

(H. B. 197)

(No. 87)

(Approved August 21, 2009)

AN ACT

To add a new Section 2.19A to Act No. 22 of January 7, 2000, as amended, known as the "Puerto Rico Vehicle and Traffic Act," in order to direct the Secretary of Transportation and Public Works to change the license plate of motor vehicles free of charge, upon petition of the interested party, in the event that the petitioner has been victim of a sexual offense or has been granted a protection order under Act No. 54 of August 15, 1989, as amended, known as the "Domestic Abuse Prevention and Intervention Act," or under Act No. 284 of August 21, 1999, as amended, known as the "Act Against Stalking in Puerto Rico," as well as victims or witnesses protected under Act No. 77 of July 9, 1986, as amended, better known as the "Victims and Witnesses Protection Act"; to add a new subsection (f) to Section 5 of Act No. 77 of July 9, 1986, to empower the Secretary of Justice to direct the change of license plate of the motor vehicles of victims or witnesses in judicial proceedings; to provide that no internal revenue vouchers shall be cancelled for said change; and for other related purposes.

STATEMENT OF MOTIVES

Act No. 22 of January 7, 2000, as amended, known as the "Puerto Rico Vehicle and Traffic Act," provides the procedure for the issue of a new license plate of a motor vehicle in the event that such license plate has been stolen or destroyed, as well as for the issue of special license plates for antique cars, modified antique cars, duly accredited career or honorary consuls, amateur radio operators, legislators, mayors, members of municipal legislatures, former prisoners of war, veterans, and private persons.

Throughout the Nation, there are laws that provide for the replacement of a license plate of a motor vehicle, and therefore, the issue of a new one in the case of persons who have been victims of offenses such as sexual assault, domestic violence and/or stalking. Statistics reveal that in most cases aggressors know their victims and one of the easiest ways to identify them when they are not at home is by their vehicles.

Even though a change of identification in the license plate of the victim's vehicle does not fully guarantee the aggressor's inaccessibility to his/her victim, it makes it difficult for the aggressor to find out the victim's location, thus preventing potential confrontations.

This benefit shall also be extended to victims and witnesses protected under Act No. 77 of July 9, 1986, as amended, better known as the "Victims and Witnesses Protection Act." Through the assistance provided in this Act, victims and witnesses shall be able to fully cooperate and participate in judicial proceedings without intimidation. Since this is an incentive to promote and render this mechanism more accessible to victims, the cancellation of internal revenue vouchers shall not be required for the issue of such license plates.

Aware of the fact that sexual offenses as well as stalking and domestic violence acts against a certain person make an attempt on the peace, safety, dignity, and respect values of victims, families and the general community, the Legislature of Puerto Rico hereby enacts this Act to prevent and fight this type of conduct.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- A new Section 2.19A is hereby added to Act No. 22 of January 7, 2000, as amended, known as the "Puerto Rico Vehicle and Traffic Act," to read as follows:

“Section 2.19A.- Issue of License Plates to Victims and Witnesses of Offenses.

The Secretary shall immediately issue a new license plate with a different number to any person who so requests and has been victim of any sexual offense, domestic violence, or stalking, as these offenses are respectively defined in Act No. 149 of June 18, 2004, as amended, known as the “Penal Code of the Commonwealth of Puerto Rico”; Act No. 54 of August 15, 1989, as amended, known as the “Domestic Abuse Prevention and Intervention Act”; Act No. 284 of August 21, 1999, as amended, known as the “Act Against Stalking in Puerto Rico”; and pursuant to the provisions of Act No. 77 of July 9, 1986, as amended, better known as the “Victims and Witnesses Protection Act,” in such cases in which it is deemed necessary for the safety of the person.

A new and different license plate shall be issued subject to the following conditions:

- a) Title deed of the vehicle evidencing that such vehicle is property of the victim.
- b) Driver’s license or any other photo identification of the victim.
- c) Surrender of the current license plate.
- d) Attesting evidence that the person who holds the title deed of the vehicle has been victim of a sexual offense, domestic violence and/or stalking, i.e. copy of the police report, a Restraining Order or sentence issued by the Court, a sworn statement or any other document established by the Secretary through regulations. In the event that the victim of a sexual offense, domestic violence and/or stalking is a minor, the title of the vehicle must be registered in name of his/her father, custodian or legal guardian.

- e) In the event that such victims or witnesses are protected pursuant to Act No. 77 of July 9, 1986, as amended, known as the "Victims and Witnesses Protection Act," the Secretary of Justice shall take all the necessary steps to comply with the provisions of this Section.

The Secretary shall establish and keep such records and files as necessary to maintain proper identification and control of the license plates issued and the vehicles bearing them, including the pertinent information in the official registration of the corresponding motor vehicle.

The Secretary may revoke or cancel the authorization to issue license plates described in this Section in the event of noncompliance with the provisions herein set forth, as provided through regulations.

For the issue of the referred license plate no internal revenue voucher shall be cancelled."

Section 2.- A new subsection (f) is hereby added to Section 5 of Act No. 77 of July 9, 1986, as amended, better known as the "Victims and Witnesses Protection Act," to read as follows:

"Section 5.- Other Protection Services

When the circumstances so warrant, the Secretary may take other emergency measures in order to protect the persons who qualify under the provisions of this Act:

a) ...

f) He may direct the necessary measures for the Department of Transportation and Public Works to change the license plate of the vehicle of a witness, victim, relative or acquaintance in the event that it is deemed necessary for the safety of the person."

Section 3.- This Act shall take effect ninety (90) days after its approval.



COMMONWEALTH OF PUERTO RICO
LEGISLATIVE ASSEMBLY
Office of Legislatives Services


CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 87 (H. B. 197)** of the **1st Session of the 16th Legislature** of Puerto Rico:

AN ACT to add a new Section 2.19A to Act No. 22 of January 7, 2000, as amended, known as the "Puerto Rico Vehicle and Traffic Act," in order to direct the Secretary of Transportation and Public Works to change the license plate of motor vehicles free of charge, upon petition of the interested party, in the event that the petitioner has been victim of a sexual offense or has been granted a protection order under Act No. 54 of August 15, 1989, as amended, known as the "Domestic Abuse Prevention and Intervention Act," or under Act No. 284 of August 21, 1999, as amended, known as the "Act Against Stalking in Puerto Rico," as well as victims or witnesses protected under Act No. 77 of July 9, 1986, as amended, better known as the "Victims and Witnesses Protection Act"; etc.

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

In San Juan, Puerto Rico, on the 1st day of November, 2010.


Solange I. De Lahongrais, Esq.
Director