

(S. B. 818)
(Conference)

(No. 266)

(Approved December 14, 2006)

AN ACT

To add a subsection (d) to Section 7.02 of Act No. 22 of January 7, 2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act,” in order to establish that no public employee or official who drives or operates a motor vehicle property of the Commonwealth of Puerto Rico shall have two hundredths of 1% (0.2% or more) of alcohol in his/her blood.

STATEMENT OF MOTIVES

The official position and public policy of the Government of Puerto Rico establishes that the operation of motor vehicles in public thoroughfares under the influence of alcoholic beverages, drugs, or controlled substances constitutes a threat of the first order to the public safety, and that the resources of the Commonwealth shall be directed to fight in the most complete, decisive, energetic manner possible, to attain its prompt and full eradication, this antisocial and criminal behavior that threatens the lives and properties of all citizens, as well as their tranquility and social peace. Pursuant to the above, it shall be unlawful for any person to drive or operate any motor vehicle under the influence of alcoholic beverages, drugs or controlled substances.

The above sets forth a vigorous public policy; and for many years great efforts have been made to raise awareness in the citizenry on the serious

consequences of driving without being in full command of the senses caused by being under the influence alcoholic beverages. For example, the following recommendation is commonly known: “If you drive, don’t drink and if drink, don’t drive.” There is ample evidence of the terrible relation between drivers under the influence of alcoholic beverages and drugs with car accidents. As a result, we have proceeded to establish rigorous mechanisms of law to safeguard the general welfare; and if the citizens have the obligation to comply therewith, the greater shall be the public employees’ obligation to fully comply with the same.

The Statement of Motives of Act No. 12 of July 24, 1985, as amended, known as the “Ethics in Government Act of the Commonwealth of Puerto Rico,” sets forth that the Commonwealth must guarantee due respect of citizens’ rights and obedience of the law at all times. This mission is fundamental, especially with respect to the conduct of those public employees who represent the Commonwealth as its officials. It is in harmony with the shared vision that there is more expected and demanded from the every public employee and official with authority to operate official vehicles of the Government.

This Legislature deems that our body of laws in effect shall continue to be strengthened, specially the “Puerto Rico Vehicle and Traffic Act” as to the operation of motor vehicles in our public thoroughfares, so that public employees refrain from performing their work under the influence of alcoholic beverages, drugs, or controlled substances, thus avoiding any antisocial and criminal behavior that threatens social life, property and tranquility. Certainly, to operate a motor vehicle in public thoroughfares under the influence of alcoholic beverages constitutes a real threat that must be eradicated, and is an attempt against the public safety. Said act worsens

when it is performed by a public employee or official, since it constitutes a violation of the laws, regulations, and standards of ethical conduct that public employees are expected to uphold.

Aware of its duty to propitiate the best performance of every public employee and greater safety for our People, this Legislature deems it necessary to set forth that no public employee or official who operates a motor vehicle property of the Commonwealth of Puerto Rico shall have two hundredths of 1% (0.2% or more) of alcohol in his/her blood.

The sanction for incurring in this conduct shall not only be an administrative sanction imposed through the creation of regulations to such effects, but also all those sanctions contemplated in Act No. 22, *supra*, shall apply.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

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

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

In any criminal prosecution for violations of the provisions of Section 7.01 of this Act, the level or amount of blood alcohol concentration of the driver at the time the alleged violation occurred, as such a level or amount is shown by chemical or physical analysis of his/her blood or breath or any other substance of his/her body, except urine, shall constitute the basis for the following:

- (a) ...
- (d) It shall be unlawful for any public employee or official to drive or operate a motor vehicle property of the Commonwealth of Puerto Rico when the alcohol content in his/her blood is two

hundredths of 1% (0.2% or more), as said alcohol concentration is shown by chemical or physical analysis of his/her blood or breath or any other substance of his/her body. Subsections (1), (2), (3), (4), and (5) of subsection (b) of Section 7.04 shall apply to all those persons who fail to comply with the provisions set forth herein.

Every government agency, corporation, and instrumentality shall establish by regulations the administrative sanction or sanctions applicable to all those public employees or officials who fail to comply with the provisions of this subsection.”

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. 266 (S.B. 818) (Conference) of the 4th Session of the 15th Legislature of Puerto Rico:

AN ACT to add a subsection (d) to Section 7.02 of Act No. 22 of January 7, 2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act,” in order to establish that no public employee or official who drives or operates a motor vehicle property of the Commonwealth of Puerto Rico shall have two hundredths of 1% (0.2% or more) of alcohol in his/her blood,

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

In San Juan, Puerto Rico, today 31st of July of 2007.

Francisco J. Domenech
Director