

(H.B.1041)

(No. 30)

(Approved January 23, 2006)

AN ACT

To amend Section 6.04 of Act No. 22 of January 7, 2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act” in order to increase the penalty for all those drivers of a vehicle that uses the “Paseo” (shoulder) to travel, establish exceptions and for other purposes.

STATEMENT OF MOTIVES

Act No. 22 of January 7, 2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act” penalizes those persons who drive upon the shoulder of the road with a fine of twenty-five (25) dollars. Act No. 22 defines “Paseo” (shoulder) as the lateral part of a public road.

It is precisely between the roadway and the adjacent properties where occur due to the existence of drivers that make wrongful use of the motor vehicle (*sic*). It is necessary to create awareness that the “Paseo” is an area for vehicles to stop when there is an accident or when there is an urgent need to do so.

The Legislature deems it necessary to increase the penalty for wrongful use of the “Paseo.” This legislative measure has as purpose to create awareness in the Puerto Rican society of the illegality of such action.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Section 6.04 of Act No. 22 of January 7, 2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act” is hereby amended to read as follows:

“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 is wide enough to allow two (2) or more lines of traffic moving in each direction.

(c) On a one-way traffic public road or roadway when the roadway is not obstructed and is wide enough to allow two (2) or more lines of traffic movement.

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

The “Paseo” (shoulder) may be used with prudence and only in a case of emergency by all medical emergency vehicles, of the Puerto Rico Police, the Puerto Rico Firefighters Corps and any other vehicle that services emergencies or disasters that is duly authorized for such purposes. This authorization applies only when the drivers of said vehicles are prevented from moving through the other lanes, and an emergency is being tended to, according to the determination of a prudent and reasonable mind. Furthermore, a driver whose vehicle has suffered a mechanical problem or when the driver is unable to drive shall be allowed to park therein. At no time shall traffic be allowed on green areas or the area of land adjacent to the “Paseo”. Traffic shall be allowed on the “Paseo” or annex extensions when authorized by duly accredited police or emergency personnel.

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. However, the fine for a driver who drives his/her vehicle on the “Paseo” shall be of two hundred and fifty (250) dollars.

Section 2.- Effectiveness

This Act shall take effect 120 days after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 30 (H.B. 1041) of the 3rd Session of the 15th Legislature of Puerto Rico:

AN ACT to amend Section 6.04 of Act No. 22 of January 7, 2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act” in order to increase the penalty for all those drivers of a vehicle that uses the “Paseo” (shoulder) to travel, establish exceptions and for other purposes,

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

In San Juan, Puerto Rico, today 2nd of June of 2006.

Francisco J. Domenech
Director