

(H. B. 1562)

(No. 17-2015)

(Approved February 23, 2015)

AN ACT

To amend Sections 4.01 and 5.07 of Act No. 22-2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act” in order to establish that a person shall be guilty of a misdemeanor punishable by a fixed term of imprisonment of three (3) years if he operates a motor vehicle recklessly or negligently in disregard of safety and causes to another person bodily injuries that require hospitalization, long-term treatment or permanent damage or disfigurement and leaves the scene, and direct the suspension of his driver’s license for a term of not less than five (5) years; to classify as a felony punishable by a fixed term of imprisonment of eight (8) years; fix a penalty that shall not exceed five thousand dollars (\$5,000), and direct the suspension of his driver’s license for a term of not less than five (5) years; provide that in the event of a second conviction under these circumstances the punishment shall consist of a fine that shall not exceed ten thousand dollars (\$10,000) and a fixed term of imprisonment of ten (10) years, and the Secretary shall permanently revoke the driver’s license or permit, and any driving privilege granted; and for other related purposes.

STATEMENT OF MOTIVES

One of the main duties of the State is to ensure the safety of all citizens. Such safety includes that which shall be provided to all those who travel on the public roadways of Puerto Rico. Throughout the years, measures have been taken to meet the citizen’s demand for safety in our roadways. Act No. 22-2000 as amended, known as the “Puerto Rico Vehicle and Traffic Act,” incorporated a series of provisions to improve the quality of life of the thousands of drivers who travel on the thoroughfares of Puerto Rico every day. Aware of the realities of our roadways, which are dangerous and threatening to life, said Act included specific provisions regarding the conduct that should be observed by any driver who hits another’s

vehicle causing harm to property or human life. Sections 4.01 and 5.07 of Act No. 22, *supra*, set forth the general rules which provide that the operator of a motor vehicle involved in an accident resulting in damages to another vehicle or property, or in which a person sustains injuries or dies, shall immediately stop at the scene of the accident or as close to the scene as possible. Said provision has several purposes, but the main ones are: to ensure sound social coexistence and to ensure that the person who causes the accident be held responsible for the damages caused.

Unfortunately, none of the efforts and measures taken have helped to lessen such situation in our roadways, but rather, it continues to increase. The number of traffic accidents where the victims are runners or cyclists and the driver leaves the scene increases every day. One needs only to read the news on the paper about traffic accidents where the driver fails to stop as provided by law. This irresponsible behavior should no longer be tolerated. Not only the physical integrity of individuals but also their lives are at stake.

When the person who causes an accident leaves the scene and fails to stop as provided in Act No. 22, *supra*, he is not only violating said legal provision and becoming subject to the sanctions thereunder, but also causing harm to a person who is not receiving any compensation, which alters the sound coexistence that the State seeks to ensure. We must react and take immediate action to increase the responsibility of persons who assume this conduct which only shows irresponsibility and disregard for social coexistence.

In order to deter this behavior, it is necessary to amend Sections 4.01 and 5.07 of Act No. 22-2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act,” to provide that any person operating a motor vehicle recklessly or negligently who causes injuries to a pedestrian or cyclist and leaves the scene be guilty of a felony punishable by a fixed term of imprisonment of three (3) years. In this manner, we meet our responsibility of ensuring safety on our roadways.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 4.01 of Act No. 22-2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act,” is hereby amended to read as follows:

“Section 4.01.- General Rule

The driver of any vehicle involved in an accident in which another vehicle or property has been damaged, or in which a person has been injured or killed, shall immediately stop his vehicle at, or as close to the scene of the accident as possible, so as to avoid obstructing traffic and in compliance with all obligations provided in this Act. The foregoing shall not apply in cases where a driver stops his vehicle close to the scene of the accident, but not exactly at the site itself, he shall return to the scene of the accident, unless he is unable to stop due to safety reasons, and immediately reports to the police to notify the accident. This without impairing the provisions of Section 4.03 of this Act.”

Section 2.- Section 5.07 of Act No. 22-2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act,” is hereby amended to read as follows:

“Section 5.07.- Reckless Disregard or Negligence

Any person who operates a vehicle recklessly or negligently, in disregard of the safety of persons or property, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000). Notwithstanding the foregoing, any person who operates a vehicle or motor vehicle recklessly or negligently shall be punished by a fine which shall not be less than one thousand dollars (\$1,000) nor more than two thousand dollars (\$2,000) if such person causes damages to the following:

(a) Any other person who is performing reconstruction, extension, repaving, maintenance, or other related works on a highway, road, avenue, street, sidewalk, or any other public highway open to the traffic of vehicles or motor vehicles.

(b) Any member or employee of a public security service agency who is attending to a traffic accident or rendering any emergency service therein.

In the case of a second or subsequent conviction, the penalty shall be a fine of not more than five thousand dollars (\$5,000) or imprisonment for a term of not more than six (6) months, or both penalties, at the discretion of the court. In these cases, in addition to the penalties established in this Act, the Secretary shall suspend every license to operate a motor vehicle held by any person so convicted, for a term of three (3) months. If a person is convicted on three (3) or more occasions, his driving license shall be permanently revoked. A conviction under this section shall not be taken into consideration for subsequent convictions if three (3) years have elapsed from such conviction.

If a person operating a motor vehicle recklessly or negligently in disregard of safety, causes another person bodily injuries that require hospitalization, long-term treatment, or permanent damage or disfigurement and leaves the scene, shall be guilty of a misdemeanor, punishable by a fixed term of imprisonment of three (3) years. If a person operating a motor vehicle recklessly or negligently, in disregard of safety, causes the death of another person and leaves the scene, shall person shall be guilty of a felony punishable by a fixed term of imprisonment of eight (8) years and a fine that shall not exceed five thousand dollars (\$5,000). The Secretary shall revoke the driver's license or permit, and any other driving privilege granted to any person, who is convicted of violating this provision of this Act, for a term that shall never be less than five (5) years. A second conviction under these circumstances shall be

punishable by a fine that shall not exceed ten thousand (\$10,000) dollars, a fixed term of imprisonment of ten (10) years, and the Secretary shall permanently revoke the driver's license or permit, and any other driving privilege granted.”

Section 3.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 17-2015 (H. B. 1562)** of the **5th Regular Session** of the **17th Legislative Assembly of Puerto Rico**:

AN ACT to amend Sections 4.01 and 5.07 of Act No. 22-2000, as amended, known as the “Puerto Rico Vehicle and Traffic Act” in order to establish that a person shall be guilty of a misdemeanor punishable by a fixed term of imprisonment of three (3) years if he operates a motor vehicle recklessly or negligently in disregard of safety and causes to another person bodily injuries that require hospitalization, long-term treatment or permanent damage or disfigurement and leaves the scene, and direct the suspension of his driver’s license for a term of not less than five (5) years; to classify as a felony punishable by a fixed term of imprisonment of eight (8) years; fix a penalty that shall not exceed five thousand dollars (\$5,000), and direct the suspension of his driver’s license for a term of not less than five (5) years; [...]

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

In San Juan, Puerto Rico, on this 6th day of April, 2018.

Orlando Pagán-Ramírez
Director