

(S. B. 1467)

(No. 173 -2012)

(Approved August 16, 2012)

AN ACT

To eliminate subsections (A) and (H) and redesignate current subsections (B) to (G) as subsections (A) to (F), and subsections (I) to (KK) as subsections (G) to (II) of Section 2 of Act No. 282 of December 19, 2002, known as the “Puerto Rico Tourist Ground Transportation Act”; amend subsection (10) of Section 6 of Act No. 10 of June 8[sic], 1970, as amended, known as the “Puerto Rico Tourism Company Act”; amend Section 2, subsection (a) of Section 14, and subsection (n) of Section 38 of Act No. 109 of June 28, 1962, as amended, known as the “Public Service Act,” in order to transfer all the functions relating to the regulation, investigation, oversight, intervention, and imposition of sanctions on natural or juridical persons engaged in the rendering of Special Bus or Special Bus Company services, from the Puerto Rico Tourism Company to the Public Service Commission; and for other related purposes.

STATEMENT OF MOTIVES

The Public Service Commission of Puerto Rico (PSC) was created by the United States Congress in 1917 under Section 38 of the Organic Act to introduce in Puerto Rico a modern method of deciding questions relating to public service companies operating in Puerto Rico at the time.

On June 28, 1962, the Legislative Assembly of Puerto Rico approves Act No. 109, which defines and establishes the Public Service Commission of Puerto Rico. Said legislation created the Commission to protect the public interest by regulating, supervising, and overseeing non-governmental public service business.

Since its beginnings, the Commission has had a broad jurisdiction due to the number of business it regulates, namely, water and marine transportation in coastal waters, railroads, and communications systems such as telephones and radiotelephones, that were not regulated by the Communications Authority and the Federal Communications Commission. It also had jurisdiction over the storage of freight, as well as over piers, public storages, and in bulk sugar shipment facilities, mining permits and mineral trading, ticket agencies, gas companies, use of public waters for industrial, domestic, and agricultural purposes; toll bridges leading to underground piping for transporting liquids and gases.

The Commission has experienced a decline in the number of business it regulates. The PSC used to regulate the taxi industry, which provides ground transportation in the Island. However, the PSC lost jurisdiction over tourist taxicabs and related business upon the approval of Act No. 282 of December 19, 2002, as amended, known as the “Puerto Rico Tourist Ground Transportation Act.” Said Act granted jurisdiction to regulate tourist taxicabs, tour and limousine companies to the Puerto Rico Tourism Company.

The Tourism Company was granted said jurisdiction given its specialized knowledge to develop and promote the tourist industry in Puerto Rico.

Despite the legislation in effect, the Public Service Commission is currently regulating Special Buses (charter buses and motor coaches).

This Legislative Assembly believes that the legislation in effect should be adjusted to the reality. For such reason, it deems pertinent and necessary to enact into law the interagency transaction whereby Special Buses and Special Bus Companies were transferred from the Tourism Company to the Public Service Commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- The authority to plan and regulate mass transportation provided by any vehicle considered a Special Bus or a Special Bus Company is hereby transferred from the Puerto Rico Tourism Company to the Public Service Commission.

Section 2.- Subsections (A) and (H) are hereby eliminated; current subsections (B) to (G) are hereby redesignated as subsections (A) to (F), and subsections (I) to (KK) are hereby redesignated as subsections (G) to (II) of Section 2 of Act No. 282 of December 19, 2002, better known as the “Puerto Rico Tourist Ground Transportation Act,” to read as follows:

“Section 2.- Definitions

The terms used in this Act shall have the meaning expressed hereinbelow:

- (A) ...
- (B) ...
- (C) ...
- (D) ...
- (E) ...
- (F) ...
- (G) ...
- (H) ...
- (I) ...
- (J) ...
- (K) ...
- (L) ...
- (M) ...
- (N) ...
- (O) ...

- (P) ...
- (Q) ...
- (R) ...
- (S) ...
- (T) ...
- (U) ...
- (V) ...
- (X) ...
- (Y) ...
- (Z) ...
- (AA) ...
- (BB) ...
- (CC) ...
- (DD) ...
- (EE) ...
- (FF) ...
- (GG) ...
- (HH) ...
- (JJ) ...”

Section 3.- Subsection (10) of Section 6 of Act No. 10 of June 8, 1970, as amended, known as “Puerto Rico Tourism Company Act,” is hereby amended to read as follows:

“Section 6.- Responsibilities

...

(10) Regulating, investigating, overseeing, intervening, and imposing sanctions on juridical persons or entities engaged in the provision of tourist ground transportation services in the Commonwealth of Puerto Rico, except for any

vehicle defined as ‘Special Bus’ or ‘Special Bus Company’ in Act No. 109 of June 28, 1962, as amended, known as the ‘Public Service Act.’

...”

Section 4.- Section 2 of Act No. 109 of June 28, 1962, as amended, known as “Public Service Act,” is hereby amended to read as follows:

“Section 2.- Terminology

For purposes of this part, unless the context clearly states otherwise:

(a) ...

...

...

...

(qq) Special Bus – a motor vehicle of a mid-size or greater capacity authorized to provide ground transportation services to passengers without luggage (and with luggage when incidental to such transportation) in any public thoroughfares of the Commonwealth of Puerto Rico, even when the transportation service is accessory or supplementary to the operation of any other business or activity, whether for profit or not.

(rr) Special Bus Company – any person who uses or intends to use one or more motor vehicles to provide ground transportation services to passengers without luggage (and with luggage when incidental to such transportation) in the public thoroughfares of the Commonwealth of Puerto Rico, even when the transportation service is accessory or supplementary to the operation of any other business or activity, whether for profit or not.”

Section 5.- Subsection (a) of Section 14 of Act No. 109 of June 28, 1962, as amended, known as “Public Service Act,” is hereby amended to read as follows:

“Section 14.- General Powers.-

(a) The Commission is hereby empowered to grant all authorizations of a public nature for whose granting no other legal procedure has been fixed, including the right to use or cross public highways or public water riverbeds at grade, above grade or below grade, and to regulate public service companies and contract carriers, including the assignment of public vehicles which will use parking lots (terminals) which are provided for passenger carriers by municipal legislatures or by the Department of Transportation and Public Works, which shall keep the Commission informed of the existing or proposed parking lots (terminals) in order for the Commission to be able to discharge such function, taking into consideration factors such as public peace, cooperation between carriers, and between these and the public, the parking lot (terminal) vehicle capacity and the facilities it provides for public service, among others.

The Commission shall be empowered to regulate the private vehicle enterprises engaged in business. Any regulation that is established for these private vehicle enterprises engaged in business shall only cover the aspect related to their safety.

The Commission shall be empowered to regulate, investigate, intervene, and impose sanctions on persons engaged in rendering Special Bus services or on Special Bus Companies as such terms are defined in this Act. Any person interested in engaging in the rendering of said transportation shall follow the procedures adopted by the Commission for such purposes.

In granting authorization for public transportation, the Commission shall consider the Transportation Plan prepared by the Secretary of the Department of Transportation and Public Works and approved by the Governor as one of the criteria of necessity and convenience, as provided by Act No. 74 of June 23, 1975, as amended.”

Section 6.- Subsection (n) of Section 38 of Act No. 109 of June 28, 1962, as amended, known as “Public Service Act,” is hereby amended to read as follows:

“Section 38.- Public Service Companies

It shall be the duty of every public service company:

(a) ...

...

...

...

(n) Cessation of Service. It may not discontinue, reduce, or impair the service it renders to a community without first obtaining a certificate from the Commission to the effect that such action shall not adversely affect public necessity and convenience. A taxicab enterprise, Special Bus, or Special Bus Company, except tourist taxicab enterprises regulated by the ‘Puerto Rico Tourist Ground Transportation Act,’ or public vehicle enterprise operating a single vehicle, a ticket agency or a transportation broker may cease operations without obtaining such a certificate from the Commission. Said taxicab enterprise, except tourist taxicab enterprises regulated by the “Puerto Rico Tourist Ground Transportation Act,” or Special Bus or Special Bus Company, public vehicle enterprise, ticket agency or transportation broker shall, however, surrender to the Commission the authorization granted to it by the latter within thirty (30) days following the cease of operations.

(o) ...”

Section 7.- The President of the Public Service Commission is hereby authorized to establish, adopt, and implement regulations as are necessary to achieve the purposes of this Act.

Section 8.- The Public Service Commission shall carry out its duties consistently with the public policy of the Puerto Rico Tourism Company and the Department of Transportation and Public Works.

Section 9.- Any provision of law or regulation that is incompatible with the provisions of this Act is hereby repealed to the extent of such incompatibility.

Section 10.- This Act shall take effect immediately.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 173-2012 (S. B. 1467)** of the **7th Regular Session** of the **16th Legislative Assembly of Puerto Rico**:

AN ACT to eliminate subsections (A) and (H) and redesignate current subsections (B) to (G) as subsections (A) to (F), and subsections (I) to (KK) as subsections (G) to (II) of Section 2 of Act No. 282 of December 19, 2002, known as the "Puerto Rico Tourist Ground Transportation Act"; amend subsection (10) of Section 6 of Act No. 10 of June 8[sic], 1970, as amended, known as the "Puerto Rico Tourism Company Act"; etc.

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

In San Juan, Puerto Rico, on this 15th day of September, 2016.

Juan Luis Martínez Martínez
Director