name it was issued, to return it to the Secretary when the motor vehicle or trailer for which it has been issued is to be used exclusively and permanently on a private property, when it has been abandoned as useless, or when it has been disposed of as scrap metal.

The license or license plate shall be returned within thirty (30) days after any of the above events occur.

Section 2.14. – Licenses for dealers and distributors of motor vehicles and trailers

(A) Every person who wishes to engage, fully or partially, in the retail sale of motor vehicles and trailers and sells motor vehicles or

trailers for profit, as part of a firm, enterprise, dealer, or business, shall request and obtain from the Secretary a certificate that shall be known as the “Motor Vehicle and Trailer Concessionaire’s License”. Every application to such effect shall be made on the form that is authorized by the Secretary for such purpose, and only those special concessionaires referred to in Section 2.15 of this Act shall be expressly excluded from this classification.

Once the application is approved the Secretary shall issue the Motor Vehicle and Trailer Concessionaire’s License, and shall assign it a number that identifies the concessionaire.

(B) Any person who wishes to import motor vehicles or trailers directly from the manufacturer or producer for wholesale to motor vehicle and trailer dealers, shall request and obtain a certificate from the Secretary which shall be known as the “Motor Vehicle and Trailer Distributor’s License”. Every application to such effect shall be made on the form authorized by the Secretary.

Once the application is approved, the Secretary shall issue the Motor Vehicle and Trailer Distributor’s License and shall assign it a number that identifies the distributor as such.

(C) Pursuant to public safety needs and the provisions of this Act, and in order for the Secretary to know about all the transactions of vehicles and trailers made by the distributors and dealers, the Secretary is hereby authorized to establish, by regulations, the necessary requirements to obtain, renew, and preserve the licenses for distributors and dealers of vehicles and trailers, which can be revoked or suspended by the Secretary after a hearing to such effect.

(D) Every dealer or distributor of motor vehicles or trailers who owns vehicles that would otherwise be subject to registration in the Motor Vehicle and Trailer Registry, may operate or drive said vehicles on the public roads solely for the purpose of transporting them from the place of arrival in Puerto Rico to the place of business of the concessionaire or distributor, or for repair or improvements, without being obliged to register said vehicles, subject to the conditions provided by the Secretary, by regulations. It shall be the duty of the person that is operating a vehicle under these circumstances to keep a copy of the authorization issued by the Secretary, as provided by regulations.

It shall be the duty of every distributor or concessionaire, as required by the Secretary to provide the information that describes every motor vehicle introduced to Puerto Rico, without impairment to the provisions of Section 8 of the Act to Protect Vehicular Property, Act No. 8 of August 5, 1987, as amended.

(E) The Secretary or his/her authorized representative shall determine the number of special license plates to be assigned to every motor vehicle and trailer concessionaire, to ensure the proper and responsible performance of his/her affairs. Every motor vehicle or trailer dealer shall keep a register of the vehicles to which said special license plates have been assigned, as well as the period that said license plates were used, clearly indicating the pertinent dates. Said register shall be open for inspection by officials of the Department or Police officers.

F) Any person who violates any of the provisions of this Section, or the regulations approved by virtue thereof, shall incur a

misdemeanor, and upon conviction, shall be penalized by imprisonment which shall not exceed six (6) months, or a fine that shall not be greater than five thousand (5,000) dollars, or both penalties, at the discretion of the Court.

Section 2.15 – Special Dealers

Every person who wishes to engage, fully or partially in the sale, rescue, salvaging, repair, rebuilding and sale in limited numbers of motor vehicles or trailers damaged in accidents, shall request and obtain a special dealer's license or certificate from the Secretary, using the forms authorized by the Secretary for such purposes. The Secretary shall adopt and promulgate the necessary regulations for the issue, supervision, and revoking of said licenses for the performance of said work, providing, among others, the maximum number of motor vehicles and trailers that said special concessionaires can salvage, repair, rebuild and sell annually, which shall never be less than twelve (12) vehicles a year, as well as all that is related to the granting of licenses and the supervision of said licenses by the Secretary, which shall be revocable by him/her, including the necessary requirements to obtain, renew and retain the licenses, and the grounds and procedure to deny, suspend and revoke the same. The Secretary may summarily suspend the license or authorization granted to it, when any of the provisions he/she establishes by regulations, are violated.

Section 2.16 – Grounds to deny authorization to operate a motor vehicle or trailer. -

The Secretary, upon written notice to the applicant stating the reason, shall deny the registration of the vehicles, or the renewal of the regular or provisional licenses thereof, in the following cases:

- (a) Whenever said registration or renewal would be in violation of the provisions of this Act, fiscal laws, or the public service laws and regulations.
- (b) Whenever the information furnished in the registration or renewal is false, fraudulent, or insufficient, or the requirements established in this Act for the registration of motor vehicles and trailers have not been complied with.
- (c) Whenever the regular or provisional registration or renewal fees of the motor vehicles or trailers have not been paid.
- (d) Whenever, in the judgment of the Secretary, the mechanical condition of the motor vehicle or trailer would constitute a threat to public safety as provided by the regulations to such effects.
- (e) Whenever the Secretary has reasonable grounds to believe that the motor vehicle or trailer has been stolen or acquired illegally, or altered, or that the granting of the registration or renewal would constitute a fraud against another person who could have a valid right, interest, or lien on said vehicle.

Section 2.17. – Issue and use of motor vehicle or trailer license plate.-

The Secretary shall issue the corresponding license plates along with the title to the motor vehicle or trailer, in the following cases:

- (a) Whenever the motor vehicle or trailer is registered.
- (b) Upon renewal of the title of the motor vehicle or trailer.
- (c) Whenever the use for which the motor vehicle or trailer was authorized to travel is altered, if this Act or any other statute requires special identification for the new use that is being authorized.
- (d) Whenever the motor vehicle or trailer is transferred, and the acquirer does not hold a license plate.

The Secretary shall establish by regulations, all matters regarding the design, features, issue, renewal, and use of the license plates, as well as the payment of ten (10) dollars, which shall be covered into the special account of the Office of Driver Services (DISCO, Spanish acronym).

Section 2.18 – Content, features and display of license plates. -

Every license plate shall bear on its surface, the license number assigned to the motor vehicle or trailer, as provided in this Act. The Secretary is hereby authorized to determine by regulations, the design, size, color, composition and other physical details of the license plates, as well as the number of license plates to be used by the different types of vehicles. The license plates shall be attached horizontally and visibly on the back of every motor vehicle or trailer, including motorcycles, and shall be lighted at night by a colorless light placed for that purpose on the vehicle, that will allow the license number to be seen even when the vehicle is in motion.

Section 2.19 – Loss of title or license plate

When the title or license plates of a motor vehicle or trailer are lost, stolen or destroyed, the owner of the motor vehicle or trailer may request a new title or license plate by presenting a sworn statement, explaining in detail the circumstances of the loss, theft or destruction. The Secretary may issue a duplicate title or provide a new license plate, as the case may be, if the statement meets the requirements established by the Secretary through regulations. It being understood, however, that it shall be the responsibility of the registered owner to notify the creditor of any lien pending payment.

The issue of a new registration or license plate shall invalidate the previous one. If the title or license plate that was lost or stolen is found, it shall be the duty of the person who finds it to turn it in to a Police station or to CESCO.

Section 2.20 – Special License Plates for members of the general working press

The Secretary shall issue special license plates to every motor vehicle property of the general working press duly accredited as such at the Department of State of Puerto Rico, and used in the performance of their work as such, as well as to any motor vehicle owned by a news agency or firm, and which is assigned for the exclusive use of a duly-accredited member of the general working press, subject to the following rules:

- (a) In the case of the abovementioned agency or firm, the vehicles shall be duly identified.
- (b) The registration of the vehicle shall include the information necessary to identify the special license plate along with the official registration corresponding to the motor vehicle.
- (c) The special license plate for members of the active general press shall not require for its issue an additional payment to that which is required for private vehicles license plates.
- (d) The use of said special license plate on the public roads of Puerto Rico is solely authorized for the effective term of the official license plate.
- (e) The Secretary shall provide, through regulations, everything that concerns the issue, use, renewal and cancellation of said special license plates.
- (f) Every owner of a motor vehicle to whom the Secretary issues a license plate, shall be bound to return it to the Secretary when he/she ceases his functions, or loses his/her accreditation as a member of the general working press; when he/she sells the vehicle, disposes of the same as scrap metal or abandons it as unusable, or when the vehicle is

no longer licensed to travel on the public roads of Puerto Rico. Failure to comply with this provision shall bring about the canceling of the authorization to use the special license plate.

(g) Every person whose vehicle bears a special license plate for the members of the general working press without the proper authorization shall incur a misdemeanor and upon conviction, shall be penalized with a fine of not less than two hundred (200) dollars and not more than five hundred (500) dollars.

(h) A twenty (20) dollar Internal Revenue Stamp shall be paid for said license plates, which amount shall be deposited covered into in the DISCO fund to defray the production costs of said license plates.

Section 2.21 – Issue of removable placards to authorize parking in areas designated for disabled persons

The Secretary shall issue removable placards to allow parking in areas designated for disabled persons, to any person whose impairment of permanent or indefinite duration, makes access to places or buildings difficult due to their substantially limited capacity of motion, subject to the following norms:

(a) No parking permit shall be issued on behalf of persons who have not attained the age of eighteen months of age, except in those cases where the applicant requires the use of a portable ventilator or an adjustable wheelchair.

(b) The Secretary of the Department of Health shall establish the procedures for the certification and shall see to the faithful compliance of this Act.

(c) Subject to the regulations promulgated by the Secretary of the Department of Health, the removable placard may be requested by

any person who has a permanent physical condition that substantially limits his/her mobility or makes it difficult for him/her to have free access to places or buildings, due to any of the following conditions:

(1) Total and permanent paralysis of the lower extremities, ankylosis of any of the major joints, or other permanent condition that impedes ease of mobility, or that requires the permanent use of a wheelchair or equipment to assist ambulation.

(2) Partial paralysis of any lower extremity, which at least, requires the use of braces or equipment to assist ambulation.

(3) Amputation of one or both lower extremities.

(4) Hemiplegics who require equipment to assist ambulation.

(5) Severe pulmonary conditions that limit the vital capacity by sixty percent (60%) or more.

(6) Chronic severe renal failures that require hemodialysis or peritoneal dialysis treatments at least twice (2) a week.

(7) Cardiovascular conditions of Grade III-C or higher.

(8) Implanted ankle, hip or knee prostheses that severely or permanently limit mobility.

(9) Spine injury or post-surgery condition resulting in severe or permanent neuromuscular deficiency that limits mobility.

(10) Congenital or acquired deformities and post-surgery condition involving any of the joints of the lower extremities, which markedly limits mobility.

(11) Intermittent and peripheral vascular impairment of the lower extremities that markedly limits mobility.

(12) Total blindness or central visual acuity not greater than 20/400 with its best correction in the best eye, whose

visual acuity, although greater than 20/400, is limited to not more than twenty (20) degrees of the visual field in its widest diameter, certified by an optometrist or ophthalmologist.

(13) Injury to the central peripheral nervous system that severely or permanently affects mobility.

(d) For purposes of this Section, the Secretary shall adopt the definitions established by the Secretary of the Department of Health to such effects.

(e) Those public or private institutions, whether non-profit or for profit, which are engaged in the care or transportation of persons with physical disabilities, shall use the removable placard of the person they are caring for or transporting, while they perform such task. This provision shall not apply to the Metropolitan Bus Authority vehicles in the special transportation program for persons with disabilities, or of any other entity or agency of the Government of Puerto Rico, including the municipalities, that are duly equipped for such purpose, and while they are being used for said purpose, as provided by the Secretary through regulations.

(f) The special license plates and removable placards for persons with disabilities issued by competent authorities of the United States of America or its Territories, or by any other country, shall be entitled to full faith and credit, and shall have automatic effectiveness and validity in Puerto Rico for a term of one hundred and twenty (120) days.

(g) The possession of a removable placard does not authorize a disabled person to park in duly identified areas where parking is ordinarily prohibited.

Section 22.2 – Applications for the issue of removable placards to authorize parking in restricted areas. -

Every disabled person who applies for the removable parking placard must meet the following requirements:

(a) Present a duly completed application that includes the information required by this Act and its regulations.

(b) Include with the application, the medical certification stating the condition and degree of disability of the applicant, issued by a physician duly authorized to practice the profession.

(c) A new medical certificate shall not be necessary at the time of renewing the removable placard in the case of the following permanent conditions:

- 1) Cerebral palsy
- 2) Quadriplegia
- 3) Paraplegia
- 4) Amputation of lower limbs extremities or their replacement by prostheses
- 5) Injuries of the central or peripheral nervous system
- 6) Total blindness

(d) Comply with any other requirements established by the Secretary through regulations to such effects.

The referred parking permit shall be issued free of charge.

Section 2.23 - Features of removable placards authorizing parking in restricted areas. -

The removable parking placards issued by the Secretary shall bear in print the name of the applicant, date of issue, identification number of the removable placard, photo and signature of the applicant, the international logo of persons with physical or sensory disabilities, the signature of the Secretary, and any other information deemed pertinent, with the exception of the Social Security number. The parking permit in the form of a removable placard, shall be issued for a term of four (4) years, shall be renewable for four (4) subsequent years, staggered according to the authorized person's date of birth.

The Secretary shall provide, through regulations, all matters concerning the design, size, colors, location, issue, use, renewal and cancellation of the removable placards, as well as any other conditions he/she deems necessary.

Section 2.24 – Return of removable placards to authorize parking in restricted areas. -

Any person with a disability, a mother or father with *patria potestas* or custody, tutor, or guardian or person in charge of a person with a physical disability who holds a removable parking placard, shall return said placard to the Secretary whenever:

- (a) The disabled person to whom the placard was issued died.
- (b) The term of effectiveness has expired and renewal has not been processed, as provided by this Act or the applicable regulations.
- (c) The medical certificate is not received, or the same reveals that the disability has disappeared or its nature or severity is no longer as requires by this Act or applicable regulations.

- (d) The removable parking placard is not used or cannot be used by the person with the physical disability.
- (e) If required by the Secretary for reason of any of the above listed causes.

Section 2.25. - Illegal Actions and penalties. -

Every person with a disability or caregiver in charge of such person who does not return the removable parking placard to the Secretary within ten (10) working days after the conditions under which said placard was issued no longer exist or displays in the vehicle a removable parking placard without being duly authorized to do so, or who makes false statements or allegations with the purpose of obtaining the privilege to use said placard for him/herself or for another person, or copies, reproduces or alters the contents of the removable placard, in whole or in part, by any means, whether manually, or by the use of any technology, shall incur an administrative fault and shall be sanctioned with a fine of two hundred and fifty (250) dollars.

Furthermore, the parking permit shall be revoked and the removable placard shall be confiscated, when a person with physical disabilities lends or gives his/her removable placard to another person.

Any person who parks in an area designated as a parking area for disabled persons, without proper authority, as provided in Section 2.21 and 2.22 of this Act, shall incur an administrative fault and shall be sanctioned with a fine of two hundred and fifty (250) dollars. Ten (10) percent of the funds collected through this fine shall be set aside for DISCO.

Section 2.26 – Special license plates for antique cars. -

By petition of the interested party, the Secretary shall issue a special license plate to every motor vehicle that can be classified as an antique

automobile. An antique automobile shall be any automobile that was built at least forty (40) years before the date the license plate is issued. The special antique automobile license plate shall not require any additional charge than that established by law for private vehicle license plates.

The Secretary shall provide all matters concerning the design, features, issuing, use, renewal and cancellation of said license plates, through regulations.

Section 2.27– Special license plates or badges for duly accredited career or honorary consuls

Upon request of the interested party, the Secretary shall issue special license plates or badges to every honorary or career consul duly accredited as such in the Departments of State of the United States and Puerto Rico, in addition to the official license plate issued to the vehicle. The information needed to identify the special license plate with the corresponding official motor vehicle registration shall be noted on the registry of the vehicle, it being understood that any person who acts as a Career Consul within the jurisdiction of Puerto Rico in representation of their country of origin, must perform any action regarding the registration or transfer of the motor vehicle owned by him/her or the Consulate he/she represents, through the Foreign Missions Office of the Department of State of Puerto Rico.

Career Consuls, as well as the Honorary Consuls shall be responsible, respectively, for the payment of all administrative traffic fines that are issued by a police officer, if unable to justify that they were performing an official function at the time.

These special licenses shall be issued subject to the following conditions:

(a) The Secretary shall provide through regulations, all matters concerning the design, size, color, location, issuing, use, renewing and canceling of said special license plates or badges, as well as any other details he/she deems necessary.

(b) For purposes of this Section, “honorary consul” shall mean that person who is a citizen or permanent resident of the United States designated by a foreign country and duly accredited as such before the Department of State of the United States or Puerto Rico who sees to the affairs of the citizens and the interests of the country that he/she represents, without receiving any financial remuneration for the services rendered, and does not enjoy the privileges or immunities applicable to career consular officials, and who is a permanent, not a provisional head of a duly accredited consular position.

(c) Every request for said special license plates or badges shall be accompanied by the appropriate certification of the Department of State of the United States or Puerto Rico, attesting to the credentials of the petitioning Consul.

(d) Said license plate or badge shall be solely and exclusively used on the vehicle used by the consul or highest-ranking accredited consular official in Puerto Rico, and said privilege shall not be extended to the members of his/her family nor to other persons or officials of the consulate. The privilege to use said license plate or badge does not necessarily imply any other benefit concerning vehicles for the use of the consular corps.

(e) The use of said special license plate or badge on the public roads of Puerto Rico is authorized solely during the effectiveness of the official license plate, which must be renewed annually.

(f) The Secretary may cancel or revoke the authorization to use said special license plate or badge in the event of noncompliance of the provisions of this Section, as provided by regulations.

(g) Every career consul or honorary consul to whom the Secretary issues a special license plate or badge, shall be bound to return it in the event their accreditation ceases, or his/her official functions as a consul cease for any reason, whenever the vehicle is sold, whenever it is sent out of the country, whenever the same is disposed of as scrap metal or is abandoned as useless, or when the vehicle is no longer authorized to travel on the public roads of Puerto Rico. Failure to comply with this provision shall result in the cancellation of the authorization to use the special license plate.

(h) Any person who displays a special license plate or badge without proper authorization to do so, shall incur a misdemeanor, and upon conviction, shall be sanctioned with a fine of not less than two hundred (200) dollars nor more than five hundred (500) dollars.

Section 2.28 – Special license plates for amateur radio operators

Upon request by the interested party, the Secretary shall issue special license plates to every amateur radio operator who holds an active license issued by the Federal Communications Commission and owns a motor vehicle for his/her private use, subject to the following conditions:

(a) The special license plate issued shall bear the special code assigned by the Federal Communications Commission and authorized by the Secretary. This shall be the official license plate of the vehicle and shall be affixed on the rear of the motor vehicle in the designated place.

- (b) The registration of the vehicle shall include the information needed to identify the special license plate with the official registration of the corresponding motor vehicle.
- (c) A twenty (20)-dollar Internal Revenue Voucher shall be canceled for the issue of said special license plates, which sum shall be deposited in the Special DISCO Fund to defray the cost of production of said license plates.
- (d) The Secretary may provide through regulations everything concerning the design, size, colors, location, issue, use, renewal and cancellation of the referred special license plates, as well as any other detail deemed necessary.
- (e) Any application for said special license plate shall include the due certification of the Federal Communications Commission and the Director of the State Civil Defense.
- (f) The use of said special license plate on the public roads of Puerto Rico is exclusively authorized for the period of effectiveness of said authorization.
- (g) The Secretary may cancel or revoke the authorization for the use of said special license plate in case of noncompliance of the provisions of this Section as provided by regulations.
- (h) Every motor vehicle owner to whom the Secretary issues a special license plate, shall be bound to return it to the Secretary whenever the same expires, or whenever his/her amateur radio operating license expires or is canceled, when he/she sells the vehicle, when it is disposed of as scrap metal, or is abandoned as useless, or when the vehicle is no longer authorized to travel on the public roads of Puerto Rico. Noncompliance with this provision shall result in the

cancellation of the authorization to use the special license plate. It shall be the sole obligation of the amateur radio operator to whom the special license plate has been issued, to petition the Federal Communications Commission to authorize a new license plate when the same is lost, stolen or destroyed, since no duplicates thereof shall be issued. Whenever the above occurs, the Secretary shall issue an official license plate to the amateur radio operator who presents documentary evidence of what occurred, and the amateur radio operator must return the official license plate once he/she has received the authorization requested by him/her to the Commission, and shall also pay the Secretary the same amount prescribed by this Act for the original license plates.

(h) Any person who displays a special amateur radio operator's license without proper authority, shall incur a misdemeanor, and, upon conviction, shall be sanctioned with a fine of not less than two hundred (200) dollars nor more than five hundred (500) dollars.”

Section 2.29 – Special license plates for legislators. -

Upon request by the President of the Senate of Puerto Rico or the Speaker of the House of Representatives, as the case may be, the Secretary shall issue special license plates to every member of the Legislature of Puerto Rico duly sworn in as such in the Legislative Body to which he/she belongs, in addition to the official license plates of their motor vehicles, subject to the following conditions:

(a) The information needed to identify the special license plates in the corresponding official registration of the motor vehicles shall be included in the motor vehicle and trailer registry.

(b) A twenty (20)-dollar Internal Revenue Stamp shall be cancelled for the issue of said special license plates, which amount shall be deposited in the DISCO Fund, to defray production costs of said license plates.

(c) The use of said special license plates on the public roads of Puerto Rico is only authorized during the effective term of the official license plate and while the concerned party remains in office.

(d) Every legislator who ceases in his/her functions as such, for any reason, shall be entitled to keep the special license for legislators that he/she was issued by the Secretary.

(e) Any person who displays a special license plate for legislators without proper authorization, shall incur a misdemeanor and, upon conviction, shall be sanctioned with a fine of not less than two hundred (200) dollars nor more than five hundred (500) dollars.

Section 2.30 – Special license plates for mayors and municipal assembly members-

Upon petition by any mayor or municipal assembly member, the Secretary shall issue special license plates to them, provided they have been duly certified as such by the Commonwealth Election Commission, and have qualified. These license plates may be used in addition to the official license plates of their motor vehicle, subject to the following conditions:

(a) The information needed to identify the special license plates in the corresponding official registration of the motor vehicles shall be included in the motor vehicle and trailer registry.

(b) A twenty (20)-dollar Internal Revenue voucher shall be cancelled for the issue of said special license plates, which amount

shall be deposited in the DISCO Fund to defray the cost of producing said license plates.

(c) The use of said special license plate on the public roads of Puerto Rico is only authorized during the effective term of the official license plate and while the concerned party continues in office.

(d) Any mayor or municipal assembly member who ceases in his/her functions shall be entitled to keep the special license plate for mayors and Municipal Assembly members that was issued to him/her by the Secretary.

(e) Any person who displays a special mayor or municipal assembly member license plate without proper authorization, shall incur a misdemeanor and upon conviction shall be sanctioned with a fine of not less than two hundred (200) dollars nor more than five hundred dollars.

Section 2.31 – Special license plates for former prisoners of war. -

At the request of the party concerned, the Secretary shall issue special license plates to every ex-prisoner of war veteran duly certified as such by the Federal Department of Veterans' Affairs and who owns a motor vehicle for his/her private use, subject to the following conditions:

(a) The special license plate may be displayed on the rear of the vehicle, and when this is the case, the official license plate shall be affixed on the designated place on the front of the vehicle.

(b) The information needed to identify the special license plate on the corresponding official registration of the vehicle, shall be included in the motor vehicle registry.

(c) The issuing of the special license plates for former prisoner of war veterans shall not require any additional payment to that provided by law for the license plates of private vehicles.

(d) The Secretary shall provide, through regulations, all that concerns the design, size, colors, location, issue, use, renewal, and canceling of said special license plates, as well as any other details deemed necessary.

(e) Any application for said special license plates shall include the proper certification of the Federal Department of Veterans' Affairs.

(f) The use of said special license plate on the public roads of Puerto Rico is only authorized during the effective term of the official license plate.

(g) The Secretary may cancel or revoke the authorization to use said special license plate for failing to comply with the provisions of this Section, as provided by regulations.

(h) Any person who displays a special ex-prisoner of war veteran's license plate without proper authorization, shall incur a misdemeanor, and upon conviction, shall be sanctioned with a fine of not less than two hundred (200) dollars nor more than five hundred (500) dollars.

Section 2.32 – Special personalized license plates for private citizens. -

At the request of the interested party, the Secretary shall issue special personalized license plates for the motor vehicles of any private citizen, subject to the following conditions:

(a) Each special personalized license plate shall bear those words, numbers or letters that the requesting party expressly wants and indicates, although the Secretary may, in his/her discretion, forbid or restrict the use of certain words, digits, numbers, letters or

combinations and numbers, if he/she feels that they could cause confusion, be used for illegal purposes, or otherwise adversely affect the general welfare or sound conviviality.

(b) The Secretary shall establish and maintain those indexes and records that are needed to maintain adequate identification and control of the special personalized license plates and the vehicles that bear them, including the pertinent information in the official registration of the corresponding motor vehicle.

(c) The Secretary shall establish through regulation, the most adequate procedure for the use of said special license plate in such a way that it shall also be the official license plate, and shall provide for everything concerning the design, size, colors, location, issue, renewal, and canceling thereof, as well as any other necessary details.

(d) The use of the special personalized license plate on the public roads of Puerto Rico is only authorized during the effective term of the official license plate.

(e) The Secretary may cancel or revoke the authorization to use said special license plate for noncompliance of the provisions of this Section, as provided through regulations.

(f) Any person who displays a special personalized license plate without proper authorization shall incur a misdemeanor and upon conviction shall be sanctioned with a fine of not less than two hundred (200) dollars or more than five hundred (500) dollars.

Section 2.33 – Fees to be paid for special personalized license plates

The Secretary shall establish, through regulations, the amounts to be paid for the issuing and duplication, as well as the combinations of each of the special personalized license plates authorized by this Act. All the

moneys collected on this account shall be deposited in a Special Fund destined to improve the services, facilities and automated systems of the Directory of Driver's Services of the Department of Transportation and Public Works.

Section 2.34 – Transfer of motor vehicles or trailers. -

Every transfer of registered motor vehicles or trailers shall be executed according to the following procedures:

(a) The transfer shall be authorized by the signature or mark of the owner of the motor vehicle or trailer, and of the purchaser, on the back of the certificate of title of the motor vehicle or trailer, stating the will of the owner to transfer the ownership thereof to the acquirer, and that of the acquirer to accept said property, and that the vehicle be registered in the registry under his/her name, license number and social security number. It shall also state the address of the acquirer, and in the event the motor or trailer does not have a license plate, he/she shall request the Secretary for it at the time it is transferred.

(b) The transfer and acceptance shall be made under oath, or by a statement before a notary, the Internal Revenue Collector or employee on whom he/she expressly delegates in writing or an official expressly authorized by the Secretary for said purpose.

(c) In those cases where a motor vehicle dealer takes used units as part of the down payment of the price of other motor vehicles, the transfer may be made through a sworn statement signed by the dealer or seller, provided that the owner of the vehicle has previously stated his will to cede or transfer it to him/her by signing the back of the Certificate of Title of the vehicle. In such cases, the sworn statement of the dealer shall specify the date the unit in question was ceded or

transferred, the name and address of the owner, as well as the medium used for the proper identification of said person. It shall also include a detailed description of the vehicle, specifying make, year, color, model, motor registration number, vehicle identification number, type of engine, effective horsepower, license number, number of doors, and any other numbers or marks that identify the unit or its parts.

(d) If it were not possible to execute the transfer, whether when the owner of registry disappears, refuses to sign or dies before the transfer is executed, the Secretary shall proceed with the execution of the transfer, which shall require a sworn statement of the applicant to such effects, provided this fact is stated in the proper document to the satisfaction of the Secretary.

(e) Once the transfer document is signed, the same must be filed in the Department by the new acquirer within ten (10) days following said signing. The Secretary shall issue the corresponding provisional motor vehicle or trailer permit to the acquirer until the final transfer is completed. The acquirer shall return said provisional permit to the Secretary as soon the certificate of title and the motor vehicle or trailer permit is issued in his/her name. When the new acquirer files the transfer in the Department after ten (10) days from the signing thereof, but no later than thirty (30) days after said act took effect, he/she shall be bound to pay the sum of ten (10) dollars. If it is done after said term, he/she must then pay an additional amount equal to five (5) dollars for each month he/she fails to do so. The date that said transfer was executed shall be taken as the base to compute said charge. This charge shall be paid through an Internal Revenue voucher. An amount equal to twenty percent (20%) of the penalty

provided herein shall be covered into a Special Fund in the custody of the Department of the Treasury of Puerto Rico, destined for the operations and programs of DISCO.

(f) Once the transfer is completed as stated, the Secretary shall proceed to register it and take note of all those modifications resulting from the transaction.

(g) Every motor vehicle whose transfer has not been executed on the Certificate of Title and is made through a sworn statement before a notary, shall require the prior checking of the file in the Department by an official of DISCO, in which the name of the owner of registry is registered, in addition to submitting the vehicle to an inspection, and verifying the description thereof with what is indicated in said sworn statement. The Secretary shall establish, by regulations, the norms and procedures needed to perform the inspection and verification, as well as the amount the petitioner shall pay for said checking.

Section 2.35. -Effects of transfer. -

Transfer of a motor vehicle or trailer conducted pursuant to the provisions in Section 2.34 of this Act shall have the following effects:

(a) The Secretary shall issue to every acquirer of a registered motor vehicle or trailer a license and a certificate of title stating the fact that he/she is the new owner of the motor vehicle or trailer. Said license and certificate of title shall not be issued until the transfer has been duly registered in the registry of motor vehicles and trailers, but its effects shall be retroactive to the date in which the transfer instrument was executed.

(b) The transfer shall make unnecessary the issuance of new license plates, except whenever the use changes and a different identification is required, or whenever the acquirer does not have a license plate.

(c) The transfer shall not cancel or modify any liens on the motor vehicle or trailer, nor shall it give the acquirer any special use rights granted by this Act, by fiscal laws or public service laws.

Section 2.36. - Cases in which registry of a transfer shall be denied. -

The Secretary shall refuse to register the transfer of a motor vehicle or trailer in the following cases:

(a) Whenever such registry would result in violation of this Act or any other applicable law or regulation.

(b) Whenever the information supplied in the transfer document or documents is false or insufficient.

(d) Whenever the necessary requirements for the transfer of motor vehicles or trailers established herein are not complied with.

(e) Whenever the transfer registration fees have not been paid or the vehicle is pledged by any lien.

In every case in which the necessary requirements for registry of transfer are not complied with, the Secretary shall send written communication to all interested parties.

Section 2.37.- Special permits to motor vehicles or trailers whose owner does not reside in Puerto Rico. -

(a) The Secretary shall issue, without any fee requirement and for a term no longer than one hundred and twenty (120) days in the course of any twelve (12) month period, to any owner of a motor vehicle or trailer authorized to operate in the United States or in any foreign country requesting so, a motor vehicle

or trailer permit, as the case may be, provided said motor vehicle or trailer is used for private and not for commercial purposes.

- (b) Motor vehicles or trailers to which the permit is issued shall be registered in motor vehicle or trailer registry pursuant to the provisions of Sections 2.05 and 2.06 of this Act.
- (c) Commercial van trailers proceeding from the United States or any other foreign country shall be registered by the Department upon payment of the corresponding fees in a special registry to be established by the Secretary, after which such vehicles may operate on the public roads of Puerto Rico for a maximum term of thirty (30) days. If after 30 days the van trailer under special permit is to be permanently maintained in Puerto Rico, all the requirements in Section 2.05 of this Act shall be complied with in order to obtain permanent registry.
- (d) To compute the referred thirty (30) day period, the truck driver may be required to show the interchange document or any other document as proof of entry of the van trailer to Puerto Rico, which he shall carry at all times whenever operating said type of vehicle. The special registry shall be prepared by the Department with the information included in the shipping manifest (bill of lading) submitted by the maritime shipping company or its agent in the island, as required by this Act.
- (e) The Secretary shall establish through regulations the procedure to determine the type and number of stickers or stamps that shall be issued in order to implement control of the number of

trailers authorized to operate on the public roads of Puerto Rico, pursuant to the provisions of this Act.

- (f) Van trailers with expired license plates or stickers from the State or country of origin shall be registered under the name of the maritime shipping company which so requests, upon payment of the corresponding fees established in this Act.
- (g) Each maritime shipping company or its agent in Puerto Rico shall submit to the Department, not later than five (5) days after the van trailers have arrived to the island, a certified copy of the bill of lading of the ship in which the same were transported. It shall be the duty of said companies or their authorized agents to pay the Secretary of the Department of the Treasury the sum of fifteen (15) dollars, as provided hereinafter in this Act, for entry into the Island of each van trailer that would operate on the public roads of Puerto Rico, up to a maximum of five hundred (500) dollars a year for each van trailer. In any case, the maritime shipping companies or their authorized agents shall accompany the bill of lading (shipping manifest) with an internal revenue voucher for the corresponding total amount of the special payment of fees for the vans or van trailers included in said manifest.
- (h) Trailers arriving to Puerto Rico to be transshipped to another port, not in Puerto Rico, shall not be considered to be operating on the public roads of Puerto Rico.

Section 2.38. -Contents of the special license certificate granted to nonresident owners of motor vehicles or trailers. -

The certificate attesting to the special license granted to nonresident owners of motor vehicles or trailers shall contain on its face the information appearing in the registry established in this Act. Said certificate shall be carried at all times in the motor vehicle or in the vehicle that hauls the trailer.

Section 2.39. - Stickers or decals for motor vehicles or trailers owned by nonresidents. -

The Secretary shall design and issue stickers or decals to be affixed on motor vehicles or trailers owned by nonresident persons and personnel of the United States of America Armed Forces, as long as said vehicles hold a valid license from the state or territory in which the same are registered. Said stickers or decals shall have the same validity as plates in use during each fiscal year.

In addition to the sticker or decal, said vehicles shall bear the number plate issued by the corresponding state or territory. In any case, said vehicles shall be registered with the Department not later than five (5) days from their date of introduction to Puerto Rico. Noncompliance with this Section shall constitute an administrative fault that shall be punished with a fine of fifty (50) dollars.

Section 2.40. - Revocation of authorization to operate. -

The Secretary may revoke any authorization granted to a motor vehicle or trailer to operate on the public roads in the following cases:

- (a) When the authorization has been obtained by fraudulent means or has been granted through error.
- (b) When the fees for the regular license or provisional permit for the motor vehicle or trailer have not been paid.

- (c) When the license plates, issued exclusively for a specific motor vehicle or trailer, are used for another motor vehicle or trailer.
- (d) When any certificate or document issued to a certain motor vehicle or trailer is used deceptively in another motor vehicle or trailer.
- (e) When the use given to the motor vehicle or trailer is contrary to that provided in the regular license or provisional permit granted pursuant to this Act or to public service laws and their regulations.
- (f) When the dimensions of such motor vehicle or trailer are not in accordance with the provisions of this Act.
- (g) When, in the judgment of the Secretary, the motor vehicle or trailer is in such disrepair that it may threaten the public safety.

Section 2.41. -Procedure for revocation.

The Secretary shall establish through regulations every aspect regarding the procedure for revocation or licenses, whether permanent or provisional, of motor vehicles or trailers, with respect to notice, adjudicative procedure, and judicial review.

Section 2.42.- Effects and ways to reverse the revocation of authorization to operate on the public roads. -

Every revocation of an authorization granted to a motor vehicle or trailer to operate on the public roads shall be understood to be for the remainder of the effectiveness of said authorization and shall not preclude, pursuant to the provisions of this Act, the issuance of another authorization to the motor vehicle or trailer at the time of renewal of the withdrawn authorization, if the same had been revoked.

When the revocation is due to the issuance through error of a permanent license or provisional permit to a motor vehicle or trailer or when the fees for such permits have not been paid, or when the revocation is due to disrepair conditions of the motor vehicle or trailer which constitute a menace to public safety, or when the dimensions of the vehicle are in conflict with the provisions of this Act, the Secretary may reauthorize the operation of said vehicle on the public roads, provided that the error in issuing the same is amended, the fees due are paid, or provided that the dimensions or disrepair conditions of the vehicle which caused the revocation are corrected.

Whenever the Secretary has revoked the license or provisional permit of a motor vehicle or trailer because of the provisions in subsections (c), (d) and (e) of Section 2.40 of this Act, he/she may reauthorize the operation of said vehicle on the public roads, if proof of the transfer of said vehicle to a new owner is presented through an authorized document sworn or attested before a notary.

No fees shall be returned to the owner of a motor vehicle or trailer whose license or provisional permit has been revoked, except when the revocation is due to an error of the Secretary in issuing the same.

Whenever a motor vehicle or trailer which revoked authorization to operate on the public roads was is reauthorized to do so again during the same year in which such authorization was issued, its owner shall not be required to pay new fees for the remainder of the year, except in those cases in which the revocation was decreed because of unpaid fees of permanent or provisional permits or because such authorization was granted through an error of the Secretary and such fees had already been reimbursed to the owner of the motor vehicle or trailer.

In those cases in which reimbursement is in order pursuant to the provisions of this Section, the Secretary of the Department of the Treasury shall proceed to refund such fees as soon as he receives notice from the Secretary of his duty to do so, in accordance with the provisions of this Act.

Section 2.43. -Unlawful acts and penalties. -

It shall be unlawful to carry out any of the following acts:

- (a) To drive a motor vehicle or haul a trailer on the public roads of Puerto Rico when such motor vehicle or trailer is not authorized by the Secretary to operate thereon. Every person who violates said provision shall incur a misdemeanor and if convicted, shall be punished with a fine of five hundred (500) dollars.
- (b) To drive a motor vehicle or haul a trailer on the public roads while engaged in a use for which a type of license, authorization or provisional permit is required, different from those granted by this Act and its regulation, as the case may be. Every person who violates this provision shall incur a misdemeanor, and if convicted shall be punished with a fine of fifty (50) dollars.
- (c) To drive a motor vehicle or haul a trailer on the public roads without carrying a copy of its license, or the documents or stickers, which in lieu of said license, authorize such vehicle to operate on the public roads. Every person who violates this provision shall incur an administrative fault and shall be punished with a fine of twenty-five (25) dollars.
- (d) To drive a motor vehicle or haul a trailer on the public roads displaying license plates or stickers that are not legible. Every person who violates this provision shall incur an administrative

fault and shall be punished with a five of twenty-five (25) dollars.

- (e) To drive a motor vehicle or trailer whose fees are due pursuant to the vehicle registry and license renewal system established by the Secretary through regulations to such effects. Every person who violates this provision shall incur an administrative fault and shall be sanctioned with a fine of twenty-five (25) dollars during thirty (30) days following the expiration date for payment of said fees or two hundred and fifty (250) dollars after said term.
- (f) To supply false information to the Secretary or to conceal information for the purpose of deceivingly obtaining any of the types of licenses granted by virtue of this Act and its regulations, or for the purpose of deceivingly registering the transfer or processing of any of the procedures provided in this Act and its regulations, regarding ownership of motor vehicles or trailers or the use to which the same shall be subjected on the public roads. Every person who violates this provision shall incur a misdemeanor and shall be punished with a fine of not less than five hundred (500) dollars or greater than five thousand (5,000) dollars.
- (g) To intentionally erase or alter the information contained in any license certificate for motor vehicles or trailers or in any document that certifies granting of an authorization to a motor vehicle or trailer to operate on the public roads, or in any of the documents necessary to obtain said license or authorization, as well to add information to said certificates or documents.

Every person who violates this provision shall incur a misdemeanor and if convicted, shall be punished with a fine that shall not be less than five hundred (500) dollars or more than five thousand (5,000) dollars.

- (h) To affix a license plate of a motor vehicle or trailer issued by virtue of this Act and its regulations on any other motor vehicle or trailer not authorized to bear the same. Every person who violates this provision shall incur an administrative fault and shall be punished with a fine of five hundred (500) dollars.
- (i) To steal or mutilate, alter or cover motor vehicle or trailer plates issued by virtue of this Act and its regulations while its use is authorized or required by this Act and its regulations. Every person who violates this provision shall incur a misdemeanor and if convicted, shall be punished with a fine of not less than five hundred (500) dollars or more than five thousand (5,000) dollars.
- (j) To drive a motor vehicle or trailer on the public roads with altered identification license plates in such manner that visibility is covered or otherwise concealed. Every person who violates this provision shall incur an administrative fault and if convicted shall be punished with a fine of fifty (50) dollars
- (k) To facilitate unauthorized persons to receive any license certificate of motor vehicles or trailers, or any document authorizing a motor vehicle or trailer to operate on the public roads, or make a determined use of such license certificate or above mentioned documents under the authority of this Act and public service laws and their regulations, so that such

documents may be used fraudulently for identification of another motor vehicle or trailer. Every person who violates this provision shall incur a misdemeanor and if convicted, shall be punished with a fine of not less than five hundred (500) dollars or greater than five thousand (5,000) dollars.

- (l) To facilitate to unauthorized persons issuance of license plates that are exclusively issued to certain types of motor vehicles or trailers so that the same may be used in another motor vehicle or trailer that has not been authorized to operate on the public roads. Every person who violates this provision shall incur an administrative fault and shall be punished with a fine of not less than five hundred (500) dollars or more than five thousand (5,000) dollars.
- (m) To erase, alter or cover the serial or identification number on the motor or body of a motor vehicle or trailer. Every person who violates this provision shall incur a misdemeanor and if convicted shall be punished with imprisonment for a term not to exceed six (6) months, a fine of not less than five hundred (500) dollars or more than five thousand (5,000) dollars.
- (n) To steal any certificate or document related to the regular license or provisional permit issued to a motor vehicle or trailer pursuant to this Act and public service laws and their regulations whenever the contents of such documents are effective and in force. Every person convicted for the violation of this provision shall incur a misdemeanor and shall be punished with a fine of not less than five hundred (500) dollars or of more than five thousand (5,000) dollars.

- (o) Failure by the seller of a motor vehicle or trailer to file request for its registration with the Department, when such seller is a person engaged in the sale of motor vehicles or trailers. Every person who violates this provision shall incur an administrative fault and shall be punished with a fine of one hundred (100) dollars.
- (p) Failure by the buyer of a motor vehicle or trailer to notify the transfer within the ten (10) day period required by Section 2.34 of this Act. Every person who violates this provision shall incur an administrative and shall be punished with a fine of fifty (50) dollars.
- (q) Failure to return the license plates of any motor vehicle or trailer no longer in use by its owner or disposed of as scrap metal, as provided in Section 2.13 of this Act, or which return has been required by the Secretary because the motor vehicle or trailer is not further authorized to operate on the public roads, or when such licenses have been revoked or suspended. Every person who violates this provision shall incur an administrative fault and shall be punished with a fine of fifty (50) dollars, in addition to the payment of any pending lien or fine.
- (r) To drive a motor vehicle or haul any trailer on the public roads with a suspended, revoked or expired license. Every person who violates this provision shall incur a misdemeanor and if convicted, shall be punished with a fine of one hundred (100) dollars. Every person who violates this provision, and who had already been sanctioned for it, shall incur a misdemeanor and if convicted shall be punished with a fine of not less than two

hundred and fifty (50) dollars or of more than five hundred (500) dollars. Any person who may need to move a motor vehicle which license has expired, may do so through payment of a fifteen (15) dollars Internal Revenue voucher of which five (5) shall be destined for the compulsory insurance, five (5) for the Administration Automobile Accident Compensation and five (5) dollars for DISCO. Said provisional permit shall be valid for three (3) days and may only be used for the purpose of moving the motor vehicle from its location to the inspection center or mechanic shop.

- (s) To display on the motor vehicle or trailer exterior other number plates than those authorized herein, with the exception of those granted by the Commission or authorized by other applicable laws or their regulations. Every person who violates this provision shall incur an administrative fault and shall be sanctioned with a fine of one hundred (100) dollars.
- (t) To drive a heavy motor vehicle on the public roads without displaying at both sides of the vehicle the unloaded weight and its maximum cargo capacity. Every person who violates this provision shall incur an administrative fault and shall be sanctioned with a fine of fifty (50) dollars.
- (u) To drive a motor vehicle or trailer on the public roads with special plates for a period longer than that authorized herein. Every person who violates this provision shall incur an administrative fault and shall be sanctioned with a fine of twenty (25) dollars.

- (v) To drive a motor vehicle or trailer without carrying its license once thirty (30) days have elapsed after the dealer or financial institution has registered said vehicle with the Department. Every person who violates this provision shall incur an administrative fault and shall be punished with a fine of twenty-five (25) dollars. Public service vehicles may operate with the authorization to substitute issued on their behalf by the Public Service Commission until final processing of the substitution.
- (w) To keep a motor vehicle or trailer parked on the public roads with an expired license or permit. Every person who violates this provision shall incur an administrative fault and shall be sanctioned with a fine of seventy-five (75) dollars. Furthermore, said vehicle shall be removed from the public road in accordance with the regulations provided to such effects by the Department and the Puerto Rico Police. The owner of a vehicle thus removed may recover the same, upon payment of storage, removal or towing expenses and of the fine provided herein.

III. REQUIREMENTS AND PROCEDURE FOR ISSUANCE, EXPIRATION AND RENEWAL OF DRIVER LICENSES

Section 3.01. Basic Rule. -

No person may drive a motor vehicle on the public roads of Puerto Rico without being duly authorized to such effects by the Secretary. Said official shall certify through a license every authorization to drive motor vehicles on the public roads, but under no circumstance a person may hold more than one license.

Section 3.02. - Driver or authorized owner- Bill of Rights. -

Every citizen holding a driver's license duly issued and authorized by the Secretary, and every owner or proprietor of a motor vehicle or trailer shall enjoy the following rights:

- (a) To receive a cordial and efficient service from the official of the Department and all from all agencies, departments and instrumentalities of the Commonwealth Government.
- (b) To use up to two (2) hours of his/her work hours, without charge to any leave and with pay, to renew the driver's license, provided that holding the same is indispensable because of the nature of his/her work.
- (c) To obtain clear and precise information on any administrative traffic fine of which payment is being claimed at the moment of carrying out any transaction related to his/hers driver's license. The Department shall provide copy of the issued ticket by any mechanical or electronic means available, which shall include the date, time and place of issuance, as well as the name and identification number of the officer who issued the ticket. The absence of such information or any confusion on the same or any of its components shall automatically exempt the driver or owner from payment of the fine.
- (d) When renewing the license of a motor vehicle, its owner or proprietor shall be bound to pay only those fines corresponding to the eighteen (18) month period immediately preceding its expiration date. He/she shall not be bound to pay any fines pertaining to a date prior to said term, except if the Department proves that the same were never paid because the vehicle license

where the fine appears was not renewed, unless the registered owner shows proof of having renewed such license.

- (e) No lien shall be registered in the record of a driver or registered owner, except in cases where he/she had previously accepted said lien, as stated in a document to such effects, or if said lien was ordered by law or by the court. Neither may a transfer *ex parte* be executed without sending notice to the registered title holder by certified mail with acknowledgment of receipt at the address appearing in the motor vehicle or trailer registry, stating intent to such effects as well as evidence to the Secretary or his authorized representatives, unless there is a court order to such effects. Failure to present proof of compliance with this requirement shall nullify the process.
- (f) Every motor vehicle title deed shall include information on its make or place origin, as well as its condition, in order to determine if the same is new, used, imported or salvage rebuilt, for the knowledge of the acquirer or any other interested party.
- (g) Every motor vehicle license shall include information regarding the amount that, according to its vehicle classification, shall be paid for insurance coverage, including the compulsory liability insurance implemented through Act No. 253 of December 27, 1995, as amended.
- (h) Every ticket issued for incurring an administrative fault shall clearly detail the name and badge number of the State Police or Municipal Police officer who intervened in the case, and the specific provision of this Act that was infringed.

Section 3.03. -Types of licenses. -

The following types of licenses are hereby established:

- (a) Learner's permit.
- (b) Driver's license.
- (c) Chauffeur's license.
- (d) Heavy motor vehicle driver's license, which shall be subdivided as follows:
 - 1. Type I heavy motor vehicle driver
 - 2. Type II heavy motor vehicle driver
 - 3. Type III heavy motor vehicle driver
- (e) Motorcycle driver's license.
- (f) Heavy motor towing vehicle driver's license.

The Secretary shall authorize a special permit to any person qualified to transport toxic materials or dangerous substances. The definitions and regulations established to such effects by the Commission pursuant to the faculties conferred to it by Law shall be taken into consideration for the special permit required herein to transport toxic materials or hazardous substances.

Every person authorized to drive heavy motor vehicles prior to the effectiveness of this Act shall be authorized to drive a Type III heavy motor vehicle, as established in subsection (d) 3 of this Section for the remaining term of effectiveness of said authorization.

Section 3.04. - Authorization to approve regulations. -

The Secretary shall approve and promulgate the necessary regulations to implement the provisions of this Act with respect to the requirements and procedures for issuance, renewal, revocation and permanent suspension of

driver's licenses and establish the grace period granted after expiration of a driver's license.

The Secretary shall have the faculty to exclude through regulations any type of motor vehicle from the license types or categories established in Section 3.03 of this Act and establish and issue a special or particular permit, if in the judgment of the Secretary the features, vehicle use and public safety requires so. Every decision of the Secretary made by virtue of said faculty shall be promulgated through regulations to such effects.

Section 3.05. - Exemptions from the license requirement. -

The following shall be excluded from the provisions of Section 3.01 of this Act:

(a) Members of the Armed Forces of the United States of America, members of the Reserve of the Armed forces and of the National Guard of Puerto Rico, whenever driving in active service any motor vehicles operated by or owned by the Government of the United States or by the National Guard of Puerto Rico.

(b) Every person who is not a resident of Puerto Rico and who is duly authorized by law to drive motor vehicles in any state or territory of the United States, or in any foreign country where requirements to issue driving licenses are substantially similar to those established herein, and who holds and carries an authorized and valid license from said state, territory or country. Said exemption shall only be in force during the first one hundred and twenty (120) of his/her arrival to Puerto Rico.

(c) Members of the Armed Forces of the United States who have been assigned to serve in Puerto Rico but who do not have permanent residence in Puerto Rico, as well as his/hers spouses and children over

sixteen (16) years of age, should they hold a valid motor vehicle driver's license issued by a competent authority in any state or territory of the United States, in any foreign country or place where said person enlisted in the Armed Forces, with which reciprocity relations have been established.

Should a non-resident person, included in subsection (b) of this Section hold a driver's license from a state, territory or country with which reciprocity relations have been established, as provided hereinafter, he/she shall obtain a driver's license without any other requirement than payment of the corresponding fees and that he/she surrenders any other license that he/she may hold.

The Secretary shall be authorized to establish, through regulations to provide the conditions and requirements deemed pertinent, relations of reciprocity to waive the requirement of examination, directly with any state or territory of the United States of America or with any foreign country with requirements similar to those established in this Act for the granting of driving licenses, and he may determine through agreements or contracts with competent authorities in such jurisdictions the license types or categories the shall be acceptable for purposes of this provision.

Section 3.06. -Requirements to drive a motor vehicle. -

Every person authorized to drive a motor vehicle in Puerto Rico shall comply with the following requirements:

- (a) Be mentally and physically capable therefore.
- (b) Know how to read and write in Spanish or English.
- (c) Be eighteen (18) years of age. Provided that the Secretary may issue a driver's license to a person under eighteen (18) years of age, but over sixteen (16), if said vehicle is for private use,

provided that all requirements established by this Act and by the regulations established by the Secretary, and if the person who has the *patria potestas* of the minor agrees to be responsible for all the fines imposed to said minor for any violation of this Act and for the payment of any damages caused by said minor.

- (d) To hold a learner's permit which on the date of application for examination has not less than one (1) month or more than two (2) years from its date of issuance, as provided in Section 3.08. The learner's permit required herein shall not be necessary when the person holds a driver's license, except for motorcycles, and wishes to change such driver's license for any of the other licenses authorized herein, or when the person holds a valid license to drive a motor vehicle that has been issued by any state or territory of the United States or any foreign country, and said license does not comply with the requirements established in subsection (b) of Section 3.05 of this Act.
- (e) To approve a practical examination, in accordance with the type of license requested, as provided by the Secretary through regulations.

Section 3.07. - Issuance of driving licenses to persons who do not know how to read or write. -

The Secretary may issue any type of license to drive motor vehicles to a person who cannot read and write Spanish or English, or who can read and write with speed or comprehension limitation, which would impede the approval of the written theoretical examination established by this Act, if said person complies with the following requirements:

- (a) Approve an oral course offered by the Department on highway and traffic safety rules and an oral examination upon completion of said course, as a requirement for the issuance of the learner's permit.
- (b) Approve the practical examination.

Section 3.08. - Requirements for the learner's permit. -

No person may learn to drive a motor vehicle on the public roads without license issued for such purposes by the Secretary.

The Secretary shall issue a learner's permit to every person who:

- (a) Knows how to read and write Spanish or English, except in those cases established in Section 3.07 of this Act.
- (b) Has reached eighteen years (18) of age, except in those cases established in subsection (c) of Section 3.06 of this Act.
- (c) Approves a theoretical examination to measure his/her knowledge of the provisions of this Act and of the regulations promulgated by the Secretary to manage traffic and ensure public safety.
- (d) Complies with any other requirements and procedural formalities provided by the Secretary through regulations to such effects.

Any person to whom a learner's permit is issued may operate a motor vehicle on the public roads, subject to the regulations promulgated by the Secretary, provided he/she is accompanied by a driver authorized to drive such type of vehicle, and as long as that the features of the vehicle allow so. Motorcycles are exempted from this provision. The person accompanying the learner shall be in such physical and mental conditions that may allow

him/her to instruct the learner and take over the operation of the vehicle, if necessary.

Every learner's permit shall be issued for a term of two (2) years and shall not be renewable. After said term has expired, the person shall have thirty (30) additional days to apply for the practical examination. Upon expiration of said term, he/she shall have to obtain a new learner's permit should he/she be interested in practicing for an additional time.

Section 3.09. -Mental and physical ability necessary for driving. -

Every person applying for issuance of a learner's permit shall include with the application a certification issued by a physician duly authorized to practice the medical profession stating that according to the physical examination made to the applicant, he/she is physically capable and without any apparent mental disability to drive a motor vehicle on the public roads. Said certification shall be made on the form provided by the Secretary to such effects.

Whenever a driver's license is requested, the Secretary may require a medical examination to every applicant exempted from the learner's permit requirement.

The Secretary may require up to two (2) additional physical examinations, two (2) eyesight examinations, as well as two (2) psychiatric evaluations of the applicant by experts on the field, when in his judgment or that of the person designated thereto, it is deemed necessary to comply with the purposes of this Section.

The Secretary shall establish through regulations the minimum physical conditions necessary for operating a motor vehicle.

Section 3.10. - Medical Advisory Board. -

- (a) The Secretary shall establish a Medical Advisory Board for issuance of driving licenses composed by seven (7) members, appointed by the Secretary.
- (b) Said members shall be appointed for a term of four (4) years and upon such appointment shall hold office until their successors are appointed and take office. Every vacancy that may occur before expiration of said term shall be covered for the remainder of the term. The members of the Board shall be physicians authorized to practice the medical profession in Puerto Rico.
- (c) Three (3) members of the Board shall constitute quorum and vacancy or absence of three (3) members shall not affect the right of the remaining members to exercise all the powers of the Board. The agreements of the Board shall be reached by a majority vote of the attending members.
- (d) The Board shall have the following duties and powers:
 - (1) Advise the Secretary on medical matters, use of technologically assisted equipment for persons with disabilities, and on eyesight standards in connection with the authorization of drivers under the provisions of Section 3.08 and on the promulgation of its regulations.
 - (2) Keep an official record of the cases submitted by the Secretary for evaluation as well a record of the decisions of the Board.
 - (3) Select a Chairperson among its members.
 - (4) Any other duty or power delegated by the Secretary.

- (e) If the Secretary has grounds to believe that an authorized driver or aspirant to a driver's license is not physically or mentally capable of holding a driver's license, he may request advice and assistance of the Board and shall send written notice to such effects to the driver or aspirant. The Board may issue its advice based on the reports and records or may examine the person or refer him/her to the Department of Health or Medical Center for examination. The authorized driver or aspirant, at his/her option may opt to be examined by a physician of his/her choice. Whenever the condition involves eyesight, the examination shall be conducted by an optometrist or ophthalmologist. The results of the examination shall be duly considered by the Board, jointly with any other reports that may require their opinion. Said procedure shall never take more than ninety (90) days in total.
- (f) The members of the Board as well as those persons who examine the authorized driver or aspirant shall not be liable, and therefore may not be sued for reason of any opinions or recommendations they may submit to the Board.
- (g) Those reports received or conducted by the Board or its members for the purpose of advising the Secretary in the decision of whether a person is apt to obtain a driver's license shall be confidential and for the exclusive use of the Board or the Secretary and may not be disclosed by any person or be used as evidence in any trial. It is provided that the reports may be used in those internal procedures of the Department regarding issuance, renewal or revocation of driving licenses and any person who performs an examination, as provided in subsection

(e) of this Section, may be called to declare on his/her observations and conclusions regarding such proceedings. The affected person shall be entitled to receive copies of the medical reports, upon his/her request.

- (h) The members of the Board shall receive a sum equal to the minimum per diems received by members of the Legislature of Puerto Rico under Act No. 97 of June 19, 1968, as amended, on account of per diems for each day of meeting attended.

Section 3.11. - Practical examination requirement. -

Every aspirant to a driver's license who meets the requirements established in Section 3.06 of this Act may request from the Secretary a practical examination to obtain issuance of a driver's license. If said applicant already holds a driver's license issued under the provisions of this Act, he/she may request from the Secretary to be submitted to the practical examination required for issuance of any other of the license types authorized herein, which have stricter requirements. Any applicant who holds a driver's license issued by the Armed Forces of the United States, shall be bound to take the written and practical examination established in this Act in order to drive a vehicle in Puerto Rico, but shall not need to obtain a learner's permit.

The application for the examination shall be completed on the appropriate form and shall include the photographs and documents prescribed by the Secretary through regulations. Upon filing of the application, the Secretary shall set the date and time in which said test shall be held and shall notify the applicant to such effects.

In the practical examination every examinee shall demonstrate that he/she is capable of operating the motor vehicle for which a driver's license

is requested, with due safety and in accordance with all the provisions of this Act and the regulations promulgated by the Secretary.

Section 3.12. - Driving licenses for persons with partial physical disability. -

The Secretary may issue learner permits and driver licenses to any person with a partial physical disability, provided he/she has attained eighteen (18) years of age or complies with the provisions of subsection (c) of Section 3.06 of this Act, provided such disability may be corrected through the use of technologically advanced assistance equipment installed in the motor vehicle or through restrictions on the type of vehicle that such person shall operate, places where he may operate such vehicle or times during which he/she may be authorized to drive, as well as any other limitation or condition deemed necessary for reason of public safety, all of which shall appear on the license issued.

Any person aspiring to being authorized to operate a motor vehicle under the provisions of this Section shall submit to those physical examinations required by the Secretary, covering those aspects that in the judgment of the latter are deemed necessary.

Any driver to whom a license is issued under the conditions of this Section, shall be bound to fully comply with the restrictions imposed upon the license granted.

Section 3.13. -Driving license certificates. -

The Secretary shall issue a certificate to every person authorized to operate a motor vehicle stating the fact of such authorization. The certificate shall contain, in Spanish and English, the name and all other descriptive data of the person to whom the same issued, license identification number as designated by the Secretary through regulations, type of license granted,

applicable restrictions, if any, and issuance and expiration dates. The identification number shall be maintained throughout all renewals, provided said renewal is authorized pursuant to the provisions of Section 3.14 of this Act.

In addition to the referred information, the Secretary shall include in the license certificate any information deemed pertinent, including, at least, the blood type of the holder and whether or not he/she is an organ or tissue donor pursuant to the applicable laws.

The Secretary shall include a distinctive in the driver's license certificate identifying such driver as a safe driver. Safe driver shall be every driver who during the term of effectiveness prior to the renewal of his/her driver's license has not provoked any motor vehicle collision and has not incurred in any violation of this Act. The Secretary may establish through regulations the requirements deemed necessary for those persons engaged in completing the above- mentioned medical certificates.

The Secretary shall establish through regulations the design features of the driver's license, as well as any other utility deemed convenient for the same.

Every person to whom a license certificate has been issued pursuant to the provisions of this Act shall carry the same while driving a motor vehicle on the public roads. Whenever said certificate is lost, stolen or destroyed, the person to whom the same has been issued may request a duplicate after stating through a sworn statement to such effects the circumstances of such loss, theft or destruction. The Secretary may issue a duplicate, if said statement is accepted.

Section 3.14.- Effectiveness and renewal of driving licenses. -

Every license to operate a motor vehicle issued by the Secretary shall be issued for a term of six (6) years, and may be renewed on successive terms every six (6) years. The expiration date of the driver's license shall coincide with the holder's date of birth.

The terms and the authority to renew the licenses established in this Section shall not apply to learner's permits and may be modified by the Secretary regarding any type of license whenever public service laws and regulations make it necessary.

Every person authorized to hold a driver's license shall be granted a grace period of thirty (30) days as of the expiration date of the license, but however, shall be bound to pay the corresponding fees referred to in Section 24.02.

After said term has expired and up to a maximum of two (2) years and thirty (30) days as of the expiration date of the license, the person shall pay the fees for renewal fixed in Section 24.02 of this Act. Being understood that every license, except for learner's permits, shall be void upon expiration of the referred two (2) year term, after which the holder shall be bound to take and approve the written examination provided by the Secretary to obtain a new driver's license.

The Secretary shall establish through regulations the license renewal process, and every renewal shall be requested on the form authorized by the Secretary to such effects. The Secretary shall require a passport size photo of the applicant, as well as a medical certificate attesting to his/her physical, eyesight and mental condition pursuant to the provisions of Section 3.09 of this Act.

The Secretary may require from any person requesting renewal of a driver's license a written and practical examination on his/her knowledge and abilities necessary for operating the type of motor vehicle with the limitations authorized in the license to be renewed.

Each time a driver's license is renewed, a new certificate shall be issued to the person requesting renewal pursuant to the provisions of Section 3.13 of this Act, containing those modifications appropriate to the renewal, as the Secretary may deem necessary, and as provided through regulations.

Section 3.15. - Registries, records and indexes of persons authorized to operate motor vehicles. -

The Secretary shall establish and keep those registries and indexes deemed adequate and necessary of all persons authorized to operate motor vehicles. The Secretary shall also keep an individual record of every person to whom any type of license has been issued under the provisions of this Act.

The Secretary may establish and operate those biometric systems that may enable the use of applicable scientific and technological advancements, in order to comply with the duty of establishing and keeping the registries and indexes referred to in this Section.

The records and registries authorized by this Section shall include the names and addresses of the persons in favor of whom the licenses have been issued, types, dates of issuance and expiration, identification number granted, date of last physical examination, as well as any other information that the Secretary may deem necessary. Whenever required for the renewal of a license, the corresponding information changes shall be made in the registries. The Secretary shall also keep in the record of each driver, any information regarding traffic accidents in which he/she has been involved

and every administrative fault or judicial sentence against him/her for violations of the provisions of this Act and the regulations approved thereof.

It shall be the duty of every person authorized to operate a motor vehicle to report to the Secretary, in the official form authorized to such effects, any changes in his/her home address within ten (10) days following said change.

Section 3.16. -Refusal to issue or renew a driver's license. -

The Secretary shall refuse to issue or renew a driver's license in the following cases:

- (a) Whenever issuance or renewal results in violation of this Act or any other law or its regulations.
- (b) Whenever the information provided in the application for issuance or renewal of the license is false or insufficient.
- (c) Whenever the requirements of this Act are not complied with.
- (d) Whenever the issuance or renewal fees have not been paid.
- (e) Whenever the applicant, by virtue of official reports against him/her, constitutes a menace to public safety or has shown carelessness or habitual recklessness in the operation of a motor vehicle.

In those cases comprised under subsection (e) above, the Secretary shall establish through regulations the essential elements that must be present in the conduct of a person to the effects of determining whether he/she constitutes a menace to public safety or has demonstrated habitual carelessness or recklessness in the operation of motor vehicles. Whenever the Secretary determines that issuance or renewal of a license under said subsection does not proceed, written notice shall be sent to the affected person and he /she may, within twenty (20) after such notice from the

Secretary, object said action and request an administrative hearing. Said procedure shall be carried out pursuant to the provisions of Sections 2.42 and 27.04 of this Act.

Section 3.17. -Special endorsement to transport toxic material or dangerous substances. -

Any person intending to engage in the operation of motor vehicles for the transportation of toxic materials or dangerous substances shall obtain from the Secretary a special endorsement to such effects. To obtain such endorsement, the aspirant shall comply with the following requirements, in addition to those established in Section 3.06:

- (a) Be over twenty-one (21) years of age.
- (b) Hold a driver's license to operate motor vehicles of the category to be used.
- (c) Submit attesting proof that he/she has taken courses or trainings, with a frequency of not less than every two (2) years, offered or approved by the Commission, in connection with toxic materials and hazardous substances transportation and handling, as well trainings on emergency response procedures.
- (d) Submit a negative criminal record certificate issued by the Puerto Rico Police at the moment of requesting or renewing a license.
- (e) Submit a sworn statement stating that he/she has a good record as a carrier of toxic materials and dangerous substances in Puerto Rico and in all other jurisdictions of the United States, including states of the union and territories.
- (f) Submit a certificate issued by a public or private clinical laboratory, duly authorized to conduct drug testing in Puerto

Rico, stating that the applicant is not a user of controlled substances according to the tests or examinations undergone by him/her.

- (g) When requesting this permit or endorsement for the first time, and every two (2) years afterwards, to undergo rigorous examinations administered by physicians selected by the Department, in order to determine if the applicant is physically and mentally capable of operating heavy motor vehicles for the transportation of toxic materials or dangerous substances, or to drive any other type of vehicle transporting said type of cargo.

The Secretary, acting jointly with the Commission, shall establish through regulations, the procedures necessary for the implementation of the provisions of this Section, as well as any other reasonable requirements or conditions necessary of the issuance or renewal of this type of permit or endorsement.

Section 3.18. - License processing agents. -

- (a) No person may engage in the license processing business or take any action related to said business in Puerto Rico without first approving a test to obtain a license to be issued by the Secretary, posting a bond in an amount not less than twenty-five thousand (25,000) dollars, in order to respond for the adequate fulfillment of his/her duties and obtaining the corresponding identification cards of his/her authorized agents pursuant to this Section. The referred bond may be posted by mortgage guaranty or through any bonding or insurance company duly authorized to operate as such in Puerto Rico

The Secretary shall prepare and administer the license processing agent examination, which shall objectively measure all the transactions pertaining to license agents before the Department. The examination shall be administered at least three (3) times per year, with not less than four (4) months between such administration dates. The license shall have an effectiveness of two (2) years, and must be renewed upon expiration of said term, as provided by the Secretary through regulations.

- (b) Every application for the license agent examination shall be completed in writing on the forms provided by the Secretary and shall include under oath the address where the main business office is to be established, identification of the applicant, identification of each one of his authorized agents, as well as any other information that the Secretary may require.

Every application for license, renewal and corresponding identification cards must include an internal revenue voucher to cover the fees established in Section 24.02 of this Act.

Every application for renewal of this type of license and identification cards shall be filed not later than thirty (30) days prior to its expiration.

Said license must be displayed at the business location in a place visible to the public and shall not be transferable. The authorized agent must carry the identification card with him while in the fulfillment of his duties.

- (c) No license shall be issued to any person if said person or any of his agents has been convicted in any jurisdiction of the crimes of forgery, fraud, false pretense, illegal appropriation in any of its

modalities, extortion, burglary in any of its modalities, theft in any of its modalities or bribery. Nor shall a license be granted to officials or employees of the Department or former officials or employees of the Department until two (2) year have elapsed after having left the agency. Neither shall a license be granted to persons engaged in the sale, distribution or financing of motor vehicles, or to their agents, employees or relatives within a fourth degree of consanguinity or second of affinity.

- (d) The Secretary may suspend, revoke or refuse to issue or renew an agent license or authorization on any grounds that empower him to take such action under the provisions of this section, any of the provisions of this Act or the regulations promulgated thereof, including violation or noncompliance with any of the provisions of this section.
- (e) The Secretary shall establish those regulations deemed necessary to implement the provisions of this section.
- (f) Any person who violates the provisions of this section or the regulations promulgated thereto, shall incur an administrative fault and shall be punished with a fine of five hundred (500) dollars.

Section 3.19. -Revocations or suspensions of driver's licenses. -

The Secretary may revoke or suspend any driver's license in the following cases:

- (a) Whenever the license has been obtained by fraudulent means, granted through error or when the fiscal fees therefore have not been paid.

- (b) Whenever the person authorized becomes physically or mentally disabled to operate a motor vehicle.
- (c) Whenever the person authorized has a record of at least three guilty verdicts in a court of justice, each one for separate acts within the term of one (1) year, for violations of the provisions of this Act or its regulations.
- (d) Whenever the person authorized has been convicted of violations of the laws or regulations of any jurisdiction of the United States, including states of the Union and territories, for acts or omissions that, under the laws of Puerto Rico, constitute crimes that may justify suspension or revocation of a license.
- (e) Whenever the person has been authorized under the provisions of Section 3.11 of this Act and fails to comply with the requirements or conditions imposed by the Secretary.

In the cases referred to in subsections (a), (b) and (e) above stated, the suspension or revocation of the license shall be left without effect as soon as the error, unlawfulness or non-compliance indicated is corrected, or if the disability that originated the Secretary's action disappears or is corrected.

Under any case shall the suspension of a license by the Secretary exceed a term of one (1) year.

Section 3.20. - Administrative hearing and petition for review. -

Whenever the Secretary determines that a revocation or suspension of a license or authorization to operate motor vehicles is in order, the procedure shall follow as established through regulations and in accordance with this Act.

Section 3.21. - New physical, visual or mental examinations. -

Whenever the Secretary should have reasonable grounds to believe that a person with a license to operate motor vehicles is not physically, visually or mentally fit to do so, as the case may be, including frequent violations to the provisions of this Act or its regulations, he shall require such person to undergo a physical, visual or mental examination, as the case may be, by those physicians designated by the Secretary. Said examination shall cover those aspects that the Secretary may deem pertinent, including that the person could be requested to take new practical and written examinations in order to demonstrate his/her capability to operate a motor vehicle, according to the type of license he/she holds.

Refusal to undergo such examinations shall empower the Secretary to revoke the driver's license to said person.

Section 3.22. -Point System

The Secretary shall establish through regulations a point system or rating schedule to fix the points or demerits that shall be accumulated against drivers for every violation constituting an administrative fault and shall provide the measures that must be taken when a violator accumulates points of various levels which may range from those involving a written notice to the revocation of the driver's license.

When a person commits an administrative fault by violating the provisions of this Act or its regulations, the Secretary shall determine, within the limits established for each violation, the number of points the violator shall accumulate.

Section 3.23. -Illegal use of the driver's license and penalties

It shall be unlawful to commit any of the following acts:

- (a) Drive a motor vehicle on the public roads of Puerto Rico without being duly authorized therefor by the Secretary or with a license other than that required to operate such a type of vehicle. Any person violating this provision shall incur a misdemeanor and if convicted, punished with a fine of one hundred (100) dollars. Any person convicted of violating this provision who has already been convicted for the same violation shall be punished with fine of not less than two hundred (200) dollars.
- (b) Provide false information or photographs to the Secretary, or conceal information with the intent of deceitfully obtaining any type of driver's license authorized in this Act and its regulations. Any person violating this provision shall incur a misdemeanor and if convicted, punished with a fine of not less than five hundred (500) or of more than five thousand (5,000) dollars.
- (c) Maliciously erase, add or alter the information contained in any driver's license certificate or in any of the documents needed to comply with the procedures for obtaining or renewing said license, including the alteration or substitution of photographs thereon. Any person violating this provision shall incur a misdemeanor and if convicted shall be punished with a fine of not less than five hundred (500) or of more than five thousand (5,000) dollars.
- (d) To provide any unauthorized persons any driver's license certificate or any other document for the purpose of using the same deceitfully to obtain or renew any driver's license. Any

person violating this provision shall incur a misdemeanor and if convicted shall be punished with a fine of not less than one hundred (100) or of more than five hundred (500) dollars.

- (e) For a person who owns a motor vehicle to allow any person to operate the same without being legally authorized to do so. Any person who violates this provision shall incur administrative fault and shall be sanctioned with a fine of ten (10) dollars.
- (f) For a person authorized to drive a motor vehicle to fail to report to the Secretary, at the time and in the manner provided in this Act, of any change in his/her home address. Any person who violates this provision shall incur an administrative fault and be punished with a fine of ten (10) dollars.
- (g) For a person to fail to return to the Secretary a license certificate when so required by law. Any person violating this provision shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.
- (h) For a person not to carry his/her driver's license while driving a motor vehicle. Any person violating this provision shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.
- (i) For a learner or his/her companion to violate the provisions of Section 3.08 of this Act. Any person violating this provision shall incur an administrative fault and be punished with a fine of fifty (50) dollars.
- (j) For a learner or his/her companion not to carry with him/her the learner's permit or the driver's license, respectively. Any

person violating this provision shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

- (k) For a person to present as his/her own any driver's license not issued by the Secretary. Any person violating this provision shall incur a misdemeanor and if convicted shall be punished with a fine of not less than one hundred (100) or of more than five hundred (500) dollars.
- (l) For a person to photograph, make photocopies of or in any manner reproduce any driver's license or facsimile thereof, for the purpose of using the same deceitfully, and so that it may be deemed authentic. Any person violating this provision shall incur a misdemeanor and if convicted shall be punished with a fine of not less than two hundred (200) or of more than five hundred (500) dollars, at the discretion of the sentencing Court. Any person violating this provision who has already been convicted of the same violation shall incur a felony and be punished with a fine of not less than five hundred (500) or of more than five thousand (5,000) dollars.
- (m) For a person to drive a motor vehicle in any public road when his/her driver's license has been suspended or revoked. Any person violating this provision shall incur a misdemeanor and if convicted shall be punished with a fine of not less than one hundred (100) or of more than three hundred (300) dollars.
- (n) For a physician to certify that an applicant for a learner's permit or a driver's license is mentally and physically fit to drive a motor vehicle knowing that said person is not, or to certify to having made a physical or mental examination of said applicant

without having done so. Any person violating this provision shall incur a misdemeanor and be punished with a fine of not more than five thousand (5,000) dollars.

Section 3.24. -Identification card. -

Any person eighteen (18) years of age or older who does not have a license to drive a motor vehicle may request that the Secretary issue an identification card. Said application shall be accompanied by the required documents established through regulations by the Secretary. The issue of the identification card shall entail the payment of a fee as provided by the Secretary through regulations. The funds thus collected shall be covered into a special account on behalf of the Office of Driver Services to be used in the production and administrative and automated processing of said cards. The Secretary shall provide through regulations all other matters concerning the issue, use, renewal and cancellation of said identification cards.

It shall be illegal to:

- (a) Provide the Secretary with false information or photographs or conceal information with the intent of deceitfully obtaining the identification card authorized in this Act and its regulations. Any person convicted of violating this provision who has already been convicted of the same violation shall be punished with a fine of not less than one hundred (100) or of more than two hundred (200) dollars, or both penalties at the discretion of the sentencing court.
- (b) Maliciously erase, add to or alter the information contained in any identification card or in any of the documents needed to comply with the procedures for obtaining or renewing said card, including the alteration or substitution of photographs thereon. Any person violating this provision who has already been convicted of the same

violation shall be punished with a fine of not less than one hundred (100) or of more than two hundred (200) dollars or with a term of imprisonment of not less than one (1) month or of more than two (2) years, or both penalties at the discretion of the sentencing court.

(c) To take Photographs, make photocopies of or in any manner reproduce any identification card or facsimile thereof, for the purpose of using the same deceitfully, and so that it may be presented as authentic. Any person convicted of violating this provision who has already been convicted of the same violation shall incur a felony and be punished with a fine of not less than two hundred (200) or of more than one thousand (1,000) dollars, or with a term of imprisonment of not less than six (6) months or of more than one (1) year, or both penalties at the discretion of the sentencing court.

Any person who violates what has been provided in this Section or by the Secretary through the regulations authorized herein, shall incur a misdemeanor and if convicted, punished with a fine of not less than fifty (50) dollars or of more than one hundred (100) dollars.

IV. PROVISIONS ON TRAFFIC ACCIDENTS

Section 4.01. -General rule. -

The driver of any vehicle involved in an accident in which another vehicle or property has been damaged, or in which a person has been injured or killed, shall immediately stop his/her vehicle at, or as close to the scene of the accident as possible, so as to avoid obstructing traffic and in compliance with all obligations provided in this Act. Should a driver stop his/her vehicle close to the scene of the accident, but not exactly at the site itself, he/she shall return to the scene of the accident and remain there until he/she

has complied with the provisions of Section 4.03 of this Act. Any stop shall be made without obstructing traffic more than may be necessary.

Section 4.02. -Unlawful act and penalties

Any driver who fails to stop his/her vehicle or in such circumstances to comply with the requirements expressed in Section 4.01 of this Act, shall incur a misdemeanor and if convicted, punished with a term of imprisonment for a term of not more than six (6) months, a fine of not more than five thousand (5,000) dollars, or both penalties at the discretion of the Court.

The Secretary shall revoke the driver's license or permit and all driving privileges granted to a nonresident who has been convicted for violating this Section for a term of six (6) months.

Section 4.03. -Obligations of any driver involved in an accident

Any driver of a vehicle involved in an accident shall:

(a) Give his/her name, address and registration number of the vehicle driven and, if requested, make available his/her driver's license or permit and any other information related to the compulsory insurance of the motor vehicle to any person injured as a result of the accident, or to the driver or occupant of the other vehicle, or to the person in charge of the vehicle or of any property damaged in the accident or to any law enforcement officer.

(b) Render assistance to the injured, if any, including taking them to a hospital or where they may receive medical assistance, except when it may be dangerous for the injured to be moved, or when the injured themselves, or any person accompanying them, expressly refuses to give consent to have them moved. The driver of the vehicle

shall be exempt from said duty if as a result of the accident his/her physical condition does not enable him/her to render said assistance.

In the event that none of the persons mentioned is in condition to receive the information to which they are entitled, pursuant to the provisions of subsection (a) of this Section, and should there be no law enforcement officer present, the driver of the vehicle involved in the accident, after having complied to the utmost with all the provisions and requirements of Section 4.01 and 4.03 of this Act, shall report the accident to the nearest Police station and submit the information specified in subsection (a) of this Section.

Section 4.04. -Accidents affecting property whose owner or caretaker is not present. -

Any driver involved in an accident resulting in damage to property whose owner or caretaker is not present at the scene of the accident shall try to locate said owner or caretaker and notify them of the accident, identifying him/herself and showing said owner or caretaker the license authorizing him/her to drive. If said driver is unable to locate the owner or caretaker of the property damaged in the accident, he/she shall leave in a conspicuous place thereupon, his/her name and address and shall, without unnecessary delay, report the accident to the nearest Police station.

Section 4.05. -Unnecessary obstruction of traffic

It is hereby prohibited to stand or park a vehicle after an accident in such a manner as to obstruct traffic on the public road, except in those cases where, because of the circumstances or the situation or the conditions in which the vehicles or their occupants are left after the accident, it is not possible to move the vehicle.

Section 4.06. -Immediate notice to Police

Any driver of a motor vehicle involved in an accident not investigated by the Police at the place where it occurred which has resulted in injury to another person or damages to the property of another, shall immediately and through the fastest possible means, report the accident to the nearest Police station, within a term not to exceed four (4) hours.

When the driver of a vehicle is him/herself physically unable to make the report immediately, as required in this Section, and there is another occupant in the vehicle at the time of the accident who can do so, said occupant shall give or cause to be given the information which the driver failed to provide.

Section 4.07. -Police Report

Any member of the Police or the Municipal Police investigating a vehicle accident or who otherwise prepares a written report as a result of an investigation conducted at the time or at the scene of an accident, or after having subsequently interviewed the participants or witnesses, shall remit to the Department a written report of the accident or a copy of any other report he/she has prepared, within ten (10) days following the investigation of the accident, a copy of which shall be forwarded to the Automobile Accident Compensation Administration, in case there have been injured parties at the accident.

Section 4.08. -Obligation of vehicle repair shop personnel. -

Any owner or employee of any vehicle repair or paint shop shall be under the obligation to keep a register of all vehicles left in their charge. The register shall state the model of the vehicle, its serial and license plate number, the name and address of the owner and a detailed description of the vehicle before and after work has been done on the latter.

A copy of said register shall be forwarded to the Department, as the Secretary may provide through regulations.

Any person violating the provisions of this Section shall incur a misdemeanor and if convicted, shall be punished with a term of imprisonment of not more than six (6) months, a fine of not more than five thousand (5,000) dollars, or both penalties at the discretion of the Court.

Section 4.09. -Analysis and tabulation of accidents by the Department

The Department, in compliance with the provisions of this Act, shall tabulate and analyze all accident reports received and shall publish annually or at shorter intervals statistical information based on said reports including data relative to the number and circumstances of vehicle accidents.

Section 4.10. -Liens of motor vehicles involved in accidents. -

Whenever the operation of a motor vehicle, or trailer causes an accident on a public road, any person having a claim arising out of such an accident may file a sworn statement with the Secretary stating the facts of the accident. The Secretary shall examine said sworn statement and if the same complies with the requirements established through regulations, he/she shall note the same by entering a brief description of the claim in the registration record of the motor vehicle or trailer. This not shall have the same effect of a lien on the motor vehicle or trailer, as the case may be, for a term of one (1) year. During that time the Secretary may not authorize any transfer whatsoever of said motor vehicle. It shall be the duty of the Secretary to provide in writing to any person who so requests, any information on the existence or nonexistence of such a type of lien on a given motor vehicle or trailer.

The Secretary shall take notice of any judicial order affecting the disposal of the motor vehicle or trailer, as the case may be, and shall

authorize or reject the transfer of such a vehicle or trailer pursuant to the terms of the judicial order.

Any person affected by the annotation suspending for one (1) year any transfer of the motor vehicle or trailer, as ordered by the Secretary, may free the vehicle or trailer from the effects thereof, by posting bond for the amount fixed by the Secretary according to the estimated market value of the vehicle, as provided through regulations.

Section 4.11. -Authority of Police in hit-and-run accidents

Whenever a member of the Police or the Municipal Police has sufficient grounds to believe that a given vehicle has been involved in an accident from which the driver has abandoned the scene of the accident, and said vehicle shows any visible signs of having been involved in an accident, the office shall be empowered to remove said vehicle from the public road and transfer the same to an adequate facility for its inspection. The owner shall not be deprived of his/her vehicle for more than forty-eight (48) hours.

Section 4.12. -Obstruction of emergency measures

Any driver who parks his/her motor vehicle one hundred (100) or less feet from where a traffic accident has occurred or an emergency situation arisen, while emergency measures are being taken, shall incur an administrative fault and be punished with a fine of one hundred (100) dollars.

The members of the general working press and those other persons who, because of their knowledge or profession or technical expertise, are capable of rendering assistance and therefore have stopped to offer their help while waiting for the emergency authorities to arrive at the scene, are hereby exempted from these provisions. Said persons shall at all times exercise proper judgment and undertake those measures that may be necessary to

avoid obstructing the free flow of traffic or creating situations that entail risk to their own safety or the safety of others.

Section 4.13. -Obligation of law enforcement officers in cases of accident. -

Any law enforcement officer on duty and not in pursuit of a crime suspect shall be duty bound to stop at the scene of a traffic accident until another law enforcement officer appears or until he/she has taken all necessary data to allow for the investigation of the accident.

Any member of the Police or the Municipal Police who violates this Section shall incur a misdemeanor and if convicted, shall be punished with a fine of one hundred (100) dollars, without prejudice to any administrative sanctions that may be imposed.

Section 4.14. -Duties of law enforcement officers. -

When a law enforcement officer intervenes with a person for having violated the provisions of this Act, he/she must do so in a professional and diligent manner so as to guarantee his/her own safety and that of the persons intervened. Any law enforcement officer who violates this provision or who abuses his/her power shall incur a misdemeanor and if convicted, shall be punished with a fine of one hundred (100) dollars, without prejudice to any administrative sanctions that may be imposed.

V. TRAFFIC AND SAFETY PROVISIONS

Section 5.01. -Basic rules. -

The speed of a motor vehicle shall be controlled with due care, taking into account the width, layout and conditions of the public road and the volume of traffic therein. No one shall drive at a speed higher that would impede the driver from exercising proper control of the vehicle and to slow down or stop when necessary to prevent an accident. Pursuant to the

requirements set forth above, every person shall drive at a safe and suitable speed when approaching and crossing an intersection or railroad crossing, when approaching the summit of a slope, when traversing a narrow or winding road or when there is special danger to pedestrians or other traffic or because of the weather or the conditions of the road.

Section 5.02. -Maximum lawful speed limits and penalties

The speed limits established below and the manner in which they are subsequently authorized shall be the maximum lawful speed limits and no person shall drive a motor vehicle on a public road at a speed higher than said maximum limits:

(a) Twenty-five (25) miles per hour in the urban zones, except for those public roads with four or more lanes, whereby the Secretary may establish a maximum limit of thirty-five (35) miles per hour.

(b) Forty-five (45) miles per hour in the rural zones, except for those public roads whereby the Secretary determines that the maximum speed limit shall be of up to fifty-five (55) miles per hour.

(c) Twenty-five (25) miles per hour in the school zones, as identified by the corresponding authorities, from 6:00 A.M. to 6:00 P.M. on school days or other hours or periods as posted or identified by placards with fixed or removable messages, blinking yellow lights or other traffic control devices or combinations thereof.

(d) Any motor vehicle transporting toxic materials or dangerous substances shall not exceed a speed of thirty (30) miles per hour in rural zones and fifteen (15) miles per hour in urban zones. When determining what constitutes toxic materials or dangerous substances, attention must be given to the definition established by the

regulations adopted by the Commission to that effect, according to the powers conferred to the latter by Act No. 109 of June 28, 1962, as amended, or by any statute that may subsequently govern said matters.

(e) The speed in expressways shall be sixty-five (65) miles per hour in those areas that meet the criteria in effect of the American Association of State Highway and Transportation Officials (AASHTO).

(f) The maximum speed for heavy motor vehicles, public or private buses or school buses shall always be ten (10) miles per hour less than the speed allowed in any zone.

(g) Any person driving a motor vehicle in excess of the maximum speed allowed in the zone or at the time, or under the pertinent conditions, as determined by the Secretary, shall incur an administrative fault and be punished as follows:

(1) Basic fine of fifty (50) dollars, plus five (5) additional dollars per mile per hour when driving in excess of the maximum speed limit allowed in that zone or at that hour, or under said circumstances.

(2) A fine of five hundred (500) dollars when the speed at which the vehicle is traveling reaches one hundred (100) miles per hour or more.

(h) Any person driving a motor vehicle in excess of the maximum speed limit allowed in a school zone especially identified by a traffic light of multiple colors, as established through regulations by the Department at the request of the Department of Education, shall incur an administrative fault and be punished with a fine of two hundred and fifty (250) dollars.

Section 5.03. -Below limit speed. -

It shall be unlawful for any person to drive a vehicle at a speed so slow or reduced as to hinder or obstruct the normal and reasonable flow of traffic, except when slowing down may be necessary for driving safely or when negotiating a grade, or in the case of heavy motor vehicles which of necessity or in compliance with the law must travel at reduced speed.

When the Secretary or the local authorities, within their respective jurisdictions, determine, on the basis of research on traffic engineering, which reduced speeds on any part of a public road consistently hinder the normal and reasonable flow of traffic, the Secretary or the local authorities may determine and declare a minimum speed limit under which no person may drive a vehicle, except when necessary for driving safely or in compliance with the law. Violation of a minimum speed limit shall be punished as an administrative fault with a fine of twenty-five (25) dollars.

Section 5.04. -Speed zone. -

When the Secretary determines, on the basis of research on traffic engineering, that any of the maximum speed limits established above is higher or lower than what is reasonable and safe regarding the conditions existing in an intersection, in any other location or in any other part of the public road system, said Secretary may determine and declare a reasonable, safe and maximum limit which shall be effective when the pertinent signs are posted at such places. Said maximum speed limit shall be established to be effective at all hours or at the hours indicated by said signs and different limits may be established for diverse hours, for particular types of vehicles and for various weather conditions, as well as taking into consideration other factors pertinent to a safe speed. Said conditions shall be in force when

indicated by fixed or removable signals. However, the maximum limits established by the Secretary shall never exceed those set forth in this Act.

This power is vested in the local authorities under the same terms and conditions as to the streets and roads under their respective jurisdictions.

Section 5.05. -Special speed limit.

No person shall drive a vehicle equipped with solid tires at a speed of over ten (10) miles per hour.

Section 5.06. -Charges for violations. -

In any charges brought for violating the speed limits established in this Act, the police report or accusation shall specifically state the alleged speed at which the person was driving, the maximum speed allowed within the district or zone in question, the name and badge number of the intervening Police or Municipal Police officer and the provision of this Act that has been violated. Said law enforcement officer shall always indicate where the nearest sign indicating the maximum speed limit is located.

Every member of the Police or the Municipal Police using electronic means for determining the speed of a motor vehicle shall be bound to show the reading made by the electronic device to any person intervened for an alleged violation of this Section.

Section 5.07. -Car or drag races and speed and acceleration competitions

Car or drag races and speed and acceleration competitions are strictly prohibited on the state and municipal roads of Puerto Rico when not authorized by the Secretary. Any person who violates the provisions of this Section shall incur a misdemeanor and if convicted, shall be punished as follows:

(a) For the first conviction, a fine of not less than two hundred and fifty (250) dollars and of not more than five hundred (500) dollars, and suspension of the driver's license for a term of one (1) month.

(b) For the second conviction, with a fine of not less than five hundred (500) dollars and of not more than one thousand (1,000) dollars, and suspension of the driver's license for a term of six (6) months.

(c) For the third or subsequent convictions, a fine of not less than one thousand (1,000) dollars and not more than five thousand (5,000) dollars, and revocation of the driver's license. In those cases the Court shall also order the confiscation of all motor vehicles used in violation of such provisions.

Section 5.08. -Reckless disregard or negligence. -

Any person who drives a vehicle negligently or with reckless disregard for the safety of persons or property shall incur a misdemeanor and if convicted, punished with a fine of not less than five hundred (500) dollars and of not more than one thousand (1,000) dollars.

In the case of a second and subsequent conviction, the penalty shall be a fine of not less than five thousand (5,000) and a term of imprisonment of not more than six (6) months, or both penalties at the discretion of the Court. In those cases, in addition to the penalties established in this Act, the Secretary shall suspend any license issued to the person thus convicted authorizing the latter to drive motor vehicles, for a term of three (3) months. In the case of a person being convicted three (3) or more times, the driver's license shall be revoked permanently.

After five (5) years from the date of the conviction under the provisions of this Section, the same shall not be taken into consideration for subsequent convictions.

VI. PROVISIONS ON VEHICULAR TRAFFIC

Section 6.0. -Basic rule. -

All vehicles shall be driven on the right side of the roadway, regardless of the direction. On public roads with more than a one-way lane, all heavy motor vehicles, including buses, and any other vehicle driven at a speed lower than the normal traffic speed at that place and at that time, under the existing conditions, shall be under the obligation to always keep to the extreme right-hand lane, except when overtaking and passing a vehicle traveling in the same direction or when preparing to make a left turn at an intersection or entering a private road.

The provisions of this Section shall in no case be construed as to authorize driving a vehicle on the right-hand lane at a speed so low as to obstruct the normal and reasonable flow of traffic, according to the provisions of this Act.

On any roadway divided into four (4) or more lanes for the traffic to flow in opposite directions, no vehicle shall travel to the left of the center line of the roadway, except otherwise authorized by official traffic control devices, allowing one or more lanes to the left of the center of the roadway for the use of the traffic, which would otherwise not permit the use of said lanes, or except as permitted under subsection (b) of Section 6.02. However, it shall be understood that it is not prohibited to cross the center line when turning into or from an alley, private road or driveway.

Section 6.02. -Exceptions and special situations

The general rule set forth above shall allow the following exceptions:

- (a) When a vehicle overtakes or passes another vehicle in the same direction, subject to the rules regarding such maneuvers.
- (b) When the right half of the roadway is obstructed or closed to traffic, in which case any person thus traveling must yield the right of way to any vehicle traveling on the left side of the roadway which is free from obstruction and at such a distance as to produce an immediate danger.
- (c) On one-way roadways.
- (d) When the roadway is so narrow as to prevent it, in which case it shall be permissible for the vehicle to keep to the center while the roadway is straight and as long as said vehicle does not have to yield the right of way to other vehicles traveling in the same or opposite direction.
- (e) On roadways divided into three (3) lanes marked for traffic in opposite directions, subject to the provisions of Section 6.06 of this Act.

Any person who violates the provisions of this Section shall incur an administrative fault and shall be punished with a fine of twenty-five (25) dollars.

Section 6.03. -Overtaking and passing on the left

Any motor vehicle traveling on a public road and overtakes another motor vehicle may pass said vehicle on the left thereof.

In every case the overtaking vehicle shall observe the following rules:

- (a) It shall not pass the overtaken vehicle at an intersection or one hundred (100) feet ahead of it, or if such maneuver is prohibited by specific signals or any other provisions of this Act and its regulations.

(b) It shall not pass the overtaken vehicle if in order to do so it would be necessary to cross to the left half of the roadway on a grade or curve if there is no visibility for a reasonable length or if the left half of the roadway is in any way obstructed or when the circumstances of the traffic may lead the driver to suppose that the overtaken vehicle will cross to the left half of the roadway.

(c) It shall not pass the overtaken vehicle unless it is possible to keep a reasonable distance in so doing or to pass said vehicle so that it is able to return without danger of collision to the right half of the roadway.

No vehicle shall be driven on the left side of the center of the roadway when overtaking and passing another vehicle traveling in the same direction, unless said left-hand side may be clearly seen and there is reasonable distance ahead along an open highway which permits making the maneuver without interfering with the movement of another vehicle approaching in an opposite direction or with any overtaken vehicle. In every case, the overtaking vehicle shall return to an authorized lane as soon as possible and in case the maneuver for passing requires the use of an authorized lane for vehicles approaching in an opposite direction, it shall return to the authorized lane before the distance between it and the approaching vehicle is less than two hundred (200) feet.

The preceding limitations shall not apply on one-way roadways, neither under the conditions described in subsection (b) of Section 6.04 of this Act, nor to the driver of a vehicle making a left to or from an alley, private road or driveway.

Any person who violates the provisions of this Section shall incur an administrative fault and shall be punished with a fine of twenty-five (25) dollars.

Section 6.04. - When passing on the right is allowed

The driver of a vehicle may overtake and pass on the right of another vehicle on a public road only under the following conditions:

- (a) When the overtaken vehicle is making or about to make a left turn.
- (b) On a public road whose roadway is neither obstructed nor occupied by parked vehicles and which is wide enough to permit two (2) or more lines of vehicles traveling in each direction.
- (c) On a one-way public road or roadway when the roadway is not obstructed and is wide enough to permit two (2) or more lines of moving vehicles.

In every case, the driver of a vehicle may pass on the right, as provided above, when doing so safely, but never shall said maneuver be made by driving outside the pavement or off the roadway nor using the shoulder of the road.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 6.05. -No-passing zone

The Secretary and the municipalities are hereby authorized to mark the sections of any public road under their respective jurisdictions where overtaking or passing, or driving on the left side of a roadway would be, in their judgment, dangerous, and they may, through the proper posting of signs and installation of markings on the pavement, indicate the beginning and the end of such zones.

When said signs or markings are installed and clearly visible, the driver of any vehicle shall obey those indications.

In those sections where signs or markings have been posted or installed on the pavement to indicate a no-passing zone as established above in this Section, no driver may, at any time, drive on the left side of the roadway within said no-passing zone or on the left side of any line marked on the pavement to indicate said no-passing zone to its extent.

This Section shall not apply under the conditions described in subsection (b) of Section 6.02 of this Act, nor to the driver of a vehicle making a left turn to or from an alley, private road or driveway.

Section 6.06. -Driving between lanes

Any vehicle traveling on the public roads whose roadways are duly marked by traffic lanes, shall keep within one of such lanes and shall not cross into another lane without taking the necessary precautions to avoid colliding with another vehicle or causing damages to persons or property. In such cases the following rules shall also be observed:

- (a) Whenever any public road whose roadway is divided into two (2) or more lanes through the establishment of a central strip or median for the traffic to flow in opposite directions, every vehicle shall travel only along the lanes to the right of such a strip or median, except as otherwise authorized by markings to that effect, and no vehicle shall be driven through or cross said strip or median, except in those places where there is an opening in the strip or median or at the crossing of an intersection.

- (b) On a public road or section thereof whose roadway is divided into three (3) lanes for the traffic to flow in opposite directions, the vehicle shall not travel on the middle lane, except:
- (1) To overtake and pass another vehicle when there is reasonable visibility and sufficient space.
 - (2) To make a left turn.
 - (3) When authorized by marking to such effect.

Official devices may be installed to regulate traffic, provided the traffic flowing in a particular direction uses a specific lane, or to designate those lanes to be used by vehicles traveling in a specific direction, regardless of the center of the roadway, and every driver of a vehicle shall obey the indications of each of said devices.

Official devices may be installed to regulate traffic, prohibiting the change of lanes in certain stretches of the roadway, and every driver of a vehicle shall obey the indications of each of said devices.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 6.07. -Crossing in opposite directions

Vehicles traveling in opposite directions shall pass each other on their respective right and shall mutually yield half the roadway on those public roads roadway has space for only a single line of vehicles in each direction.

If the vehicles are using the high beam of the headlights, they shall lower the same within a distance of five hundred (500) feet from the vehicle approaching from the opposite direction and until they pass said vehicle.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 6.08. -Lowering lights when overtaking another vehicle

Whenever a vehicle approaches another vehicle from the rear within a distance of three hundred (300) feet, the driver of the approaching vehicle, if using the high beam of the headlights, shall lower the same as required in subsection (a) of Section 14.05 of this Act.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 6.09. -One-way roadways and traffic circles

The Secretary and the local authorities may, regarding the public roads under their respective jurisdictions, designate any public road, roadway, stretch thereof, or specific lanes, to be used for one-way traffic always or during those periods as indicated by official devices to regulate traffic.

On public roads or specific lanes, roadways or stretches thereof designated for one-way traffic, every vehicle shall be driven only in the authorized direction during the period indicated by the official devices to regulate traffic.

Any vehicle traveling around a traffic circle shall be driven only on the right-hand side of the same.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 6.10. -Restrictions on the use of controlled-access public roads

The Secretary, through regulations to that effect, and the municipalities, through ordinances to that effect, may regulate the use of any controlled-access public road within their respective jurisdictions for any class or kind of traffic found to be inconsistent with the safe and normal flow of traffic.

The Secretary or the municipality that establishes said regulations or ordinances shall install and maintain official devices to regulate traffic in controlled access public roads for which said regulations or ordinances may be applicable. When said devices are so installed no person shall disobey the restrictions set forth therein.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with an administrative fine of fifty (50) dollars. If a municipal ordinance has been violated, the ordinance itself shall establish the amount of the administrative fine to be imposed.

Section 6.11. -Yielding right of way

Any person driving a vehicle on a public road shall observe the following provisions on right of way:

- (a) When two (2) vehicles coming from different public roads approach or enter an intersection at the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right, except on public roads for through traffic or when otherwise provided in this Act.
- (b) When two (2) vehicles traveling in opposite directions on a slope meet at a point on said slope where the roadway is not wide enough to allow both vehicles to pass at the same time, the vehicle traveling downgrade shall yield the right of way to the vehicle traveling upgrade.
- (c) The driver of a vehicle who intends to turn left at an intersection, or toward an alley, private road or driveway, shall yield the right of way to any vehicle approaching from the opposite direction and which has arrived at the intersection or is so near thereof as to constitute an immediate danger.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 6.12. -Duty of overtaken driver

Except when allowed to overtake and pass on the right, every driver of a vehicle to be overtaken and passed shall abandon the highway and move to the right when the horn is sounded, and shall not speed up his/her vehicle until the other vehicle has completely passed.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 6.13. -Vehicle entering a public road from a private road or driveway

The driver of any vehicle about to enter or cross a public road from an alley, building, private road or driveway shall yield the right of way to all vehicles approaching on the public road and to pedestrians walking in front of an entrance or exit.

The driver of a vehicle exiting from an alley, building, private road or driveway within the urban zone, shall stop his/her vehicle immediately before crossing the sidewalk or extension thereof through said alley, entrance to a building, road or driveway. In case there are no sidewalks the driver shall stop the vehicle at the point nearest to the public road he/she is about to enter and from where the approaching traffic can be seen.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 6.14. -Driving vehicles when authorized emergency vehicles approach. -

Upon the immediate approach of an authorized emergency vehicle which has activated its alarm signals pursuant to the requirements of Section

10.02 of this Act, the driver of every other vehicle shall yield the right of way and immediately stop in a position parallel to and as near as possible to the extreme right or right hand curb of the roadway zone of the intersections, and shall remain in said position until the authorized emergency vehicle has passed, except when otherwise ordered by a law enforcement officer.

This Section shall not be construed in the sense of exempting the driver of an authorized emergency vehicle from the duty of driving with due care in consideration of the safety of all persons using the public road.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of (50) dollars.

Section 6.15. - Backing. -

No driver shall back on a public road unless such a maneuver can be made with reasonable safety on a relatively short stretch of the road and without interfering with or interrupting traffic.

In all cases it is hereby prohibited to back from a public road with less traffic onto one with higher traffic. No driver shall back a vehicle onto the shoulder of the road or roadway of a controlled-access public road.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of (50) dollars.

Section 6.16. -Turning

Any signal for turning in a public road shall be made continuously along a one hundred (100) feet length of the public road immediately before turning.

Any turn made on a public road shall be preceded by a gradual slowing down of the vehicle and by taking the following precautions:

- (a) The driver of a vehicle intending to turn right shall, from a distance of not less than one hundred (100) feet before turning,

approach the right hand curb or sidewalk of the roadway and make the turn along the border of said curb or sidewalk.

- (b) Any person driving a vehicle who intends to make a left turn in a two-way traffic public road shall keep close to the center of the roadway, or when there is more than one lane going in the same direction, to the extreme left-hand lane. The maneuver required in this subsection shall be made at least one hundred (100) feet before reaching the intersection.
- (c) On one-way public roads with two (2) or more lanes, the driver shall take the extreme left-hand lane. The maneuver required in this subsection shall be made at least one hundred (100) feet before reaching the intersection.
- (d) In all cases, after entering the intersection and provided it is practicable, a left turn shall be made on the left of the center of the intersection. After making the turn and entering the new roadway, the driver shall take the extreme left-hand lane lawfully available to traffic traveling in this direction.
- (e) No turn may be made to proceed in the opposite direction when such a turn is prohibited by a special signal authorized by the Secretary, or in a school zone, or at a distance of less than five hundred (500) feet from a curve or the top of a grade of a public road hindering visibility or because a vehicle is approaching.
- (f) No turn may be made to change direction by using the entrance to a private garage in the urban zone, except on dead-end streets lacking a turning area.
- (g) No turn may be made before reaching an intersection by driving through an area devoted to the sale of gasoline, a parking lot or

a vacant lot or any other activity conducted at a corner of an intersection, so as to thus evade traffic lights, any other traffic signal or the presence of a law enforcement officer or to get ahead of other vehicles.

- (h) Notwithstanding the provisions of subsections (a) and (b) of this Section, the Secretary and the local authorities regarding public roads under their jurisdiction, may authorize the use of more than one traffic lane from where left or right turns may be permitted by markings to that effect on the pavement or sign within or adjacent to an intersection.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 6.17. -Signals required of drivers

Any person driving a vehicle along a public road intending to make any of the maneuvers provided below, shall signal with the left hand and arm as follows:

- (a) To make a left turn: extend hand and arm horizontally outward with the palm of the hand towards the front and the fingers together.
- (b) To make a right turn: extend hand and arm outward and upward, in a right angle, with the palm of the hand towards the front and fingers together.
- (c) To stop or slow down: extend hand and arm outward and downward with the palm of the hand facing the rear and fingers together.

The signals required in this Section may be substituted by signal lights, except for vehicles of over fifteen (15) feet in length for which the use of

signal lights shall be obligatory. This measure shall apply to all vehicles or combinations thereof. Any signal to turn on a public road shall be made continuously along the last one hundred (100) feet of road before turning. Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 6.18. -How to come to a full stop. -

Any person who reduces the speed or stops a vehicle on a public road shall do so gradually. Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of fifteen (15) dollars.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 6.19. -Stopping, standing or parking vehicles in specific places

The following rules shall apply when stopping, standing or parking a vehicle in the specific places herein designated:

- (a) No person may stop, stand or park a vehicle on the public road in the following places, except under extraordinary circumstances in order to avoid interrupting traffic, or in compliance with the law, or the specific indications of a law enforcement officer, or a traffic light or signal:
 - (1) On a sidewalk.
 - (2) Within the area of a street or highway crossing;
 - (3) On a crosswalk.
 - (4) Within a distance of fifteen (15) meters from a street corner, measured from the building line.

- (5) Within a distance of fifteen (15) feet from the nearest track of a railway.
- (6) Alongside or opposite an excavation or obstruction when stopping, standing or parking a vehicle would obstruct the general traffic.
- (7) Alongside or contiguous to a vehicle stopped or parked on a public road.
- (8) On any bridge or elevated structure on a highway or within a tunnel
- (9) At more than one (1) foot from the edge of a sidewalk or curb.
- (10) On all medians separating traffic movements, medians, traffic channeling and seeded areas adjacent to sidewalks, except seeded areas of those main avenues provided by the Secretary.
- (11) At a distance of five (5) meters from a fire hydrant.
- (12) In front of a fire station, including the front and the side thereof opposite to a public road and along the station driveways, plus twenty (20) additional feet to both sides of said driveways.
- (13) At a distance of less than three (3) feet from any garage driveway. This prohibition shall apply both to the front and to the opposite side of the driveway of said garage when the public road is so narrow that when parking a vehicle in such a place the latter prevents other vehicles from entering or exiting. This provision shall not apply to drivers or owners of vehicles who park their vehicles

at the entrance of the garage of their residence, and provided there are no legal provisions, regulations or municipal ordinances prohibiting vehicles from being parked by the side of the public road and at the time said driver or owner has parked his/her vehicle.

- (14) In front of the entrance to a place of worship, public or private educational institution, movie theater, banking institutions, parking or automobile service areas or gas stations and places where public acts are conducted.
- (15) At duly marked or painted or indicated bus stations, for a length of five (5) meters before or after such places.
- (16) Within a distance of five (5) meters before or after a timed or blinking traffic light or signal, or stop or yield sign, measured from the curb or emergency lane.
- (17) On any public road:
 - (1) When the purpose of parking along the public road is to sell, advertise, show or rent vehicles or any other merchandise.
 - (2) For the purpose of washing, cleaning, lubricating or repairing a vehicle, except to conduct emergency repairs.
- (18) On the grounds of the Capitol Building of Puerto Rico, except in accordance to the regulations established by the Legislature for that purpose. The House of Representatives and the Senate of Puerto Rico may, through a concurrent resolution, exempt compliance with

this Section regarding the grounds adjacent to the Capitol during working hours.

- (19) On parking areas of private buildings that have been duly identified as such with legible signs posted in one or more visible places of said parking areas, for the private use of a particular person or for the exclusive use of the tenant or tenants of the building to which the parking area belongs. The only persons who may park in the parking areas of private buildings are those whose names have been posted, have been duly authorized to do so or have obtained the consent of the person to whom said parking space has been assigned.
- (20) At a distance of less than three (3) feet of any other parked vehicle, except as otherwise authorized by the Secretary.
- (21) Anywhere where parking is prohibited by official signs.
- (22) In places specifically prohibited by official signs lacking parking spaces for the disabled, except that the provisions of this subsection shall not apply to persons deprived of mobility or missing both legs who hold a special driver's license by virtue of Section 3.12 of this Act. Notwithstanding this exception, parking shall not be allowed on toll ways, expressways, reversible lanes or heavy traffic highways or roads when there are other authorized parking areas nearby.

Whenever necessary, parking in such places shall be for a short time and the driver shall have a sticker issued by the Department affixed to the

front windshield of his/her vehicle indicating that the driver of the vehicle is authorized to park the latter. The parking authorized herein shall be for the sole purpose of allowing the driver to deal with matters inherent to his/her disability or employment.

(b) No person may stop, stand or park a vehicle, whether occupied or not, on the pavement or roadway of a public road in a rural zone when it is possible to stand, stop or park said vehicle off the roadway. In any event, sufficient space shall be left available opposite the vehicle which has stopped or is standing or parked for the free passage of other vehicles, and the vehicle which has stopped or is standing or parked shall be visible at a distance of two hundred (200) feet from both directions of the public road.

(c) No person shall stop a vehicle for any purpose other than for loading or unloading merchandise at any place designated as a loading and unloading zone and at no time shall park for such a purpose for more than one (1) hour during working days and hours.

This Section shall not apply to the driver of a vehicle that has broken down and needs to be repaired on the pavement or roadway of a public road lacking a shoulder, provided said maneuver can be made in one (1) hour and if the vehicle has not been left on a bridge, elevated structure, tunnel or intersection in which case the vehicle must be removed immediately.

Any person who violates the provisions of this Section, with the exception of subsections (a)(1), (a)(10), (a)(11), (a)(12) and (a)(15), shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Any person who violates the provisions of subsections (a)(1), (a)(10), (a)(11), (a)(12) and (a)(15), of this Section shall incur an administrative fault and be punished with a fine of fifty (50) dollars.

Section 6.20. -Night parking. -

No person may park a vehicle at night on a public road lacking public lighting without turning on the parking and rear lights of said vehicle and any other lights required for such a purpose by the Secretary or by virtue of the provisions of this Act and its regulations.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 6.21. - Parallel parking on sidewalk and discharging passengers

Every motor vehicle must be stopped or parked to its right, parallel to the border and edge of the public road, and the picking up and dropping off of passengers shall always be done by the right-hand side of the vehicle. On one-way public roads all vehicles shall stop or park alongside the curb or border of the roadway facing the direction authorized for the flow of traffic with their right wheels at a distance of not more than twelve (12) inches from the right curb or border of the roadway, or with their left wheels at a distance of not more than twelve (12) inches from the left curb or border of the roadway, except as otherwise provided by the Secretary or the municipality, according to their jurisdiction in the matter. In such a case the entrance and exit of passengers shall always be done by the side of the vehicle contiguous to the sidewalk.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 6.22. -Perpendicular parking. -

The provisions of Sections 6.21 of this Act shall not apply when another form of parking is authorized by the competent authorities, in which case the vehicle shall be parked as prescribed by law or by the regulations, or signals approved by said authorities in agreement therewith.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 6.23. -Parking obstructing traffic

Notwithstanding the provisions of this Act and its regulations or the indications of specific signs or signals authorized thereunder or by municipal ordinances, no person shall stop, stand or park a vehicle or leave the same abandoned in a public road so as to hinder or obstruct the flow of traffic or when, due to exceptional circumstances, the flow thereof may be hampered.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of fifty (50) dollars.

Section 6.24. -Using the emergency brake

Any vehicle to be parked shall be immobilized by the emergency brake and when parking on a slope, the front wheel nearest to the sidewalk shall face diagonally toward the border of the curb or the edge of the public road. In every case, the motor of the vehicle shall be turned off and the key taken out of the ignition.

Section 6.25. -Public service company vehicles

All vehicles of public service companies or agencies, except those of the transportation agencies, shall be exempt from the rules on stopping, standing or parking prescribed in this Chapter, whenever used in emergency operations to fix breakdowns, damages or interruptions in the service they render. In such cases, the vehicles used in these operations may be allowed

to stop, stand and park for the time strictly needed to fix said breakdown, damage or interruption and so as to cause the least possible interruption to the flow of traffic.

Section 6.26. -Effectiveness of penalties

The parking penalties contained in the regulations of the Secretary and in the municipal ordinances and provided in relation to Sections 6.19, 6.21 and 6.22 of this Act shall be effective only when the pertinent traffic signs and signals are posted and maintained in the proper places.

Section 6.27. -Officers authorized to remove unlawfully parked vehicles

Whenever any law enforcement officer finds a vehicle parked on a public road under the circumstances set forth in subsections (b) and (c) of Section 6.19 of this Act, said officer is authorized to remove said vehicle or require the driver or person in charge of said vehicle to move the latter to a place outside the pavement or beyond the area of heaviest traffic along the public road.

Pursuant to the provisions of Section 6.28 of this Act, any law enforcement officer is hereby authorized to remove any vehicle found in the public road when:

(a) The person or persons in charge of said vehicle are unable to assume custody or remove said vehicle.

(b) The person driving or having control of said vehicle is arrested for an alleged violation that lawfully calls for the law enforcement officer to take the arrested person before a competent judge without any unnecessary delay.

Section 6.28. -Procedure for removing illegally parked vehicles

Whenever a vehicle is parked in violation of the provisions of this Act and its regulations, the Police or the Municipal Police, as the case may be, shall follow the procedures set forth below for its removal:

(a) Take reasonable steps in the immediate area to locate the driver of the vehicle in question and ensure that he/she removes the same. If said driver cannot be located, or if after having been located he/she is unable for any reason to drive the vehicle or refuses to do so, the Police may remove said vehicle by means of a crane or other mechanical device, or by any other adequate means, including the cranes authorized by the Commission, as provided in this Section.

(b) The vehicle shall be removed taking all precautions to avoid damage thereto and taken to a place within the municipality where it was removed devoted by said municipality for such a purpose, or to a Police lot should the municipality lack the proper facilities or when due to its service schedule or bylaws vehicles removed by the Police are not admitted therein. The vehicle shall remain under the custody of the municipality or the Police until the owner or caretaker thereof is permitted to take it away after proper identification and payment to the municipality or to the Police, as the case may be, of fifty (50) dollars for storage and custody and fifty (50) additional dollars to the Police for towing services. This provision shall not preclude charging the driver or owner of the vehicle of violating the provisions on parking of this Act and its regulations.

(c) For each day after the first forty-eight (48) hours that the owner or caretaker of the vehicle delays in claiming the return of the vehicle from the municipality of the Police, a surcharge of ten (10) or of up to

a maximum of four hundred (400) dollars shall be collected. The Secretary may reach an agreement with the owner or caretaker of the vehicle concerning a payment plan, as provided through regulations. Stolen motor vehicles abandoned by the thieves thereof shall be exempt from said payment of fifty (50) dollars for storage and custody, surcharge and towing service charges, if any, for a period of ten (10) days after due notice to the owner of the vehicle or the person who appears in the Motor Vehicle and Trailer Registry of the Department as owner of said vehicle.

(d) Payments made to Police for storage and custody, surcharge and towing services shall be retained by the latter to cover the cost of said towing, storage and custody services. Likewise, the municipalities shall retain for identical purposes the payments made for the same reason.

(e) The owner of any vehicle thus removed shall be notified within twenty-four (24) hours of the removal of said vehicle by the Police. Said notice shall be sent to the address of the owner, as it appears in the Department records, advising the latter that should he/she fail to claim the return of the vehicle from the corresponding municipal authority or from the Police within the not deferrable term of six (6) months as of the date of the notice, the vehicle may be sold by the municipality or the Police at public auction so as to pay, from the amount collected, all expenses, including towing, surcharges, storage and custody, as well as the expenses incurred in the auction. Stored vehicles that due to their condition cannot be sold at public auction may be confiscated and any part thereof disposed of as deemed convenient by the municipality or the Police.

f) If at the expiration of the six (6) month term as of the date of the notice certifying the removal of the vehicle, the same has not been claimed by its owner, the municipality or the Police shall proceed to sell the same at public auction. The call for bids shall be published in a daily newspaper of general circulation in Puerto Rico sixty (60) days prior to the auction. Said call for bids shall indicate the make and year of the vehicle, the license plate number, if any, and the name of the owner of the vehicle as it appears in the records of the Department.

(g) Removal, storage and custody, surcharge and auction expenses shall be paid from the proceeds of the sale. The sum remaining from the proceeds of the sale, if any, shall be delivered to the owner of the vehicle after said expenses have been deducted.

(h) Should the owner of the vehicle fail to claim the surplus amount within thirty (30) days after the auction, the municipality or the Police, as the case may be, shall notify the amount thereof to the person to whom the surplus corresponds by certified mail to the address registered in the Department.

(i) Should the owner of the vehicle fail to claim the surplus amount within thirty (30) days after the notice has been sent by certified mail, said surplus shall be covered into the regular fund of the municipality concerned or in the General Fund of the Government of Puerto Rico, in the case of auctions held by the Police.

(j) The municipalities and the Superintendent of Police are hereby directed to adopt those rules and regulations that may be necessary to enforce the provisions set forth in the preceding paragraphs that correspond to the particular competence of each.

(k) The Police Force is hereby authorized to contract cranes, tow trucks or other mechanical devices for the removal of said vehicles.

(l) Any person who drives a vehicle and any owner of a vehicle authorized to travel on the public roads shall be deemed to have given his/her consent for the Police to remove his/her vehicle in the cases and as provided in this Section.

VII. DRIVING MOTOR VEHICLES UNDER THE INFLUENCE OF INTOXICATING BEVERAGES, DRUGS OR CONTROLLED SUBSTANCES

Section 7.01. - Statement of purpose and basic rule

It is the official position and public policy of the Government of Puerto Rico that driving motor vehicles on the public roads under the influence of intoxicating beverages, drugs or controlled substances constitutes a threat of the first order to the public safety and that the resources of the Government shall be directed to fighting, in the most thorough, decisive and energetic manner possible, to achieve the prompt and full eradication of this antisocial and criminal behavior which threatens the lives and properties as well as the peace of mind of all citizens.

Pursuant to the above, it shall be unlawful for any person under the influence of intoxicating beverages, drugs or controlled substances to drive or operate any motor vehicle.

Section 7.02. - Driving motor vehicles under the influence of intoxicating beverages.

In any criminal prosecution for violations of the provisions of Section 7.01 of the Act, the level or amount of blood alcohol concentration of the driver at the time the alleged violation occurred, as such a level or amount is shown by chemical or physical analysis of his/her blood or breath or any

other substance of his/her body, except urine, shall constitute the basis for the following:

(a) It shall be unlawful *per se* for any person to drive or operate a motor vehicle when the alcohol content in his/her blood is eight (8) hundredths of one (1) percent (.08%) or higher, as such a level or amount is shown by chemical or physical analysis of his/her blood or breath.

(b) In the case of truck, school bus, heavy public service and heavy motor vehicle drivers, the preceding provision shall apply when the alcohol content in the blood of the driver is two (2) hundredths of one (1) percent (0.2%) or higher.

The provisions of the preceding subsections (a) and (b) shall not be construed in the sense that they limit the introduction of any other competent evidence establishing whether the driver was or was not under the influence of intoxicating beverages at the time the alleged violation occurred.

Section 7.03. - Driving a motor vehicle under the influence of drugs or controlled substances.

It shall be unlawful for any person under the influence of any narcotic drug, marihuana, stimulant or depressant substance, or of any chemical or controlled substance, to the degree whereby it makes said person unable to drive a vehicle safely, or drive or have physical and real control of a motor vehicle on the public roads. The fact that a person accused of violating the provisions of this Section is or has been authorized to use said narcotic drug, marihuana, stimulant or depressant substance or chemical or controlled substance pursuant to the laws of Puerto Rico, shall not constitute a defense against being charged for having violated this Section.

Section 7.04. - Penalties

(A) Any person who violates the provisions of Sections 7.01, 7.02 and 7.03 of this Act shall incur a misdemeanor. The member of the Police or the Municipal Police who has intervened with the said person shall issue a summons to a hearing to determine probable cause for arrest and shall not allow the person to continue driving; provided, that said Police officer shall wait for someone to provide the person transportation or shall transport said person to his/her home or to the nearest Police station until the alcohol level in said persons' blood is less than the minimum level permitted by law or until said person is no longer under the influence of any narcotic drug, marihuana, stimulant or depressant substance or any chemical or controlled substance, to the extent that said person is unable to drive a vehicle safely.

(B) If the level or amount of blood alcohol concentration was eight (8) hundredths of one percent (0.08 of 1%) or higher, and the person is convicted of violating the provisions of Sections 7.01, 7.02 and 7.03 of this Act, he/she shall be punished in the following manner:

(C) If the level or amount of blood alcohol concentration was ten (10) hundredths of one percent (0.10 of 1%) or higher, and the person is convicted of violating the provisions of Sections 7.01, 7.02 and 7.03 of this Act, he/she shall be punished in the following manner:

- (1) For the first violation, with a fine of not less than three (300) hundred dollars nor more than five hundred (500) dollars and the penalty of restitution, if applicable, as well as compulsory attendance to an orientation program to be established for such cases by the Department, together with the Mental Health and Addiction Services Administration. Furthermore, the license of said person

may be suspended for a term not to exceed thirty (30) days.

- (2) For the second conviction, with a fine of not less than five (500) hundred dollars nor more than seven hundred fifty (750) dollars or a term of imprisonment of fifteen (15) to thirty (30) days, or both penalties at the discretion of the court, and the penalty of restitution, if applicable. Furthermore, the license of said person shall be suspended for a term of six (6) months.
- (3) For the third and subsequent convictions with a fine of not less than seven (700) hundred dollars nor more than one thousand (1,000) dollars or a term of imprisonment of not less than sixty (60) days or more than six (6) months, or both penalties, and the penalty of restitution, if applicable. Furthermore, the license of said person shall be suspended for a term of two (2) years.
- (4) After five (5) years have elapsed from the date of a conviction under the provisions of this Section, the latter shall not be taken into consideration in cases of subsequent convictions. To enable the Court to impose the penalties for recidivism established in this Section, it shall not be necessary that an allegation of recidivism be made in the accusation. It shall be enough to establish the fact of recidivism through the pre-sentencing report or through a criminal record certificate.

Section 7.05. - Penalties in case of bodily injury to a human being

Any person who violates the provisions of Sections 7.01, 7.02 and 7.03 of this Act, and as a consequence causes bodily injury to another person, he/she shall incur a misdemeanor and if convicted shall be punished with a fine of not less than one thousand (1,000) dollars nor more than five thousand (5,000) dollars, and the penalty of restitution. Furthermore, it shall entail suspension of his/her driver's license for a term of five (5) years, as well as prevent any other process, for the same faults, for violation of Sections 7.01, 7.02 and 7.03 of this Act.

Section 7.06. - Penalties in case of serious bodily injury to a human being

If as a consequence of a violation of the provisions of Sections 7.01, 7.02 and 7.03 of this Act, a driver should cause serious bodily injury to a human being, he/she shall be guilty of a felony and upon conviction sanctioned with the fines provided in the preceding Section 7.05 of this Act, under identical circumstances, and shall furthermore be sanctioned with a fixed term of imprisonment of eighteen (18) months. Should aggravating circumstances exist, the fixed penalty established may be increased for up to a maximum of three (3) years; should mitigating circumstances exist the penalty may be reduced to a minimum of six (6) months and one (1) day.

If a person convicted of violating Sections 7.05 or 7.06 of this Act subsequently commits a violation of Sections 7.01, 7.02 and 7.03 of this Act, said person shall be deemed to be a repeat offender under the respective Section.

Serious bodily injury shall be deemed to be that which, not being a crime of mutilation, causes physical or mental disability, be it partial or total,

temporary or permanent, and which severely affects the physiological or mental performance of a person.

Section 7.07. - Evaluation prior to sentencing and other procedures

Before sentencing any person convicted for violating the provisions of Sections 7.01, 7.02, 7.03, 7.05 and 7.06 of this Act, the following procedures shall be conducted:

(a) The court shall direct the Mental Health and Addiction Services Administration to conduct a thorough investigation and render a report thereon within the thirty (30) days of the order. Said report shall include the criminal record and history of the person convicted in relation to the use of intoxicating beverages or narcotic drugs, marihuana or stimulant or depressant substances, in order to allow the court to determine if said person should benefit from the rehabilitation program established and approved by the Mental Health and Addiction Services Administration in coordination with the Department of Transportation and Public Works. The report shall state whether the convict is a repeat offender. For the purposes of this Section, "rehabilitation" shall mean any kind of treatment, orientation, guidance or advice to be determined by the entity in charge of said rehabilitation.

(b) Once the report has been rendered by the designated officer of the Mental Health and Addiction Services Administration, the court shall issue a summons for the act of sentencing and shall pronounce sentence according to the penalties provided in Sections 7.04, 7.05 and 7.06 of this Act, as the case may be, within a period of not more than ten (10) days after the date said report was rendered.

(c) In every case, if after examining the report required by this Section, the court should determine that the person is a drinker or addict who

needs the rehabilitation program established by the Mental Health and Addiction Services Administration, it shall then proceed to pronounce sentence. However, the court may suspend the imposition of the penalty provided the person convicted agrees to participate in the rehabilitation program voluntarily.

(d) If during the rehabilitation process the Mental Health and Addiction Services Administration determines that the person needs to be hospitalized, and should the person voluntarily agree to being hospitalized, the Mental Health and Addiction Services Administration shall petition the court to order said hospitalization. The person shall be hospitalized in a public or private institution previously approved by the Mental Health and Addiction Services Administration that provides hospitalization and the proper treatment. Should the person believe that he/she does not need to be hospitalized and is able to present medical evidence to that effect, he/she shall petition the court to be excused from said hospitalization and to be allowed to continue with the outpatient treatment program. In no case may a person be hospitalized for treatment under the provisions of this Section for a period of more than three (3) consecutive months. At the request of the person hospitalized, the court may at any time review or modify its hospitalization order. Taking into consideration the progress shown by the person under treatment, the court may, at its discretion, annul the hospitalization order and provide for the person to continue his/her treatment as an outpatient at the institution provided by the Mental Health and Addiction Services Administration.

(e) Any person who admits voluntarily to being an alcoholic or an addict to drugs or controlled substances or who has been medically diagnosed as such shall be deemed to be "a drinker or addict". In all other

cases, in order to determine whether the convict is “a drinker or addict”, the court may take into consideration the following circumstances:

- (1) A history of previous involvement with social or medical service agencies due to problems related to the use of alcoholic beverages, drugs or controlled substance.
- (2) Reports on difficulties of a legal, familiar, social, financial and employment nature related to the use of alcoholic beverages, drugs or controlled substances.
- (3) One or more prior convictions for violations related to the use of alcoholic beverages, drugs or controlled substances.

(f) In every case whereby pursuant to this Section, the court, on pronouncing sentence, may suspend the driver’s license until the person takes and passes the improvement course for drivers established by the Department of Transportation and Public Works or until the institution in charge of the rehabilitation program certifies that the person is capable of driving, as the case may be. The improvement course for drivers shall begin within a period not to exceed fifteen (15) days after the court order suspending the license, and the same shall not last more than fifteen (15) days after it begins.

(g) Notwithstanding the provisions of this Section, when the person deserves to be granted a temporary license for driving motor vehicles, the court may direct the Secretary to issue said license, imposing those restrictions that in the opinion of the court may be necessary to protect society and guarantee public safety. Said restrictions may limit the type of vehicle that said public person may drive, the places where the vehicle may be driven, the hours and days of the week during which the person is

authorized to drive said vehicle along the public roads, as well as any other limitation deemed necessary for safety reasons, all of which shall be stated in the license issued.

(h) Should the person refuse to participate in the rehabilitation and guidance program or in the improvement course for drivers, or fail to attend said program, or violate the rules and regulations established for such a program, or stop attending such a program, the Administrator or the Secretary of Mental Health and Addiction Service shall notify the Secretary of Justice of these facts, and the latter shall request that the court annul the order to suspend the sentence and direct that the same be executed.

(i) When the institution in charge of the rehabilitation program certifies that the person is capable of driving motor vehicles after the latter has passed the improvement course for drivers established by the Department, or when by action or omission of the Department the improvement course for drivers is not begun or completed within the term provided in this Section, the Secretary shall immediately return the driver's license to said person excluding the restrictions previously imposed, if any. Under any of these circumstances the court shall order the case to be filed, allowing however for the case to be included in the statistics on recidivism set forth in Sections 7.01, 7.02, 7.03, 7.05 and 7.06 of this Act.

(j) The Director of the Mental Health and Addiction Services Administration, in consultation with the Secretary, is hereby directed to promulgate the regulations needed to impose and collect from the drivers who participate in the improvement course or in the rehabilitation program, certain reasonable fees to help defray the cost of the program. The regulations shall provide the standards under which to exempt from this obligation those drivers who are unable to pay said fees.

Section 7.08. - Sentence suspended under certain circumstances. -

The court may suspend the effects of the imposed prison sentence when it concerns a conviction under Chapter VII of this Act and the person also meets the following requirements:

- (a) To have voluntarily subjected to a chemical analysis of his/her choice.
- (b) That the results of said chemical analysis show a blood alcohol level of eight (8) and twelve (12) hundredths of one percent (0.08 to 0.12 of 1%).
- (c) That the results of said chemical analysis show a blood alcohol level of two (2) and ten (10) hundredths of one percent (0.02 to 0.10 of 1%), in the case of truck, school bus and heavy motor vehicle drivers.
- (d) That the person voluntarily agrees to serve a penalty other than non house arrest for an uninterrupted term of twenty-four (24) hours as well as render thirty (30) days of community services.

The Corrections Administration, in coordination with the Office of Courts Administration, shall establish and maintain a compulsory community works program to which the convicts availing themselves of the benefits of the system provided in subsection (d) of this Section may be referred. The main purpose of the program to be established shall be to ensure that by providing certain community services those persons convicted of violating the provisions of Chapter VII of this Act, are made aware of the risks and adverse consequences that driving a motor vehicle under the influence entails.

To perform the task entrusted, the Administrator of the Corrections Administration may enter into agreements with government and private

health centers and hospitals, with non-profit organization and especially with those institutions that provide health and care services to the sick, as well as with private and government entities devoted to promoting traffic safety.

The program to be established shall allow the convict to render community services outside working hours or academic schedule whenever necessary, so as to avoid interruption of his/her employment or academic responsibilities. The community service agreement shall provide for an attendance certificate and an evaluation of the work performed by the convict. In case the person should fail to appear or leave the program, or violate the established rules and regulations, the Corrections Administration shall request that the court annul the order to suspend the sentence and direct that the same be executed.

Section 7.09. - Chemical analysis

It shall be deemed that any person who drives a motor vehicle along the public roads of Puerto Rico has given his/her consent to submit to a chemical or physical analysis of his/her blood, breath or any bodily fluid, for the purposes stated in this Section, as well as an initial breath analysis to be performed at the site of the arrest by the law enforcement officer or any other official authorized by law.

The following standards shall be followed with regard to the procedures under this Section:

- (a) It shall be understood that said consent is granted for any analysis provided by law and that the person who is required to do so, shall undergo the analyses of his/her choice.
- (b) Any person who is dead, or unconscious or otherwise in such a condition that he/she is unable to refuse, shall be deemed not to have withdrawn consent as provided above, and the analysis or

analyses shall be performed subject to the provisions of this Section. In these cases, as well as those of pedestrians who die in traffic accidents, the blood samples shall be processed by the Department of Health within four (4) hours after the accident, and shall be remitted to the Institute of Forensic Sciences for subsequent analysis. It shall be the obligation of every Public Health Unit, hospital, or public or private dispensary in which the cadaver is found, to draw the blood sample from the body within the period stated above, and remit it immediately to the Institute of Forensic Sciences.

- (c) Any law enforcement officer, or official duly authorized by law, shall require any driver to submit to any of said chemical or physical analyses after having stopped him/her, if said officer has reasonable grounds to believe that said person was driving or operating a motor vehicle while under the influence of intoxicating beverages, drugs, or controlled substances; or when having been stopped for a possible infraction of the law or public service laws and regulations, there were reasonable grounds to believe that the person was driving or operating a vehicle under the influence intoxicating beverages, drugs, or controlled substances, when detained.
- (d) The driver in question may also be required to submit to the above stated analyses by any of the following officials:
 - (1) The Law enforcement officer directly in charge of the police station, district or zone where the arrest was made, as the case may be.

- (2) The prosecuting attorney making the preliminary investigation.
 - (3) Any judge or magistrate of the Court of First Instance.
- (e) In addition to the provisions of subsection (c) of this Section, any law enforcement officer may require a person who is driving or operating a motor vehicle to submit to an initial breath analysis or test to be performed at the place of the arrest, if said officer:
- (1) Has reasonable grounds to believe that the person has consumed alcohol or has used controlled substances.
 - (2) If there is an accident and the person was driving one of the vehicles involved in the accident.
- (f) If the result of the initial breath analysis indicates a possible concentration of eight hundredths (0.08) or more than one percent (1%) of alcohol per volume, the law enforcement officer shall require the driver to submit to a subsequent blood or breath analysis, the results of which may be used to show that the person has been driving a vehicle in violation of Sections 7.01, 7.02, 7.05, or 7.06 of this Act. If the concentration is lower than that previously indicated, it shall be concluded that the person detained or arrested has not been driving or operating a vehicle under the effects of intoxicating beverages. If after performing the alcohol tests, the same reveal that the driver was not under the effect of intoxicating beverages, and yet, the person appears to be intoxicated, the law enforcement officer may have reasonable grounds to believe that the driver is under the influence of drugs or controlled

substances. The law enforcement officer shall then make field tests to determine if the person detained or arrested is under the effect of drugs or controlled substances. If it is determined that the person was not under the effect of drugs or controlled substances, he/she shall be released immediately. If it is determined through said field tests that person is under the effect of drugs or controlled substances, the law enforcement officer shall require the driver to submit to a subsequent blood test, which may be used to show that the person has been driving a vehicle in violation of Section 7.03 of this Act. The Superintendent of the Puerto Rico Police is directed to regulate all that pertains to the field tests to which the drivers shall be submitted.

- (g) The Secretary of the Department of Health is hereby directed to regulate the manner and place that the blood or other bodily fluids shall be taken, stored and analyzed, as well as other procedures germane to the chemical or physical analysis, subject to the provisions of subsections (i), (j), and (k) of this Section. The Secretary of the Department of Health is likewise empowered to adopt and regulate the use of the scientific instruments deemed necessary to determine the blood alcohol concentration, as well as of the drugs or controlled substances of the drivers who were detained for driving or operating vehicles under the effect of intoxicating beverages, drugs or controlled substances. This power is extended to the instrument that the law enforcement officer shall use to perform the initial breath analysis, as provided in this Section.

- (h) Public and private health service institutions and their personnel shall be subject to the rules and regulations promulgated by the Secretary of the Department of Health under the authority of subsection (g) of this Section.
- (i) Any sample obtained from a person, except that from the breath analysis, shall be divided into three (3) parts: one shall be given to the person arrested so that he/she may proceed to its analysis, and the other two (2) shall be reserved for the use of the Department of Health and/or the Institute of Forensic Sciences; one of which is to be used in the chemical or physical analysis required by this Section, and the other shall be preserved to be analyzed solely by instruction of the court in the event there is a discrepancy between the official analysis and the analysis performed privately by instruction of the accused.
- (j) Only personnel duly certified by the Department of Health, acting by request of a law enforcement officer, a prosecuting attorney, judge or magistrate, shall take a blood sample to determine its alcohol, drugs or controlled substances content, subject to what is established in subsection (g) of this Section. The Secretary of Health is directed to certify the government personnel duly qualified to perform the analysis of alcohol, drugs or controlled substances in the blood or breath.
- (k) A copy of the results of the chemical analysis of the breath, blood or any other substance from the body of the person arrested, as the case may be, shall be remitted to the prosecuting attorney of the district corresponding to the place where the events occurred to be duly incorporated in the case file. The

driver shall be entitled to receive a copy of the chemical or physical analysis prior to the trial, and that complete information on the analysis or analyses performed be furnished to him/her or his/her attorney.

- (1) Every document in which the Department of Health reports the results of an analysis performed in its laboratory, and any other document that is generated pursuant to the regulations promulgated by the Department of Health under the provisions of this Section, issued with the signature of authorized personnel and their professional seal, if required, and under the official seal of the Department of Health, shall be admitted as *prima facie* evidence.

Section 7.11. - Procedure when the person arrested refuses to submit to the chemical or physical analysis

Any person arrested for driving or operating a motor vehicle under the effects of intoxicating beverages or controlled substances, may refuse to submit to any of the chemical analyses referred to in Section 7.10 of this Act, including the initial test. In this case, the following procedures shall be followed:

- (a) If the person arrested refuses to submit to the chemical or physical analysis, as the case may be, the analysis shall not be performed, and he/she shall be taken before a judge if the person arrested requests it; otherwise, he/she shall be informed in writing, at the place of the arrest, that a controvertible presumption exists that he/she was in a state of intoxication beyond the limits allowed by law or under the effect of controlled substances, as the case may be, and that he/she may

present any evidence he/she deems convenient to refute said presumption, with prior notice to the Office of the Prosecutor at least ten (10) days prior to the holding of the hearing to determine probable cause for the arrest. The law enforcement officer who made the arrest shall give a sworn statement in which he/she shall state the facts that caused the arrest, the fact that the arrested person was required by said officer or any of the officials mentioned in subsection (e) of Section 7.10 of this Act, to submit to any of the chemical or physical analyses and the refusal of the person arrested, as well as the written warning that was made on the consequences thereof as established in this Act.

- (b) If said requirement has been made by the law enforcement officer in charge of the nearest Police station, district or zone where the arrest was made and not by the law enforcement officer who made the arrest, a sworn statement of the event must be taken from the officer, and the fact of the requirement and the refusal by the arrested person shall be stated therein. Any of the law enforcement officers mentioned above shall include in his/her sworn statement, in addition to the details indicated above, the fact that he/she explained the consequences of his/her refusal to the person arrested.
- (c) The prosecuting attorney shall also take sworn statements as soon as possible from any other persons who may have seen the arrested person driving or operating a motor vehicle under the apparent effect of intoxicating beverages, drugs or controlled substances.

- (d) In those cases that a prosecuting attorney takes said statements, if it is determined from the examination of the witnesses that have given testimony, that a violation of the misdemeanor provisions of this Act has been committed, and there is sufficient evidence to believe that the person is guilty of perpetrating it, the prosecuting attorney shall submit the evidence thus obtained to the judge, for the latter to determine whether there is probable cause for the person's arrest for committing the crime.
- (e) In all cases of refusal, if a competent court finds that there is probable cause that the person arrested has committed a crime, it shall issue the pertinent arrest warrant, and shall immediately seize the drivers license held by the arrested person, if released without bail.
- (f) Copies of all said sworn statements shall be turned over to the arrested person at his/her request.

VIII. TRAFFIC LIGHTS, SIGNALS AND SIGNS

Section 8.01 – Basic rule

Any driver who drives a motor vehicle or trailer on the public roads of Puerto Rico shall be bound to follow and obey with the greatest care and attention possible, the traffic signals and signs, including traffic lights, placed on the public roads by the Secretary or municipalities with jurisdiction, with the purpose of directing traffic, as provided in this Chapter.

Section 8.02 – Traffic lights

When traffic is controlled by traffic lights that have different colors, or colored arrows that are lighted one at a time or in combination, only the colors green, red and yellow shall be used, except in the special signals for

pedestrians with written messages, and said lights shall direct and apply to both drivers of vehicles and pedestrians, as follows:

(a) Green light:

- (1) The driver of a motor vehicle facing a green traffic light shall continue driving in the same direction, or may turn to the right or to the left to enter another road, provided there is no sign prohibiting such turns, and that this movement does not close or obstruct traffic in the intersection. He/she shall also yield the right of way to vehicles and pedestrians that are lawfully in the intersection or on an adjacent crosswalk at the time the light changes.
- (2) Pedestrians facing a green traffic light, unless otherwise indicated, shall cross the road on the crosswalk, whether marked or not, with reasonable speed.

(b) Red light:

- (1) The driver of every vehicle facing a red traffic light shall stop the vehicle at the place marked for such purpose on the pavement, or where indicated by a “STOP WITH RED LIGHT” sign, if any, or before reaching the crosswalk nearest to the intersection if there is no such mark or sign. If there is no such mark nor a marked crosswalk, nor a “Stop Here” sign, the driver shall then stop before entering the intersection, and shall not proceed until the light changes to green, except in those cases referred to in Section 8.04 of this Act.
- (2) Pedestrians facing a red traffic light shall not cross the road, except as otherwise indicated by a law enforcement officer.

- (3) Except when a sign forbidding a turn is installed, vehicles moving on the extreme right-hand lane, facing red signal lights, may turn to the right onto a two-way public road or a one-way public road on which the traffic flows to the right of such vehicles.
- (4) Vehicles moving on the extreme left lane of a one-way road, facing red light signals, may turn to the left to a one-way public road on which the traffic flows to the left of said vehicles.
- (5) Before making the turn indicated in subsections (b)(3) and (b)(4) of this Section, the vehicles must come to a stop as required in subsection (b)(1) of this section, and yield right of way to the pedestrians who are lawfully on an adjacent crosswalk, and to other vehicles lawfully using the intersection.
- (6) Vehicles moving on public roads between twelve (12) midnight and five (5) o'clock in the morning, when facing a red light, shall reduce their speed and then continue driving and may proceed to cross the intersection, taking all due precautions.

(c) Yellow light:

- (1) Fixed yellow traffic lights warn the driver that traffic has ended in the direction indicated by the green light, and that the red light forbidding the vehicles to enter the intersection shall be lighted immediately afterwards. The driver of every vehicle facing a yellow traffic light must come to a full stop before entering the intersection. When stopping

cannot occur without endangering safety, the driver may continue on its way and cross the intersection, taking all due precautions.

(2) Pedestrians facing a yellow traffic light shall refrain from starting to cross the public road.

(d) Green arrow, with or without a red light:

(1) The driver of any vehicle facing a traffic light showing a green arrow, either alone or combined with another indication, may only enter an intersection in the direction of the arrow, or perform any other movement authorized by other indications shown simultaneously, taking all necessary precautions, and shall yield right of way to pedestrians that are legally on an adjacent crosswalk and to other vehicles that are legally crossing the intersection.

(2) Pedestrians facing this signal may cross the public road on the crosswalk, whether marked or not, except in those cases in which there is a pedestrian traffic signal, or other device which indicates otherwise or when the only green light is an arrow that indicates a turn.

(3) The traffic lights showing a single yellow lighted arrow combined with another signal warn the driver that traffic in the direction indicated by the green light has stopped, and that the red light or red arrow will be lighted immediately afterwards forbidding the driver to enter the intersection to continue driving in said direction. The driver of every vehicle facing a traffic light showing a lighted yellow arrow must stop as required in subsection (c)(1) of this Section.

- (4) Pedestrians facing traffic lights showing a lighted yellow arrow shall refrain from starting to cross the public highway.
- (5) The driver of any vehicle facing a traffic light with a lighted red arrow shall not continue to move in the direction indicated by the arrow and shall stop at the place marked for such purpose on the pavement, or before reaching the crosswalk closest to the intersection, if there were no such mark. If there were no such mark, nor a marked crosswalk, the driver shall stop at the intersection and shall not continue to move in the appropriate direction until the light with the corresponding green arrow, or the green light comes on.
- (6) Pedestrians facing a traffic light showing a lighted red arrow and at the same time also face lights with green arrows or lights may cross the public road on the crosswalk whether it is marked or not, except in those cases in which there is a traffic light for pedestrians and another signal that indicates otherwise.

(e) Flashing yellow light:

- (1) The driver of every vehicle facing traffic lights showing a blinking yellow light may cross the intersection or pass said light, but only after taking the necessary precautions.
- (2) These provisions shall not apply to railroad or Urban Train crossings as provided by the Secretary.

(f) Blinking red light:

- (1) The driver of every vehicle facing blinking red traffic lights shall stop on the clearly marked stop line, or if there were none, shall do so before reaching the crosswalk closest to the intersection. If there were no crosswalk, the driver shall then do so at the closest point to the public road crossing where the driver can see the traffic that is flowing along it before entering the intersection, and in such case, the right of way shall be subject to the rules that apply when the driver must stop before a stop sign.
 - (2) These provisions shall not apply to railroad or Urban Train crossings as provided by the Secretary.
- (g) The provisions of this Section shall also apply in the case of traffic lights that have been installed in places that are not intersections, except for those provisions that because of their nature are not applicable. Every required stop shall be made at the place indicated by a sign or mark on the pavement, but if there is no such sign or marking, the stop shall be made before reaching the traffic light.
- (h) Every driver that approaches an intersection where a damaged or out-of-service traffic light is located, shall take proper care when approaching said intersection and on crossing it, following the same rules that would apply if there were no traffic light in said intersection.
- (i) Every driver who violates the provisions of this Section regarding traffic lights, except those referring to subsection (b) thereof, shall incur an administrative fault and shall be punished by a fine of fifteen (15) dollars. In the case of

subsection (f) of this Section, the fine shall be thirty (30) dollars. If a driver should violate the provisions of subsection (b) of this Section by passing a red light after having stopped before it, he/she shall incur an administrative fault and shall be punished with a fine of forty (40) dollars; if he/she passes the red light without stopping, he/she shall be punished with a fine of sixty (60) dollars.

Section 8.03 - Pedestrian Crossing Signs

Whenever a special pedestrian crossing sign has been installed bearing the words “Cross” and “Do not Cross”, the words shall have the following meaning:

- (a) “Cross” (fixed): Pedestrians may cross the road in the direction of the sign. Vehicles shall not be allowed to move across the crosswalk while pedestrians are crossing.
- (b) “Cross” (blinking): The pedestrian may cross the road in the direction of the signal, although there may be a possible conflict with those vehicles that are allowed to turn and cross the pedestrian crosswalk. The drivers of all those vehicles must yield right of way.
- (c) “No Crossing” (fixed): No pedestrian shall start to cross the road in the direction of the traffic light.
- (d) “No Crossing”(blinking): No pedestrian shall start to cross the road in the direction of the sign, although any pedestrian who has started to cross it with the indication to “Cross”, may continue to walk to the sidewalk or safety median.

Section 8.04 – Traffic Lane Control Signs

Whenever there are special traffic lane control signs installed for individual lanes on a public road, where lighted green arrows point towards the pavement, or there are yellow “X” or red “X”, said arrows or “X’s” shall mean:

- (a) Green arrow (steady): Any driver facing this signal may drive his/her vehicle on the lane over which said special green arrow light is placed.
- (b) Yellow X (steady): Any driver facing this signal must prepare to safely leave the lane over which the special signal with a yellow X is located to prevent said lane from being occupied, if possible, when the red X turns on.
- (c) Red X (steady): Any driver facing this signal shall not enter or drive his/her vehicle on the lane over which the special signal light with a red X is located.
- (d) Every driver who violates the provisions of this Section with regard to lane signs shall incur an administrative fault and shall be punished with a fine of fifty (50) dollars.

Section 8.05 – Traffic signs

With regard to traffic signs on the public roads, the following norms shall be followed:

- (a) Every driver of a vehicle that approaches an intersection controlled by “Stop” signs, shall stop at the line marked on the pavement, unless a law enforcement officer or the traffic light authorizes him/her to continue; but if there were no stop line marked on the pavement, he/she shall stop before entering the closest pedestrian walk of the intersection. If there were no stopping line or pedestrian walk, then he/she shall do so on the point closest

to the crossing lane from where he/she may see the approaching traffic, before entering the intersection. After having stopped, the driver shall yield right of way to every vehicle that has entered the intersection from another public road and that is so close that it would constitute an immediate danger while said driver is crossing or driving in said intersection.

(b) Every driver of a vehicle on a public road shall stop it at railroad crossings and shall not cross it when indicated by mechanical signals to such effect, audible warning of the train, warning by the flagman, or by barriers or other warning signs authorized by the Secretary, and shall not proceed until the train has passed and the signals or their effect have ceased.

(c) The driver of every vehicle that approaches a sign stating: "Yield Right of Way", in compliance thereof, shall slow down to a reasonable speed according to the existing conditions, and if it were necessary to stop for safety reasons, he/she shall do so at the stop line marked on the pavement, but if there were no such line, shall come to a stop before entering the pedestrian walk closest to the intersection. If there is neither one nor the other, he/she shall stop at the point closest to the crossing from where the driver can see the approaching traffic. After slowing down or stopping, the driver shall yield right of way to any vehicle in the intersection, or that is approaching from another public road at a distance that would constitute immediate danger, at the time said driver is crossing or driving within said intersection. If said driver should have an accident with another vehicle within the intersection after having crossed the "Yield Right of Way" sign, said accident shall be deemed prima facie evidence of failing to yield right of way.

(d) The driver of any vehicle, except the drivers of authorized emergency vehicles on emergency duties, shall obey the indications of any

official traffic control device installed pursuant to the provisions of this Act, unless ordered otherwise by a police officer.

(e) With the approval of the Secretary, the Secretary and the local authorities are hereby authorized to designate dangerous crossings between public roads and railroads, and install “Stop” signs in such places. When said signs are installed, the driver of every vehicle shall stop within a distance of fifty (50) feet, but never less than fifteen (15) feet from the nearest track of said railroad, and shall continue driving only if exercising proper caution.

(f) None of the provisions of this Act in which the existence of official devices to regulate traffic are required shall be enforceable if on the date, hour and place of the alleged infraction there is no official device installed, in an adequate position, and properly visible by a reasonably observant person. When a specific Section of this Act does not establish the requirement of official devices to regulate traffic, said Section shall be effective even though there is not device installed.

(g) When an official device to regulate traffic is installed according to the requirements of this Act, it shall be presumed that it was installed through official action or by instruction of the pertinent legal authorities, unless proved otherwise by competent evidence.

(h) Any official traffic control device that has been installed according to the provisions of this Act with the intention of complying with its requirements shall be presumed to meet the requirements of this Act, unless proved otherwise by competent evidence.

(i) Every driver who violates the provisions of this Section regarding traffic signs shall incur an administrative fault and shall be punished by a fine of thirty (30) dollars.

Section 8.06 – Markings on the pavement or curbs

Drivers of vehicles shall obey the markings on the pavement and curbs at all times, in order to obey the limitations indicated in Sections 1.50 to 1.54 of this Act, and shall likewise refrain from parking, stopping or waiting before a curb painted yellow.

Every driver who violates the provisions of this Section concerning markings on the pavement shall incur an administrative fault and shall be punished by a fine of fifteen (15) dollars.

Section 8.07 – Unauthorized signals and markings

No person shall place, maintain or display any light, sign, notice, sign, advertisements of any sort, or devices or artifacts that purport to be or is an imitation, or appears to be any apparatus or device for the official control of traffic, or that has the purpose of directing traffic flow, or that conceals or interferes with the visibility or effectiveness of any official traffic control apparatus or device, on any public road or in places that are visible from a public road.

Every sign, signal, warning, light or markings prohibited in the above subsections are hereby declared public nuisances, and the authority with jurisdiction over the public road where they are installed is authorized to remove them.

Section 8.08 – Illegal actions and penalties

Any person who with malice aforethought steals, destroys or damages the signals, signs, traffic lights, or markings authorized by this Act or its regulations, shall incur a misdemeanor and upon conviction shall be punished by a fine of not more than five thousand (5,000) dollars, imprisonment for a term of not more than six (6) months, or both penalties at

the discretion of the court. The court may, likewise, impose a penalty of rendering community services in lieu of the prison term.

IX. DUTIES OF PEDESTRIANS AND OF DRIVERS TOWARDS THEM

Section 9.01 – Basic rule

Every pedestrian shall obey the indications of the official traffic control devices that apply specifically to them, including the traffic lights to regulate traffic, and the pedestrian crossing signs, as provided in Sections 8.02 and 8.03 of this Act, unless ordered otherwise by a law enforcement officer.

Section 9.02 – Duties of pedestrians when crossing a public road

Every pedestrian who crosses a public road shall be subject to the following provisions:

(a) When crossing an intersection or a pedestrian crosswalk, shall yield right of way to every vehicle that is moving on said highway.

(b) When crossing an intersection shall use the pedestrian crosswalk. If the intersection is controlled by traffic lights, shall only cross with the green light or the indication to “cross” in his /her favor, as provided in Sections 8.02 and 8.03 of this Act.

(c) Between consecutive intersections, any of which are controlled by traffic lights, shall only cross on the pedestrian crosswalks marked on the pavement.

(d) When there are tunnels or other structures built for pedestrian use, they should use them. To such ends, the use of said tunnels or overpasses by persons on bicycles, motor driven or otherwise, or motorcycles and similar vehicles, is prohibited.

(e) No person shall cross a road diagonally at an intersection, unless authorized by an official traffic-regulating device. When diagonal crossing

is authorized, pedestrians shall only cross as indicated by the official devices that regulate these crossings.

(f) Pedestrians shall only walk on the sidewalks, and if there are none, whenever it is possible and practical, shall walk on the curb or left hand side of the public road facing traffic and shall not leave the same unexpectedly and rapidly when a vehicle is so close that it is impossible for the driver to yield right of way. In the case of funeral processions on foot, pedestrians shall walk on the right side of the public road using no more than half of the roadway.

(g) A pedestrian who walks on a road negligently and recklessly, without due attention and care shall incur a misdemeanor and upon conviction, shall be punished by a fine of fifty (50) dollars. If this conduct should cause an accident, the fine shall be of five hundred (500) dollars.

Section 9.03 – Duties of drivers towards pedestrians

Any person who drives a vehicle on the public roads shall be bound to:

- (a) Yield right of way when there are no traffic lights installed or are not working properly, reduce speed, and stop if necessary, for any pedestrian who is crossing the road on a pedestrian crosswalk on a road where said vehicle is being driven, or when the pedestrian may be in danger when approaching from the opposite side of the roadway.
- (b) Not pass another vehicle that has stopped or has slowed down to yield right of way to a pedestrian on a pedestrian crosswalk.
- (c) Take the proper precautions so as not to injure any pedestrian, with special precautions when the pedestrians are children, or elderly or disabled persons. These precautions shall be taken even when the pedestrian is improperly or illegally using the public

road. The use of the horn, alone, shall not relieve the driver from liability if other safety measures are not taken.

Every driver who violates this Section when driving on a public road shall incur an administrative fault and shall be punished by a fine of fifty (50) dollars.

No vehicle shall be driven through or on a safety zone at any time.

X. MISCELLANEOUS RULES AND PROVISIONS

Section 10.01 – Basic rule

Every driver of a motor vehicle or pedestrian on the public roads of Puerto Rico shall be bound to comply with all other provisions of this Act, including the following:

Section 10.02 – Emergency service vehicles

As long as an emergency exists related to the use given the vehicle, and until it has ended, the authorized drivers of emergency vehicles, as defined in this Act, shall carry out the following acts with due consideration of the safety of the persons and property, and provided they use warning devices:

(a) Park or stop their vehicles on the public roads contrary to what is provided in this Act and its regulations.

(b) Drive on with their vehicles regardless of the indications of a traffic light or sign on the public road by virtue of this Act and its regulations, but only after having slowed down the vehicle, as necessary, to drive it safely.

(c) Exceed the speed limits established by this Act and its regulations, or any municipal ordinance, provided this does not endanger lives or property.

(d) Ignore the provisions of this Act and its regulations on rights of way, turns and the traffic flow.

The above provisions do not relieve duly authorized drivers of emergency vehicles from their duty to drive into account taking the safety of all persons, nor do they exempt them from the consequences resulting from their reckless disregard of the safety of others. The provisions of subsections (a) through (d) of this Section shall not apply when the emergency vehicle returns after having completed its emergency mission or when it is not attending to a real emergency situation.

Any driver who pretends to be attending to a real emergency situation without there being one, shall incur an administrative fault and shall be punished by a fine of one hundred (100) dollars.

Section 10.03 – Funerals and sports, recreational, cultural and social events

The following rules shall be observed in the course of funerals and processions, or parades for sporting, recreational, cultural and social events:

(a) In the urban zone, and provided that the motor vehicles that participate in them keep a distance of not more than ten (10) feet between them, and are duly identified as participants thereof, the drivers may proceed through intersections notwithstanding the indications to the contrary by lights and signals, provided that the leading vehicle enters the intersection according to the provisions of this Act and its regulations, and the procession moves in such a fashion that the safety of persons and property is guaranteed.

(b) It shall be the duty of the drivers of motor vehicles that do not participate in said activities, to yield right of way for vehicles that are a part of such parades, processions or manifestations in the abovestated activities.

(c) Commanders of police areas, zones, or districts or those police officers acting as such in their respective areas, zones and districts, shall be

empowered to grant permits for the use of public roads when requested, to hold any sports, recreational, cultural and social activities provided that only the portion of the public road to be used is that indicated in the permit. When said activities comprise territorial demarcations of more than one police area, said permit shall be granted by the Superintendent, although he may delegate said function through the regulations to such effect, on the respective area commanders. These permits shall be denied for purpose of public law and order, or the main traffic flow would be substantially affected. The permits that are indicated in this subsection may be denied if they are requested less than forty-eight (48) hours prior to the hour indicated for the activity.

(d) Every driver of a vehicle who does not yield right of way to funeral or a religious processions on foot, a civic, political or workers' manifestation or a military convoy in the exercise of the rights granted thereto in this Section, shall incur an administrative fault and shall be punished by a fine of twenty-five (25) dollars.

Section 10.04 – Obstruction of drivers' visibility

No motor vehicle being driven on the public roads shall display any objects on the front windshield, back windshields, or side or rear windows, such as notices, cards, posters, stickers, advertisements or any other material that is not transparent, unless they can be placed on said windshields in a square of not more than seven by seven inches (7"x7") on the lower corner farthest from the driver's seat, or on the side windows of the vehicle behind the driver, and placed in such a way that they do not obstruct the driver's line of vision in any direction. Likewise, no motor vehicle shall transport any packages, or objects of any kind that obstruct the driver's visibility in any direction when driving on public roads.

No person shall drive a motor vehicle equipped with a television receiver installed in such a way that the televised programs may be viewed by the driver while driving said vehicle on the public roads.

Any driver who violates this provision shall incur an administrative fault and shall be punished with a fifty (50) dollar fine.

Section 10.05 - Use of one-way glass and tinted glass windshields and windows

The use of one-way glass for the windshield and glass windows of motor vehicles is hereby prohibited. The altering thereof by applying tints and any other material or product used as a solar filter on the windshield and windows of motor vehicles to produce a percentage of transmission of visible light of less than thirty-five percent (35%), is likewise prohibited. Official government vehicles, ambulances, bullet-proof vehicles for the transportation of securities, vehicles specially designed and devoted exclusively to transport tourists, or for public passenger or cargo transportation, as established by the Commission, and those vehicles whose windshields or rear windows are factory-equipped with tints that produce a percentage of light transmission that is less than that indicated in this Section, are exempted from applying the provisions of this Section. Rear windshields or windows are understood to be all those located in the vehicle behind the drivers' seat.

Also exempted from these provisions are vehicles certified by the Secretary to such effects for medical reasons, upon evaluating the corresponding request.

Any person who requests to be exempted from the provisions of his Section for legitimate medical reasons, must include with such request, a certificate of the physician, surgeon or optometrist duly licensed to practice

medicine in Puerto Rico in which said practitioner attests that according to the petitioners medical record, he/she requires the use of tints or any other material or product on the glass of the vehicle used by him/her as a protection against sunlight. This certificate must be made on the form authorized by the Secretary for such purpose.

The Secretary may require an evaluation of said request by the Medical Advisory Board, and may establish the conditions and limitations he/she deems pertinent on the certificates and permits issued to such effects, which in his/her judgment, are needed to comply with the purposes of this Section.

The authorization issued to a person, as provided in this Section, must remain at all times in the motor vehicle or be carried by the person on whose behalf it is issued. It shall be the responsibility of the person on whose behalf the certificate is issued to remove the tint or any other authorized material or product from the vehicle when he/she transfers, assigns, sells or otherwise disposes of the vehicle, and shall be bound to give evidence of the removal thereof to the Traffic Division of the Police in his/her jurisdiction to show that this provision has been complied with.

The Secretary shall determine and promulgate by regulations to such effect, all that concerns the issuing, handling and collection costs, characteristics, use, renewal, and canceling of certificates and permits authorized herein, which must be renewed annually.

Every driver who operates a motor vehicle in violation of this Section shall incur an administrative fault and shall be sanctioned with a fine of one hundred (100) dollars. The person who commits the violation shall be granted a term which shall not exceed seven (7) calendar days to appear at the designated police station to show that the deficiency has been corrected. When the person who committed the violation appears within the term

granted herein and shows that the tint or other material or products installed in violation of the provisions of this Section have been removed, the fine imposed according to the provisions of this Act shall be filed. The inspection permit established in Section 12.02 of this Act shall be denied to any applicant whose vehicle fails to comply with the provisions of this Section.

Section 10.06. - Passing over fire hoses

Every driver who, when driving on the public roads passes his/her vehicle over the hoses of the Firefighters Corps when the same is being used during a fire, alarm or drill or other emergency, except when said hose is duly protected or when a member of the Firefighters Corps or law enforcement officer authorizes said passing, shall incur an administrative fault and sanctioned with a twenty-five (25) dollar fine.

Section 10.07 – Due Protection to blind person

It shall be the duty of every driver to stop his/her vehicle when traveling through the public roads to yield the right of way to a blind person duly identified as such by a cane or eye-seeing dog.

Every driver who violates this provision shall incur in an administrative fault and shall be sanctioned with a fine of one hundred (100) dollars.

Section 10.08 – Obstruction of driver's visibility

No person shall drive a motor vehicle on the public roads with persons, animals or objects obstructing the visibility of the driver towards the front or the sides of the vehicle or that interfere with the control of the driving mechanism of the vehicle.

Every driver who violates this provision shall incur in an administrative fault and shall be sanctioned with a fine of one hundred (100) dollars.

Section 10.09 – Precautions when overtaking and passing a school bus or transportation.

Every driver shall obey the following precautions when overtaking or passing a school bus or transportation:

(a) It shall be the obligation of every driver to stop when facing or passing a school bus or transportation that has stopped on the side of the public road to pick up or drop off students, if the driver of the bus or transportation indicates it by signals to such effect, and shall not move on until the bus or transportation has moved on or has stopped operating the signals mentioned above, or the driver of the bus or transportation indicates it by signals to such effect. Every driver who violates the provisions of this subsection shall incur an administrative fault and shall be sanctioned by a fine of one hundred (100) dollars.

(b) Every school bus or transportation used to transport students must have clearly visible signs on the front and back with the words “SCHOOL BUS” or “SCHOOL TRANSPORTATION” in letters at least eight inches (8”) high in larger vehicles and six (6”) inches in smaller vehicles, as defined by the Commission, and signal lights installed as high and spaced as far laterally one from the other as possible, and at the same level. Notwithstanding the provisions of Section 14.13 of this Act, said lights must be capable of emitting intermittent red lights of such intensity that they can be clearly visible at a distance of five hundred (500) feet.

(c) Every driver of a vehicle moving on a public road that has separate lanes, shall not have to stop when meeting or passing a school bus or transportation on a different traffic lane, or when driven on a controlled access public road, and the school bus or transportation is stopped in a loading and unloading zone which is a part of, or next to said public road, and where the crossing of pedestrians is not allowed.

Section 10.10 – Distance between vehicles

Every driver shall keep a prudent distance from the moving vehicle immediately before it, with due regard to its speed and the condition of the public road and other circumstances concerning safety. In every case, when the authorized speed limit in the zone is more than twenty-five (25) miles an hour, sufficient space shall be left so that any vehicle can pass and pull ahead of it safely.

It shall be illegal to drive a vehicle at a distance of less than three hundred (300) feet or ninety-one (91) meters behind any emergency vehicle as defined in Section 1.104 of this Act, when said vehicle is responding to an emergency, except those vehicles on official duties.

Every driver who violates the provisions of this Section shall incur an administrative fault and shall be punished by a fine of fifty (50) dollars.

Section 10.11 – Obligation in intersections of public roads

When crossing an intersection, every driver shall make sure before continuing on his/her way with the vehicle that in the public road through which he/she is traveling there is enough free space so as to cross the intersection and pass the same without interruption, even when there is a green light in his favor, so that the vehicle is not forced to stop in the intersection at any time, which could prevent or obstruct the free flow of traffic.

Every driver who violates the provisions of this Section shall incur an administrative fault and shall be punished by a fine of fifty (50) dollars.

Section 10.12 – Precautions with animals

Any person who drives a vehicle on a public road must take reasonable precautions when approaching another vehicle drawn by animals, or any

animal and if necessary shall reduce the speed or stop the vehicle and yield right of way.

The owners or persons in charge of animals shall not allow them to run loose or to be in the care of children under fourteen (14) years of age except in the company of an adult, or let them graze, or tie them at the side of public roads.

Section 10.13 - Warning by sounding horn

In all places outside of the urban zone where there is poor visibility or when the nature of the public roads or traffic flow make it necessary for security reasons, it shall be the obligation of the driver of every vehicle to give an audible warning with the horn and drive the vehicle as close as possible to the right hand side of the road, except when approaching another vehicle drawn by animals, or any animal.

Section 10.14 – Sports on public roads

No sports whatsoever shall be practiced or sponsored along the public roads, except when the Secretary or the municipal authorities, as the case may be, authorize them in writing and pursuant to the regulations approved to such effect.

Section 10.15 – Vehicles and persons that obstruct emergency work

The flow of traffic and parking of vehicles on public roads and places within the immediate radius of fifty (50) meters from a fire, automobile accident, disaster or catastrophe of any nature is hereby prohibited when members of the Police, Municipal Police, or Fire-fighting Corps deem it convenient to isolate the area from the traffic of vehicles and persons, to expedite the emergency work and maneuvers. This provision shall not apply to emergency vehicles and others that belong to Public Service agencies or companies whose duties are related in some way to the existing emergency.

It is likewise prohibited to allow crowds of people on public roads when there is a fire or at the scene thereof, an automobile accident, a disaster, or a catastrophe of any nature with the purpose of watching or prying into the work and operations of the people who are performing their official duties at the scene of the fire, automobile accident, disaster or catastrophe. Excepted from this provision are persons who have families or property at the scene of the disaster and are there because of their natural interest in the accident or disaster.

Any vehicle parked in violation of the provisions of this Section, shall be fined according to what is stated in Section 4.12 of this Act.

Section 10.16 – Use of motorcycles, mopeds or motor scooters

Any person who drives a motorcycle, mopeds or motor scooter on public roads, shall do so subject to the following rules:

- (a) Shall only drive it sitting on its regular seat and shall not transport any person, nor shall any other person travel on said motorcycle, moped or motor scooter, unless said motorcycle, moped or motor scooter is designed to carry more than one person, in which case, a passenger may travel on the regular seat if it is designed for two persons or on the additional back seat, which shall include handholds and footrests, or in a sidecar.
- (b) Any person who drives or is a passenger on a motorcycle, moped or motor scooter on the public roads shall use a safety helmet while the vehicle is in motion. The safety helmet shall meet the requirements established by the Secretary pursuant to the American Standards Association's for safety helmets standards, published August 1, 1966, as said norms are updated or replaced. The driver shall use goggles, or spectacles, or install a windshield

on the vehicle for additional personal protection and accident prevention.

- (c) Any person who drives a motorcycle, moped or motor scooter shall do so straddling the seat, looking forward, and with one leg on each side of the motorcycle, motor-driven bicycle or scooter.
- (d) No person shall drive a motorcycle, moped or motor scooter carrying packages or other objects that will prevent keeping both hands on the handlebars at the same time.
- (e) No driver shall transport a person nor shall such person travel in a position that will interfere with the driving or control of the motorcycle, moped or motor scooter or the visibility of the driver.
- (f) Every motorcycle, moped or motor scooter, has the right to use a complete lane and no motor vehicle may be driven in such a way as to deprive a motorcycle, motor-driven bicycle or motor scooter from using a complete lane. This provision shall not apply to motorcycles, moped or motor scooters that travel side-by-side on the same lane.
- (g) The driver of a motorcycle, moped, or motor scooter shall not overtake and pass the vehicle that is overtaken, on the same lane.
- (h) No person may drive a motorcycle, moped, or motor scooter between traffic lanes or between adjacent lines or rows of vehicles.
- (i) No more than two (2) motorcycles, mopeds or motor scooters shall travel side-by-side on the same lane.
- (j) Subsections (g) and (h) of this Section shall not apply to police officers in the performance of their official functions.

- (k) No person traveling on a motorcycle, moped, or motor scooter shall hang onto or join said motorcycle, moped or motor scooter to another vehicle on a roadway.
- (l) No person shall drive a motorcycle, moped or motor scooter with handlebars over fifteen inches (15”) from the part of the seat occupied by the driver.
- (m) The Secretary shall have the power to approve or disapprove the safety helmets and protective eyeglasses required herein and to promulgate and enforce the regulations establishing the standards and specifications for their approval. The Secretary shall publish lists of all safety helmets and eyeglasses approved by him/her, specifying the names and models.
- (n) The motor vehicles known as “all terrain” or “four track” shall not be permitted on expressways, highways or other public roads. As an exception, four tracks shall only be authorized to travel on rural roads, municipal roads or state highways in the rural zone as said term is defined in this Act. In any case, these vehicles shall comply with all the provisions of this Act that apply to motorcycles.

Any person who violates the provisions of this Section shall incur an administrative fault and shall be punished by a fine of fifty (50) dollars.

Section 10.17 – Conduct of drivers or passengers

Drivers or passengers of motor vehicles shall obey the following rules:

- (a) It shall be the obligation of every driver of a motor vehicle from which any object, which may be a hazard or obstacle to traffic, is detached or falls off, to immediately stop and pick it up, or remove it from the pavement.

- (b) It shall be illegal for any driver or a passenger in a motor vehicle to drop or throw any object from the vehicle to the public road, which could constitute a hazard or risk to traffic.
- (c) It shall be illegal for any person to travel in a motor vehicle in a position that obstructs or limits the movements of the driver or that somehow limits the control of the vehicle's mechanism.
- (d) It shall be illegal for any person to travel in a motor vehicle known as a three (3) or five (5)-door "lift back", either seated, or with his/her legs hanging outside of the rear area destined for cargo, or a trunk, keeping the back door open while the vehicle is in motion. It shall, likewise, be illegal to drive a motor vehicle under the conditions indicated in this subsection.
- (e) It shall be illegal to board or dismount, or hang on to a vehicle or trailer that is traveling on a public road while it is in motion.

Any person who violates the provisions of this Section shall incur a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than five hundred (500) dollars.

Section 10.18 – Driving and handling vehicles without the consent of the owner.

No person, with the exception of the Police of Puerto Rico, the Municipal Police, or the Traffic Control Corps of the Department, shall drive, remove, or handle a vehicle without the prior authorization of the owner or person in charge of the vehicle.

The Police may remove any vehicle found on the public road after having been informed of the theft thereof, or a complaint having been filed before a judge or magistrate by virtue of which an arrest warrant has been

issued on a charge of theft, or embezzlement with regard to said vehicle, or under the circumstances established in Section 10.19 of this Act.

Section 10.19 – Abandoned, dismantled or useless vehicles

No person shall abandon a vehicle on a public road or any abutting public or private area.

Any vehicle that has been abandoned by its owner on a public road or an abutting public or private area, which has not been removed by said owner as required to do so by the Police, within a term of twenty-four (24) hours, may be removed by any of the persons mentioned in the above Section, and driven to the site mentioned in subsection (b) of Section 6.28 of this Act, where it will be deposited and available to its owner. When the owner of the vehicle, as shown by the records of the Department, is required to move the vehicle, the Police shall warn him/her that if he/she does not claim its delivery, it shall be disposed of in the same manner and for the purposes stated in said Section 6.28.

For the effects of this Section, it shall be presumed that a vehicle has been abandoned if it is found unattended on a public road or any abutting public or private area for a period of more than twenty-four hours

In the case of dismantled or useless vehicles, the procedure established in this Section for the disposal of abandoned vehicles shall be followed, provided they can be identified or the owner is known. Otherwise, the vehicle shall be taken to the place mentioned in subsection (b) of Section 6.28 of this Act, in which it will remain deposited for a period of thirty (30) days at the disposal of its owner. If its delivery is not claimed within said period, the Police or the municipality may dispose of it in the manner they deem is necessary.

For the purposes of this Section, a dismantled or useless vehicle is understood to be one that lacks a motor or other essential part for its propulsion, and whose control and possession have been abandoned by its owner in the form and for the term indicated above.

Section 10.20 - Conservation of public roads and crosswalks

The agents of the Commonwealth Police, the Municipal Police, the Traffic Control Corps of the Department, and the Ranger Corps of the Department of Natural and Environmental Resources, are hereby authorized to issue administrative faults tickets to any person who without being duly authorized by the legally empowered officials or representatives of the Commonwealth or Municipal Government or one of its agencies or instrumentalities, places, deposits, or throws, or gives orders to place, deposit or throw on a public road or its abutting areas within the easement. any paper, wrapping, can, bottle, cigarette butt, fruit, wood ashes, or any similar material that is harmful to the public health or safety, or any kind of litter or waste. This administrative fault shall entail a fine of one hundred (100) dollars.

If, for this administrative fault to be constituted, this offender disposes of trash or bags containing trash, dead animal remains, tire or tires, branches or trunks of trees, debris, papers, cans, fruit or waste, including one or several land, sea and air transportation vehicles, or several vehicles of any kind, or of a similar matter, or that is harmful to the public health or safety, or any kind of garbage or trash, he/she shall be subject to the payment of an administrative fine of one thousand (1,000) dollars.

Likewise, it shall be illegal to use the public roads and their abutting areas within the easement to deposit or store construction materials, with the exception of those that are to be used in the repair or reconstruction of the

public road. The Secretary or the municipal authorities, as the case may be, may authorize said deposit or storage of material when it is for brief periods, and will not become a public safety hazard, or obstruct traffic.

In the case of pedestrians and other persons who have violated the provisions of this Section, the intervening agent, whether a Commonwealth Police officer, Municipal Police officer, or a member of the Traffic Control Corps of the Department, or the Ranger Corps of the Natural and Environmental Resources Department are hereby empowered to proceed as provided in Sections 17.01 to 17.06 of this Act.

In those cases that entail an administrative fine of one thousand (1,000) dollars, the agents of the Commonwealth Police, Municipal Police, and the Ranger Corps of the Department of Natural and Environmental Resources, are empowered, in addition to issuing a ticket, to order the offender to pick up the discarded waste. If said order is not complied with, the issuing of the ticket shall be averted, and the person shall be charged with a misdemeanor and upon conviction, punished with a fine of not less than one thousand five hundred (1,500) dollars or more than five thousand (5,000) dollars, and the penalty of restitution.

Any person who removes a vehicle that is disabled or that has been involved in a traffic accident on a public road, must remove any fragments of crystal or glass, or any amount of grease or oil, or any other matter that has fallen or splashed on to the pavement from said broken-down vehicle.

No person shall drive a motor vehicle or trailer on the public road whose wheels that are in contact with the pavement, are not provided with tires.

No fixed, movable or temporary sheds or roadside sale stands shall be established on public roads or the side of the road, except when a specific

authorization therefore has been issued by the Secretary of Commerce, by virtue of Sections 1 to 15 of Act No. 56 of July 21, 1978, as amended, known as the “Law to Regulate the Operation of Mobile Sales in Puerto Rico, which regulate mobile sales, or when the corresponding municipality is holding its patron saint’s festivities, and the operator has met all the requirements established by said municipality. If the municipality has authorized said establishments on public roads, it shall ensure the safe flow of vehicles on other available roads and shall notify the Department and the Police on the use of the state road no later than ten (10) days prior to the date the establishments shall begin operations.

Section 10.21 – Persons on the public roads in a state of intoxication or under the effects of drugs or controlled substances.

Any pedestrian on any public road or who is traveling thereon while in a state of alcoholic intoxication, or under the influence of drugs or controlled substances, which endangers his/her safety or that of the persons on said public highway, and causes a traffic accident as a result of said condition, shall be guilty of a misdemeanor and upon conviction, shall be punished with a fine of not more than five hundred (500) dollars.

Section 10.22 – Authority of Law Enforcement Officers

Every driver of a vehicle shall stop immediately when required to do so by a law enforcement officer, to wit: an agent of the Commonwealth Police, Municipal Police, and the Rangers Corps of the Natural and Environmental Resources, and after being informed of the reason for stopping him/her and the violations of law apparently committed, shall likewise be bound to identify him/herself if so requested, and to show all documents which he/she must carry on his/her person or in the vehicle, according to this Act and its regulations.

Notwithstanding the provisions of this Act and its regulations, or the indications of traffic lights and signs, any law enforcement officer may disregard as an exception, what is indicated thereby, or stop or detour traffic on any public highway, if in his/her judgment, exceptional traffic conditions justify it, and it shall be the obligation of every driver of a motor vehicle or pedestrian to obey said order or signal.

Members of the Police or the Municipal Police may stop or inspect any vehicle when, in their judgment, it is being used in violation of this Act or any other legal provision that regulates the operation of vehicles, or other laws, or when the driver or its occupants are involved in any traffic accident. To such purposes, they shall be authorized to block the passage of said vehicle on any public road when its driver refuses to stop.

Members of the Police or the Municipal Police may use any mechanical or electronic detection apparatus of recognized precision to determine and establish the speed of motor vehicles on the public roads.

No person may willfully disobey or refuse to comply with a legal indication or order imparted by a law enforcement officer with legal authority to direct, control or regulate traffic in the manner provided in this Section.

Section 10.23 – Vehicles used in the construction or repair of public roads and public service facilities.

Subject to public safety requirements, the provisions of this Act and its regulations regarding traffic, shall not apply to those motor vehicle drivers whose vehicles are used in the construction or repair of sections of the public road or in work related to public service facilities located on or near public roads, but shall apply to the drivers while they are driving said vehicles from or towards the place where the work is being done.

Section 10.24 – Driving on the sidewalk

No person shall drive a vehicle on a sidewalk or any part thereof except on a duly authorized permanent or temporary entrance for vehicles.

Every driver who violates the provisions of this Section shall incur an administrative fault and shall be punished with a fine of fifty (50) dollars.

XI. PROVISIONS REGARDING THE USE OF BICYCLES

Section 11.0 – Basic rule

The provisions of this Act regarding the traffic of motor vehicles and the drivers thereof shall cover and be applicable to bicycles and their riders, except those provisions which by their nature do not apply to them. Bicycles riders shall have the obligation of riding with due care and precaution on the public roads.

Section 11.02 – Use of bicycles on the public highway

The following acts shall be illegal with regard to the use and riding of bicycles on the public roads:

- (a) Carry on a bicycle more passengers than it can seat.
- (b) Carry packages or objects that project beyond the ends of the handlebars on the front or back ends thereof, that prevent the rider from keeping at least one hand on the handlebar of the bicycle.
- (c) Ride side by side with another cyclist or ride away from the curb of the road or the right hand side of the public highway, and it shall be the obligation of every person riding a bicycle on a road to keep as close to the right-hand curb of the roadway as possible, and exercise due precaution when passing a vehicle that has stopped, or that is traveling in the same direction, except on roads or sectors of the roadway that have been reserved for the exclusive use of bicycles.

- (d) Allow a person riding a bicycle to or a similar vehicle or a toy vehicle to hang on to or attach itself to another on the public highway.
- (e) Ride a bicycle that is not provided with a bell, or other device that is capable of emitting a signal that is audible at a distance of one hundred (100) feet on a public highway, except that no bicycle shall be equipped with a siren, nor shall any person use a bicycle that has been equipped with such type of device.
- (f) Needlessly use the bell or other device required by subsection (e) of this Section in the urban zone.
- (g) Ride on the sidewalks or elevated structures designated for the exclusive use of pedestrians.
- (h) Failing to be equipped during nighttime with a white headlight capable of emitting a white light visible from a distance of not less than five hundred (500) feet on the front, and a red light or reflector on the back, which must be visible from any point within one hundred (100) to six hundred (600) feet from the rear of the bicycle when it is directly lighted by the low lights of the headlights of a motor vehicle. In addition to the red reflector, a light that emits a red light that is visible from a distance of five hundred (500) feet from the rear of the bicycle may also be used.
- (i) Ride a bicycle with defective brakes that are unable to stop the sprocket wheel on a dry, flat and clean pavement.
- (j) Ride a bicycle if not seated on the permanent and regular seat affixed thereto.
- (k) Ride a bicycle on public roads of high vehicular traffic without being provided with a protective helmet that meets the

requirements established by the Secretary through regulations, according to the standards of the American Standards Association for protective helmets published on August 1, 1966, as they may be updated, amended or replaced.

Any person who violates the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished with a fine of not more than fifty (50) dollars.

Section 11.03 – Responsibility of parents or guardians

A parent of a child or the guardian of any ward shall not authorize or knowingly allow said child or ward to violate any of the provisions of this Chapter.

XII. INSPECTION OF VEHICLES

Section 12.01 – Basic Rule

Every motor vehicle that travels on the public roads shall have the equipment required by this Chapter in good operating conditions and adjustments, and said vehicle must be in such mechanical condition that it will not pose a threat to public safety. To such ends, every motor vehicle that travels on the public roads shall be equipped with an emission control system, including the catalytic converter and related parts.

Section 12.02 – Periodic inspection

Every motor vehicle that travels on the public roads shall be submitted to periodic inspections when and as provided by the Secretary through regulations. The following rules shall be followed with regard to said inspections:

(a) Inspections shall be made with a frequency that shall not exceed once (1) every six (6) months, nor less than once (1) a year. The Secretary is also empowered to determine which vehicles shall be subject to inspection

taking into account the number of years since they were manufactured. The inspection shall be mandatory in the case of those vehicles that were manufactured more than two years ago.

Every motor vehicle subject to regulation by the Commission under the provisions of this Act shall be submitted to periodic mechanical inspections. Said inspection shall be made with a frequency that shall not exceed once every six (6) months, nor less than once (1) a year.

The provisions contained in Section 12.02 on Inspection of Vehicles in this Act, applicable to all motor vehicles that travel on the public roads of Puerto Rico shall be equally applicable to those vehicles subject to inspection by the Commission in all that is not incompatible with the provisions of this Act.

The Commission, in coordination with the Secretary shall promulgate the regulations needed for the adequate and effective enforcement of the provisions of this Act.

(b) Every motor vehicle that travels on the public roads shall be submitted to an evaluation and diagnosis of the emission control systems as part of the periodic inspection as provided by the Secretary through regulations.

(c) Every used motor vehicle imported to Puerto Rico, shall be inspected before the Department authorizes the license of said vehicle.

(d) In the event that a vehicle has been inspected and repairs are required, but is transferred or assigned, the new owner shall be bound to comply with the provisions of this Act. In every case, the vendor or assignor shall be bound to inform said buyer of the obligation imposed, and upon the failure to do so, shall incur an administrative fault and shall be sanctioned with a fine of one hundred (100) dollars.

(e) The deadline for the inspection of a motor vehicle shall coincide with the date of the renewal of its license, and said inspection shall be a prior requirement for the renewal thereof. Exempted from this provision are those companies that are engaged in the business of leasing motor vehicles and are recognized by the Commissioner of Financial Institutions of Puerto Rico. In those cases, the Secretary may issue the corresponding sticker to the title-holder of the vehicle without the latter having to submit a certificate of inspection. Nevertheless, the title-holder of the vehicle or the lessor shall not give the sticker to the lessee until the latter hands him/her the approved certificate of inspection. The companies that are engaged in the leasing of vehicles are under the obligation to submit to the Secretary every thirty (30) days, a certificate that shall include the originals of the inspection certificates that correspond to the vehicles whose stickers were handed to the lessors within the immediately preceding thirty (30)-day period.

The motor vehicles registered in Puerto Rico that are owned by personnel in active service in the Armed Forces of the United States of America, which they have brought with them to the state or country to which they have been assigned, are also exempted from complying with said provision.

(f) Failure to comply with any of the provisions of this Section shall be deemed an administrative fault and shall entail the payment of a fine of one hundred (100) dollars.

Section 12.03 - Defective vehicles or those not submitted to inspection

No vehicle that has been found to have mechanical defects in its essential parts, in its emission control systems or that lacks equipment as promulgated by the Secretary through regulations shall continue to travel on the public roads, except during the grace period that may be granted to

correct such defects. Neither shall those vehicles that have not submitted to inspection on the dates indicated by the Secretary continue to travel on the public roads. To such effects, the determination that a vehicle does not meet the safety conditions and control of pollutant emissions required by law shall have the same legal consequences as if no license had been issued to the vehicle to travel on the public roads.

Section 12.04 - Establishment of inspection stations

The Secretary may establish stations that shall be operated by the Department to conduct the inspections and issue the certificates of inspection and approval, or the certificates granting a grace period to correct the defects. The public shall be informed of the location of these stations through publications to such effects in the newspapers of greatest circulation, as well as in the regional newspapers with a minimum circulation of fifty thousand (50,000) copies, as often as the Secretary deems it convenient. He/she may also contract the vehicle inspection operations to any government agency that has the necessary equipment and installations.

In contracting with the government agencies, priority shall be given to the shops that operate in the vocational schools under the jurisdiction of the Department of Education that teach motor vehicle mechanics.

Section 12.05 – Designation of official inspection stations

With regard to the designation of official inspection stations, the following rules shall apply:

(a) The Secretary may authorize private entities or persons to operate official motor vehicle inspection stations as provided in this Act, and to issue any of the official certificates provided in this Act regarding said inspection and the adequate mechanical condition of the inspected vehicles. In such case, the Secretary shall provide the persons that operate said stations with

the pertinent instructions on how to perform the inspection, and shall furnish them with the forms and any other material he/she deems is necessary to issue said certificates, which shall be issued in the name of the Secretary. The authorization to operate an official inspection station shall be valid for a term of one (1) year from the date it is granted, and may subsequently be renewed for an equal term.

(b) The application to operate an inspection station shall be made in writing on an official form and shall not be granted by the Secretary unless the applicant has proven to have the proper equipment and the inspection mechanics needed to perform said inspections in a competent and responsible manner. The Secretary shall require the payment of an annual fee of twenty-five (25) dollars as a condition to grant the permit for an “Official Inspection Station Certificate” and of five (5) dollars a year for a “Mechanics Certificate”, and the posting of a bond to answer for the damages that any motor vehicle may suffer as a result of the fault or negligence of the applicant, his/her agents or employees when submitting the vehicle to inspection. The amounts thus collected shall be covered into a special fund in the Department of the Treasury destined to the improvement of the Motor Vehicle Inspection Programs, Drivers Examination, Mechanization of the License File, and Traffic Safety Operations Programs.

(c) The Secretary shall supervise and inspect the inspection stations as often as necessary, in order to ensure that they are operating properly and meet the provisions of this Act and the corresponding regulations.

(d) The Secretary may revoke the authorization granted to operate an inspection station, upon prior notice and an administrative hearing at any time that, in his/her judgment, said station fails to meet the necessary conditions to perform said inspections adequately. In those cases in which it

is necessary to guarantee the public safety, the Secretary may provisionally suspend an authorization, subject to the subsequent granting of the corresponding administrative hearing.

(e) No permit to operate of a motor vehicle inspection station may be ceded or transferred without the prior authorization of the Secretary. Said permit shall not give the right to operate an inspection station except in the site designated in the permit. Said permits shall be visibly displayed in the place where the inspection station is established.

Section 12.06 – Operation of Inspection Stations

The operation of official inspection stations shall be conducted pursuant to the following procedures:

(a) Once a motor vehicle has been inspected and the mechanical conditions and emission pollution control systems are found to be adequate pursuant to the provisions of this Act and the regulations promulgated by the Secretary, the inspection station shall issue a certificate accrediting such inspection. This certificate shall be a requirement for the renewal of the motor vehicle's license. If the inspection is not approved, no official certificate shall be issued.

(b) If the inspection reveals that the vehicle needs adjustments, corrections or repairs, the owner shall be notified thereof and a certificate may be issued granting him/her a grace period to correct said defects. The owner of the vehicle shall have absolute freedom to select the person or shop that will make the necessary corrections.

(c) The Secretary shall establish through regulations the manner in which the owner shall be notified of the need to correct a defect, the grace period, and the procedure to be followed for the owner to notify that the defect has been corrected and it is verified.

(d) The station shall keep records of the inspections performed and that the Secretary has required by regulations. The inspection stations and their record shall be subject to inspection during reasonable periods by any police officer or person assigned by the Secretary to inspect said stations.

(e) The Secretary shall fix the amount that shall be paid for each inspection, which shall not exceed eleven (11) dollars. The amounts generated by inspection stations established in vocational schools as provided in Section 12.04 of this Act, shall be covered into the General Fund, but shall be consigned in the Annual Budget of the Department of Education in the item destined to the operation of vocational schools. The Secretary is hereby authorized to collect the amount of two (2) dollars from the Official Inspection Stations for each certificate of inspection that they issue and to establish the procedure for said purpose by regulations. The funds generated thereby shall be covered into a special fund in the Office of Driver Services (DISCO, Spanish acronym). Fifty percent (50%) of said total shall be used for the Motor Vehicle Inspection Program, thirty-five percent (35%) shall be used for the Drivers Examination Program, the Mechanization of License Files, and the Traffic Safety Operations Programs, and the remaining fifteen percent (15%) for the Environmental Education Program. This last program shall be responsible for planning, coordinating and developing the educational and orientation phase for all drivers and the general public on the norms and requirements established by this Act for the motor vehicle inspection system and those measures needed for the solution, control and prevention of the air pollution problem.

(f) No charge shall be allowed for headlight adjustment unless the owner of the vehicle requests this service.

(g) Provided the headlights work properly, it shall not be a reason to deny the inspection certificate to the applicant.

Section 12.07 – Illegal acts and penalties

(a) Any person who simulates being authorized to operate a motor vehicle inspection station and certifies having inspected a motor vehicle without being duly authorized by the Secretary shall incur a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than five thousand (5,000) dollars.

(b) Any person who drives a motor vehicle on the public roads in violation of the provisions of this Chapter with regard to mechanical conditions and the pollutant emissions control systems, even when the vehicle has been inspected and it so states in the certificate, shall incur an administrative fault and shall be punished with a fine of fifty (50) dollars.

(c) Any person who certifies that he/she has inspected a motor vehicle knowing that the mechanical conditions and pollutant emission control systems of said vehicle are not adequate pursuant to the provisions of this Act and of the regulations issued by the Secretary, shall incur a misdemeanor, and upon conviction thereof shall be punished with a fine of five hundred (500) dollars.

(d) Any person who steals, destroys, erases or alters an official certificate issued under this Act and the regulations, while the same is in effect or valid, shall incur a misdemeanor and upon conviction thereof shall be punished with a fine that shall not exceed five thousand (5,000) dollars.

(e) Any person who uses or allows the use of any official inspection certificate in a vehicle knowing that it has been issued to another vehicle, or without the inspection having been made and approved, shall incur a

misdemeanor, and upon conviction thereof shall be punished with a fine that shall not exceed five hundred (500) dollars.

(f) Any person who makes available or uses the authorizations issued by the Secretary to operate an inspection station in a place other than that for which the Secretary granted his authorization, shall incur a misdemeanor, and upon conviction thereof shall be punished with a fine that shall not exceed five thousand (5,000) dollars.

(g) Any owner, manager, or employee of an inspection center who refuses to issue an inspection certificate knowing that the mechanical conditions, pollutant emission control systems, and the equipment of said vehicle are adequate, shall incur a misdemeanor and upon conviction thereof shall be punished with a fine that shall not exceed five hundred (500) dollars.

(h) Any owner, manager, or employee of an official inspection center, automotive technician or mechanic or person who has altered, modified, removed or eliminated the catalytic converter system and related parts, and has not made the corresponding replacement, shall incur a misdemeanor, and upon conviction thereof shall be punished with a fine that shall not exceed five thousand (5,000) dollars.

(i) When the person convicted under the above subsection is an automotive technician or mechanic, the court shall notify said conviction to the Automotive Technicians Examining Board, created by Act No. 40 of May 25, 1972, as amended, which shall be compelled to suspend the license issued to him/her for a term of two (2) years, as of the receipt of the notice.

(j) Any owner of an official inspection station who refuses to install and display a sign with the warnings to the public in a place that is visible as

provided in Section 12.08 of this Act shall incur an administrative fault and shall be punished with a fine of five hundred (500) dollars.

Section 12.08 – Posting of a sign advising the public on prohibitions and penalties

Every owner of a garage or official inspection station shall install and post a sign furnished by the Secretary, in a place visible to the public, stating the prohibitions and penalties for removing, eliminating, altering or modifying the catalytic converter and related parts without making the corresponding replacement, as provided in subsection (h) of Section 12.07 of this Act. The Secretary shall provide the design, size and content of said signs through regulations.

Section 12.09 – Equipment exempted from payment of municipal fees

Owners or concessionaires of official inspection stations who meet the requirements established in this Act and the regulations adopted by virtue thereof, shall acquire the technical equipment or instruments that the Secretary determines should be used for the inspection of the motor vehicles, free from the payment of the applicable municipal fees.

Every owner of an inspection station who wishes to avail him/herself of the exemption granted in this Section shall comply with the procedure provided by the Secretary of the Department of the Treasury to such ends.

XIII. SAFETY SEAT BELTS

Section 13.01 – Basic rule

No motor vehicle may travel on the public roads of Puerto Rico unless it meets the following rules regarding safety seat belts:

- (a) Every 1965 model automobile, or later, shall be equipped with at least two (2) safety seat belts of the type that adjust over the lap, to be used on the front seat.

- (b) Every 1968 model automobile, or later, shall be equipped with safety seat belts of the type that adjust over the lap, for each passenger for which it has been designed. It shall also be equipped with at least two (2) safety front seat belts of the type that adjust over the lap and on the shoulders. This requirement shall not be applicable to Police vehicles.
- (c) Every 1971 model and later, commercial vehicle, heavy motor vehicle, bus, tractor or propelled vehicle shall be equipped with safety seat belts of the type that adjust over the lap and on the shoulders for use in the front seat.
- (d) Every automobile, commercial vehicle, heavy motor vehicle, bus, and tractor or propelled vehicle that is manufactured and assembled locally after January 1, 1971, with new components and parts or with parts from other vehicles shall be equipped with safety seat belts as required in the above subsections (b) and (c) of this Section.
- (e) No person shall distribute, have for sale, offer for sale, nor shall sell any type of safety seat belts to be used in motor vehicles, unless they meet the minimum standards and specifications approved by the Secretary. A violation of this subsection shall constitute a misdemeanor and shall be punished with a fine of not more than two hundred and fifty (250) dollars.
- (f) Every owner of a motor vehicle, which must be equipped with safety seat belts pursuant to this Section, shall be bound to keep said seat belts and their installation in good condition, so that the same may be used by the driver and the passengers.

- (g) The Secretary is authorized to exempt, through regulations to such effect, certain types of motor vehicles or positions for drivers or passengers in said vehicles from the requirements of the above subsections (a), (b), (c) and (d) of this Section, when due to their nature, design or original manufacture, certain types of safety seat belts cannot be used or installed.

Section 13.02 – Use of safety seat belts

The use of safety seat belts and child protection seats shall be according to the following rules:

(a) Every person who drives or is a passenger on the public roads in a motor vehicle which should be equipped with safety seat belts pursuant to Section 13.01 of this Act which seat belts are available and in usable condition, shall be bound to secure said seat belts around the body and fasten them while the vehicle is being driven on the public roads. It shall be the duty of every driver to require all occupants of the vehicle to use the available safety seat belts, and shall be liable for failing to do so.

(b) This subsection shall not apply in the following cases:

(1) To drivers and passengers of who are prevented from using seat belts for medical or physical reasons and hold a medical certificate that certifies it.

(2) To drivers and passengers of public service vehicles while rendering services in short routes authorized by the Public Service Commission by petition of the interested parties. In defining what a short route is, the Commission shall use the following criteria, among others:

(i) Extension of the route or area of operations authorized by the Public Service Commission.

- (ii) Origin and destination of the movement of passengers.
- (iii) Special nature or conditions of the route or area of operations, the passengers, vehicles and other similar conditions.
- (iv) Authorized rates.
- (v) If the manner the route or area of operations is operated requires constant stopping to pick up or drop off passengers along the extent of the route or the entire area of operations.

Unless it is not practical, every driver who is bound by the provisions of this Section to use a safety seat belt while driving and does not do so, or allows a passenger in the vehicle not to use it, shall incur an administrative fault and shall be punished with a fine of fifty (50) dollars for each person not using the seat belt.

Section 13.03 – Use of child safety seats

Unless it is not practical or it is for incidental transportation, it shall be mandatory for every person who drives a motor vehicle on the public road, in which a child under four years of age is transported, to ensure that said child is seated in a safety seat.

Excepted from this provision are those children who suffer some sort of disability duly certified by a physician, which prevents them from safely traveling in said seats. Unless it is not practical or the motor vehicle is only equipped with front seats, every child under twelve (12) years of age shall travel in the rear seat of the vehicle. This Section does not apply to drivers of public service vehicles.

In order to comply with the provisions of this Section, the Department shall furnish a safety car seat to any person who requests it and shows that he/she does not have the financial resources to purchase the seat. Any person who violates the provisions of this Section shall incur an administrative fault and shall be punished with a fine of one hundred (100) dollars.

Section 13.04 – Regulations

The Secretary is hereby authorized to establish by regulations to such effects any other provisions that are needed with regard to the installation and use of safety seat belts and child safety seats.

XIV. PROVISIONS ON MOTOR VEHICLE EQUIPMENT

Section 14.01 – Basic Rule

Every motor vehicle shall be bound to have all the equipment provided in this Chapter under the conditions specified herein, in order to travel on the public roads of Puerto Rico. The Secretary shall promulgate the regulations needed to enforce this provision.

Section 14.02 – Brakes

Every motor vehicle that travels on the public roads must be equipped as stated below:

(a) At least two (2) independent braking systems, each of which shall be sufficient in itself to stop the motion of the vehicle within an adequate distance, and one of which shall be designed to operate it with the feet. Motorcycles shall need only one brake.

(b) The brakes on motor vehicles and trailers shall be kept in good condition. The Secretary is hereby empowered to provide and regulate the inspection of the vehicle to enforce compliance with the provisions of this subsection. The Secretary may deny, suspend or revoke the registration of

any of the vehicles referred to in this Chapter when it is determined that the vehicle's brakes do not comply with the provisions established in this Section.

(c) The brakes of all trailers must be constructed in such a way that they can be operated from the cabin of the propelling truck, and in such a way that the brakes will operate independently from those of the propelling truck. Said brakes shall be designed and connected in such a way that if the trailer should accidentally disconnect from the propelling vehicle, they will operate automatically.

(d) The other vehicles that are not deemed to be motor vehicles shall be provided with an adequate brake system and maintained in good condition.

Section 14.03 – Effectiveness of brakes

(a) Every motor vehicle or combination of vehicles shall at all times and under any load, have the brake system in such conditions that at a speed of twenty (20) miles an hour they will allow the vehicle to be stopped with the foot brake within the following distances:

- (1) Ten (10) or less passenger automobiles, twenty-five (25) feet.
- (2) Vehicles whose gross tare capacity does not exceed five (5) tons, thirty (30) feet.
- (3) Single unit vehicles, with two (2) axles, with a gross tare of five (5) tons, and busses, forty (40) feet.
- (4) Any other combination of vehicles, fifty (50) feet.

(b) Any inspection performed to determine the condition of the brakes of the vehicles must be done on a dry, level paved road without sloping free from any loose matter such as sand, gravel and others.

Section 14.04 – Required lighting on vehicles

Every driver of a motor vehicle that travels on the public roads during the period comprised between half an hour after sunset and half hour before sunrise, as well as any other time that visibility is not adequate, shall be bound to turn on the headlights, taillights and the license plate light, and any other lights and lighted signals that this Act and its regulations specifically require or that are necessary for the public safety.

Section 14.05 – Headlights

With regard to headlights, the following rules shall be obeyed:

- (a) Every motor vehicle shall have at least two (2) colorless headlights in front, one at each side, capable of lighting the road ahead for a distance of five hundred (500) feet that will also produce a less intense light to be used in overtaking and passing or meeting other vehicles, or on lighted public roads. The less intense lights may be mounted in separate lamps.
- (b) Every motor vehicle shall have a minimum of two (2) colorless headlights that shall be sufficient to indicate the position of the vehicle if it is parked at night and is required by law or regulations to indicate its position.
- (c) Motorcycles shall be provided with at least one (1) and not more than two (2) white headlights.
- (d) It is forbidden to use high intensity lights on lighted public roads.

Section 14.06. -Rear lights. -

The following rules shall apply in relation to the rear lights:

- (a) Every motor vehicle shall be equipped on its left rear side with a red taillight visible from a distance of five hundred (500) feet, except for every motor vehicle manufactured after the year

1960 which shall be bound to display two (2) red taillights located at each side of the vehicle and mounted as far apart as possible. Motor vehicles manufactured after 1985 shall have a third red light in the central rear part of the vehicle.

- (b) Every motor vehicle shall also display the rear license plate lit by a colorless light so as to render the license number legible from a distance.

Section 14.07. -Signal lights

The following rules shall apply in relation to the signal lights:

- (a) Every motor vehicle or trailer, except motorcycles, manufactured after the year 1960, shall be equipped with signal lights for the driver to indicate his/her intent to turn in the direction shown by the lighted signal.
- (b) Front signal lights shall be white or amber in color and rear signal lights shall be red or amber.
- (c) Signal lights shall not be blinding.

Section 14.08. -Additional lights required on certain vehicles

The following rules shall apply in relation to additional lights required on certain vehicles:

- (a) Every bus, trailer, school bus or heavy motor vehicle whose total width is eighty inches (80") or more shall be equipped with two (2) additional lights in front and two (2) in the rear. Tractors shall be required to carry only the additional front lights.
- (b) Said additional lights shall be amber in color in front and red in the rear.

- (c) In the case of buses, school buses, heavy motor vehicles or trailers of the closed-body type, these additional lights shall be mounted in such a manner as to indicate as closely as possible the width and height of the vehicle.
- (d) In the case of heavy motor vehicles and the platform type trailers, these additional lights shall be mounted on the permanent structure of the vehicle and in such a manner as to indicate their width.
- (e) For the purposes of this Section, vans shall be considered as freight and shall be excluded from the application thereof, but shall always be equipped with the corresponding light reflectors.

Section 14.09. -Stoplights

Every vehicle shall be equipped with at least one rear red or amber light that shall be lit when the foot brake is applied. Vehicles manufactured after the year 1960 shall be equipped with two (2) stoplights as indicated in this Section, one of which shall be mounted on the left side and another on the right side of the rear of the vehicle.

Section 14.10. -Reflectors

The following rules shall apply in relation to the reflectors in motor vehicles or trailers:

- (a) Every motor vehicle and trailer shall be equipped with two (2) red reflectors in its rear, one on each side and mounted as far apart as possible so as to indicate the width of the vehicle. These reflectors may be mounted separately or as part of the taillights. Motorcycles shall be equipped with at least one reflector.

- (b) Every bus, school bus, heavy motor vehicle and trailer shall be equipped with two (2) reflectors at each side in addition to those indicated above and mounted as far apart as possible so as to indicate the over-all length of the vehicle. Reflectors near the front shall be amber in color and those near the rear shall be red.
- (c) Every heavy motor vehicle for public transportation shall display along its whole front and rear bumper and on its upper and rear part, black and yellow vertical reflecting strips. These reflecting strips shall be set vertically at a ninety (90) degree angle and measure not less than six (6) inches nor more than twelve (12) inches in width.
- (d) The reflecting strips in those vehicles lacking rear bumpers shall be set in the rear lower part so that they may be seen from a distance of five hundred (500) feet.
- (e) School buses shall have reflecting strips according to the rules and colors established by the National Safety Council and the regulations promulgated by the Commission for that purpose.

Section 4.11. -Lights on other vehicles

Those other vehicles not deemed to be motor vehicles as defined in this Act, except bicycles, shall be bound to comply with the provisions of Sections 14.05 and 14.06 of this Act.

Section 4.12. -Blinking or colored lights

No person shall drive a vehicle on a public road equipped with any device, lamp or lantern issuing or reflecting a blinking red, blue or green light visible from the front. The following rules shall apply in relation to said devices, lamps or lanterns:

- (a) The use of said blue light is exclusively reserved for Police vehicles and for those vehicles used by Legislators, Mayors, Judges and Prosecuting Attorneys.
- (b) The use of said green light is exclusively reserved for those vehicles of the Corrections Administration, the Municipal Police Forces and the Ranger Corps of the Department of Natural and Environmental Resources.
- (c) The use of said red light is exclusively reserved for the remaining emergency vehicles listed in Section 1.103 of this Act and not expressly mentioned in this Section.
- (d) No vehicle may be equipped with or driven on a public road with blinking lights other than those used as signal lights. The following vehicles are hereby exempted from the provisions of this subsection:
 - (1) Police or emergency vehicles.
 - (2) Tow trucks duly authorized by the Commission for towing damaged vehicles, while said towing operation is being conducted.
 - (3) Vehicles of the public agencies and instrumentalities of the Government of Puerto Rico and those companies engaged in public services other than transportation, when repairing any damages to or interruption of the public services thus rendered and only while traveling towards the specific site of the damages or interruption.
 - (4) Vehicles of private security agencies for the protection of persons or personal or real property that are duly authorized by law to operate as such, when said vehicles

are duly identified and engaged in preventive patrolling activities.

- (5) Vehicles reserved for the exclusive use of Municipal Guards, the Ranger Corps of the Department of Natural and Environmental Resources, the Traffic Control Corps and official vehicles reserved for the exclusive use of the Corrections Administration.
- (e) The State and Municipal Civil Defense may use a combination of red and blue lights in their official vehicles.
- (f) Federal Government vehicles shall be governed by their respective rules and regulations regarding the lights, sirens and other equipment regulated by this Section.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of one hundred (100) dollars.

Section 14.13. -Spot lamps

It shall be illegal to equip a vehicle with more than two (2) spot lamps or to use these as substitutes for the lights mentioned in subsection (a) of Section 14.05 of this Act, or to aim them directly at vehicles approaching from the opposite direction.

Section 14.14. -Rubber tires

Every motor vehicle traveling on the public roads, except as otherwise provided by the Secretary through regulations, shall be equipped with air filled rubber tires.

Section 14.15. -Muffler and motor acceleration

The following rules shall apply in relation to mufflers:

- (a) Every motor vehicle traveling on a public road shall be equipped with a muffler that must be in good working condition. It shall be illegal to use exhaust valves or any other device or gadget on the muffler for the purpose of making noise.
- (b) It shall be illegal to accelerate the motor unnecessarily or to make noise within the urban zone.
- (c) A “muffler” shall be deemed to be any device or gadget used to reduce the noise produced by the emission of gases from an internal combustion engine.

Any person who violates the provisions of this Section shall incur an administrative fault and be punished with a fine of one hundred (100) dollars.

Section 14.16. -Windshield and windshield wipers

Every motor vehicle traveling on a public road shall be provided with a glass windshield equipped with windshield wipers in good working order and installed in front of the seat occupied by the driver.

Section 14.17. -Rearview mirror

Every motor vehicle traveling on a public road shall be provided with at least one rearview mirror located so as to allow the driver a rear view of the public road of at least two hundred (200) feet.

Section 14.18. -Additional towing equipment

It shall be the duty of every driver of a tow truck used to tow vehicles to have it provided of the following additional equipment:

- (a) One or more brooms to be used when necessary to remove glass and other objects found at the site of an accident in which the vehicle to be towed is involved.
- (b) A shovel to be used to scatter soil or sand over any oil or grease spilled on the pavement of the public road as a result of an accident.
- (c) A fire extinguisher in good working order.
- (d) Signs on each side with the name and address of its owner and the permit number assigned by the Commission.
- (e) As of January 2015, every crane or tow truck shall be equipped with a dual cab for passengers.

Section 14.19. -Emergency equipment

Every bus and vehicle used to haul freight shall be equipped with two (2) red flags, one to be displayed at a distance of one hundred (100) feet from the front of the vehicle and another at the same distance from its rear when said vehicle becomes disabled and thus unable to continue traveling during daylight hours making it necessary to leave the same on the roadway of the public road until it is repaired or towed.

If such a breakdown occurs during the hours when the use of lights is required by this Chapter, a white or amber lantern or lamp, or device reflecting such a light shall be used on the front of the vehicle and a red lantern or lamp, or device reflecting such a light, shall be used in the rear as substitutes to said flags.

Section 14.20.-Fenders

No motor vehicle or trailer shall travel on the public roads without being equipped with a fender over each of its wheels and every vehicle used to haul freight whose structure is devoid of rear fenders shall be equipped

with covers or devices, including metal or other accessories for the effective protection against scattering stone particles or mud or any other matter.

Section 14.21.-Use of sirens and bells

It shall be illegal to install whistles, sirens and bells of any type in official motor vehicles. This provision shall not apply to vehicles equipped to handle emergencies of the Federal Government, the Firefighter Corps, the Puerto Rico Police, Municipal Police, the Ranger Corps of the Department of Natural and Environmental Resources, the Corrections Administration, the General Court of Justice, the Traffic Control Corps and the Civil Defense. Neither shall it apply to ambulances and vehicles property of private security agencies employed to protect persons or personal or real property, duly identified and authorized by law to operate as such and to conduct emergency operations or preventive patrolling.

Section 14.22. -Horn

Every motor vehicle traveling on the public roads shall have a horn installed for its use as provided in subsection 10.13 of this Act.

Section 14.23. -Regulations

The Secretary is hereby empowered to establish regulations concerning the additional equipment allowed or required for any type of vehicle.

Section 14.24. -Seizure of equipment

The Police Force is hereby empowered to seize all equipment installed in any vehicle in violation of the provisions of this Chapter.

Section 14.25. -Illegal acts and penalties

Any person who violates any of the provisions of this Chapter or the regulations approved by the Secretary pursuant thereto, with the exception of Sections 14.12 and 14.15 shall incur an administrative fault and punished with a fine of twenty-five (25) dollars.

When the violation concerns having one of the front, rear, signal or license plate lights of a motor vehicle out of order, a twenty-four (24) hour period shall be granted to the offender to appear at any Police Station and show that said deficiency has been corrected. Failure to report it to a Police Station shall entail an administrative fine of twenty-five (25) dollars for said violation.

XV. DIMENSIONS AND WEIGHT OF VEHICLES AND THEIR LOAD

Section 15.01. -Basic rule

No motor vehicle or trailer may travel on the public roads overloaded or carrying a load extending beyond the vehicle or trailer more than what is established below, or arranged so that it may fall off the vehicle or trailer or be scattered on the pavement or that in any way endangers the public safety or the normal flow of traffic.

Section 15.02. -Dimensions and weight of vehicles and their load

Except as otherwise provided by the Secretary through regulations promulgated to that effect, the following rules shall apply to the dimensions and the weight of vehicles and their loads:

- (a) The following shall be prohibited from traveling on the public roads:
 - (1) Vehicles whose height from the ground, including any load thereon, exceeds thirteen (13) feet six (6) inches.
 - (2) Plain trucks or buses of over forty (40) feet in length.
 - (3) More than two (2) vehicles coupled together.
 - (4) Two (2) vehicles coupled together whose combined length, including their load, exceeds seventy-five (75) feet.

- (5) Any vehicle or combination of vehicles when their load extends more than three (3) feet beyond the front of the vehicle, or beyond the first of the two (2) vehicles coupled together, or when the load thereof extends more than six (6) feet beyond the rear end of the vehicle, or beyond the last vehicle when two (2) vehicles are coupled together.
- (6) Any vehicle with an overall width exceeding eight (8) feet and six (6) inches.
- (7) Any vehicle carrying a load that extends six (6) inches beyond the fender line.
- (8) Any vehicle whose load extends beyond its rear end, unless a flag of at least twelve (12) inches long by twelve (12) inches wide or a red light is displayed, as required in this Act.
- (9) Any vehicle carrying explosives, unless a red flag eighteen (18) inches wide by thirty (30) inches long labeled with the word "DANGER" in letters of at least twelve (12) inches high is displayed on the front of a vertical pole where it can be readily seen from all directions. Said vehicle shall also be marked or labeled on each side and the rear with the word "EXPLOSIVES" in white letters eight (8) inches high. Said vehicle shall likewise be equipped with at least two (2) fire extinguishers in good working order conveniently placed for immediate use. No vehicle carrying explosives may travel on any public road during night hours. No

passenger or passengers shall ride in or on any vehicle carrying explosives. No such vehicle shall travel at a speed exceeding thirty (30) miles per hour in the rural zone. Every said vehicle shall also comply with the additional requirements already established in the regulations and laws on the matter.

- (10) Any vehicle or trailer used to carry or transport garbage, soil, clay, mud, sand, cement, block or crushed stone or any other analogous materials, unless equipped with a body free of crevices, openings or cracks and is not filled to overflowing so that any such materials may spill or drop on the pavement. When the cargo consists of fine gravel, sand, lime, cement, garbage or any other analogous materials, said cargo shall be completely covered with a tarp, oilskin or canvas so that it will not spill over or pollute the air to the detriment or prejudice of the public health and safety. If the land where the cargo comes from or where it is to be deposited contains mud or material that may adhere to the tires of the vehicle, the latter shall be cleaned so as to prevent such mud or soil from spilling onto the public road. The owners or managers of the places where filler material is loaded or unloaded shall be responsible for maintaining the facilities necessary for the drivers of said vehicles to comply with these provisions.
- (11) Any vehicle carrying a load in excess of that authorized on its license or registration certificate.

- (12) Any vehicle using a drawbar or other connection for towing or pulling another vehicle when said connection is more than fifteen (15) feet long, or when the connection consists of a chain, rope or cable not displaying a red cloth or other similar signal not less than twelve (12) inches square. Notwithstanding the preceding, the connection between vehicles transporting poles may exceed fifteen (15) feet but never exceed twenty-five (25) feet.
 - (13) Any vehicle whose weight, including any load thereon, exceeds the estimated weight for bridges and other structures along its route, whereby signs or warning have been posted on said bridges indicating the maximum weight for the vehicles traveling over them.
- (b) The preceding limitations as to the length of a vehicle and its load shall not apply when carrying structural materials or poles which cannot be divided, provided such materials or poles do not exceed eighty (80) feet in length, in which case a special permit must be first obtained as provided below.
 - (c) Except under a Special Permit, the following may not travel on the public roads of Puerto Rico:
 - (1) Any vehicle or combination of vehicles with a gross weight not greater than that specified by the manufacturer for up to a maximum of one hundred and ten thousand (110,000) pounds, as provided by the Secretary through regulations.

- (2) Any vehicle carrying a load in excess of that authorized on its license or registration certificate.
- (d) Any vehicle carrying a load, except for crane-trucks engaged in hauling sugarcane, if these, once inspected by the Department, offer reasonable security, shall be provided with adequate railings sufficiently high on all four sides. When the nature of the load prevents the use of railings, the owner or driver of the vehicle shall obtain a permit from the Secretary or from an official on whom the latter may delegate.

Section 15.03.-Special permits

The Secretary may issue special permits for a limited time authorizing the operation of vehicles carrying loads not in conformity with the provisions of this Chapter and the regulations promulgated hereunder. Every permit thus granted shall be carried in the corresponding vehicle and be open to inspection by any law enforcement officer or agent, and no person holding such a permit and no driver of such a vehicle shall violate the terms or conditions thereof. The issue of each permit shall entail the cancellation of an Internal Revenue voucher in the amount of fifty (50) dollars.

Section 15.04. -Persons riding atop the cargo

Except in the case of vehicles employed for rendering public services such as fire engines, garbage trucks and others similar, belonging to the Commonwealth Government or to any of its agencies, instrumentalities, or public corporations or to the Municipalities, except as otherwise provided by the Secretary through regulations to that effect, no person shall ride atop the cargo or in any part of the vehicle other than its cab. No driver shall allow any person whatsoever to violate the provisions of this Section.

Section 15.05. -Illegal acts and penalties

Any person who violates the provisions of sections 15.02, 15.03 and 15.04 of this Act shall incur an administrative fault and be punished with a fine of one hundred (100) dollars.

When a person is injured or killed due to violations of the provisions of this Chapter, the person accused shall incur a misdemeanor and if convicted be punished with a fine of not less than five hundred (500) dollars, nor of more than five thousand (5,000) dollars, a term of imprisonment of not more than six (6) months, or both penalties at the discretion of the court. The court may suspend the driver's license of the convicted driver for a term of not more than two (2) years.

Section 15.06. -Inspection of cargo

Any motor vehicle or trailer transporting cargo on a public road may be stopped at any time of the day or night by the Police, the Municipal Police or the inspectors or employees of the Commission duly authorized by the Secretary and identified as such, and inspected in order to determine whether said cargo violates the provisions of this Chapter and the regulations promulgated thereto. Any driver of a motor vehicle who maliciously fails to stop when so directed by the aforesaid officers shall be guilty of a misdemeanor and if convicted, punished with a fine of not more than one thousand (1,000) dollars.

Any employee duly authorized by the Secretary shall be empowered to accuse the owner or driver of any vehicle carrying a load in excess of that authorized by its license.

The provisions of this Chapter shall not apply to those motor vehicles owned or operated by the Armed Forces of the United States or the Puerto

Rico National Guard, to those vehicles engaged in the transportation of mail, money or securities or to vehicles while being used during emergencies.

The Secretary is hereby authorized to establish and administer, through regulations to that effect, all matters relative to the installation and operation of motor vehicle weighing stations in order to verify and ensure compliance with the provisions of this Chapter.

XVI. PUBLIC SERVICE VEHICLES

Section 16.01. -Basic rule

The Secretary shall not issue, renew or transfer the registration, license or license plate of any motor vehicle engaged in the transportation of passengers or freight for pay, or substitute the same without an order or authorization from the Commission.

The Commission shall authorize the issue and renewal of the permits and license plates of all public carriers authorized to operate as such, as provided through regulations.

Section 16.02. - Routes, Licenses and Transfer of Public Service Vehicles

The Commission shall establish and provide through regulations all matters relative to the routes, licenses and transfers of public service vehicles. It is likewise authorized to issue to any owner of a motor vehicle, which is a tool of his/her trade, a certificate to be posted in a visible area of said vehicle. Said certificate shall contain a photograph of the owner of the vehicle with his/her name in clearly printed letters.

Subject to the regulations promulgated for such a purpose by the Commission, when the owner of a public heavy motor vehicle which is his/her working tool is unable to drive said automobile or vehicle due to illness and said owner presents a medical certificate to that effect to the

Commission, the latter may grant the owner a temporary permit for a term not to exceed ninety (90) days, allowing said automobile or vehicle to be driven by another authorized driver designated for that purpose by the owner. The temporary permit issued may be extended upon written request to the Commission by the corresponding owner for the additional term the latter may deem necessary. Granting such permits shall be subject to the standards established by the Commission to that effect.

The Commission is also empowered to prescribe rules and regulations granting permits to drive automobiles used as working tools by persons other than their owners when required by public need or physical disability.

Public vehicle enterprises, as the term is described in Act No. 109 of June 28, 1962, as amended, known as the "Puerto Rico Public Service Act", shall serve the routes established by the Commission.

Section 16.03.- Private vehicles unlawfully engaged in the transportation of passengers or freight for pay

The following standards shall prevail regarding the unlawful use of private vehicles to transport persons or freight for pay:

- (a) It shall be unlawful to devote any motor vehicle to the transportation of persons or freight for pay without previously complying with the legal requirements regarding public service vehicles, as well as to solicit, invite, call or ask by word of mouth or signal any person or persons to use the same or permit the use thereof by any such persons for such a purpose.
- (b) Any person who violates the above provision shall incur a misdemeanor and if convicted, punished with a fine of not more than five thousand (5,000) dollars. Furthermore, the Court shall suspend his/her driver's license for a term of not less than one

(1) year for the first conviction and two (2) years for a second conviction. Should there be a third conviction, the driver's license shall be permanently revoked.

- (c) In every case in which the court finds a person guilty of violating the provisions of subsection (a) of this Section, said court may also direct the Police to seize the license plates and permit of the vehicle involved in said violation for a term of not more than six (6) months as of the date of said conviction, without right to a refund of the fees paid for said license plates and permit corresponding to the term of the suspension or seizure. The Secretary shall not issue for the same vehicle new license plates or registration of any kind in favor of the person in whose name said vehicle appears registered as of the date of the violation, until the term of the suspension or seizure has expired.

Section 16.04. -Revocation or suspension of permits

The Public Service Commission of Puerto Rico is likewise authorized to seize or order the seizure of the permit and license plates of any vehicle authorized to transport persons or freight for pay whenever its permit, certificate of public convenience and necessity or franchise has expired, has been revoked or suspended for just cause and after a hearing has been held, or whenever said vehicle is in such poor working order as to constitute a threat to the public safety. Once the permit and license plates have been seized, the Commission shall retain the same until it has reached a final determination and shall then notify the Secretary so that the latter may refrain from issuing any new permits or license plates of any kind to the same vehicle.

When in the judgment of the Commission the grounds for such a revocation or suspension no longer exist, the latter shall return the license plates and permits to their owner or order the Secretary to issue these.

In the event the revocation or suspension of the permit of any of the motor vehicles referred to in this Sections is ordered, the owner thereof shall be entitled to a reimbursement by the Secretary of the Treasury of Puerto Rico of the proportional amount corresponding to the unexpired months of the current fiscal year from the total paid by said owner.

Section 16.05. -Unlawful acts and penalties

It shall be unlawful for the owner of a public heavy motor vehicle deemed as a working tool, as established by the Commission, to allow another person to drive said vehicle if the requirements provided by this Chapter for such cases have not been complied with, or to drive a public heavy motor vehicle deemed as a working tool if said person is not the owner of said vehicle or is not authorized to drive the latter pursuant to the provisions of this Chapter.

Any person who violates the provisions of this Section shall be guilty of an administrative traffic fault and punished with a fine of fifty (50) dollars.

XVII. SIMULTANEOUS TRAFFIC TICKET

ISSUE AND CITATION SYSTEM

Section 17.01. -Basic rule

The simultaneous traffic ticket issue and citation system is hereby established and authorized for violations of the traffic laws, regulations and municipal ordinances, except as provided in Section 17.05 and 24.06 of this Act. The ticket forms shall be numbered consecutively and printed in quintuplicate in book form and shall contain the required blank spaces and printed matter so that the marks made and the blank spaces filled by the law

enforcement officer issuing the ticket may provide the defendant with the proper information pertinent to the charges brought against him/her. When alternative information appears on said tickets, only that provided by the law enforcement officer shall be valid.

Section 17.02. -Ticket issue and citation; form and procedure

When intervening in any such a violation, the law enforcement officer involved shall follow the procedure provided below:

- (a) Sign the ticket, which shall contain the citation directing the defendant to appear before the corresponding court within a term of twenty (20) days as of the date of the ticket.
- (b) Provide the defendant with a copy of the ticket.
- (c) Remit the original ticket to the Clerk of the Part of the Court of First Instance corresponding to the place where the violation was committed.
- (d) Remit a copy to the Police Station of the district where the violation was committed.
- (e) Keep a copy for him/herself.
- (f) Dispose of the remaining copy in those cases referred to in subsection (b) of Section 17.05 of this Act.

For all legal purposes, intervening law enforcement officers, when acting as such, shall be deemed to be judicial officials. They may avail themselves of the simultaneous ticket issue and citation system to ticket pedestrians and other persons who violate the provisions of this Act.

Section 17.03. -Defacement, destruction or unlawful use of traffic tickets

In relation to the tickets issued under the provisions of this Chapter:

- (a) The act of maliciously voiding, defacing, destroying, removing or altering the copies of the tickets authorized in this Chapter shall constitute a misdemeanor. The provisions of Sections 205 to 208 of Act No. 115 of July 22, 1974, as amended, shall apply to such acts, with reference to the original filed with the Court. Such acts shall furthermore be sufficient grounds to remove the employee, official or officer who commits them. The provisions of this Section shall not apply to the copy of the ticket given to the defendant or to the copy kept by the officer involved when the official action has been completed.
- (b) Any person who conspicuously posts in his/her vehicle a copy of any ticket issued to him/her or to any other person for a previous violation shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars.

Section 17.04. -Appearance and plea of defendant

Those persons ticketed through the procedure herein established may appear and enter a plea before the corresponding Part of the Court of First Instance at any time before the date fixed on the ticket. To such effect, the Court may accept the copy of the ticket given to the defendant in lieu of the original until the latter is filed.

Should the defendant claim that the ticket does not properly inform him/her of the violation with which he/she has been charged, or that the acts as charged do not constitute a public offense, then an order shall be issued for the ticket to be filed in the usual manner and a date set for trial. In all other cases the proceedings shall be conducted on the basis of the ticket originally filed.

Section 17.05. -Exceptions

The simultaneous ticket issue and citation system established herein shall not apply to those persons who drive motor vehicles in the following cases:

- (a) When not authorized to drive or unable to produce his/her license.
- (b) When under the influence of intoxicating beverages, narcotics, drugs, stimulants, depressants or similar substances.
- (c) When causing or contributing to cause an accident resulting in injury to or death of a person, or in damage to the property of another in an amount apparently exceeding five hundred (500) dollars, including the accident caused while committing an administrative violation, converted into a misdemeanor pursuant to Section 24.03 of this Act.
- (d) When fleeing the scene of accident while failing to comply with the provisions of Section 4.01 of this Act.
- (e) When the violations are deemed to be administrative traffic faults under the terms of this Chapter, except that the simultaneous ticket issue and citation system may be used when an administrative fault becomes a misdemeanor under Section 24.03 of this Act regarding accidents whereby only damages are caused to the property of another in an amount of apparently less than five hundred (500) dollars.

Section 17.06. -Right to file a complaint in the usual manner

It shall be understood that the provisions of this Chapter shall not prevent any person or law enforcement officer from filing a complaint in the usual manner.

XVIII. DRIVING SCHOOLS

Section 18.01. -Basic rule

No person shall operate a driving school unless authorized by a permit to such effect issued by the Secretary. Such an authorization shall be granted upon payment of an annual fee of one hundred (100) dollars.

Section 18.02. -Requirements for license or permit

Any person who wishes to operate such a school shall be of legal age and enjoy such moral standing as to engage in such training, and shall have the training equipment required by the Secretary through regulations. Those persons who work in such schools as instructors shall likewise meet the above mentioned requirements as to age and moral standing and have the ability, experience and license needed to operate the motor vehicles used to train others.

The Secretary shall cooperate with the operation of said schools so that they may provide the best instruction to their students as to the efficient and responsible handling of the motor vehicles and to a thorough knowledge of the applicable traffic regulations pursuant to this Act and its regulations, with particular emphasis on safety considerations.

Any person to whom such a permit has been refused or whose permit has been cancelled may, within twenty (20) days following the date of the notice of said refusal or cancellation, request reconsideration of the decision of the Secretary, who shall rule on the matter within twenty (20) days after the request has been filed. Only after the reconsideration has been decided may a petition for review be made as established in Section 2.41 of this Act.

All notices served by the Secretary shall be perfected as set forth in Section 2.41 of this Act.

Section 18.03. -Operation

All training shall be conducted in motor vehicles that are in good working order and fit for such a purpose, as approved by the Secretary.

Section 18.04. -Exceptions

The provisions of this Chapter shall not apply to public or private schools accredited by the Department of Education that as part of their curricula offer courses to prepare and train students as drivers.

Section 18.05. -Unlawful acts and penalties

Any person who operates a motor vehicle driving school without being duly authorized by the Secretary shall incur a misdemeanor and if convicted, be punished with a fine of not more than five thousand (5,000) dollars.

Any person authorized to operate such a school that violates all other provisions of this Chapter or the regulations promulgated by the Secretary to such effect, shall incur an administrative fault and punished with a fine of one hundred (100) dollars.

XIX. PROVISIONS ON CAR RENTALS

Section 19.01. -Basic rule

No person engaged in the business of renting automobiles to be driven by those who rent them may not rent or lease a motor vehicle to another person until after having examined his/her driver's license and verified that said person is lawfully authorized to drive. Any person engaged in the business of renting motor vehicles to persons who intend to obtain a driver's license of whatever category shall also be subject to the administrative standards that regulate the road test areas as provided by the Secretary.

Any person who violates the provisions of this Section shall incur a misdemeanor and if convicted, punished with a fine of not more than five hundred (500) dollars.

Section 19.02. -Registers

Any person authorized by the Commission who is engaged in the business of renting automobiles to be driven by those who rent them, shall keep a register indicating the license plate number of the vehicle rented or leased, the number of the driver's license of the person renting said vehicle and his/her name and address and the place where said driver's license was issued. Such a register shall always be available for inspection by the members of the Police, the Municipal Police or any employee of the Department designated by the Secretary.

Any person who violates the provisions of this Section shall incur a misdemeanor and if convicted, punished with a fine of not more than five thousand (5,000) dollars.

Any person engaged in the business of renting automobiles to be driven by those who rent them so as to take the driver's examination in order to obtain any of the licenses issued by the Department, must register with the Department and comply with all the provisions established by the Secretary through regulations.

XX. SUSPENSION AND REVOCATION OF LICENSES AND NOTICE OF SENTENCE

Section 20.01. -Basic rule

Whenever the suspension of driver's license is in order because the person holding said license has been convicted of more than one offense or fault, the longer suspension period shall absorb the shorter suspension period or periods, except when otherwise provided by law.

Section 20.02. -Notice of sentence and remittal of license to Secretary

Whenever by virtue of the provisions of this Act or its regulations a court suspends or revokes the license of a person authorized to drive a motor

vehicle, the judge shall seize the license of the driver involved and the clerk of the sentencing court shall forward the same to the Secretary together with a certified copy of the sentence clearly indicating the terms of the suspension or revocation as well as the driver's license and Social Security numbers and any other personal data deemed pertinent by the Secretary.

Within ten (10) days after the sentence has been rendered against any person convicted of violating the provisions of this Act and its regulations, the clerk of the sentencing court shall be duty bound to serve notice thereof to the Secretary.

Section 20.03. -Enforcement of suspension or revocation of driver's licenses

When a person has been convicted of an offense which, had he/she been a licensed driver, would have entailed suspension of his/her license, the Secretary shall not issue to said person a driver's license for a period equal to the one such a suspension would have entailed, starting from the date of the conviction.

When the penalty of suspension is imposed on a driver whose license has been already suspended, the term of such a suspension shall begin when the term of the first suspension has expired.

Should any provision of this Act require the permanent revocation of the license or licenses, the convicted defendant shall forever be barred from being authorized to drive any motor vehicle on the public roads. Should the convicted defendant hold a learner's permit any suspension of a license shall be deemed to include such a learner's permit.

XXI. COMMONWEALTH AND LOCAL POWERS

Section 21.01. -General powers

The Secretary is hereby authorized to establish through regulations any other provisions necessary for the use, by vehicles and pedestrians, of the public roads according to public safety requirements and to the need for orderly traffic movement or mandated by the characteristics and use of the public roads and specific portions thereof or by the characteristics and use of the various vehicles traveling on or parked along the public roads.

Section 21.02. -Regulations of the Secretary

The Secretary, as deemed necessary, is hereby authorized to design and install signals and lights in specific locations along the public roads pursuant to the provisions of this Act and its regulations. The Secretary shall draft and adopt a manual of uniform official devices to regulate traffic. Said manual shall contain all the necessary specifications, such as the size and type of the devices that may be installed, the size of the letters and symbols, the distance from specific points at which said devices should be installed and the way they should be installed, pursuant to the provisions of this Act and its regulations.

The regulatory authority granted to the Secretary in this Section includes all matters concerning the speed at which the vehicles are to travel, the direction of traffic, the accesses to public roads, the parking and movement of all types of vehicles, the preferential right of way to traffic on certain public roads over traffic on other public roads, the signs or signals to be made personally by drivers or by means of instruments, the restrictions as to the use of bridges, the special safety measures in certain areas or regarding certain types of vehicles or certain persons, the urban and rural zones solely for the purposes of this Act, the use of the horn and warning

devices at specific places or by certain vehicles and the use of accesses to the public roads.

The provisions of this Chapter and its regulations relative to traffic shall apply to any driver of a motor vehicle in all parking areas open to the public, which shall for all purposes be deemed as public roads.

No local authority may install or maintain official devices to control the traffic in any public road under the jurisdiction of the Department, except through the authorization of the latter.

The Secretary is hereby authorized to establish exclusive lanes to be used by Metropolitan Bus Authority buses and other vehicles designated by the Secretary. The Secretary is also authorized to establish in the public roads one or several special lanes for the exclusive or preferential use of vehicles carrying more than two passengers or through the payment of toll, as provided through regulations. The Secretary is furthermore authorized to establish, through regulations, those provisions needed for the use and availability of exclusive and special lanes, according to public safety requirements, to the need for orderly traffic movement and for the development of mass transit, mandated by the characteristics of said exclusive and special lanes, the specific places where they are located and the characteristics of the buses and the vehicles authorized by the Secretary to use said lanes. In emergency situations, as decreed by the Governor, the Secretary may adopt the procedure that shall apply to the use and availability of the exclusive and special lanes.

Section 21.03. -Uniform application throughout Puerto Rico

The provisions of this Act shall apply throughout Puerto Rico and no local authority may promulgate or enforce any ordinance whatsoever on any

matter covered by the provisions of this Act unless expressly authorized by the Secretary regarding public roads outside his/her jurisdiction.

Section 21.04. -Powers of the local authorities

The following standards shall be observed in all matters relative to the powers of the local authorities:

(a) The provisions of this Act and its regulations shall not be construed or interpreted as precluding that local authorities with regard to public streets and roads under their jurisdiction and in the reasonable exercise of their powers provided the same are not in conflict with the provisions of this Act and its regulations, may:

- (1) Regulate or prohibit stopping, detaining or parking.
- (2) Regulate traffic through official devices.
- (3) Designate certain public roads or roadways for one-way traffic.
- (4) Designate any public road as preferential or designate any intersection as a stopping or a yield right of way point.
- (5) Regulate the use of bicycles.
- (6) Regulate or prohibit turning.
- (7) Change or establish speed limits.
- (8) Designate no-passing areas.
- (9) Regulate the use of controlled-access public roads for any kind or type of traffic.
- (10) Regulate the use of heavy traffic streets for any kind or type of vehicle deemed to be incompatible with the normal and safe movement of traffic.
- (11) Establish minimum speed limits.

- (12) Designate and regulate traffic in public roads used for sports events when authorized by the Secretary or the municipal authorities.
- (13) Prohibit pedestrians from crossing the roadway of any public road, except on the crosswalks.
- (14) Restrict the crossing of pedestrians on unmarked crosswalks.
- (15) Regulate the movement of persons operating pushcarts.
- (16) Regulate the movement of persons wearing skates or using go-carts and other toy vehicles.
- (17) Adopt and enforce temporary or experimental regulations, as deemed necessary to cover emergencies or special conditions.
- (18) Adopt any other traffic regulations specifically authorized by this Act.
- (19) Install or authorize the installation by private or public entities of speed bumps or special devices to control the speed at which motor vehicles are allowed to travel, with the previous authorization of the Secretary. The Secretary, on the basis of traffic surveys, the incidence of accidents, the school population and the existing road facilities, shall determine whether a situation deserves the installation of these speed bumps or special devices and if so, shall issue the proper certification to the corresponding municipality. The Secretary is hereby authorized to establish through regulations the specifications of the speed bumps and special devices, their location, the proper distance

between speed bumps or devices and the minimum requirements justifying their installation.

(20) Impose administrative fines for violations of traffic related municipal ordinances, pursuant to the provisions of this Act.

(b) Any municipal ordinance in effect at the time of approval of this Act which is totally or partially in conflict with the provisions thereof, and with the regulations approved by the Secretary, shall be deemed null and void and without legal effect regarding the provisions in conflict therewith.

(c) Ordinances on parking or direction of traffic shall be effective only when and while the proper signs, signals or markings are installed and maintained in the places regulated therefor. The local authorities shall install and maintain on the public roads under their respective jurisdictions those devices to regulate traffic deemed necessary to make known and enforce the provisions of this Act and the local traffic ordinances or to regulate and direct traffic. All devices to regulate traffic that are henceforth installed shall be in accordance with the manual and the specifications established by the Department.

(d) No local authority may install or maintain official traffic regulatory devices in any place that requires that the traffic moving along a Commonwealth public road stops before entering the crossing area of an intersected public road, nor may it install or authorize the installation of the special devices authorized by clause (20) of subsection (a) of this Section, unless written consent is previously obtained from the Department.

(e) The local authorities may establish administrative regulations on an experimental basis for a period of not more than sixty (60) days without the need for municipal ordinance approval, concerning the traffic

aspects mentioned in this Section, subject to the requirements referred to in subsection (c) of this Section.

Section 21.05. -Authority to close unmarked pedestrian crosswalks

The Secretary and the local authorities, in their respective jurisdictions may, after conducting traffic and engineering surveys, designate those places with unmarked crosswalks where pedestrians may not cross or where pedestrians shall yield the right of way to vehicles. Said restrictions shall be put into effect only when official devices to regulate traffic indicating the same have been installed.

Section 21.06. -Regulations on buses or school buses

The Department of Education, together with the Department, shall adopt and enforce regulations according to the provisions of this Act regarding the transportation of students on all buses or school buses.

Any person operating a bus or school bus under contract with the Department of Education who fails to comply with any of said regulations shall be guilty of breach of contract and said contract shall have to be cancelled after the responsible official has notified said person about the holding of a hearing.

Any person operating a bus or school bus not under contract with the Department of Education, who violates any of the provisions of said regulations, shall incur a misdemeanor and if convicted, be punished with a fine of not more than five hundred (500) dollars.

Section 21.07. -Designation of authorized emergency vehicles

The Secretary may designate a specific vehicle as an authorized emergency vehicle after determining that such a designation is necessary for the preservation of life or property or to conduct emergency government functions.

Said designation shall be made in writing and the document evidencing the same shall be carried in the vehicle at all times. The vehicle shall likewise carry a distinguishing device visible from the outside identifying the vehicle as such. However, failure to carry the written permit shall not affect the condition of the vehicle as an authorized emergency vehicle.

Section 21.08. -Removal of trees and objects

Any owner of real property is under the obligation to remove from said property any tree, plant, bush or other obstruction or part thereof which by blocking the visibility of the drivers constitutes a danger to the public safety.

When the Secretary or any local authority determines on the basis of a traffic or engineering survey that such a danger exists, they shall notify the owner of the fact and order that the object in question be removed within ten (10) days as of the date of the notice.

Should the owner fail to remove said object within ten (10) days, he/she shall incur a misdemeanor and if convicted, be punished with a fine of not more than one hundred (100) dollars. After the ten (10) days have elapsed, each subsequent day in which the owner refuses to remove the same shall be deemed as a separate and independent offense.

Section 21.09. -Administrative hearings

In all cases where by virtue of this Act the Secretary may or should grant a hearing to any person who could be directly affected by his/her decision, the Secretary shall have, among others, the following powers:

- (a) To delegate his/her authority to any subordinate official or officials.
- (b) To hold as many hearings as he/she may deem necessary.
- (c) To administer oaths, summon and examine witnesses, take testimonies, make inquiries and ocular inspections and investigations and

require the disclosure of the books and documents or copies or extracts thereof he/she may deem necessary.

(d) The Court of First Instance of Puerto Rico shall have jurisdiction to punish for contempt any person who during the course of an administrative hearing behaves in a disorderly manner, shows disrespect towards the Secretary or his/her delegate, refuses to be sworn, or to testify or answer any question in relation to any administrative hearing; or who fails to obey a subpoena to appear before the Secretary or his/her delegate; or refuses to produce any book or document when so ordered; or hides or destroys said books or documents; or absents him/herself from the jurisdiction of Puerto Rico; or hides him/herself for the purpose of evading service of a subpoena.

The Secretary shall fix, with the approval of the Governor, the per diem and mileage rates to be paid to the witnesses summoned and who appear before him/her.

The party aggrieved or to be aggrieved by the decision of the Secretary may petition the latter to summon such witnesses as said party may deem necessary for the presentation of his/her case, and the Secretary shall do so.

In the administrative hearing referred to in this Section, the party aggrieved or to be aggrieved by the decision of the Secretary may appear assisted by counsel and submit all the evidence he/she may deem pertinent.

GENERAL PROVISIONS

Section 22.01. -Liability of motor vehicle owners when fault or negligence is involved

The owner of a motor vehicle shall be liable for damages when fault or negligence are involved while operating a motor vehicle when said vehicle is being operated by or is under the actual physical and real control of any

person who, with the main purpose of operating the same or having or allowing the same to be operated by a third person, obtains possession thereof by express or tacit authorization of its owner. In any event it shall be assumed, unless otherwise proven, that any person operating or having under his/her control a motor vehicle has obtained possession thereof with the authorization of its owner for the main purpose of operating the same or having or allowing the same to be operated by a third person.

The person for whose negligence the owner of a vehicle is liable under the provisions of this Section, shall be bound to indemnify said owner.

Section 22.02. -Penalties not prescribed

Any violations of the provisions of this Act and the regulations promulgated by the Secretary for which no specific penal sanction has been prescribed, shall be deemed as administrative faults and be punished with a fine of fifty (50) dollars.

Section 22.03. -Fines to trailers and semi-trailers

The owner of a trailer or a semi-trailer shall be responsible for ensuring that said vehicle is in good working order and that the same complies with all the provisions of this Act. The fines for violations of this Act in these cases shall be adjudicated to the owner of the trailer or the semi-trailer, as determined by an attesting document.

In the case of trailers or semi-trailers belonging to and representing shipping companies, the latter shall be liable for the administrative fines imposed to said trailers. Delivery of the ticket to the driver of the trailer shall be deemed as sufficient notice to the owner of the trailer or semi-trailer. The Secretary shall establish through regulations all matters pertaining to the billing process of said faults.

In the case it should it be impossible to identify the owner of the trailer or semi-trailer, the driver shall not move the same and the Puerto Rico Police shall assume its custody. The Puerto Rico Police shall establish through regulations the procedure to notify the owner and to remove the trailer or semi-trailer.

Section 22.04.-Technological developments

The Secretary is hereby authorized to adopt, regulate and use any traffic control mechanism, device or artifact that may be developed in future as a result of technological advances.

**XXII. TOLL EXPRESSWAYS AND LIMITATIONS
AS TO THEIR USE**

Section 23.01. -One-way traffic

All traffic within the boundaries of a toll expressway, including its roadway, entrance and exit ramps and emergency lanes, shall be one way. No person shall drive or operate a motor vehicle or otherwise move the same in any other way except forward, parallel and to the right of the central median.

Section 23.02. -Stopping at tollbooths and payment of toll

It shall be the obligation of any person driving a motor vehicle who wishes to use a toll expressway to stop at each tollbooth installed along the expressway and pay the corresponding toll, except when the tollbooth is equipped with an electronic toll collection system and the vehicle is equipped with the corresponding device.

Any person who violates the provisions of this Act shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars, except in the case of stations with electronic systems, for which the fine shall be one hundred (100) dollars.

Section 23.03. - Making a turn across median

Except for toll expressway service and maintenance vehicles, Police and Municipal Police vehicles and vehicles of toll expressway personnel in official business, no vehicle may travel or park on the central median of a toll expressway.

Section 23.04. -Truck lanes

Trucks and heavy motor vehicles traveling on the toll expressways shall be bound to use only the lanes designated for heavy traffic, except when passing or intending to pass another motor vehicle.

Section 23.05. -Limitation of use

The toll expressways may not be used by:

- (a) Pedestrians, except in service, parking or recreational areas especially designated by the Authority for such purposes.
- (b) Bicycles.
- (c) Motorcycles, except when both the motorcycles and their drivers are especially authorized by the Secretary to travel on toll expressways. Said authorization shall be issued free of cost, pursuant to the requirements and specification adopted by the Secretary through regulations, taking into consideration the horsepower, weight, stability, wheel diameter and speed potential of the motorcycle and the skills of the driver as well as any other requirements that in his/her judgment may be necessary to protect the life and safety of toll expressway users.
- (d) Vehicles pulled by animals.
- (e) People on horseback or beasts of burden.
- (f) Vehicles transporting animals, foodstuffs or other cargo not properly secured or protected.

- (g) Agricultural, industrial or other similar equipment, which has not been designed for transportation on a highway, except for equipment used in toll expressway construction, maintenance, repairs or service projects.
- (h) Cattle.
- (i) Vehicles with metal, solid rubber or flat tires and vehicles with steel tracks, except with a written special permit issued by the Director of toll expressways.
- (j) Vehicles that fail to meet the requirements as to the dimensions, weight and load capacity of those vehicles that the Secretary may determine and regulate as able to travel on toll expressways.
- (k) Any other vehicle that in the judgment of the authorized official in charge of the expressway tollbooth constitutes a hazard for the safety of persons and property and which may make the expressway unsafe. No person may use a toll expressway as a landing or take-off runway for airplanes or helicopters.

Section 23.06. -Speed zone

The Secretary shall post signs along the expressways indicating the maximum speed allowed by this Act.

Section 23.07. -Applicability

All those provisions of this Act not in conflict with the special provisions of this Chapter shall apply to toll expressways.

Section 23.08. -Penalties

Violations of the provisions of this Chapter and of the Expressway regulations promulgated by the Secretary shall be deemed to be administrative faults and shall entail a fine of fifty (50) dollars.

XXIII. COLLECTION OF FEES

Section 24.01. -Procedure for the payment of fees

Every owner of a motor vehicle subject to the payment of annual license fees shall pay at any Internal Revenue Office of any municipality or at the place designated by the Secretary of the Department of the Treasury, the fees corresponding to the vehicle for each year, as indicated in the notice to be sent by the Secretary to that effect. Said fees shall be paid in advance for the whole year or for the remaining portion thereof on the date such fees become due, and fractions of a month shall be deemed as full months. This provision shall only apply to motor vehicles paying license fees of more than forty (40) dollars per year. Upon receipt of the corresponding fees, the collector shall issue the motor vehicle license consisting of the notice form issued by the Secretary with the corresponding annotations and the signature of the collector indicating that the fees have been duly paid. Together with the license, the collector shall include the corresponding sticker or license plates, as the case may be.

Vouchers, internal revenue stamps or any other payment method established by the Secretary of the Treasury shall be used in the case of examination fees, including those for learner's permits, the issue of license duplicates, the renewal of driver's licenses, vehicle transfers and any other collection of fees.

The amount of the fees collected pursuant to Sections 24.01 and 24.02 of this Act shall be covered into the General Fund of the Government of Puerto Rico, except for fifteen (15) dollars for each motor vehicle or trailer license, which shall be covered into a Special Deposit in the name of and for the benefit of the Authority.

The Authority is hereby authorized to commit or pledge the product of the collection received for the payment of the principal and interest on bonds or other obligations or for any other lawful purpose of the Authority. Said commitment or pledge shall be subject to the provisions of Section 8 of Article VI of the Constitution of Puerto Rico. The product of said collection shall be used solely for the payment of the interest and amortization of the public debt, as provided in said Section 8 of Article VI of the Constitution, until the other available resources referred to in said Section are insufficient for such a purpose. Otherwise, the product of such a collection, in the amount that may be necessary, shall be used solely to pay the principal and interest on the bonds and other obligations of the Authority and to comply with any other stipulations agreed to by the latter with the holders of said bonds or other obligations.

The Government of Puerto Rico hereby agrees and makes a commitment with any person or agency of the United States of America, of any State or of the Government of Puerto Rico that subscribe to or acquire Authority bonds for the payment of which the product of the fees paid for motor vehicle and trailer licenses and others is pledged, as authorized by this Section, not to reduce the license fees or the amount collected from the same that the Authority must receive.

In the case the amount collected from the motor vehicle registration fees is used to cover the requirements of the public debt and applied to cover the deficiencies in the amounts needed to satisfy said payments, the amounts used to cover said deficiency shall be reimbursed to the Authority from the first moneys received in the next or subsequent fiscal years by the Government of Puerto Rico proceeding from the registration of motor vehicles.

The product of the fees collected that is to be used pursuant to the provisions of this Section to reimburse the reserve funds to cover the requirements of the public debt shall not be covered into the General Fund of the Government of Puerto Rico when collected, but shall be covered into the aforementioned Special Deposit for the benefit of the Authority and shall be subject to the provisions of Section 8 of Article VI of the Constitution of Puerto Rico.

The Secretary of the Department of the Treasury may delegate to the Secretary the duty of collecting such fees.

Section 24.02. -Fees to be paid

Regarding the fees to be paid under this Act, the following standards shall be followed:

- (a) The following fees shall be paid for the following vehicles:
 - (1) Forty (40) dollars per year for each private service automobile.
 - (2) One hundred (100) dollars per year or fraction thereof for drive yourself or rental automobiles.
 - (3) Seventy (70) dollars per year for each bus exclusively used for the transportation of students with a capacity of twenty (20) passengers or more.
 - (4) One (1) dollar per year for a public service bus with a capacity of between ten (10) and twenty-four (24) passengers, for the first vehicle registered.
 - (5) One hundred (100) dollars per year for each public service bus with a capacity of between ten (10) and twenty-four (24) passengers, in addition to the one mentioned in the preceding clause, for the first five years

of registration; and ten (10) dollars after the fifth year of registration.

- (6) One hundred and fifty (150) dollars per year for each public service bus with a capacity of twenty-four (24) passengers or more.
- (7) For tractors or tow trucks, according to their weight, on the basis of the following standards:
 - (i) Twenty-five (25) dollars per year, for one ton or less.
 - (ii) Forty (40) dollars per year for over one (1) ton, but not exceeding two (2) tons.
 - (iii) Sixty- five (65) dollars per year for over two (2) tons, but not to exceed three (3) tons.
 - (iv) Two hundred and fifteen (215) dollars per year for over three (3) tons, but not exceeding four (4) tons.
 - (v) Three hundred and fifteen (315) dollars per year for over four (4) tons, but not exceeding five (5) tons.
 - (vi) Four hundred and fifteen (415) dollars per year for over five (5) tons, but not exceeding eight (8) tons.
 - (vii) Five hundred and fifteen (515) dollars per year for over eight (8) tons, but not exceeding ten (10) tons.
 - (viii) Seven hundred and fifteen (715) dollars per year for over ten (10) tons.
- (8) For trailers or semi-trailers designed to carry freight on their structure and hauled by another motor vehicle, on the basis of the following standards:

- (i) Twenty-five (25) dollars per year for those with a freight capacity not to exceed two (2) tons, not including trailer homes or offices.
 - (ii) Sixty-five (65) dollars per year for those with a freight capacity in excess of two (2) tons, not including trailer homes or offices.
 - (iii) One hundred and sixty-five (165) dollars per year for those used as trailer offices.
 - (iv) Sixteen (16) dollars per year for those used as trailer homes.
 - (v) One (1) dollar per year for those used by farmers and poultry and livestock producers in agricultural business, with the previous certification of the Secretary of Agriculture.
 - (vi) Fifteen (15) dollars per event for those used to carry freight in the public roads for short periods of time not to exceed thirty (30) days, five (5) of which shall go to the Office of Driver Services.
- (9) Twenty-one (21) dollars per year for motorcycle licenses.
 - (10) Thirty-three (33) dollars per year for license for motorcycles equipped to transport merchandise of any sort.
 - (11) Fifty-one (51) dollars per year for license for commercial vehicles engaged in private service.
 - (12) Seventy (70) dollars per year for license for commercial vehicles engaged in public service.

- (13) Seventy (75) dollars per year for license for heavy motor vehicles engaged in private service with a freight capacity of more than one (1) ton, but not more than two (2) tons.
- (14) One hundred and eleven (111) dollars per year for license for heavy motor vehicles engaged in private service with a freight capacity of more than two (2) tons, but not more than six (6) tons.
- (15) Ninety-two (92) dollars per year for license for heavy motor vehicles engaged in public service with a freight capacity of more than one (1) ton, but not more than two (2) tons.
- (16) One hundred and twenty-five (125) dollars per year for license for heavy motor vehicles engaged in public service with a freight capacity of more than two (2) tons, but not more than six (6) tons.
- (17) Thirty-six (36) dollars per year for each ton or fraction thereof on motor vehicles engaged in public or private service with a freight capacity of more than six (6) tons.
- (18) One hundred (100) dollars per year for license for heavy motor vehicles used by their owners as working tool with a freight capacity of not more than fifteen (15) tons, as determined in Section 15.02 of this Act.
- (19) Ten (10) dollars for registering the transfer of ownership of a motor vehicle.

- (20) Ten (10) dollars for the right to take the examination for chauffeur, driver, heavy motor vehicle operator or motorcycle driver.
- (21) Five (5) dollars for the right to again take the examination for chauffeur, driver, heavy motor vehicle operator or motorcycle driver after having failed the examination the first time.
- (22) Five (5) dollars for the duplicate of any type of license.
- (23) One (1) dollar for the license of an automobile used as the working tool of its owner.
- (24) Ten (10) dollars for the driver's license for a person holding a license from any state or territory of the United States or any foreign country.
- (25) One hundred (100) dollars per year for a motor vehicle dealer license.
- (26) Ten (10) dollars for the right to take the examination or reexamination for a learner's permit.
- (27) Thirty (30) dollars for the renewal of license to drive a motor vehicle ninety (90) days after its expiration.
- (28) Ten (10) dollars for the renewal of a license to drive a motor vehicle within the term of ninety (90) days, as of its date of expiration.
- (29) Fifty (50) dollars per year for the license of the license processing agent, and twenty-five (25) dollars for the right to take the agent's examination.
- (30) Ten (10) dollars per year for the identification card for authorized license processing agents.

- (31) One hundred (100) dollars for special license plates for motor vehicle dealers.
- (32) Two (2) dollars for additional sticker.
- (33) Ten (10) dollars for license as driving school instructor.
- (34) Ten (10) dollars for renewal of license as driving school instructor.
- (35) Ten (10) dollars for issuing certificate of title.

(b) Disabled veterans exempted from the imposition of taxes on vehicles, pursuant to clause (a) of paragraph (1) of subsection (c) of Section 34 of Act No. 2 of January 20, 1956, as amended, shall not pay license fees. If the owner of an automobile on which fees were not paid under the provisions of this clause sells or otherwise transfers said automobile, the corresponding total annual license fees shall be imposed on said vehicle according to the provision of this Section.

(c) If the owner of an automobile on which fees were paid under the provisions of this Section sells, or otherwise transfers said automobile, the corresponding total annual license fees shall be imposed on said vehicle according to the provision of this Section.

(d) The Secretary shall prescribe the rules and regulations needed to enforce the provisions of Sections 24.01 and 24.02 of this act, which once promulgated shall have the force of law.

(e) A Special Deposit is hereby created in benefit of the Highways Authority in which fifteen (15) dollars shall be covered into the same for each registration renewal of private and public service automobiles.

Section 24.03. -Conversion of administrative faults to misdemeanors

When the driver of a motor vehicle or a trailer commits a violation which constitutes an administrative fault and as a consequence thereof

causes or contributes to causing an accident resulting in injuries to any person or damages to the property of another, said administrative fault shall become a misdemeanor punishable with a fine of not more than five hundred (500) dollars, a term of imprisonment for a term of not more than sixty (60) days, or both penalties at the discretion of the court.

Section 24.04. -Payment of damages

In addition to the penalties imposed on the driver for the violation committed under the provisions of this Act, the court shall fix a reasonable amount for the payment of damages. The payment of damages consists of the obligation imposed on the driver by the court to pay the injured party an amount in compensation for the damages and losses caused to the property of the latter as a result of the delinquent act.

Said payment shall be fixed to be paid in cash or by the transfer of assets equal to those destroyed or damaged, or by direct repair of the damages. The amounts thus paid or the assets transferred shall be deducted from the amounts the court may impose as judgment in case a suit for damages should arise from the facts. The payment of damages authorized by this Section does not include bodily injuries and mental anguish and suffering.

No payment for damages shall be imposed in those cases whereby the driver is able to prove to the court that he/she holds a public liability policy that covers the damages caused by him/her, or that the victim has already been compensated.

The sentence shall be executed by imposing the payment of damages authorized by this Section as if it were a judgment entered in a civil case ordering the payment of money as established in Rule 176 of the Rules of Criminal Procedure of 1963.

Section 24.05. -Administrative procedure

Regarding administrative traffic faults, the following standards shall be followed:

(a) Law enforcement officers are hereby empowered to issue tickets for any administrative traffic faults. The form for such tickets shall be prepared, printed, individually identified and distributed according to the regulations promulgated by the Secretary for such a purpose. Said officers shall date and sign the tickets which shall state the administrative traffic fault or faults allegedly committed and the amount of the administrative fine or fines to be paid and the corresponding applicable punctuation.

(b) A copy of the ticket shall be delivered to the driver of the vehicle. Another copy of the ticket shall also be delivered to the passenger or owner of the vehicle in the case of violations of Sections 13.01 and subsequent ones in this Act. In the case of a parked vehicle, the law enforcement officer, according to the provisions of subsection (c) of this Section, shall post the ticket in a conspicuous place on said vehicle. The copy so delivered or posted shall contain instructions to request a judicial review as provided in subsection (k) of this Section. If the driver is a minor unaccompanied by any of the persons indicated below, delivery of the ticket to the minor shall be deemed as a delivery to the parent, person in charge or guardian of said minor, who shall be liable for the latter. The original and a copy of the ticket shall be immediately forwarded by the law enforcement officer, pursuant to the provisions of subsection (c) of this Section, to the Secretary, who shall attach these to the registry records of the vehicle or of the driver object of the alleged violation, as the case may be.

(c) The Secretary is hereby empowered, through the Traffic Control Corps, to issue tickets for administrative faults related to and

adopted by virtue of this Act, which do not constitute violations of moving vehicles.

Any person who violates said provisions shall be bound to pay the fines provided in this Act.

The Secretary is furthermore empowered to issue tickets and electronic fines for administrative traffic faults related to violations of the dimensions and weight of the vehicles and their loads as provided in Chapter XV.

Any person who violates the provisions of the preceding paragraph shall be bound to pay the following fines:

- (1) Weight – fifty (50) dollars plus five (5) cents for each pound in excess of what is provided by regulations.
- (2) Dimensions – fifty (50) dollars for the first violation and seventy-five (75) dollars for subsequent violations.

The provisions of the preceding clauses (1) and (2) shall not apply to those persons to whom the Secretary has issued a special permit, as established in Section 15.02.

In order to discharge the duties provided in this subsection, the Secretary shall be empowered to delegate said authority to other officials or employees of the Department, who shall be provided with the proper identification for such a purpose. Said authorized officials or employees shall keep the aforesaid identification in a visible place while performing the duties delegated to them by virtue of this Section. The authority conferred by virtue of this subsection shall not constitute a limitation to the powers delegated by law to the Police, Municipal Police or any other law enforcement officer. The Secretary shall establish the mechanisms needed to achieve the effective coordination between the Puerto Rico Police, the Municipal Police and the corresponding municipalities and the Ranger Corps

of the Department of Natural and Environmental Resources in all matters pertaining to the issue of tickets for administrative faults.

(d) Any notice of an administrative fine filed by the Secretary in the registration of a vehicle shall constitute a lien on the title of said vehicle and a prohibition to convey said title or to transfer or release the license plate registered with said vehicle, or to issue or renew any type of license to the person who has committed the alleged violation until the fine has been paid or annulled as herein provided. The Secretary shall notify the imposition of the lien to the person appearing in his/her files as owner of the vehicle as well as to any person having any other type of lien on said vehicle registered in the Department. As to the liability concerning administrative fines, it shall be deemed that the notice of the Secretary to the person appearing in his/her files as the owner of the vehicle or as driver thereof in the pertinent cases, shall constitute due notice to the persons who in fact own the vehicle and the mere remittance of the notice by mail to the addresses appearing in the Motor Vehicle and Trailer Registries and the Driver Registries, even if not received by the addressees, shall be deemed as such notice for all legal purposes.

(e) The Secretary shall keep a register of the liens created by the administrative traffic fines, which shall be available for public inspection. He/she shall also establish a register of the administrative fines in order to record the fines imposed on those passengers who violate the provisions of Chapter XIII of this Act or its regulations. The Secretary shall be duty bound to inform verbally or in writing of the existence of any type of lien or notation to any person who may inquire.

(f) Traffic violations deemed to be administrative faults shall be adjudicated to and entered into the records of those persons authorized to

drive motor vehicles who have in fact committed the alleged violation. It shall be the duty of the law enforcement officer who issues the administrative traffic ticket in such cases to require that the person who allegedly committed the violation present his/her license and sign the original of the ticket; to return the driver's license to the offender together with a copy of the signed ticket and finally to take the ticket to the Police Station of the locality where the violation was committed.

(g) It shall be the duty of the offender to pay the ticket within thirty (30) days of its issue. Should he/she fail to pay within said term he/she shall have to pay a surcharge of five (5) dollars for each month or fraction thereof after the date of issue of said ticket. Said surcharge may be paid together with the fine on the ticket issued at any Internal Revenue Office before the expiration date for the payment of the automobile payment. If the fine is not paid before said date, the violation shall appear in the permit.

(h) As to the inclusion of the administrative fines in the automobile permit, these shall expire automatically and may not be claimed or collected after a term of eighteen months of their issue.

(i) If upon an investigation conducted by the Superintendent of Police it is determined that the law enforcement officer who issued the ticket committed an error or a mistake, he/she shall notify the Secretary who may cancel the lien. Likewise, the Secretary may cancel the lien when there is no congruence between the ticket issued and the encumbered vehicle.

(j) Notwithstanding the provisions of subsection (b) of this Section, the Secretary may transfer the title of vehicles with liens pursuant to this Section if the lien is imposed after the date on which the vehicle changed owners. The date appearing on the transfer executed on the back of the certificate of title of the motor vehicle or trailer shall be deemed as the

date on which the vehicle changed owners. In such cases the Secretary shall process the title transfer, although maintaining the lien on the vehicle on file and informing the fact to new owner. The lien constituted by virtue of an administrative fine created by this Chapter shall have preference over any other lien constituted on a vehicle, including personal property mortgages and conditional sales liens. Any lien imposed on a vehicle shall be subject to these provisions upon the approval of this Act.

(k) If the owner of the vehicle or the driver, the dealer or the passenger affected by the notice of the administrative fine considers that the alleged violation has not been committed, he/she may file a petition for a judicial review as provided through regulations.

The petition for review shall be exempt from the payment of the filing fees required by the laws in effect, except for the bar stamp, when the petitioner is represented by an attorney.

When petitioning for review, if the owner of the vehicle, the driver or the passenger wishes the lien or notation to be cancelled immediately, the petitioner shall deliver personally or through an agent, or mail to the Department of the Treasury a check or money order in the name of the Secretary of the Treasury to cover the amount of the fine or fines whose review is being sought. The payments thus made shall be returned to the petitioner as soon as the Secretary receives notice from the Court annulling the administrative fine or fines.

When the petitioner is the owner of the vehicle, or its driver or passenger and the decision of the Court is favorable to him/her, as soon as the Secretary receives the corresponding notice from the Court, he/she shall proceed to cancel the lien or notation created by the administrative fine whose nullity has been decreed by the court and shall furthermore proceed to

notify this fact in writing to the interested party. If, on the contrary, the decision of the court is unfavorable to the petitioner, the lien or notation shall remain and may be cancelled only upon the payment of the corresponding fine or fines.

(1) Payments for administrative fines may be made at the following places and in the following manner:

- (1) At the Department, by taking the money personally or through an agent, in cash, check or money order in the name of the Secretary of the Treasury.
- (2) At any Internal Revenue Office, by taking the money personally or through an agent, in cash, check or money order in the name of the Secretary of the Treasury.

When making the payment at the Internal Revenue Office, the ticket issued or the notice indicating that a lien has been filed by the Secretary must be shown. When making the collection, the Department or the Internal Revenue Collector shall indicate in the corresponding voucher the municipality where the administrative fault was committed and whether the same was a violation of this Act or a municipal ordinance. Except as otherwise provided below, the money collected for fines and penalties for violations of municipal ordinances shall be covered into a special fund to be remitted monthly to the corresponding municipality. Of the amount collected for each administrative fine imposed for those violations of municipal ordinances that govern the offenses described in Sections 6.19, 6.20, 6.21, 6.22 and 6.23 of this Act, the sum of two (2) dollars shall be covered into the General Fund of the Commonwealth Government.

If payment of the fine is made at an Internal Revenue Office, the Collector shall deliver to the interested party or its agent, the original

voucher indicating the number of the notice, the number of the driver's license, the Social Security Number, the license plate number and the ticket number, as the case may be. A copy of said voucher shall be immediately forwarded to the Secretary who shall proceed without delay to cancel the lien assessed by the notice.

If payment of the fine is made at the Department personally or through an agent, the Department Collector shall immediately proceed to cancel the lien assessed by the notice and give the interested party proof thereof. If payment of the fine is sent by mail to the Department, the Collector thereof shall proceed to cancel the lien assessed by the notice as soon as he/she receives the check or money order, and shall immediately give written notice with acknowledgement of receipt to the interested party.

The administrative proceeding established herein shall not prevent the Commonwealth Government, through the Secretary, the Secretary of Justice or any official on whom they may delegate, from judicially claiming the payment of the fines in case they are not paid once such a fine becomes final and binding. In such a case, any of the aforementioned officials may resort to the procedure provided in Rule 60 of the Rules of Civil Procedure of 1979, as amended. Furthermore, in such a subsequent proceeding, the aggrieved party may not challenge the legality and propriety of the administrative fine in said proceeding.

(m) In the case of persons who own vehicles for rent, duly authorized by the Commission to such ends, the Secretary is expressly authorized to establish a special procedure, through regulations, to be followed for serving notices of administrative faults incurred by the lessees of said rental vehicles.

(n) In the case of dealers duly authorized by the Secretary for the sale of motor vehicles, he/she is likewise authorized to establish a special procedure by regulations to be followed to serve notice of the administrative faults incurred prior to the date on which the vehicle was transferred to the dealer, and to establish the liability of the motor vehicle dealers for the administrative faults incurred by the users of vehicles that are not registered in the Department, as well as those incurred while using a vehicle with exhibition license plates or a dealer's number plate.

(o) The Secretary may provide information through restricted access, directly from the computer of the motor vehicle and trailer system, to any insurance company, dealer, duly authorized license broker, company recognized in the computer field that in the regular course of business is engaged in obtaining and selecting information on the automotive industry, or banking, or financing institution duly authorized under the applicable laws to do business in Puerto Rico, exclusively with regard to the files, liens and notations existing in the register established by the Secretary.

The Secretary shall establish by regulations to such effect, the fees to be paid by the institution that wishes to use this service, the procedure to be followed to such ends, as well as the information that may be disclosed to any insurance company, dealer, duly authorized license broker, company recognized in the computer field that in the regular course of business is engaged in obtaining and selecting information on the automotive industry, or banking or financial institution, subject to the limitations established in this section.

This service shall be paid through an internal revenue voucher. The funds collected for this service shall be covered into a Special Permanent fund, separate and distinct from any other moneys or fund belonging to the

Commonwealth Government, which shall be in the custody of the Department of the Treasury, and destined to be used exclusively for the improvement and development of the operations and programs of the Office of the Director of Driver Services (DISCO, Spanish acronym).

Before using the resources deposited in the Special Fund, the Department shall submit an annual budget of expenses to the Office of the Budget and Management, chargeable to these funds.

(p) The funds collected for tickets for administrative faults imposed under subsection (c) of this Section, and those funds related to the fees for the removal, impounding and custody of motor vehicles, as well as additional fees and expenses of public auctions and the publishing of notices required by this Act, shall be covered into special permanent account and shall be used by the Department to defray the necessary expenses to implement this Act. One (1) dollar of the revenues obtained for each ticket shall be set aside to be used by the Office of the Director of Driver Services (DISCO) to cover the cost of issuing, collecting and canceling the amount of said tickets, as well as the operations and programs of said Office.

Before using the resources covered into the abovementioned special account, the Department shall submit an annual budget of expenses chargeable to said funds, to the Office of the Budget and Management. The remainder of the funds that as of June 30 of the current fiscal year have not been used, even though not encumbered, shall become a part of the special account established herein.

Section 24.06 – Automated Traffic Control System

(a) The Secretary is hereby empowered and authorized, pursuant to the provisions of Section 21.02 of this Act, to use and operate automatic traffic control systems on public roads, which includes the use of electronic

and/or automated devices of proven exactness, in order to issue administrative fault tickets for violation of the Sections of this Act that can be detected in this manner.

(b) After the violation of this Act has been detected through the use of the systems referred to in the above subsection, a sworn certification shall be made by a representative of the Secretary or the Highways and Transportation Authority of Puerto Rico, or by the contracted operator or the person or entity that is in charge of the automatic traffic control system installed in a traffic facility to the effect that a certain vehicle committed an infraction of this Act, which certification shall be based on photographs, microphotographs, video or any other image registration system, which shall constitute prima facie evidence in any procedure, that the vehicle thus identified committed the violation charged. Said photographs, microphotographs, video or any registered image of a similar nature shall be admitted as evidence in any procedure for the collection of the fine in addition to the toll fee, when indicated, provided they are made available to the party involved during any stage of the process of the imposition and collection of the fine and toll fee, if the party involved requests it opportunely in writing.

(c) Upon imposing fines and collecting toll fees under this system, the following procedure shall be followed:

- 1) A notice to the owner of the vehicle that committed the violation, according to the records of the DTPW, shall be mailed to his/her last known address appearing in said records;
- 2) the notice shall be mailed no later than 90 days counting from the calendar day that the violation occurred;

- 3) the Secretary shall keep a register of the date, name and address to which said notice is made; and said register shall constitute prima facie evidence that the notification of the violation was committed in any procedure related to the collection of the fine and the toll fee, as the case may be.
- 4) Said notice shall contain as a minimum:
 - (a) The name and address of the owner of the vehicle that committed the violation as found in the records of the DTPW;
 - (b) The license number of the vehicle involved in the violation, as it appears in the photographs, microphotographs, videos or any registered images of a similar nature used to identify the vehicle that committed the violation; and the registration number of said vehicle as it appears in the register of the DTPW.
 - (c) the date, place and hour that said violation occurred;
 - (d) the identification number of the unit or equipment that took the photographs, microphotographs, video or any registered images on which the findings of an infraction are based
 - (e) the case number assigned by the DPTW, the HTA, or the entity contracted by them to operate the automatic traffic control system or the toll fee collection system;
 - (f) shall be advised of the right to request the holding of a hearing within fifteen (15) days following the notification, or that otherwise, the fine will be final and binding and can not be questioned.

(g) the party that challenges the fine shall bear the burden of proof to show that the violation was not committed.

d) The Secretary shall provide through regulations to such effect, all matters concerning the administrative hearing referred to in subsection (c), above, which shall be adjudicative in nature.

e) To comply with the functions provided in this Section, the Secretary shall have the power to delegate said authority on other Department officials, employees, government agencies, or to contract private enterprises to operate the systems and remit the notices of administrative fines.

f) The decisions made by the Secretary under this Section may be reviewed judicially pursuant to the provisions of the Uniform Administrative Procedures Act, Act No. 170 of August 12, 1988, as amended.

The funds collected from the administrative fines generated by the automatic traffic control system shall be covered into a special account in the name of the Authority. These collections shall be used by the Authority to defray those expenses that are needed to implement and operate the automatic systems authorized in this Act and the corporate purposes of the Authority.

Section 24.07 – Removal, impounding and custody of vehicles

The authorized officials and employees of the Department are hereby authorized to remove vehicles that are parked in such a way that obstructs or interrupts the flow of traffic, that due to exceptional circumstances hinder its flow, or that violate any of the provisions mentioned in subsection (c) of Section 24.06 of this Act, according to the following rules:

(a) The removal of said vehicles shall be performed according to the procedure established below:

- (1) The official or employee authorized by the Department shall make any reasonable effort to locate the driver in the immediate area to where the vehicle is parked and request him/her to remove it. If the driver cannot be located, or if, having located him/her, the person is unable to drive the vehicle for any reason, or refuses to do so, the authorized official may remove said vehicle by towing it or by the use of other mechanical device or any other adequate means.
- (2) The vehicle shall be removed, taking every precaution to prevent damage to it and shall be taken to a site previously designated by the Secretary for said purpose.
- (3) After a vehicle is removed, the Department shall notify the Puerto Rico Police of said action within a term of not more than twenty-four (24) hours after said removal has taken place.
- (4) The vehicle shall remain in the custody of the Department until its owner or person in charge is allowed to remove it, upon presenting a voucher from the Secretary of the Department of the Treasury, of the payment of the amount of ten (10) dollars for the impounding and custody of the vehicle. He/she must also pay the corresponding towing service charges before removing the vehicle. The Secretary shall establish the charges to be paid for said service by regulations. To such ends, he/she shall take into consideration the size and weight of the vehicle, the distance between the place of removal and the closest available impounding site, among others. The payment of expenses connected with the removal,

impounding, and custody of the vehicle shall not prevent the driver or owner from being sanctioned for violating the provisions on parking found in this Act or its regulations.

- (5) The Department shall require the payment of an additional charge of five (5) dollars for each day or fraction thereof that the impounded vehicle is in its custody, counted after twenty-four (24) hours have elapsed from the time the vehicle was removed.
- (6) In the case of stolen vehicles, payment for the removal, impounding, custody and any other related charge is exempted. Provided, that once the owner of the stolen vehicle, or the person who appears in the motor vehicles and trailers registry of the Department is notified, he/she shall have a term of ten (10) days to claim and remove the vehicle without being required to pay for the impounding and custody thereof. Once this term has elapsed without the vehicle being claimed and removed, he/she must pay a charge of five (5) dollars a day through a voucher to the Secretary of the Treasury, for the impounding and custody of the vehicle,
- (7) The owner of registry of the removed vehicle shall be notified of the removal by the Department, by certified mail with receipt of acknowledgment to his/her address as it appears in the Department's records, with the warning that if the vehicle is not claimed, nor the charges for removal, impounding and custody, as well as any other additional related charges, are paid after six (6) months have elapsed from the date of the notification, the vehicle shall be sold at public auction to pay

all expenses, including the charge for the removal, impounding, custody, any additional charges and expenses incurred in the auction, from the amount derived.

- (8) The Department is hereby empowered to sell at public auction any unclaimed vehicle that has been removed, and for which the removal, impounding and custody charges as well as any other additional related charges have not been paid, after six (6) months have elapsed counting from the date of the notice. The impounded vehicles that cannot be sold at public auction due to their condition may be decommissioned.
- (9) In pertinent cases, the Department shall publish a notice of auction in a newspaper of general circulation in Puerto Rico, sixty (60) days prior to the event. Said notice shall include the make, and the year the vehicle was manufactured, the license number, if any, and the name of the owner of the vehicle as it appears in the Register of the Department. The date, hour and place that the public auction will be held shall also be provided.
- (10) The public auction shall be held to pay all the expenses incurred for the removal, impounding, custody, and any additional charges and the expenses incurred in the auction. Any remaining funds after said expenses have been deducted, shall be handed to the owner of the vehicle.
- (11) If the registered owner of the vehicle does not appear to claim the remaining amount within the term of thirty (30) days after the auction is held, the Department shall publish a notice in a newspaper of general circulation in Puerto Rico

with regard to said matter. The notice shall state the name of the person to whom the remainder belongs, and the amount thereof. If the owner of the vehicle does not claim the remainder within thirty (30) days counting from the publishing of said notice, the remainder shall be covered into the General Fund, after the cost of publishing said notice has been deducted.

(b) The Department is hereby empowered to contract the services of wreckers, tow-trucks, or other mechanical device authorized by the Commission that is needed for the removal of vehicles, pursuant to the provisions of this Section.

(c) It shall be presumed that every person who drives a vehicle and every registered owner of a vehicle licensed to travel on the public roads of Puerto Rico has given his/her consent for the Department to remove and impound their vehicle in those cases and in the manner established in this Section.

XXV. EXCLUSIVE LANES

Section 25.01- Designation of exclusive lanes

The Metropolitan Bus Authority and Metrobus busses are authorized to use the lanes designated as exclusive lanes on the avenues or roads in which said lanes have been established. When a bus that is authorized to travel on the exclusive lane has a mechanical breakdown, it shall be removed from said lane if possible, and in the event it has to return to the repair shop, it shall do so, using the exclusive lane, if it is mechanically able to. If, on the contrary, it has to be towed, the most convenient route shall be used.

Section 25.02 – Limitations to its use

No vehicle shall travel on or park on said exclusive lane, except the motorcycle patrol units of the Traffic Division of the Puerto Rico Police, in special situations and in compliance with their duty, as well as those authorized by law or by the Secretary pursuant to the provisions of Section 21.01 of this Act.

Section 25.03 – Penalties

Any violation of the provisions of this Chapter and of the regulations promulgated by the Secretary that establish the exclusive lane shall be deemed an administrative fault and shall entail a fine of one hundred (100) dollars.

XXIV. SPECIAL LANES

Section 26.01- Purpose

With the purpose of promoting the development of public roads that will relieve traffic congestion, and stimulate and encourage citizens to share the use of vehicles, thus contributing to the conservation of resources and the protection of the environment, the Secretary is hereby empowered to establish a special lane or lanes for the exclusive or preferred use of vehicles with more than one, two or three occupants, or through the payment of tolls, as provided by regulations.

Section 26.02 – Limitation of the use of special lanes

Every vehicle that uses this special lane shall pay a sum determined by the Secretary through regulations, as a toll or fee for its use. Every vehicle that transports more than one, two or three passengers is exempted from this payment as provided by the Secretary through Regulations.

Section 26.3 – Limitation to the use of special lanes

The lanes designated by the Secretary as special lanes for the exclusive or preferred use vehicles with more than one, two, or three occupants, shall

only be used by vehicles during those periods and pursuant to the conditions indicated through official devices to regulate traffic and by the motorcycle patrol units of the Puerto Rico Police in special situations and in compliance of their duty, as well as those authorized by law or the Secretary pursuant to what is established in Section 21.02 of this Act.

Section 26.04 – Penalties

Any violation of this Chapter and the regulations promulgated by the Secretary that establish the special lane, shall be deemed as administrative faults and shall entail a fine of fifty (50) dollars.

XXVII. SPECIAL PROVISIONS

Section 27.01 – Severability Clause

If any provision, word, sentence, or Section of this Act were challenged for any reason before a court and the same is declared null or unconstitutional, said judgment shall not affect, impair, or invalidate the remaining provisions of this Act.

Section 27.02 - Registry of the payment of administrative fines

The Secretary, together with the Secretary of the Department of the Treasury shall execute the coordination needed to achieve an effective on-line integration of its electronic systems for the automation of the procedure to register the payment of administrative fines.

This procedure shall begin to function eighteen (19) months after the approval of this Act.

Section 27.03 – Saving Clause

The application of the administrative sanctions established by virtue of this Act, shall not, in any way, prevent or impair any pertinent civil or criminal action from being filed.

None of the provisions of this Act that prescribe penalties shall be construed in the sense of preventing the filing of any suit, proceeding, sentence, or punishment pursuant to any other criminal or civil, general or special legal provision.

Section 27.04 – Regulations

All the regulations to be created by virtue of this Act, shall be drafted, approved and filed in the Department of State of Puerto Rico within one hundred and fifty (150) days counted from the date of approval of this Act. They shall be drafted in accordance with Act No. 170 of August 12, 1988, as amended, known as the “Uniform Administrative Procedure Act”.

Section 27.05 – Applicable Federal Legislation or Regulations

Any Federal Act or regulation approved with regard to vehicles and traffic, after the approval of this Act, that is applicable to all the States of the United States of America, shall be valid in Puerto Rico, provided that the Legislature of Puerto Rico does not act on the Law or Regulation.

XXVIII. EFFECTIVENESS

Section 28.01 – Notice and publication

The Secretary shall proceed to notify the citizens of the provisions of this Act from the date of its approval until its effectiveness, using the communications media that he/she deems pertinent, but in every case, shall publish a concise summary of the main provisions of the Act in a newspaper of general circulation.

He/she shall also publish an informational brochure that shall contain an account of all the provisions of this Act, although they may be summarized briefly.

Section 28.02 – Repeal

Act No. 141 of July 20, 1960, as amended, known as the “Puerto Rico Vehicle and Traffic Act”, is hereby repealed in its entirety.

Section 28.03 – Effectiveness

This Act shall take effect one year after its approval, except for the provisions of subsection (c) of Section 24.05 and of Chapter XVII, which shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 22 (Substitute for S.B. 637) (Conference) of the 6th Session of the 13th Legislature of Puerto Rico:

AN ACT to adopt the “Puerto Rico Vehicle and Traffic Act”; and repeal Act Number 141 of July 20, 1960, as amended, known as the “Puerto Rico Vehicle and Traffic Law,”

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 26th of September of 2006.

Francisco J. Domenech
Director