

(S. B. 1309)

(No. 165-2015)

(Approved October 8, 2015)

AN ACT

To amend Sections 5 and 20 of Act No. 10 of June 18, 1970, as amended, known as the “Puerto Rico Tourism Company Act,” in order to require all tourism businesses operating in Puerto Rico to furnish the statistical information needed to develop a database that shall contribute to the marketing and effective planning of tourist activities; empower the Puerto Rico Tourism Company to impose fines for noncompliance with this provision; and for other related purposes.

STATEMENT OF MOTIVES

At present, tourism is among the most important sectors of our economy. Evidence of this is the number of cruise ships that dock on a daily basis in the Port of San Juan. On the other hand, hotel occupancy in Puerto Rico during the 2014 high season was at seventy-six percent (76%), and for this year, a six percent (6%)-increase has been estimated. This official data from the Puerto Rico Tourism Company (the Tourism Company) proves that we are at a peak in tourist activity in the history of our Island.

The Tourism Company is the government agency in charge of marketing, planning, and developing our tourist industry. Undoubtedly, this service industry is part of a dynamic, ever-growing sector that seeks to offer tourists a unique and pleasant experience. For such reason, it is necessary for Puerto Rico to keep abreast of the new tourist trends and to have available the tools needed to continue offering tourists the best services.

To achieve this, the Tourism Company needs to have statistical information from all tourism businesses operating in Puerto Rico. This measure seeks to require all those businesses to furnish the statistical information needed to develop a database that shall contribute to the marketing and effective planning of tourist activity in Puerto Rico. Currently, only lodgings endorsed by the Tourism Company are required to furnish this information. This legislation establishes that all tourism businesses whether or not endorsed, shall be required to furnish said information to the Tourism Company for purposes of conducting studies and research aimed at developing new strategies.

For all of the foregoing, this Legislative Assembly recommends the approval of this measure in order to obtain the actual statistics of our tourism businesses. This shall provide the Tourism Company with the necessary mechanisms to identify the increase or decrease of tourism in Puerto Rico, thus allowing for the evaluation and implementation of additional strategies that shall enable it to continue offering excellent services and having a positive impact on the economy of our Island.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 5 of Act No. 10 of June 18, 1970, as amended, is hereby amended to read as follows:

“Section 5.- Rights, Duties, and Powers

(a) ...

(b) ...

...

(q) To require all tourism businesses operating in Puerto Rico to furnish any necessary statistical data, either in electronic or paper format, to develop a database that may contribute to the marketing and effective planning of the tourist activity. The Company may prescribe through Regulations or a Resolution of its

Board of Directors, a reasonable transition period for those businesses required under this Act to furnish statistical data to the Company, to take the pertinent actions to comply with the electronic delivery thereof. Upon the conclusion of said period, all tourism businesses shall deliver electronically the required data; and failure to do so shall constitute noncompliance with the provisions of this Act. Every tourism business shall designate a contact person who shall be in charge of furnishing the necessary statistical data to the Tourism Company. The Tourism Company shall classify the statistics into endorsed and unendorsed tourism businesses. The requirements imposed under this Section on the Tourism Company and tourism businesses are mandatory and shall be answered within the term provided by the Tourism Company. Specifically, but not limited to, tourism businesses operating in Puerto Rico and registering guests at their facilities shall be required to furnish guest registration data within ten (10) calendar days after the close of the month in question, together with the room occupancy rate declaration provided in Section 28(b) of Act No. 272-2003. Said information shall include the following data: hotel registries and their source; occupied rooms, available rooms, out-of-service rooms; average rate; length of stay; jobs; and any other additional information as the Company deems necessary. Noncompliance therewith shall constitute a violation of the requirement imposed hereunder of furnishing the pertinent statistical data. Such data shall be confidential, insofar as it is privileged data or trade secrets that may be associated with specific natural or juridical persons. However, aggregate figures and data, and results and statistical analyses that do not disclose confidential data or trade secrets shall be made available to the public in general. Such data shall be confidential, disclosing aggregate figures to tourist businesses that provided them (without disclosing individual data of lodgings or businesses), as well as potential investors in order to help them develop their plans.

(r) ...

(s) ...

...”

Section 2.- Section 20 of Act No. 10 of June 18, 1970, as amended, is hereby amended to read as follows:

“Section 20.- Penalties

Any person violating any of the provisions of this Act and the regulations thereunder, shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than one thousand dollars (\$1,000), nor more than three thousand dollars (\$3,000), or by imprisonment for a period of not less than one (1) month nor more than six (6) months, or both penalties, at the discretion of the court.

The Puerto Rico Tourism Company is hereby empowered to withdraw its endorsement from the businesses that were endorsed thereby, if they refuse to furnish the required statistics to the Company on two (2) consecutive occasions. The Tourism Company shall also be empowered to impose civil fines up to a maximum of five thousand dollars (\$5,000) on those businesses that fail to furnish the required statistical data on two (2) occasions or more.”

Section 3.- Severability Clause.-

If any clause, paragraph, subparagraph, article, provision, section, subsection, or part of this Act were held to be unconstitutional by a competent court, said holding shall not affect, impair, or invalidate the remainder of this Act. The effect of such holding shall be limited to the clause, paragraph, subparagraph, article, provision, section, subsection, or part thereof thus held to be unconstitutional.

Section 4.- Effectiveness

This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 165-2015 (S. B. 1309)** of the **6th Regular Session** of the **17th Legislative Assembly of Puerto Rico**:

AN ACT to amend Sections 5 and 20 of Act No. 10 of June 18, 1970, as amended, known as the "Puerto Rico Tourism Company Act," in order to require all tourism businesses operating in Puerto Rico to furnish the statistical information needed to develop a database that shall contribute to the marketing and effective planning of tourist activities; empower the Puerto Rico Tourism Company to impose fines for noncompliance with this provision; and for other related purposes.

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

In San Juan, Puerto Rico, on this 26th day of June, 2019.

Orlando Pagán-Ramírez
Director