

General Services Administration—Services to Other Agencies;
Method of Charging

(S.B. 359)

[No. 64]

[Approved June 13, 1977]

AN ACT

To amend Section 26 of Act No. 164 of July 23, 1974, as amended, and to repeal Act No. 56 of June 10, 1953, and Section 8 of Act No. 49 of August 4, 1947, as amended by Act No. 163 of May 12, 1948.

STATEMENT OF MOTIVES

With this act we embody in one single legal text all the scattered judicial provisions which regulate the General Services Administration in particular, and revitalize and update the provisions relative to the collection system and method.

Be it enacted by the Legislature of Puerto Rico:

Section 1.—Section 26 of Act No. 164 of July 23, 1974,³³ is hereby amended and two new paragraphs are added to read as follows:

“Section 26.—Charges for services to other agencies.—

The Administrator is hereby authorized to render all the services offered by the Administration to any government agency that requests them, and to charge for such services.

Income derived from said activities shall be covered into the ‘Industrial Capital Fund of the General Services Administration’ of the Treasury Department, to be reinvested in rendering more services through possible expansions, replacement of machinery, equipment, and other incidentals.

Any budgetary item, fund, reserve or appropriation of any government agency, covered by the provisions of this act, set aside to be used for the acquisition of services provided by the programs under the Industrial Capital Fund of the General Services Administration, may be transferred by the Governor to the Administration.

Every government agency is hereby authorized at the beginning of each fiscal year, or on any date during the course of same, to

³³ 3 L.P.R.A. § 933k.

advance to the Administration, in whole or in part, the estimated cost of the materials or services that will be purchased or received by them during such period, subject to its discretion and judgment in behalf of the public interest. The purchases of materials, as well as the contracting of services, shall be subject to the needs and actual means of each government agency. The requisitions for materials and services shall be charged to the sums that the latter may have advanced. At the end of the year, the corresponding readjustments, disbursements or refunds shall be made.”

Section 2.—Act No. 56 of June 10, 1953,³⁴ and Section 8 of Act No. 49 of August 4, 1947, as amended ³⁵ by Act No. 163 of May 12, 1948, are hereby repealed.

Section 3.—This act shall take effect immediately after its approval.

Approved June 13, 1977.

Police—Personal Property; Custody; Disposition

(S.B. 361)

[No. 65]

[Approved June 13, 1977]

AN ACT

To amend Sections 1, 2, 3 and 4 of Act No. 88 of May 31, 1967, as amended.

STATEMENT OF MOTIVES

Sections 1 through 4 of Act No. 88 of May 31, 1967, are hereby amended to update its terms in accordance with the legal provisions now in force on surplus property, to substitute the General Services Administration as recipient instead of the Secretary of the Treasury, pursuant to the provisions of Reorganization Plan No. 2 of 1971; to clearly differentiate between the custodial responsibility exercised by the Police Force, and the General Services Administration’s responsibility to dispose of surplus; to establish that the

³⁴ 3 L.P.R.A. §§ 913, 914.

³⁵ 3 L.P.R.A. § 912.

deadline for citizens to claim ownership of the property mentioned in this act is before it is received at the General Services Administration; to increase the penalties fixed originally and to make the malicious delivery of property to any individual without a legitimate right thereto a misdemeanor; to direct that the Secretary of Transportation and Public Works may not refuse to issue a new license, without charge and free from encumbrance, when the motor vehicle passes to third parties or to the Government by order of the General Services Administrator; and to correct the style and grammar of such sections.

The approval of this act is recommended, in view of the essential nature of these amendments.

Be it enacted by the Legislature of Puerto Rico:

Section 1.—Sections 1, 2, 3 and 4 of Act No. 88 of May 31, 1967, as amended, are hereby amended to read as follows:

“Section 1.—³⁶Personal Property—Disposition—

The Superintendent of Police shall deliver to the General Services Administrator all such personal properties which the Police may have taken possession of as result of their official functions, except firearms, and stolen, robbed or swindled property related to judgments pending in the courts, or that property which is being retained subject to investigation of the commission of an offense. The General Services Administrator shall dispose of this personal property in accordance with the procedures that he may have established through regulations for the disposition of surplus property; as he is thus empowered by the laws that he implements to such effects. If the properties are sold at public auction, the proceeds thereof shall be covered into the General Fund, unless it is reimbursed to the Administration for the expenses incurred.

“Section 2.—³⁷Custody Proceedings—

For the custody of the personal property mentioned in the foregoing section while in the hands of the Police, the following procedures shall be followed:

The Police shall keep in custody the personal property covered by this act, for a term of not less than one year from the date on which they take possession of such property, in a center or centers where they can be examined by the public. Perishable property of

³⁶ 25 L.P.R.A. § 222.

³⁷ 25 L.P.R.A. § 222a.

short duration shall be delivered to the General Services Administrator as soon as the Police are convinced that their owners cannot be located, to be disposed of pursuant to the procedures established for such cases.

Any person may claim such property, and it shall be the duty of the Superintendent to deliver it, if reliable proof has been presented which may attest that the claimant is the legitimate owner of such property, and he has established his claim before the properties have been transferred for disposition to the General Services Administrator.

The Superintendent shall inform the public once every six months, in two newspapers of general circulation on the Island, of the location of the center, or centers, where the personal properties covered by this act are deposited. The General Services Administrator shall not receive these properties for disposition unless the delivery is accompanied by a certificate stating the date and the newspapers in which the notice ordered herein was published.

At least once every six months, the Superintendent, in coordination with the mayor of each municipality where a deposit center of such personal property is located, shall fix on the Bulletin Board of said municipality a general list of such personal property included under the provisions of this act, which is in the possession of the Police.

One year after the date on which the Police took possession of property which is not under investigation as a result of the commission of a criminal offense; or after five (5) years from the date on which the Police took possession of stolen, robbed or swindled property which has been retained because the offense committed is under investigation, and no charges have been filed against any person, and the legitimate owners have not appeared, the Superintendent shall deliver it to the General Services Administrator. It shall be the obligation of the Superintendent to prepare a descriptive list or inventory of such personal property, to be given to the General Services Administrator, who may proceed immediately to the final disposition thereof, pursuant to the order of disposition approved for surplus property.

In the case of motor vehicles, the Secretary of Transportation and Public Works shall issue a new record without charge, and free from encumbrance.

“Section 3.—³⁸Rules and Regulations.—

The Superintendent of Police is hereby authorized to adopt such Rules and Regulations as may be necessary for the best implementation of this act, with regard to the personal property which he has taken possession of and is under his custody, which shall be applied to the custody of said property until its delivery to the General Services Administrator, who shall be authorized to adopt the Rules and Regulations as may be necessary for the disposition of this property as surplus property.

“Section 4.—³⁹Penalties—

Any person who unlawfully claims ownership and takes possession of the property mentioned in this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than one hundred (100) dollars nor more than five hundred (500) dollars, or by imprisonment in jail for a term not to exceed six (6) months, or both penalties in the discretion of the Court. Any citizen having access to, or who is employed by the Police of Puerto Rico or the General Services Administration, who without having been lawfully authorized thereto, shall, knowingly and maliciously, deliver personal property to another person who has not established lawful ownership thereof, shall be guilty of a misdemeanor and, upon conviction, shall be punished by the same penalties fixed herein.”

Section 2.—The provisions of this act shall prevail over any other existing provisions which are inconsistent herewith.

Section 3.—This act shall take effect July 1, 1977.

Approved June 13, 1977.

³⁸ 25 L.P.R.A. § 222b.

³⁹ 25 L.P.R.A. § 222c.

Vehicles and Traffic—Registry; Title of Ownership

(S.B. 377)

[No. 66]

[Approved June 13, 1977]

AN ACT

To amend subdivision (b) of Section 2-101 and to add subdivisions (h) and (i) to Section 2-102 of Act No. 141 approved July 20, 1960, as amended, known as the “Vehicle and Traffic Law of Puerto Rico”.

Be it enacted by the Legislature of Puerto Rico:

Section 1.—Subdivision (b) of Section 2-101 of Act No. 141 approved July 20, 1960, as amended,⁴⁰ is hereby amended to read as follows:

Section 2-101.—Authorization—

- (a)
- (b) No motor vehicle shall be registered for the first time, unless the applicant, or the firm, entity or person who sold the motor vehicle presents a receipt or document establishing that the corresponding excises have been paid to the Secretary of the Treasury, as provided in the Internal Revenue Law of Puerto Rico; Provided, That when the vehicle is sold in Puerto Rico for delivery to the buyer in the United States or any foreign country, the purchaser may register it in Puerto Rico and pay the fees established by law, as long as he posts bond with the Secretary of the Treasury for the amount of the excises that the automobile must pay when introduced into Puerto Rico; Provided, further, That no natural or artificial person, except as provided in subdivision (h) of Section 2-102,⁴¹ may introduce into Puerto Rico any motor vehicle without the corresponding papers showing title of ownership of the vehicle as hereinafter provided and no vehicle may be taken from the dock after its arrival in Puerto Rico if the introducer does not present the ownership papers.

If the vehicle is new, ownership may be established by any one of the following documents:

⁴⁰ 9 L.P.R.A. § 401(b).

⁴¹ 9 L.P.R.A. § 402.