

(Substitute for  
H. B. 1555 and 1992)  
(Conference)

**(No. 192)**

(Approved December 22, 2009)

## **AN ACT**

To amend Sections 7.02 and 7.04 of Act No. 22 of January 7, 2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act,” for the purpose of prohibiting any person between eighteen (18) and twenty (20) years of age, inclusive, from driving or operating a motor vehicle with a blood alcohol concentration of two hundredths of one percent (0.02%) or higher; and for other purposes.

### **STATEMENT OF MOTIVES**

Driving under the influence of intoxicating beverages constitutes a threat of the first order to highway traffic safety. The Government has directed many efforts to fight such threat.

Act No. 266 of December 19, 2006, reasserted the public policy of the Government of Puerto Rico which established that operating motor vehicles in 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 of all citizens, as well as their tranquility and social peace.

The Government of Puerto Rico has the compelling duty of promoting the safety and the general well-being of the citizens when using and enjoying the roads, sidewalks, and shoulders, since it pertains to the Commonwealth to establish acceptable parameters by law for driving in our thoroughfares. Act No. 22 of January 7, 2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act,” (“Traffic Act”) is one of the tools employed by the Commonwealth in establishing, among other things, guidelines for safe driving and the consequences for noncompliance therewith.

The official position and public policy of the Government of Puerto Rico is to recognize that driving motor vehicles in thoroughfares while under the influence of intoxicating beverages, constitutes a threat to traffic safety. Although the measures adopted have been effective, further work is needed.

According to the Traffic Safety Commission, 132 deaths involving motorcyclists and drivers, blood alcohol concentration higher than 0.08% allowed by Law, were reported in 2008. Thirty eight of these victims were youths between sixteen (16) and twenty-five (25) years of age, which constitutes 29% of the total death toll. The number of young drivers involved in fatal accidents in Puerto Rico is alarming, especially in accidents in connection with intoxicating beverages.

On the other hand, Chapter 1 of Title 23 of the United States Code sets forth that any State that fails to comply with Section 1.61 thereof shall be punished with an annual withholding of 10% of the funds set aside to highways. States such as Florida, Virginia, New York, Connecticut, South Carolina, Louisiana, and others have approved similar laws, thus obtaining millions of dollars in annual funds to improve highway safety. Others like Texas, Illinois, and Washington, D.C. have been more stringent by

establishing a 0.00 blood alcohol content limit to meet such purposes. In the case of Puerto Rico, this Act shall have the effect of having around 11.5 million dollars covered into the Highways and Transportation Authority's fund every year for the above mentioned purposes. This means that for the past 10 years our Island has failed to receive approximately one hundred and fifteen million (115,000,000) dollars that would have been used for highway safety, construction of highways and other related purposes.

Through this Act, the public policy of zero tolerance of intoxicated minors in our highways is so established; hence, we shall have a healthier youth, less deaths in our thoroughfares, safer highways, and millions of dollars in funds for highway safety and construction.

In view of this situation, the Legislature, aware of its duty of promoting our People's safety, deems it necessary to amend Act No. 22, *supra*, for the purpose of prohibiting any person between eighteen (18) and twenty (20) years of age, inclusive, from driving or operating a motor vehicle with a blood alcohol concentration of 0.02% or higher.

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.- Section 7.02 of Act No. 22 of January 7, 2000, as amended, is hereby amended, to read as follows:

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

In any...

- a) It shall be unlawful *per se* for any person of twenty-one (21) years of age or older, to drive or operate a motor vehicle when his/her blood alcohol content is eight (8) hundredths of one (1) percent (0.08%) 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 persons between the ages of eighteen (18) and twenty (20), inclusive, truck, motorcycle, school bus, and heavy motor vehicle drivers, the preceding provision shall apply when the blood alcohol content of the driver is two (2) hundredths of one (1) percent (0.02%) or higher.

c) ...

d) ...

...”

Section 2.- Section 7.04 of Act No. 22 of January 7, 2000, as amended, is hereby amended to read as follows:

“Section 7.04.-Penalties

(a) ...

(b) If the blood alcohol concentration or content is eight hundredths of one percent (0.08%) or higher; or two hundredths of one percent (0.02%) and the person is between the ages of eighteen (18) and twenty (20), inclusive, truck, motorcycle, school bus, heavy public service vehicle and heavy motor vehicle drivers, or any blood alcohol content whatsoever if the person is younger than eighteen (18) years old and such person were to be convicted of violating the provisions set forth in Sections 7.01, 7.02 or 7.03 of this Act, in addition to the driver’s license suspension, pursuant to the provisions of Section 516 of Act No. 4 of June 23, 1971, as amended, known as the ‘Puerto Rico Controlled Substances Act,’ he/she shall be punished in the following manner:

1) ...

...

c) ...”

Section 3.- This Act shall take effect immediately after its approval.

## **CERTIFICATION**

I hereby certify to the Secretary of State that the following **Act No. 192 (Substitute for H. B. 1555 and 1992) (Conference)** of the **2<sup>nd</sup> Session of the 16<sup>th</sup> Legislature** of Puerto Rico:

**AN ACT** to amend Sections 7.02 and 7.04 of Act No. 22 of January 7, 2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act,” for the purpose of prohibiting any person between eighteen (18) and twenty (20) years of age, inclusive, from driving or operating a motor vehicle with a blood alcohol concentration of two hundredths of one percent (0.02%) or higher; and for other purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on the 19<sup>th</sup> day of February of 2010.

Solange I. De Lahongrais, Esq.  
Director