

(H.B. 898)

(No. 57)

(Approved August 19, 2005)

AN ACT

To amend Sections 1.87, 15.05, 15.06, 21.03 and 23.05 and CHAPTER II of Act No. 22 of January 7, 2000, as amended, known as the Vehicle and Traffic Act of Puerto Rico in order to ratify our commitment with public safety through the imposition of penalties to the owner of heavy motor vehicles, the dealers, the cargo owners or maritime transport company for violations of the provisions of this Act and the regulations approved to that effect by the Secretary because of the conditions of the safety devices and fixtures, cargo overload, or the dimensions of the heavy motor vehicles, trailers or semi-trailers that travel on the highways of the country.

STATEMENT OF MOTIVES

The Government of the Commonwealth of Puerto Rico is committed to providing the best safety possible along the highways of our country. Regarding this public policy, the Department of Transportation and Public Works has assumed a firm position about the regulations that govern cargo and the conditions of heavy motor vehicles, trailers and semi-trailers that travel on our public highways.

It has been determined to provide in Act No. 22 of January 7, 2000, as amended, that the responsibility for the payment of fines for excess weight generated by cargo overload, defects or other physical conditions of heavy motor vehicles, trailers and semi-trailers shall correspond to the owner of the vehicle, the cargo owner or the maritime transport company, as applicable.

To the present the responsibility for paying for excess weight fell on the owner or driver of the heavy motor vehicle who is neither the owner of the trailer or semi-trailer nor of the merchandise. The owners of heavy motor vehicles are responsible for their physical conditions, that is, for their vehicles. It is important to state that the owners of those heavy motor vehicles who are also the owners of the cargo, shall be responsible for any violation of the Puerto Rico Vehicle and Traffic Act.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-Section 1.87 of Act No. 22 of January 7, 2000, as amended, is hereby amended to read as follows:

“Section 1.87.-Semi-trailer.—

“Semi-trailer” shall mean any vehicle lacking motive power, with one or more cargo axles, designed and built to carry goods on its own structure and to be towed by a motor vehicle, in such manner that part of its own weight or that of the cargo transported rests over or sustained by the towing motor vehicle. The semi-trailer can be of the Roll On-Roll Off (RO-RO) type or the Lift On-Lift Off (LO-LO) type.”

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

“CHAPTER II.

REGISTRY OF MOTOR VEHICLES, TRAILERS OR SEMI-TRAILERS AND AUTHORIZATION TO TRAVEL ON THE PUBLIC HIGHWAYS

Section 2.01.-...

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

The Secretary shall issue certificates of title for every motor vehicle, trailer or semi-trailer in Puerto Rico and shall keep a Registry of all

certificates issued. In addition he/she shall organize and keep any Indexes or Registries that will facilitate the classification of information on motor vehicles, trailers or semi-trailers, according to the provisions of this Act, of the fiscal laws, or of Act No. 109 of June 28, 1962, as amended, known as the “Puerto Rico Public Service Act.”

Section 2.03.-...

Section 2.04.-...

Section 2.05-Registry of motor vehicles, trailers or semi-trailers authorized to travel on the public highways

The Secretary shall establish and maintain an updated registry of all motor vehicles, trailers or semi-trailers authorized to travel on the public highways. For such a purpose every registered motor vehicle, trailer or semi-trailer shall be given an exclusive identification that shall consist of the identification or serial number of the vehicle or the motor vehicle previously assigned by the manufacturer as well as any other number the Secretary may deem appropriate.

In relation to vehicles or motor vehicles, the registry shall contain the following information:

- (1) Description of the vehicle or motor vehicle, including: the make, model, color, type, effective horsepower, serial number, and vehicle or motor vehicle identification number.
- (2) Name, residential and mailing address, and Social Security Number of the owner.
- (3) Any action of alienation or lien related to the vehicle or motor vehicle or its owner.
- (4) Identification or license plate granted to the vehicle or motor vehicle.

- (5) Authorized use.
- (6) Payment of annual license fees.
- (7) Any other information needed to enforce the provisions of this Act, or of any other applicable laws.

In relation to trailers or semi-trailers the registry shall contain the following information:

- (1) Identification granted to the trailer or semi-trailer.
- (2) Any other information about the owner, his/her address and Social Security number, liens, characteristics, authorized use, as well as any information needed to enforce the provisions of this Act, of fiscal laws or public service laws, of any other applicable laws or that at the judgment of the Secretary it would be convenient or necessary to include, as established through regulations.

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

- (a) Every application for the registration of a motor vehicle, trailer or semi-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 a purpose by the Secretary. All the information needed for the proper registration or issue of the title of the motor vehicles or trailers pursuant to the provisions of this Act shall be consigned on the form.
- (b) Every owner of a registered motor vehicle, trailer or semi-trailer shall be bound to notify the Secretary in writing of any change of address, on the form provided for such purpose by the Secretary, within thirty (30) 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-

Section 2.08 -Provisional registration of motor vehicles

The Secretary shall establish a provisional registry of vehicles that shall be authorized to travel on the public highways for a period that shall not exceed thirty (30) days. Motor vehicles belonging to dealers of motor vehicles, trailers or semi-trailers may be registered in said registry without having to comply with the requirement of holding the certificate of title referred to in Section 2.03 of this Act. No motor vehicle, trailer or semi-trailer 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 motor vehicles, trailers or semi-trailers thus registered must present said certificate of title during said thirty (30)-day period. Once said period has elapsed without their having complied with said requirement, the vehicle may not travel on the public highways. The driver of any motor vehicle or motor vehicle that tows a trailer or semi-trailer that travels on the public highways once the term of thirty (30) days established in this Section has expired, and that has not met the requirement of presenting the certificate of title, shall incur an administrative fault and be sanctioned with a fine of fifty (50) dollars.

Section 2.09.-Power of the Secretary to regulate

The Secretary shall have the power to regulate all matters pertaining to the provisional registration and to the documentation he/she may deem necessary for the final registration of any motor vehicle, trailer or semi-trailer with the Directory of Driver Services (DISCO, Spanish acronym). The Secretary is authorized to determine, through regulations, the amount the petitioner must pay for listing any lien in the Registry of Motor Vehicles,

Trailers and Semi-trailers of the Department. The money collected on said account shall be deposited in its totality in a Special Fund devoted to improving the services, facilities and mechanization systems of DISCO. Those liens for which the way and manner in which the payment is to be made is provided by law are exempted from this provision.

...

Section 2.10.-Certificate of title and motor vehicle, trailer and semi-trailer license

Once the registration of a motor vehicle, trailer or semi-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 title number, the name, address, and Social Security number of the owner, the names and addressees of persons holding liens on said motor vehicle, trailer or semi-trailer 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 these for their registration. This certificate shall be known as the title of the vehicle, as the case may be. Every transaction regarding the ownership of the motor vehicle, trailer or semi-trailer shall be made on the back of the certificate, upon cancellation of the liens that may exist and with the corresponding fees. On the back of the certificate of title the Secretary shall provide a form to execute the transfer or reassignment thereof, pursuant to the requirements established in this Act.

In addition to the certificate of title, the Secretary shall issue a motor vehicle, trailer or semi-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 highways of Puerto Rico. This printed

license, a legible photocopy thereof, or a digitalized card shall be kept continuously in the motor vehicle, trailer or semi-trailer, or carried by the person who drives the same. The legible photocopy or the digitalized card shall not be valid to execute any transactions of the vehicles.

The license granted for motor vehicles, trailers or semi-trailers to travel on the public highways shall bear a date of issue and expiration.

Section 2.11.-Renewal of motor vehicle, trailer or semi-trailer license

At the request of the owner of any motor vehicle, trailer or semi-trailer, and after payment of the corresponding fees, the Secretary may renew the license of said motor vehicle, trailer or semi-trailer. Likewise, a new license shall be issued when the motor vehicle, trailer or semi-trailer changes ownership, when the use for which it was originally authorized, for it to travel on the public highways, is altered, or when the term for which the license was originally issued expires. In all of the abovementioned situations, it shall be the duty of the Secretary to issue a certificate of title to those motor vehicles, trailers or semi-trailers that did not have one because they were registered in the Motor Vehicle and Trailer Registry prior to July 10, 1987. Said certificate of title shall be the sole valid document to execute the transfer of title of said motor vehicles, trailers or semi-trailers.

The Secretary shall maintain a staggered system for the payment of license fees for motor vehicles, trailers or semi-trailers registered in the motor vehicle registry, to travel on the public highways. Said system shall be designed so that the license fees are renewed and paid each year on the same month in which the motor vehicle, trailer or semi-trailer was first registered in the Registry. 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 the motor vehicles, trailers or

semi-trailers that belong to the Commonwealth Government and the municipalities, from the staggered system, and may exempt other motor vehicle, trailer, or semi-trailer categories when he/she deems it necessary or convenient, through regulations to such effect.

During the last month before the expiration date of the license, the motor vehicles, trailers or semi-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 expires. The provisions of this paragraph shall not apply to the execution of the transfer of title, which shall be done on the certificate of title.

The Secretary of the Treasury shall reimburse to every owner of a motor vehicle, trailer or semi-trailer who returns the license plate and license of the motor vehicle, trailer or semi-trailer to the Secretary, the fees paid for the license in proportion to the remaining complete months of the year for which said license or license plate were issued, if so requested. No proportional reduction of the license fees shall proceed when the owner requests a new license within the forty-five (45) days that follow the date of issue or renewal thereof.

Section 2.12.-Provisional license to travel for motor vehicles, trailers or semi-trailers imported for sale

Prior to the registration of a motor vehicle, trailer or semi-trailer, whether new or used, the Secretary may authorize these to travel on the public highways with a provisional license.

The provisional license shall be valid until the final registration of the motor vehicle at the Department, and shall not exceed thirteen (13) months

and be kept continuously in the motor vehicle, trailer or semi-trailer. The vendor shall be bound to indicate the date of sale in the space provided for such purpose in the provisional license, and shall register the motor vehicle, trailer or semi-trailer that is sold in the Department within fifteen (15) days after the sale. Upon expiration of said term, said motor vehicle, trailer or semi-trailer may not travel on the public highways if it has not been registered at the Department.

The provisional licenses shall be authorized solely for those new or used motor vehicles, trailers or semi-trailers that are imported or destined for sale and have not been previously registered in Puerto Rico and under those other circumstances authorized by this Act. Together with the provisional license, 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 licenses and license plates shall be issued solely to new or used motor vehicles, trailers or semi-trailers sold by persons engaged in the sale of motor vehicles, trailers or semi-trailers, as provided in this Act. In case of noncompliance, the Secretary or authorized representative shall take the necessary corrective measures.

When a new or used motor vehicle is acquired by a concessionaire of the Commission to be devoted to public service, it may travel with the authorization to replace the one issued by said Commission. Said authorization shall serve as a provisional license 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, except personalized license plates, shall be deemed to be the 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, trailer or semi-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, Trailers and Semi-trailers

(A) Every person who wishes to devote him/herself, in whole or in part, to the retail sale of motor vehicles, trailers or semi-trailers and sells motor vehicles, trailers or semi-trailers for profit, as part of an enterprise, dealership, or business, shall request and obtain from the Secretary a certificate that shall be known as the "Motor Vehicle, Trailer and Semi-trailer Dealer's License". Every application to such effects shall be made on the form authorized by the Secretary for such a purpose, and only those special dealers 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, Trailer and Semi-trailer Dealer's License, and shall assign to the same a number that identifies the dealer.

(B) Any person who wishes to import motor vehicles, trailers, or semi-trailers directly from the manufacturer or producer, to be sold at wholesale to dealers, shall request and obtain

a certificate from the Secretary which shall be known as the Motor Vehicle, Trailer and Semi-trailer Distributor's License. Every application to such effect shall be made on the form that is authorized for such a purpose 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.

(C) According to the public safety needs and the provisions of this Act, and so that the Secretary may have knowledge of all the transactions made by motor vehicle, trailer or semi-trailer distributors and dealers, the Secretary is hereby authorized to establish, by regulations, the requirements needed to obtain, renew, and conserve the licenses of distributors and dealers for motor vehicles, trailers, and semi-trailers which can be revoked or suspended by the Secretary after the holding of a hearing.

(D) Every dealer or distributor of motor vehicles, trailers or semi-trailers who owns vehicles which would otherwise be subject to registration in the Motor Vehicle, Trailer and Semi-trailer Registry, may operate or move said vehicles on the public highways solely for the purpose of transporting them from the place of arrival in Puerto Rico to the place of business of the dealer or distributor, or for repairs or improvements, without being bound 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 bear a copy of the authorization issued by the Secretary, as provided by regulations.

It shall be the duty of every distributor or dealer, as required by the Secretary, to offer the information that describes every motor vehicle introduced to Puerto Rico, without prejudice 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, trailer or semi-trailer dealer, to ensure the proper and responsible conduct of his/her affairs. Every motor vehicle, trailer or semi-trailer dealer, shall keep a register of the vehicles to which said special license plates have been assigned, as well as the period in which said license plates were used, clearly indicating the pertinent dates. Said register shall be open for inspection by officials of the Department or by Police officers.

(F) ...

Section 2.15.-Special Dealers

Every person who wishes to devote him/herself fully or partially to the sale, rescue, salvage, repair, reconstruction and sale in limited numbers of motor vehicles, trailers or semi-trailers damaged in accidents, shall request and obtain from the Secretary, a special dealer's license or certificate using the forms authorized by the Secretary for such purposes. The Secretary shall adopt and promulgate the regulations necessary for issuing, supervising, and revoking such licenses [sic] exercise of said work, providing, among other things, the maximum number of motor vehicles, trailers or semi-trailers that said special dealers may save, repair, reconstruct and sell annually, which shall never be more than twelve (12) motor vehicles, trailers or semi-trailers a year, as well as all that is related to the granting of licenses and the

supervision of said licenses by the Secretary, which may be revoked by him/her, including the necessary requirements to obtain, renew and retain the licenses, and the grounds and procedure to deny, suspend and revoke them. The Secretary may summarily suspend the license or authorization granted for this, when any of the provisions he/she establishes by regulations are violated.

...

Section 2.16.-Grounds to deny authorization to a motor vehicle, trailer or semi-trailer to travel

The Secretary, upon written notice to the applicant, stating the reason, shall refuse the registration of the motor vehicles, trailers or semi-trailers in the registry or the renewal of the permanent or provisional licenses thereof, in the following cases:

- (a) When said registration or renewal would be in violation of the provisions of this Act, fiscal laws, or the public service laws and their regulations.
- (b) When 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, trailers and semi-trailers have not been complied with.

...

Section 2.17.-Issue and use of Motor Vehicle, Trailer or Semi-trailer licenses

The Secretary shall issue the corresponding license plates to the motor vehicle, trailer, or semi-trailer in the following cases:

- (a) When the motor vehicle, trailer or semi-trailer is registered.

(b) Upon renewal of the license of the motor vehicle, trailer or semi-trailer.

(c) When the use for which the motor vehicle, trailer or semi-trailer was authorized to travel is altered, if this Act or any other law requires special identification for the new use being authorized.

(d) When in transferring the motor vehicle, trailer or semi-trailer the acquirer does not possess a license plate.

...

Section 2.18.-Contents, characteristics and display of license plates

Every license plate shall bear on its surface, the license number assigned to the motor vehicle, trailer or semi-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 that the different vehicles will use.

The license plates shall be fixed horizontally and visibly on the back of every motor vehicle, trailer or semi-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 license or license plate

When the license or license plate of a motor vehicle, trailer or semi-trailer is lost, stolen or destroyed, the owner of the motor vehicle, trailer or semi-trailer may request a new license 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 license 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 that is pending payment.

...

Section 2.20.-...

Section 2.21.-...

Section 2.21a.-...

Section 2.22.-...

Section 2.23.-...

Section 2.24.-...

Section 2.25.-...

Section 2.26.-...

Section 2.27.-...

Section 2.28.-...

Section 2.29.-...

Section 2.30.-...

Section 2.31.-...

Section 2.31A.-...

Section 2.32.-...

Section 2.33.-...

Section 2.34.-Transfer of motor vehicles, trailers or semi-trailers

Every transfer of registered motor vehicles, trailers or semi-trailers shall be conducted according to the following procedures:

(a) The transfer shall be authorized by the signature or mark of the owner of the motor vehicle, trailer or semi-trailer and of the acquirer, on the back of the certificate of title of the motor vehicle, trailer or semi-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 motor vehicle, trailer or semi-trailer be registered in the registry in his/her name, its license number and the number of his/her driver's license. It shall also state the address of the acquirer, and in the event the motor vehicle, trailer or semi-trailer does not have a license plate, he/she shall petition the Secretary for the same at the time of the transfer.

(b) ...

(c) ...

(d) ...

(e) Once the transfer document is executed, the same must be filed with the Department by the new acquirer within ten (10) days following the execution thereof. The Secretary shall issue to the acquirer the corresponding provisional motor vehicle, trailer or semi-trailer permit until the final process for the transfer is completed. The acquirer shall return said provisional permit to the Secretary as soon the certificate of title and the motor vehicle, trailer or semi-trailer permit is issued in his/her name. When the new acquirer files the transfer with the Department after ten (10) days from the execution thereof, but not later than thirty (30) days after said act took place, he/she shall be bound to pay the sum of ten (10) dollars. If this is done after said term, he/she must then pay an additional amount equal to five (5) dollars for each month or fraction thereof that has elapsed. 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 under the custody of the Department of the

Treasury of Puerto Rico, destined for the operations and programs of DISCO.

(f) ...

Section 2.35.-Effects of transfer.-

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

(b) ...

(c) The transfer shall neither cancel nor modify any liens on the motor vehicle, trailer or semi-trailer, nor shall it give the acquirer any special rights of use granted by this Act, by fiscal laws or by 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, trailer or semi-trailer in the following cases:

(a)

...

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

(a) The Secretary shall issue, within a term of not more than one hundred and twenty (120) days and in the course of any twelve (12) month period, to any owner of a motor vehicle, trailer or semi-trailer authorized to travel in any state or jurisdiction of the United States or in any foreign country that so requests, a motor vehicle, trailer or semi-trailer permit, as the case may be, provided said motor vehicle, trailer or semi-trailer is used for private and not commercial purposes.

(b) Motor vehicles, trailers or semi-trailers to which the permit is granted shall be registered in the motor vehicle, trailer or semi-trailer registry pursuant to the provisions of Sections 2.05 and 2.06 of this Act.

(c) Commercial van trailers or semi-trailers proceeding from the United States or any other foreign country shall be registered at the Department upon payment of the corresponding fees in a special registry to be established by the Secretary.

(d) The fees to be paid for registering trailers and semi-trailers shall be computed on the basis of fifteen (15) dollars multiplied by the total number of trailers or semi-trailers in the immediately preceding calendar year as indicated in the corresponding manifests. The Secretary shall provide, through regulations, the requirements and manner of payment to comply with this special registry.

(e) The Secretary shall issue a certificate indicating that the maritime company, the terminal operator and/or owner of the fleet of trailers and semi-trailers has fulfilled his/her duty pursuant to the provisions of subsection (c).

(f) The maritime companies, the terminal operators and/or owners of the fleets of trailers and semi-trailers shall include in their interchange agreement the number of the certificate issued by the Secretary approving the license for the unit to travel on the highways of Puerto Rico. The interchange agreement shall contain a certification of the driver of the motor vehicle guaranteeing that the trailer or semi-trailer has been duly inspected. To omit this certification shall entail a fine of two hundred (200) dollars to the driver of the heavy motor vehicle. The driver of the motor vehicle may be required to show the interchange agreement which he/she must bear at all times when driving that type of vehicle on the highways of Puerto Rico.

(g) Every maritime shipping company, terminal operator and/or owner of a fleet of trailers or semi-trailers shall submit to the Department, not later than July 15 of the current year a calculation as to the number of trailers and semi-trailers pursuant to the provisions of subsection (d) of this Section, based on the volume of the immediately preceding year. Said companies or their authorized agents shall be responsible for paying to the Secretary of the Department of the Treasury the amount indebted as provided in subsection (d). In order to guarantee payment of the vehicle license sticker the Department shall require a bond according to the volume registered for the preceding year.

(h) Every maritime shipping company, terminal operator and/or owner of a fleet of trailers or semi-trailers shall be responsible for keeping a register of all manifests issued during the past five (5) years.

(i) The Department shall conduct periodic audits to oversee faithful compliance with the Act and its regulations. Should said audit indicate payments in excess a credit shall be granted, if otherwise, the Department shall issue a notice for collection for the balance pending. The preceding shall proceed provided the Company shows that there was no intention of submitting false information or of defrauding the Department.

(j) After the corresponding payments have been made pursuant to the provisions of subsection (d), the commercial trailers and semi-trailers in transit between Puerto Rico, the United States or any other foreign country may travel on the public highways of Puerto Rico for a maximum term of one year.

(k) In case of wanting to permanently register the trailer or semi-trailer in Puerto Rico for a period of over thirty (30) days all requirements provided in Sections 2.05 and 23.02 of this Act must be met. Any violation of this provision shall be sanctioned as an administrative fault with an amount of five hundred (500) dollars.

(l) Van trailers with expired license plates or vehicle license 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.

(m) The trailers or semi-trailers arriving in Puerto Rico to be shipped to another port outside of the Island shall not be deemed to be in transit on the public highways 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, trailers or semi-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 or semi-trailer.

Section 2.39.-Vehicle license stickers or decals for motor vehicles, trailers or semi-trailers owned by nonresidents.-

The Secretary shall design and issue vehicle license stickers or decals to be affixed on motor vehicles, trailers or semi-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 where they are registered. Said vehicle license stickers or decals shall have the same validity as license plates in use during each fiscal year. In addition to the vehicle license sticker or decal, said vehicles shall bear the number of the license 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 travel.-

The Secretary may revoke any authorization granted to a motor vehicle, trailer or semi-trailer to travel on the public highways in the following cases:

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

- (c) When the license plates issued exclusively for a certain motor vehicle, trailer or semi-trailer are used by another motor vehicle.
- (d) When any certificate or document issued to a certain motor vehicle, trailer or semi-trailer is used fraudulently in another motor vehicle.
- (e) When the use given to the motor vehicle, trailer or semi-trailer is contrary to that provided in the permanent or provisional license granted pursuant to this Act or Act No. 109 of June 28, 1962, as amended known as the “Puerto Rico Public Service Act,” or its regulations.
- (f) When the dimensions of such motor vehicle, trailer or semi-trailer do not conform to the provisions of this Act.
- (g) When, in the judgment of the Secretary, the motor vehicle, trailer or semi-trailer is in such disrepair that it becomes a threat to the public safety.

Section 2.41.-Procedure for revocation

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

Section 2.42.-Effects and ways to rectify the revocation of the authorization to travel

Any revocation of an authorization granted to a motor vehicle, trailer or semi-trailer to travel on the public highways 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 issue of another authorization to

the vehicle when renewal of the withdrawn authorization is in order if the same had been revoked.

When the revocation is due to the fact that the permanent or provisional license of a motor vehicle, trailer or semi-trailer has been issued in error or when the fees for such permits have not been paid, or when the revocation is due to the fact that the physical conditions of the motor vehicle, trailer or semi-trailer are a threat to public safety, or when the dimensions of the vehicle are in conflict with the provisions of this Act, the Secretary may again authorize the corresponding license if the error in granting the same is rectified, if the fees owed are paid, or if the dimensions or physical conditions of the vehicle which caused the revocation are corrected.

When the Secretary has revoked the permanent or provisional license of a motor vehicle, trailer or semi-trailer because of the provisions of subsections (c), (d) and (e) of Section 2.40 of this Act, he/she may again authorize said vehicle to travel on the public highways, if the transfer of said vehicle to a new owner is confirmed in a document authorized under oath or affirmation before a notary.

No fees shall be returned to the owner of a motor vehicle, trailer or semi-trailer whose permanent or provisional license has been revoked, except when the revocation is due to the same having been granted through an error of the Secretary.

When a motor vehicle, trailer or semi-trailer whose authorization to travel on the public highways has been revoked is again authorized to do so during the same year for 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, trailer or semi-trailer.

In those cases in which reimbursement of the fees 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/she is notified by the Secretary of the obligation 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 or semi-trailer on the public highways of Puerto Rico when such vehicle, motor vehicle, trailer or semi-trailer is not authorized by the Secretary to travel thereon. Any person who violates this provision shall incur a misdemeanor and if convicted, shall be punished with a fine of fifty (50) dollars.

(b) To drive a motor vehicle or haul a trailer or semi-trailer on the public highways while engaged in a use for which a type of license, authorization or provisional license is required, different from those granted by this Act and its regulation, as the case may be. Any 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 or semi-trailer on the public highways without carrying a copy of its license, or the documents or stickers, which in lieu of said license, authorize such vehicle to travel on the public highways. Any person who violates this provision shall incur an administrative fault and be punished with a fine of fifty (50) dollars.

(d) To drive a motor vehicle or haul a trailer or semi-trailer on the public highways without displaying the license plates legibly. Any person

who violates this provision shall incur an administrative fault and shall be punished with a fine of fifty (50) dollars.

(e) To drive a motor vehicle, trailer or semi-trailer whose fees are due pursuant to the vehicle registry and license renewal system established by the Secretary through regulations to such effects. Any person who violates this provision shall incur an administrative fault and shall be sanctioned with a fine of twenty-five (25) dollars during the thirty (30) days following the expiration date for the 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 fraudulently 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 the ownership of motor vehicles, trailers or semi-trailers or to the way these shall be used on the public highways. Any 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 of more than five thousand (5,000) dollars.

(g) To intentionally erase or alter the information contained in any license certificate for motor vehicles, trailers or semi-trailers or in any document that certifies granting an authorization to a motor vehicle, trailer or semi-trailer to operate on the public highways, or in any of the documents necessary to obtain said license or authorization, as well to add information to said certificates or documents. Any 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 of more than five thousand (5,000) dollars.

(h) To fix the license plate of a motor vehicle, trailer or semi-trailer issued by virtue of this Act and its regulations on any other motor vehicle, trailer or semi-trailer not authorized to bear the same. Any person who violates this provision shall incur an administrative fault and be punished with a fine of five hundred (500) dollars.

(i) To steal or mutilate, alter or cover motor vehicle, trailer or semi-trailer license plates issued by virtue of this Act and its regulations while its use is authorized or required by this Act and its regulations. Any 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 of more than five thousand (5,000) dollars.

(j) To drive a motor vehicle, trailer or semi-trailer on the public highways with an altered identification license plate which has been covered or is not clearly visible. Any person who violates this provision shall incur an administrative fault and be punished with a fine of fifty (50) dollars.

(k) To enable unauthorized persons to receive any license certificate of motor vehicles, trailers or semi-trailers, or any document authorizing a motor vehicle, trailer or semi-trailer to travel on the public highways, or give a specific use to such a license certificate or aforementioned documents under the authority of this Act and of Act No. 109 of June 28, 1962, as amended, known as the "Puerto Rico Public Service Act," or its regulations, so that such documents may be used fraudulently for identification of another motor vehicle, trailer or semi-trailer. Any 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 of more than five thousand (5,000) dollars.

(l) To enable unauthorized persons to obtain license plates exclusively issued to a specific type of motor vehicle, trailer or semi-trailer so that the same may be fixed in another motor vehicle, trailer or semi-trailer that has not been authorized to travel on the public highways. Any 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 of 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, trailer or semi-trailer. Any person who violates this provision shall incur a felony and if convicted shall be punished with a fixed term of imprisonment of one (1) year and eight (8) months. Should aggravating circumstances exist, the established fixed penalty may be increased for up to a maximum of three (3) years; should extenuating circumstances exist the penalty may be reduced for up to a minimum of one (1) year and three (3) months.

(n) To commit felonious misappropriation of any certificate or document related to the regular license or provisional permit of a motor vehicle, trailer or semi-trailer issued pursuant to this Act and to Act No. 109 of June 28, 1962, as amended, known as the "Puerto Rico Public Service Act," or its regulations, when the contents of such documents are in effect and in force. Any person convicted of violating this provision shall incur a misdemeanor and be punished with a fine of not less than five hundred (500) dollars or of more than five thousand (5,000) dollars.

(o) Failure of the seller of a motor vehicle, trailer or semi-trailer to register the same with the Department within fifteen (15) days after the date of the sale, when the seller is a person engaged in the sale of motor vehicles, trailers or semi-trailers. Any person who violates this provision shall incur

an administrative fault and be punished with a fine of one hundred (100) dollars.

(p) Failure to process the transfer within the term of ten (10) days as required by Section 2.34 of this Act. Any person who acquires a motor vehicle, trailer or semi-trailer and violates this provision shall incur an administrative fault and be punished with a fine of fifty (50) dollars

(q) Failure to return the license plates of any motor vehicle, trailer or semi-trailer no longer in use as such by its owner or disposed of as junk, as provided in Section 2.13 of this Act, or whose return has been demanded by the Secretary because the motor vehicle, trailer or semi-trailer is not no longer authorized to travel on the public highways, or when such licenses have been revoke or suspended. Any person who violates this provision shall incur an administrative fault and 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 or semi-trailer on the public highways with a suspended, revoked or expired license. Any person who violates this provision shall incur a felony and if convicted, shall be punished with a fine of one hundred (100) dollars. Any person who violates this provision, and who had already been sanctioned for the same, shall incur a misdemeanor and if convicted shall be punished with a fine of not less than two hundred and fifty (250) dollars or of more than five hundred (500) dollars. Any person who has to move a motor vehicle from its location and whose license has expired may do so through an Internal Revenue voucher of fifteen (15) dollars of which five (5) dollars shall be destined for the Compulsory Insurance, five (5) dollars for the Automobile Accident Compensation Administration and five (5) dollars for DISCO. Said provisional license 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 auto repair shop.

(s) To display on the motor vehicle, trailer or semi-trailer exterior other number license plates than those authorized in this Act, with the exception of those granted by the Commission or authorized by other applicable laws or their regulations. Any person who violates this provision shall incur an administrative fault and be sanctioned with a fine of one hundred (100) dollars.

(t) ...

(u) To drive a motor vehicle, trailer or semi-trailer on the public highways with special plates for a period longer than that authorized in this Act. Any person who violates this provision shall incur an administrative fault and be sanctioned with a fine of twenty (25) dollars.

(v) To drive a motor vehicle, trailer or semi-trailer without carrying its license once thirty (30) days have elapsed after the dealer or financial institution has registered said vehicle with the Department. Any person who violates this provision shall incur an administrative fault and be punished with a fine of twenty-five (25) dollars. Public service vehicles may travel with the authorization to substitute [sic] that had been issued by the Public Service Commission until final processing of the substitution.

(w) To keep any motor vehicle, trailer or semi-trailer whose permit or license has expired parked along the public highways. Any person who violates this provision shall incur an administrative fault and be sanctioned with a fine of seventy-five (75) dollars. Furthermore, said vehicle shall be removed from the public highway 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.

(y) To conduct the graphic or advertising reproduction by computer or by any other technology, of the symbols issued by the Secretary for identifying motor vehicles and trailers. Any person who violates this provisions shall incur an administrative fault and be sanctioned with a fine of two hundred (200) dollars.”

Section 3.-Section 15.05 of Act No. 22 of January 7, 2000, as amended, is hereby amended to read as follows:

“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 two hundred and fifty (250) dollars for each violation. In the case of violation of the standards relative to the weight of the vehicles and their cargo, the fines provided in subsection (c) of Section 23.05 of this Act shall also apply, whichever is greater.”

Section 4.-Section 15.06 of Act No. 22 of January 7, 2000, as amended, is hereby amended to read as follows:

“Section 15.06.-Inspection of Security Fittings and Accessories and Cargo of Heavy Motor Vehicles and their Trailers or Semi-trailers

Heavy motor vehicles and their corresponding trailers or semi-trailers, be they public or private, engaged in carrying merchandise, goods or general cargo, must be in optimum conditions while traveling on public highways, specifically their security fittings and accessories. The owners of such heavy motor vehicles, trailers or semi-trailers must meet the minimum security

requirements associated with these fittings and accessories before transporting cargo in order to promote the maximum security on the public highways of Puerto Rico.

Any motor vehicle, trailer or semi-trailer transporting cargo on a public highway may be stopped at any time of the day or night by the Police, the Municipal Police, the Traffic Ordinance Corps (COT, Spanish acronym) and 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 Act and the regulations promulgated thereunder. Any driver of a motor vehicle, trailer or semi-trailer who 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 as well as the Police, the Municipal Police, the Traffic Ordinance Corps (COT) or the inspectors of the Commission shall have the power to issue traffic tickets or fines to the owner of the heavy motor vehicle or to the owner of the trailer or semi-trailer if after inspecting the same it is determined that their security fittings and accessories are flawed or that they violate the provision on dimensions established by law or regulations. The fine to be imposed for flawed security fittings or accessories or for violations of the provisions on dimensions shall apply to the owner of the heavy motor vehicle, trailer or semi-trailer as it appears registered in the license of the vehicle or in the interchange agreement where the number of the certificate issued by the Secretary appears.

When the heavy motor vehicle, trailer or semi-trailer has been weighed by any of the aforementioned competent bodies and it is determined that

they carry cargo in excess of that authorized through Regulations, thus attempting against the public safety, the fine to be imposed shall fall on that natural or juridical person responsible for loading the cargo (cargo generator) or on the driver or owner of the vehicle if the same was transporting cargo in excess of its waybill or bill of lading. In the case of trailers or semi-trailers, the generator and/or receiver of the cargo shall be responsible for the excess cargo.

Any person who violates any provision of this Act or its regulations shall be subject to the fines, administrative faults or penalties provided in the same. Furthermore, no heavy motor vehicle, trailer or semi-trailer that violates the provisions of this Act may continue traveling until the violation incurred is corrected or follows the directives of the Secretary or his/her authorized representative, or the Police, the Municipal Police, the Traffic Ordinance Corps (COT) or the inspectors of the Commission. If the deficiency is not corrected or when to do so is impractical or impossible to implement during working hours on the date in which the violation was incurred, the Secretary shall have the authority of ordering that the deficiency be corrected at the expense of and chargeable to the violator before allowing further travel. In every case it shall be up to the discretion of the Secretary, his/her representative, the Police, the Municipal Police, the Traffic Ordinance Corps (COT) or the inspectors of the Commission to authorize the continuation of the trip on the basis of the public safety risk potential during the remainder of the route.

The owner of the heavy motor vehicle shall be made responsible only when the same is the owner of the cargo or the person who violated the provisions of this Act. If the violation was incurred by the cargo generator and/or receiver these shall be liable for the payment of all costs incurred by

the Department of Transportation and Public Works due to the violation including towing and transportation; fees for unloading, transferring or carrying the overload to the place designated by the Department; parking fees for the heavy motor vehicle, trailer or semi-trailer and the space provided for the overload; fees related to security; and any other costs and expenses incurred by the Department until the final disposition. It is hereby expressly provided that the Department, the Commonwealth of Puerto Rico, its officials, officers, employees or agents are not liable for the losses, storage conditions and damages the heavy motor vehicle, trailer or semi-trailer and the overload may suffer while at the place designated for that purpose by the Department.”

Section 5.-Section 21.03 of Act No. 22 of January 7, 2000, as amended, is hereby amended to read as follows:

“Section 21.03.-Fines to trailers and semi-trailers

...

The issue of the traffic ticket or fine to the driver shall be deemed sufficient notice as to the fact that the latter is liable for the ticket. If the responsibility falls on any other entity among those provided in this Act, the driver of the heavy vehicle shall be bound to deliver one of the two (2) copies thereof to the Maritime Shipping Company so as to also notify the latter, in these cases the tickets shall be remitted by the Secretary of Transportation and Public Works to the person liable for the ticket to his/her official address, who shall then have the opportunity of exercising the government recourse provided by law to appeal the ticket issued, if necessary. Said ticket or fine shall include the license plate of the trailer or semi-trailer; the name of the company generator of the cargo or of the maritime shipping company, the control number of the waybill, of the bill of

loading or of the ‘Trailer Interchange Receipt (TIR)/Inspection Report’ and the name of the addressee of the cargo, the administrative fault or infraction committed or any other information provided by the Secretary through regulations.

...”

Section 6.-Clause (2) of subsection (d) of Section 23.05 of Act No. 22 of January 7, 2000, as amended, is hereby repealed to read as follows:

“Section 23.05.-Administrative Procedure

In relation to traffic administrative fines, the following standards shall be met:

...

...”

Section 7.-Subsection (g) of Section 23.05 of Act No. 22 of January 7, 2000, as amended, is hereby amended to read as follows:

“Section 23.05.-Administrative Procedure

...

(g) Travel infractions deemed to be administrative faults shall be included in the identification records of the persons authorized to drive motor vehicles who in fact have committed the alleged infraction. It shall be the duty of the law enforcement officer who issues the administrative fault traffic ticket in such cases to require the driver’s license of the person who allegedly committed the infraction; require from the violator the driver’s license together with a copy of the signed ticket and finally take the ticket to the Police Station of the locality where the infraction was committed. When the infraction is related to the dimensions or weight of the motor vehicle, trailer or semi-trailer, the Secretary shall determine through regulations the

manner of payment and the collection method, except for any special provision provided in this Act.

(h) ...”

Section 8.-This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 57 (H.B. 898) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Sections 1.87, 15.05, 15.06, 21.03 and 23.05 and CHAPTER II of Act No. 22 of January 7, 2000, as amended, known as the Vehicle and Traffic Act of Puerto Rico in order to ratify our commitment with public safety through the imposition of penalties to the owner of heavy motor vehicles, the dealers, the cargo owners or maritime transport company for violations of the provisions of this Act and the regulations approved to that effect by the Secretary because of the conditions of the safety devices and fixtures, cargo overload, or the dimensions of the heavy motor vehicles, trailers or semi-trailers that travel on the highways of the country,

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

In San Juan, Puerto Rico, today 1st of June of 2006.

Francisco J. Domenech
Director