

(H. B. 910)

(No. 130)

(Approved October 10, 2005)

AN ACT

To amend subsections (e) and (l) of Section 23.05 of Act No. 22 of January 7, 2000, as amended, in order to temper them to the Municipal Reform, the provisions of the registry and collections of tickets issued for violations to municipal ordinances, as well as to expedite the delivery and audit of the remittances corresponding to the municipalities of the Commonwealth of Puerto Rico.

STATEMENT OF MOTIVES

Act No. 22 of January 7, 2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act”, which, among other things, repeals Act No. 141 of July 20, 1960, establishes a procedure for the collections and transfer of the money corresponding to traffic tickets issued by the Municipal Police to the municipality.

Regarding the expiration term for the collection of issued tickets after eighteen (18) months, it is of compelling interest for the municipality that the collection of the ticket and transfer of the corresponding remittance be made promptly.

By virtue of the present Act, the modernization of the systems for issuing, registering, collecting, and auditing of remittances is provided, as well as the delegation to the municipality of the power to collect administrative fines for violations to its ordinances.

This is based on recommendations of the Municipal Reform contained in the Report submitted by the Autonomous Municipalities Act Evaluating Committee, which was created by Administrative Bulletin Number OE-2001-10, as amended by Administrative Bulletins No.OE-2001-22 and No. OE-2001-82.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsections (e) and (l) of Section 23.05 of Act No. 22 of January 7, 2000, as amended, are hereby amended to read as follows:

“Section 23.05.- Administrative Procedure

With regard to administrative traffic fines, the norms below shall be followed:

...

(e) The Secretary shall keep a register of liens created by the administrative traffic fines that shall be available for municipal fiscal information and public inspection. He/she shall also establish a register of the administrative fines imposed on those passengers who violate the provisions of Chapter XIII of this Act or its regulations. It shall be the duty of the Secretary to inform, in writing, of the existence of any type of lien or notation to any interested person. Furthermore, it shall be the duty of the Secretary to formalize and implement collaboration agreements with interested municipalities and municipal consortiums in order to modernize the systems of issuing, registering, collecting, and auditing of remittances of tickets issued by the Municipal Police and to agree upon the compensation for any adjustments and changes required. These agreements shall include the delegation to the municipality of the power to collect administrative traffic fines for violations to the municipal ordinances in municipal collections centers established in coordination with the Secretary. The

delegation shall allow the municipality to remit the ticket to the Department for it to place a lien, if the violator fails to pay the same after thirty (30) days.

...

(1) Payments for administrative fines may be made at the following places and in the following manner:

- (1) At the Department of the Treasury personally, by taking the money in cash, credit card, check or money order or by mailing a check or money order payable to Secretary of the Treasury.
- (2) At any Internal Revenue collections Office or municipal collections center established through a collaboration agreement with the municipalities or municipal consortiums, by taking the money personally in cash, check or money order or credit card payable to the Secretary of the Treasury or the municipality in which the administrative fault was committed if the payment is made in a municipal collections center.

When making the payment at the Internal Revenue Collections Office or municipal collections center, the ticket issued or the notice indicating that a lien has been filed by the Secretary must be shown. When making the payment, the Department or the Internal Revenue Collector or delegated collector in a municipal collections station shall indicate the municipality where the administrative fault was committed and whether the same was a violation of this Act or a municipal ordinance in the corresponding voucher. Except as otherwise provided herein below, the money collected for fines and penalties for violations of municipal ordinances shall be covered into a

Special Fund to be remitted each month to the corresponding municipality with an express indication of the source of said amount, specifying the ticket whose fine was paid by the violator. From the amount collected for each administrative fine imposed for violations of municipal ordinances that cover the faults described in Sections 6.19, 6.20, 6.21, 6.22 and 6.23 of this Act, the sum of two (2) dollars or the amount agreed upon by the municipality shall be covered into the General Fund of the Commonwealth Government to defray the coordination project for the registry, collection, and audit of remittances.

...

The administrative procedure established herein shall not prevent the Commonwealth Government, through the Secretary, the Secretary of Justice or any official on whom they may delegate or the corresponding municipality from judicially claiming the payment of the fines in case they are not satisfied once such a payment becomes final and firm. In said 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, the aggrieved party may not challenge the legality and propriety of the administrative fine in said subsequent proceeding.

...”

Section 2.- Within ninety (90) days of the effective date of this Act, the Secretary of the Treasury shall conduct an analysis of the amounts covered in the Special Fines Fund for the immediately preceding five fiscal year (5) period, of the amounts remitted to the municipalities from the total amount collected, and of the balance pending distribution for lack of information regarding the source of the payment.

Within the same ninety (90) day term, the Secretary of the Treasury shall determine and remit the amount corresponding to each municipality, on the basis of the proportion between the total amount collected in the immediately preceding five fiscal year (5) period and fines for tickets issued in the municipality where the same have been registered during said period.

The municipalities may audit the amounts thus determined by the Secretary of the Treasury and to such effect, shall be available, and the municipalities shall be provided with fiscal and registration information used to make the computation.

Section 3.- This Act shall take effect one hundred and eighty (180) days after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 130 (H.B. 910) of the 2nd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend subsections (e) and (l) of Section 23.05 of Act No. 22 of January 7, 2000, as amended, in order to temper them to the Municipal Reform, the provisions of the registry and collections of tickets issued for violations to municipal ordinances, as well as to expedite the delivery and audit of the remittance corresponding to the municipalities of the Commonwealth of Puerto Rico,

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

In San Juan, Puerto Rico, today 6th of March of 2006.

Francisco J. Domenech
Director