

(H.B. 639)

(No. 25)

(Approved January 23, 2006)

## **AN ACT**

To amend subsection (q) of Section 6 of Act No. 43 of June 21, 1988, as amended, known as the “Puerto Rico Firefighters Corps Act,” in order to consider as a single action the inspection held by the Firefighters Corps of all individual booths of the artisans, plastic arts practitioners, writers, editors and other creative artists of a similar nature who exhibit or sell their works during activities organized, sponsored and directed by government agencies and/or non profit institutions; establish the amount to be charged for such inspections and the term of the permit; establish the regulations with regard to private entities that do not qualify as non profit institutions; establish the nontransferable liability of the organizers of such activities as to the payment for said inspections; and for other purposes.

## **STATEMENT OF MOTIVES**

The strength that issues from our self confidence shall be fundamental when we face the challenges and opportunities the new millennium provides. At the collective level this quality is intimately connected to the force with which we reaffirm our identity, our personality as a people and our sense of belonging as Puerto Ricans.

The sector which includes the artisans, plastic arts practitioners, writers, editors and other creative artists of a similar nature constitutes one of the expressions which best reflect, represent and makes known our

identity as a People. When a group of Puerto Rican artisans participate in fairs, markets and exhibitions, their presence is essentially different from that of the street vendors. Even though the artisans and other artists of a similar nature sell their creations and works, the truth is that over ninety percent (90%) of the persons who stop before the display tables of the artisans do not buy any of their handicrafts. The thousands of persons who attend these activities but do not buy, still enjoy, inquire and learn when talking to the artisans and looking at what is on exhibit. Thus, the artisans as a group contribute with an educational-historic-esthetic service comparable to that provided by music or the theater. Their art educates the mind and enriches the spirit. Those efforts of educating and fostering cultural awareness are provided without any remuneration whatsoever.

Act No. 43 of June 21, 1988, as amended, created the Puerto Rico Firefighters Corps with the responsibility of protecting the life, the safety and the property of the citizens by preventing and extinguishing fires. To such purposes the Act orders and authorizes the Fire Chief or any duly authorized member of the Puerto Rico Firefighters Service to inspect and investigate lots, buildings and structures during regular working hours or at any other time when a particular situation so merits so as to detect violations of the Safety and Fire Prevention Laws or Regulations or the existence of any situation or practice that may cause a fire or an explosion. The Act also authorizes the Fire Chief to charge for the inspection of private and quasi-public places.

By virtue of the preceding, the Puerto Rico Firefighters Corps has been holding inspections of such a nature during fairs and other artistic and cultural events where facilities are set-up to exhibit and sell the works of artisans, plastic arts practitioners, writers, editors and other creative artists of

a similar nature. In those cases the practice of considering the inspection of each facility as an individual event and charging a separate fee has been adopted rather than considering the inspection of a group of facilities part of the fair or event as a single action and demanding payment for said inspection from the owners of the lot, building or structure or the sponsors of the fair or event who are the people bound to provide for the reasonable safety of the public as regards the prevention of fires and explosions.

In seeking to correct this situation, this Legislature promulgated Act No. 184 of August 16, 2004 in order to exempt the artisans and the other aforementioned artists from paying for the inspection of their booths. However, the Firefighters Corps has continued to collect the fees individually and the organizers have passed on the cost of said inspections to the groups that are exempted by law. To impose such an economic burden affects the latter adversely since their potential profits are then limited due to the cost of setting-up their respective facilities for exhibiting and selling their works. The public policy of the Government is to protect and foster the artistic and cultural production of the artists and the artisans of the Island and thus the application of Act No. 43 as it is now must not continue.

The present legislation seeks to make very clear three (3) situations: (1) that the Firefighters Corps consider as a single action the inspection of the total number of booths of the artisans and cultural practitioners; (2) to establish the cost of those particular inspections and the term of the permits granted; and (3) that the payment for said inspection be assumed by the organizers and/or sponsors of the event and not be transferred to the sectors exempted by this Act.

Our traditions and the zeal to preserve that which makes us unique are fundamental to the individual and collective development of our people.

Since the diffusion of our culture is a programmatic commitment of this Administration, it is indispensable to create, promote and foster initiatives that benefit those sectors that serve as exponents of our values and idiosyncrasies. This Act promotes not only a well justified exemption for those who already devote themselves to these arts, but also propels our economic development and the union and enjoyment of our families. This shall lead to the more widespread diffusion of our Puerto Rican culture.

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

Section 1.-Subsection (q) of Section 6 of Act No. 43 of June 21, 1988, as amended, known as the “Puerto Rico Firefighters Corps Act,” is hereby amended to provide as follows:

“Section 6.-Fire Chief: duties and powers.-

The Fire Chief shall have the duties and powers established below:

(a) ...

(q) To charge for the inspections of buildings, apartments, premises, lots or any private or quasi-public structure, held not later than five (5) working days from the date requested.

In the particular case of the individual inspections of the total number of booths of the artisans, plastic arts practitioners, writers, editors and other creative artists of a similar nature who participate in fairs and artistic and cultural events organized, directed or sponsored by government agencies and/or non profit entities shall be deemed as a single inspection for the payment of the inspection no matter the number of individual booths involved. The charge for said inspection shall be one hundred (100) dollars for the total number of days said event may last and/or the activity in question. The cost of said inspection shall be assumed by the government agencies and/or non profit entities and shall not be transferred to the artisans,

plastic arts practitioners, writers, editors and other creative artists of a similar nature who participate in fairs and artistic and cultural events with individual facilities for exhibiting and selling their works. The charge for the inspection in the case of activities organized by private entities who do not qualify as non profit organizations shall be determined by the Firefighters Corps through Regulations; however said charges may not be transferred by said entities to the groups herein mentioned and exempted.”

Section 2.-This Act shall take effect immediately after its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 25 (H.B. 639) of the 3<sup>rd</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to amend subsection (q) of Section 6 of Act No. 43 of June 21, 1988, as amended, known as the “Puerto Rico Firefighters Corps Act,” in order to consider as a single action the inspection held by the Firefighters Corps of all individual booths of the artisans, plastic arts practitioners, writers, editors and other creative artists of a similar nature who exhibit or sell their works during activities organized, sponsored and directed by government agencies and/or non profit institutions; establish the amount to be charged for such inspections and the term of the permit; establish the regulations with regard to private entities that do not qualify as non profit institutions; establish the nontransferable liability of the organizers of such activities as to the payment for said inspections; and for other purposes,

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

In San Juan, Puerto Rico, today 5<sup>th</sup> of July of 2006.

Francisco J. Domenech  
Director

