

(H. B. 2053)

(No. 219)

(Approved August 29, 2002)

AN ACT

To amend subsection (v) and to add subsections (rr) and (ss) to Section 2 of Act No. 109 of June 28, 1962, as amended, better known as the “Puerto Rico Public Service Act,” for the purpose of establishing and clarifying the definitions of travel agency, tours wholesaler, and independent contractor; and for other purposes.

STATEMENT OF MOTIVES

During the past decades, tourism in Puerto Rico has developed rapidly. Throughout the years, institutions travel agencies, tours wholesalers, and independent contractors have collaborated in this effort.

Today, the manner in which travel agencies, known in the “Puerto Rico Service Act” as “ticket agencies,” have developed goes beyond the sale of tickets. These corporations serve their clientele by organizing excursions and developing activities linked to the tourist market.

It is therefore necessary to temper the definition of “ticket agency” as travel agency, which is a broader term that fits the industry’s reality. Additionally, with the development of the tourism industry, other relevant figures have emerged, such as the tours wholesaler and the independent contractor, which must be acknowledged in the Act as an essential part of this industry.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- Subsection (v) is hereby amended and subsections (rr) and (ss) are hereby added to Section 2 of Act No. 109 of June 28, 1962, as

amended, better known as the “Puerto Rico Public Service Act,” to read as follows:

“Section 2.- Terminology

For the purposes of this Act, unless another interpretation clearly arises from the text:

(a) ...

(v) Travel agency.- Includes any natural or juridical person engaged, as a customer service company, in the sale or offer for sale in Puerto Rico of tickets for the air, land or water transportation of persons to places within or outside of Puerto Rico, or that based on commissions makes lodging, entertainment, or land transportation reservations, or prepares and sells integral trips (tours) inside or outside of Puerto Rico through a wholesaler of trips or tours.

(w)

(rr) Travel and tours wholesaler, known hereafter as “wholesaler,” shall be any natural or juridical person engaged in the preparation, through contracting with transportation companies and other service suppliers, of group, individual, or integral tours, which shall be offered for sale through advertisements addressed to the public in general and sold through travel agents, to whom a commission is paid; and that in order to do business in Puerto Rico, the wholesaler must acquire liability insurance known as “errors and omissions”, as established among other requirements by the Public Service Commission through regulations.

(ss) Independent contractor shall be any person adjoined to a travel agency authorized by the Public Service Commission.”

Section 2.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 219 (H.B. 2053) of the 3rd Session of the 14th Legislature of Puerto Rico:

AN ACT to amend subsection (v) and to add subsections (rr) and (ss) to Section 2 of Act No. 109 of June 28, 1962, as amended, better known as the “Puerto Rico Public Service Act,” for the purpose of establishing and clarifying the definitions of travel agency, tours wholesaler, and independent contractor; and for other purposes,

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

In San Juan, Puerto Rico, today 6th of August of 2004.

Elba Rosa Rodríguez-Fuentes
Director

