

(H. B. 2587)

(No. 194-2015)

(Approved November 24, 2015)

AN ACT

To amend Sections 2 and 3 of Act No. 60-2014, known as the “Executive Fleet Vehicles of the Commonwealth of Puerto Rico Uniform Act”; amend subsection (f) of Section 17 of Reorganization Plan No. 3-2011, as amended; amend Section 8 of Act No. 77 of June 19, 1979, as amended, known as the “Federal Affairs Administration of Puerto Rico,” in order to establish the scope of the prohibition established in said Act; establish the powers of the Administrator of the General Services Administration; and for other purposes.

STATEMENT OF MOTIVES

At the beginning of this Government’s four-year term and following previous practices, Section 27 of Regulation No. 12 of the General Services Administration (Regulations for the Administration of the Government Fleet 1979) authorized the heads of agencies to use vehicles assigned to them by the General Services Administration for any official or personal business, whether their own or of any member of their household, twenty-four hours a day including during vacation and other leave periods. The heads of agencies authorized by Law to avail themselves of vehicles, in the discharge of their duties, used said vehicles in the same manner as authorized under the General Services Regulations for vehicles assigned to the heads of agencies by the General Services Administration.

The Legislative Assembly was faced with a serious financial crisis at the beginning of this four-year term; hence, House Bill No. 1483 was introduced to establish the “Executive Fleet Vehicles of the Commonwealth of Puerto Rico Uniform Act,” whose statement of motives states that:

[t]he use of executive fleet vehicles by heads of agency has been a point of continuous discussion on the Island. Puerto Rico's economic crisis has worsened in recent years and the government is in dire need of mitigation and savings plans. The matter of whether providing heads of agency with executive fleet vehicles twenty-four hours a day, seven days a week is a necessary expense has been brought into question.

The Bill became Act No. 60-2014, which provides in Section 4 [sic] that “[n]o Head of Agency or Public Official shall be authorized to use any executive fleet vehicle after the end of their work shift.”

Executive fleet vehicles affected by the Act were defined by Act No. 60, *supra*, following the technical term for assignment used in Regulation No. 12, which established the practice that the legislator sought to prohibit. The concept of assignment originates from the second part of Section D of Regulation No. 12, regarding the Public Policy on Transportation. The concept is defined in Section 25 as follows: “[v]ehicle assignment is the identification of the agency or official that shall be responsible for the use, care, and immediate control of each executive fleet vehicle.” The following sections of the second part of the Regulation established the types of assignment as well as the manner and effect, the duration and scope, and the limitations thereof.

By using the technical concept of assignment to define the use of fleet vehicles which Act No. 60, *supra*, intended to prohibit, the vehicles that were not assigned by the General Services Administration to the government agencies with the authority to acquire or rent its own vehicles were excluded. Given the controversies that arose from this issue, this Legislative Assembly believes that the prohibition should be extended to such vehicles.

This legislation enables us to specify the scope of Act No. 60, *supra*. In this manner, this measure establishes that the prohibition against the use of executive fleet vehicles prevails regardless of whether the vehicle is under the jurisdiction of the General Services Administration, or is acquired directly by the agency, or through purchase, rental, or lease. Vehicles shall not be used outside of the work shift if they are acquired or rented with public funds, except as specified in this Act. The prohibition shall also apply to such agencies, offices, entities, or instrumentalities that are outside of the jurisdiction of the Commonwealth, such as in the United States of America or any other country.

We are confident that, this legislation shall help to further protect the Treasury from any misuse and become an additional tool for the economic and fiscal recovery of the Commonwealth.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Section 2 of Act No. 60-2014 is hereby amended to read as follows:

“Section 2.- Definitions.

For the purposes of this Act, the following words or phrases shall have the meaning stated hereinbelow:

Public Official.- Means any person who partakes in the sovereignty of the State, is involved in the formulation and implementation of public policy, and holds office or is employed in the Government of the Commonwealth of Puerto Rico.

Heads of Agency.- Means the secretary, director, executive director, president, or head of any department, entity, instrumentality, or public corporation of the Executive Branch of the Commonwealth, including those outside of Puerto Rico, whether in the United States or any other country.

Work Shift.- Means the period established to perform work in an agency, which may be longer than eight (8) hours a day, including weekends.

Executive Fleet Vehicle.- Means a motor vehicle assigned to a head of agency, whether these are under the jurisdiction of the General Services Administration, or are those acquired by another department, entity, instrumentality, or public corporation through the purchase, rental, or leasing, or any other legal transaction conducted in whole or in part with public funds.”

Section 2.- Section 3 of Act No. 60-2014 is hereby amended to read as follows:

“Section 3.- Prohibition.

No Head of Agency or Public Official shall be authorized to use any executive fleet vehicle after the end of their work shift, regardless of whether the vehicle was acquired through purchase, rental, or lease by any other department, entity, instrumentality, or public corporation of the Executive Branch of the Commonwealth of Puerto Rico, including those located in the United States. This prohibition also includes any executive fleet vehicle defrayed with funds from the Commonwealth of Puerto Rico, by virtue of Section 8 of Act No. 77 of June 19, 1979, as amended.”

Section 3.- Subsection (f) of Section 17 of Reorganization Plan No. 3-2011, as amended, is hereby amended to read as follows:

“Section 17.- Regulations on the Administration and Control of Motor Vehicles and Other Modes of Transport.

The Administrator shall promulgate regulations on:

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...

(f) The rules that shall govern the use of the executive fleet vehicles of heads of agency or public officials, as defined and established in the ‘Executive Fleet Vehicles of the Commonwealth of Puerto Rico Uniform Act.’

The Administrator shall have authority and jurisdiction to impose penalties by virtue of the ‘Executive Fleet Vehicles of the Commonwealth of Puerto Rico Uniform Act,’ regardless of whether the vehicles are acquired by the agency, entity, instrumentality, or public corporation through purchase, rental, or lease.

The Administrator shall also make an inventory of such executive fleet vehicles that, pursuant to the provisions of the ‘Executive Fleet Vehicles of the Commonwealth of Puerto Rico Uniform Act,’ shall not be used by the heads of agency or officials described in this Act. Said inventory shall be carried out within sixty (60) days following the effective date of this statute, and a copy thereof shall be forwarded to the Governor, as well as the Speaker of the House of Representatives, and the President of the Senate of Puerto Rico.

Executive fleet vehicles that become part of this inventory, except for the executive fleet vehicles that belong to the public corporations of the Commonwealth of Puerto Rico, shall be reassigned to law enforcement agencies, to wit: the Puerto Rico Police, the Department of Justice, the Institute of Forensic Sciences, and the Department of the Family. The reassignment shall be carried out through a plan established by the Administrator. The Plan shall include the manner in which the vehicles were distributed and the agency needs that were satisfied through such reassignment.

The preceding paragraph notwithstanding, the public corporations of the Commonwealth of Puerto Rico may assign, free of charge, to the General Services Administration, whether *motu proprio* or upon the recommendation of the General Services Administrator, executive fleet vehicles property of such public corporation to be reassigned to the law enforcement agencies, pursuant to this subsection.

The General Services Administrator shall promulgate regulations on the rules and procedures for the reassignment of executive fleet vehicles in accordance with the provisions of this subsection, and shall properly disclose the corresponding regulations.”

Section 4.- Section 8 of Act No. 77 of June 19, 1979, as amended, is hereby amended to read as follows:

“Section 8.- Budget Appropriations.

a) The funds needed for the operation of the Administration shall be appropriated in the annual budget as provided in Act No. 147 of June 18, 1980, as amended, known as the ‘Management and Budget Office Organic Act.’

b) The funds needed to discharge the duties of the Resident Commissioner of Puerto Rico in Washington, within and without Puerto Rico, shall be appropriated in the annual budget pursuant to the ‘Management and Budget Office Organic Act.’ Said annual sum to be disbursed by the special disbursing officer of the Administration upon request of the Resident Commissioner may be used for the payment of any official expense under the provisions of Act No. 230 of July 23, 1974 and the regulations in effect in Puerto Rico.”

Section 5.- The General Services Administration shall conform any regulation or provision to this Act and shall enforce them in accordance with legislative intent established herein.

Section 6.- This Act shall take effect prospectively immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 194-2015 (H. B. 2587)** of the **6th Regular Session** of the **17th Legislative Assembly of Puerto Rico**:

AN ACT amend Sections 2 and 3 of Act No. 60-2014, known as the “Executive Fleet Vehicles of the Commonwealth of Puerto Rico Uniform Act”; amend subsection (f) of Section 17 of Reorganization Plan No. 3-2011, as amended; amend Section 8 of Act No. 77 of June 19, 1979, as amended, known as the “Federal Affairs Administration of Puerto Rico,” in order to establish the scope of the prohibition established in said Act; establish the powers of the Administrator of the General Services Administration; and for other purposes.

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

In San Juan, Puerto Rico, on this 17th day of September, 2021.

Mónica Freire-Florit, Esq.
Director