

(H. B. 2613)
(Conference)

(No. 241-2010)

(Approved December 30, 2010)

AN ACT

To establish the “Nautical Tourism Act of 2009,” amend subsections (d) through (5), (i), and (k) of Act No. 109 of June 28, 1962, as amended, better known as the “Puerto Rico Public Service Act,” and renumber the other subsections; amend clauses (a), (b), (f), and (g) to subsection (7) of Section 9 of Act No. 430 of December 21, 2000, as amended, better known as the “Puerto Rico Navigation and Aquatic Safety Act,” amend Section 3 and subsections (a) and (d) of Section 6 of Act No. 194 of August 7, 2008, in order to foster and regulate activities related to nautical tourism and the operation of activities related to yachts and mega yachts for tourism purposes; to transfer certain functions related to nautical tourism activities to the Tourism Company; to clarify provisions that apply to yachts and mega yachts for tourism purposes; and to expand the “Mooring Buoy Adoption Program of the Department of Natural and Environmental Resources”; to repeal Act No. 179 of December 16, 2009.

STATEMENT OF MOTIVES

Nautical tourism is an essential component of the tourist industry in the Caribbean. The natural features of the region render it an ideal location for the enjoyment of tourist watercraft activities, which activities can be as diverse as visiting the different islands in the region, fishing, scuba diving, or engaging in aquatic competitions and the exploration and appreciation of the marine scenery, among others. As the easternmost of the Greater Antilles and therefore, the nearest one to the Lesser Antilles, Puerto Rico is an idyllic destination for nautical tourism. Puerto Rico’s current combination of air travel access, infrastructure, attractions,

and nearness to countless attractive destinations for seafarers add to the Island's potential for the development of nautical tourism that surpasses that of many destinations.

Although recreational nautical activities, such as sports fishing, have experienced a boom in Puerto Rico during the past few decades, the Island is still lagging in the development of a solid nautical tourism industry, when compared to other destinations in the Caribbean. This underdevelopment is due to a combination of factors, such as high costs, the duplication of efforts, the lack of coordination among government entities that have historically regulated navigation activities in Puerto Rico—namely, leisure and tour vessels known as charters—the absence of incentives for the development of nautical activities, and the lack of a strategic plan and an adequate regulatory framework to promote the growth of nautical tourism to its full potential, among others.

This legislation intends to address regulatory aspects that affect nautical tourism, in seeking to ensure that this industry's activities are regulated by government entities that are knowledgeable in the industry and are sensible to its needs and development potential. For this reason, the Public Service Commission created under Act No. 109 of June 28, 1962, as amended, is hereby relieved from its regulatory duties on all matters relative to watercraft or water transportation companies, and the Puerto Rico Tourism Company is hereby conferred competent authority to certify companies that engage in Nautical Tourism Activities and Tourist Marinas. Nautical tourism shall certainly boost Puerto Rico's economy and the creation of jobs. It is therefore that this legislation seeks to provide, together with the new Tourism Development Act, a major stimulus to achieve such objectives.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Article 1.—An Act is hereby created, to be known as the “Nautical Tourism Act of 2010.”

Section 1.—Public Policy.—

It is hereby set forth as the public policy of the Government of Puerto Rico that nautical tourism shall be fostered as a vehicle for the development of the economy and the tourist industry of Puerto Rico.

Section 2.—Definitions.—

(a) “Nautical Tourism Activities”.—Means the ensemble of services to be rendered making water contact to nautical tourists, which include, but are not limited to:

(1) Leasing or chartering Nautical Tourism Vessels to tourists for leisure, recreation, or for educational purposes, including tours;

(2) Leasing small vessels, jet skis, kayaks, sailboats or other similar watercraft, whether motorized or non-motorized, to tourists, as the Company may establish by regulation; and

(3) Operating an integrated watercraft leasing program.

(b) “Certification”.—Shall mean the certification issued by the Puerto Rico Tourism Company to companies engaged in Nautical Tourism Activities or operators of Tourist Marinas that meet the requirements established in this Act and the Company by regulation.

(c) “Commission”.—Means the Public Service Commission of Puerto Rico, created under Act No. 109 of June 28, 1962, as amended.

(d) “Company”.—Means the Puerto Rico Tourism Company.

(e) “Concession”.—Shall mean the decree issued by the Company under the Tourism Development Act, as defined in said Act.

(f) “DNER”.—Means the Department of Natural and Environmental Resources.

(g) “Nautical Tourism Watercraft”.—Means motor or sail boats with capacity for six (6) or more people, operated by tour companies or available for rental, to be used in nautical tourism activities, when the Company deems it pertinent, without it being construed as a limitation of this definition.

(h) “Marina”.—Means a facility that offers water docks, including mooring buoys, for 10 or more vessels, restrooms with showers, and trash receptacles. As part of its operations, it includes dry docks.

(i) “Tourist Marina”.—Means a marina that provides areas, services, and docks for: (i) leasing or chartering Nautical Tourism Watercraft, (ii) vessels under a foreign flag or registered with the United States Coast Guard, owned and held by a nonresident of Puerto Rico, or (iii) any other nautical tourism activity, as the Tourism Company establishes through regulation.

(j) “Tourist Mega Yachts”.—Means nautical tourism watercraft, whether motor or sail boats, with a length of eighty (80) feet, which are devoted to leisure, or recreational activities, or for educational purposes that cater to tourists in exchange for compensation, which activities are carried out in waters in and outside of Puerto Rico.

Section 3.—Transitory Provisions.—

The Company is hereby empowered to regulate, promote, and intervene in all matters relative to the quality and development of the services that are offered or could be offered to tourists by persons or juridical entities that operate Nautical Tourism Watercraft and/or engage in Nautical Tourism Activities, including Tourist Marinas.

Section 4.—Nautical Tourism Activity Certification.—

(A) All persons or juridical entities engaged in Nautical Tourism Activities shall obtain from the Company a Certification to operate as such. The Company may establish the promotion and marketing programs in which persons or entities engaged in Nautical Tourism Activities may participate after having obtained their Certification.

(B) Any Certification application shall pay the fees prescribed by the Company through regulation and shall be effective for two (2) years, to be renewed through the procedure established by the Company through regulation.

(C) Upon filling out the Certification application as per the requirements provided by regulation, the Company shall have a maximum term of thirty (30) working days to evaluate such application.

Section 5.—Prohibition.—

Once the regulations of the Company are prescribed, no person may engage in rendering Nautical Tourism Activity services without having previously applied for and obtained the pertinent Certification from the Company. The Department of Natural and Environmental Resources (DNER) shall use its resources to enforce this Act, without being limited to imposing fines or penalties pursuant to the powers conferred thereto under Act No. 23 of June 20, 1972, as amended, better known as the “Department of Natural and Environmental Resources of Puerto Rico Organic Act,” and Act No. 430 of December 21, 2000, as amended, better known as the “Puerto Rico Navigation and Aquatic Safety Act.”

Section 6.—Tourist Marina.—

(A) Any Tourist Marinas devoted to Nautical Tourism Activities that provide areas, services, and docks for the leasing or chartering of Nautical Tourism Watercraft or any nautical tourism activity, without it being construed as a limitation, shall obtain a Certification from the Company to such effect. The

Company shall provide by regulation the requirements to obtain such Certification. The Company may also establish the promotion and marketing programs in which Tourist Marinas may participate after having obtained their Certification.

(B) Any Marina operating under a Company concession under Act No. 78 of October 10, 1993, as amended, better known as the “Tourism Development Act of 1993,” shall be exempt from applying for the Tourist Marina Certification. The concession shall not be affected if the Marina fails to comply with the Certification provided herein; however, at the time of renewing or applying for a new concession, such concession shall be contingent upon obtaining a Tourist Marina Certification from the Company, as provided in this Act and its regulations.

(C) Any Certification applications shall pay the fees prescribed by the Company through regulation and be effective for five (5) years, to be renewed through the procedure established by the Company through regulation.

(D) Upon filling out the Tourist Marina Certification application, as per the requirements provided by regulation, the Company shall have a maximum term of sixty (60) working days to evaluate such application.

Section 7.—Powers of the Tourism Company.—

(A) To draft regulations that shall govern Nautical Tourism Activities and activities relative to Tourist Marinas.

(B) To keep a public register of companies engaged in Nautical Tourism Activities and Tourist Marinas.

(C) The DNER may not grant or renew any concession if the natural or juridical person applying therefor has not obtained a Tourism Activity or Tourist Marina Certification from the Company. The Company and the DNER may regulate and execute understanding or collaboration agreements to guarantee the implementation of this Act and the quality of the transportation, management plans or tours in zones designated as natural reserves. The Company may not establish

exclusivity concessions or decrees between Nautical Tourism Watercraft, companies engaged in Nautical Tourism Activities, or Tourist Marinas. No provision in this Article should be construed as limiting the powers of the DNER to establish requirements or criteria, as per the authorities conferred to the DNER by law.

(D) To conduct investigations and interventions to require any kind of information as necessary to exercise its authorities; to order or issue orders to cease and desist, impose administrative fines, revoke any concession or permit and/or petition the courts to order the ceasing of activities or acts that jeopardize the purposes stated in this Act; to impose and order the payment of fair and reasonable fees and expenses, as well as the payment of expenses for other professional and consulting services incurred for investigations, hearings, and proceedings conducted before the Company; and to order that an act be conducted to comply with the provisions of this Act.

(E) To require that companies engaged in Nautical Tourism Activities and Tourist Marinas present attesting evidence of the fact that they are insured or bonded. The coverage may be required to the extent deemed necessary by the Company to secure payment for any damages caused to any person or property as a result of negligent or culpable acts or omissions.

(F) The Company is hereby empowered to require any document or report it may deem necessary and pertinent to fulfill the purposes of this Act.

Section 8.—Liability.—

Compliance with this Act does not exempt any company engaged in offering Nautical Tourism Activity services or Tourist Marina from liability for noncompliance with any other applicable law, including, without it being construed as a limitation, navigation, safety, and environmental protection laws.

Section 9.—Penalties.—

The Company is hereby empowered to establish fines not greater than five thousand dollars (\$5,000) and to revoke or suspend the Certification of any company engaged in Nautical Tourism Activities that fail to comply with its Regulation. None of the above prevents the Company from imposing the penalty it may deem pertinent if it should find any violation of this Act or regulation thereunder.

The DNER is hereby empowered to use its resources to enforce this Act, including, but not limited to, imposing fines or penalties pursuant to its authorities as conferred under Act No. 23 of June 20, 1972, as amended, better known as the Department of Natural and Environmental Resources of Puerto Rico Organic Act.

Section 10.—Jurisdiction.—

The courts of Puerto Rico shall have exclusive jurisdiction to hear any controversy between a company engaged in offering Nautical Tourism Activity services and a user or client.

Section 11.—Coordination with the Public Service Commission of Puerto Rico.—

Any concession, license, or permit of any kind issued by the Commission to water transportation companies shall be deemed to be in effect and there shall be no need for a Certification from the Company in order to operate until its expiration date. Once such concession, license, or permit expires, the company engaged in nautical tourism activities shall apply for a Certification before the Company. The Executive Director of the Company may request additional information to the Commission in relation to such application or any other information as he/she may deem pertinent and the Commission shall furnish the same.

Any claim and/or investigation, administrative or adjudicative proceeding initiated by the Commission prior to the approval of this Act shall be deemed to be outside of the Company, provided, however, that nothing shall prevent the Commission from continuing the aforementioned proceedings relative to any process that has begun prior to the approval of this Act.

Section 12.—Rulemaking Authority.—

The Company and the DNER, as well as any other pertinent agency, shall be required to draft and/or amend any applicable Regulation to enforce this Act within sixty (60) days as of the approval thereof. Once the sixty (60) day period has elapsed, the aforementioned agencies shall send a copy to the Legislative Assembly of the new Regulation and/or amendments to current regulations, enclosed with a detailed report of the enforcement of this Act and its progress.

Article 2.—Subsections (d), paragraph 5, (i) and (k) of Section 2 of Act No. 109 of June 28, 1962, as amended, better known as the “Puerto Rico Public Service Act,” are hereby amended and renumbered pursuant to the amendment proposed herein, to read as follows:

“Section 2.—Terminology.—

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

(a) ...

...

(d) Public Carrier.—Includes every:

(1) Railroad company.

...

(5)

(6) ...

(7) ...

(e) ...

(f) ...

(i) Air Transportation Company.—Includes any person who, as a public carrier, owns, controls, operates or manages any kind of aircraft used for the transportation of passengers or baggage by air between points in Puerto Rico.

(j) Tour Company.—Includes any person who, as a public carrier, owns, controls, operates or manages any kind of watercraft used for the transportation of passengers or baggage incidental to the transportation of the former by air between points in Puerto Rico, for the purpose of sight-seeing interesting, picturesque or historic places, regardless of whether or not such transportation is carried out between fixed terminals or through regular or irregular routes.

(k) Car Rental Company.—Includes any person who owns, controls, operates or manages motor vehicles to be leased and operated by lessees or by any person designated by the latter.

(l) Private Carrier.—Includes any person, except public carriers, engaged, for pay, under individual contract or agreement, in the transportation of passengers or property in motor vehicles or watercraft between points in Puerto Rico even when said transportation is carried out incidental to the operation of any other business or activity whether for profit or not.

(m) Conveyance of Passengers.— Includes all service connected with the safety, comfort or convenience of the person transported to his/her destination, and the receipt, transportation and delivery of his/her baggage.

(n) Transportation of Property.—Includes all service connected with the transportation of property or freight, including the receipt, delivery, hauling, transfer, deflecting, carrying, ventilation, refrigeration, freezing, stowing, storing, and handling thereof.

(o) Conduit Conveyance Company.—Includes any person who owns, controls, operates or manages, as a public service company, any pipeline in Puerto Rico used in relation with or to facilitate the transmission, storage, distribution or delivery of any product through such pipeline.

(p) Gas Company.—Includes any person who owns, controls, operates or manages as a public service company any plant or business in Puerto Rico for the import, production, generation, transmission, delivery, supply or distribution of natural, processed or derived gas, or any liquid susceptible to be converted into gas and distributed by pipelines, cylinders or any type of container for residential, commercial and industrial purposes. It being understood that gas “production” and “import” companies are, among others, those refineries, import companies, distribution-wholesale companies and/or seaport terminals engaged in the import, production, processing, traffic, storage, distribution or sale of liquefied petroleum gas or any other mixture of hydrocarbons known as refinery gas, regardless of whether they sell or serve their product to a limited number of persons and/or wholesalers.

(q) Electric Power Company.—Includes any person who owns, controls, operates or manages, as a public service company, any plant for the production, generation, transmission, delivery or supply of electricity for lighting, heating, or power.

(r) Telegraph Company.—Includes any person who owns, controls, operates or manages, as a public service company, any plant used for telegraphic communication, whether wired or wireless.

(s) Plant.—Includes all real or personal property owned, controlled, operated or managed in relation with or to facilitate the business in which the public service company or private carrier is engaged.

(t) Dry Dock Company.—Includes any person who owns, controls, operates or manages, as a public service company, any dry dock.

(u) Transportation Broker.—Includes any person, except travel agencies and those included within the term public carrier and bona fide employees or agents of such public carriers, who, as principal or agent, engages in the sale or offering for sale of any kind of transportation subject to the jurisdiction of the Commission, or undertakes negotiations, or offers through solicitation, advertisement or otherwise, to sell, provide, furnish, or contract or arrange for, transportation.

(v) Dock Operator.—Includes any person who owns, controls, operates or manages any dock, pier, slip or structure used by watercraft in relation with or to facilitate the arrival or departure of passengers and the loading or unloading of property.

(w) Warehouser.—Includes any person, except dock operators, who owns, controls, operates or manages, as a public service company, any warehouse, building or structure where property is stored in relation with or to facilitate the transportation of property by public or private carriers, or where property is stored by the general public.

(x) Toll-bridge Company.—Includes any person who owns, controls, operates or manages, as a public service company, any kind of bridge, equipment or facilities in Puerto Rico, used in relation with or to facilitate the passage of vehicles, persons or property.

(y) Nuclear Power Company.—Includes any person who owns, controls, operates or manages, as a public service company, any plant or factory in Puerto Rico for the production, generation, transmission, delivery or supply of electricity,

steam, fuel or other power of whatever nature for any purpose, from all power generating sources, such as isotopes and other nuclear substances, as well as for the sale of the nuclear splitting byproducts.

(z) Service.—Is used in this Act in its broadest sense, and includes any act performed and anything furnished or delivered and all equipment used or furnished by any public service company or private carrier in the fulfillment of its service and duties for its patrons, employees, and the public. It also includes the exchange of equipment between two or more public service companies or private carriers.

(aa) Equipment.—Includes all the plant, as well as any property and equipment of a public service company or a public carrier, and each and every one of the means, devices, and utensils which are the property of, are used, managed, controlled or supplied in connection with the business of any public service company or private carrier.

(bb) Tariffs.—Is used in its broadest sense and includes tariffs, charges, toll fees, prices or compensation. The use of any such terms, singly or jointly with one or more of them does not have the purpose of excluding the others.

(cc) Authorization.—Includes certificate of public convenience and necessity, license, permit, franchise, concession, power, right, privilege, and temporary permit of any kind, issued by the Commission or by the extinct Executive Council. The use of any of these terms simply or jointly with one or more of them does not have the purpose of excluding the others.

(dd) Commission.—Means the Public Service Commission of Puerto Rico.

(ee) Officer.—Includes the owner, manager, director, president, secretary, treasurer or other officer, agent or employee of any public service company or private carrier.

(ff) Rule.—Means any rule, regulation, standard, statement of policy of general application, or general order having force of law, including any amendment or repeal thereof, issued by the Commission to render effective, construe or make specific the legislation enforced or administered by the Commission. Such term does not include the bylaws of the Commission which do not affect private rights or interests.

(gg) Practices.—Includes the practices, classifications, classes or items, rules and regulations of public service companies or private carriers.

(hh) Evidence of Indebtedness.—Includes stock, promissory notes, trust certificates, bonds and other securities of any nature.

(ii) For Pay.—Includes any remuneration paid, pledged or due, directly or indirectly.

(jj) Motor Vehicle.—Shall mean any vehicle propelled by power other than muscular over water, land or rails or through air, including heavy motor vehicles, as defined in the Vehicle and Traffic Act of Puerto Rico, Act No. 22 of January 7, 2000, as amended, except for the following vehicles:

- (1) Traction machine.
- (2) Rollers.
- (3) Tractors used exclusively for agricultural purposes.
- (4) Power shovels.
- (5) Deep well drilling machines.
- (6) Small wheeled vehicles used in factories, warehouses and railroad stations.

(kk) Moving Company.—Includes any natural or juridical person who owns, controls, operates or manages as a public service company any structure, premise or facility to carry out business deals, to provide, furnish or contract for

the transportation of household appliances, furniture, household tools or new or used personal items not intended for resale, including the packing when the parties so agree by contract.

(ll) Private Vehicle Company Engaged in Trade.—Includes any person who is not a public carrier or a contract carrier, and who transports in a motor vehicle, goods, freight or products of which he/she is the owner, lessee or depositary for the purpose of sale, rent or lease. This definition includes any person who uses a motor vehicle:

(1) With a gross weight of ten thousand (10,000) pounds or more;

or

(2) to transport hazardous materials, as defined through the regulations adopted by the Commission; or

(3) to transport ten (10) passengers or more, including the driver, who is carrying out any commercial activity other than the transportation of passengers.

(mm) Tourist Transport.—Includes any person who, without being a public or private carrier, transports passengers to tourist areas, and who transports said passengers, with or without pay, in a private vehicle whether they are their guests or tenants or not, even when said transportation is carried out incidentally to the operation of any other business or activity, whether for profit or not.

(nn) Company for the Service and Sale of Taxi Meters.—Includes any person who, as the principal or agent thereof, controls, operates or administrates any business in Puerto Rico engaged in rendering the service of providing, supplying, selling, or offering to sell, install, repair, adjust or seal meters in taxis and other public vehicles. For purposes of this Act, it shall be understood that a meter includes all the accessories and equipment used for its operation.

(oo) Company for the Bottling, Sale, Repair and Reconstruction of Liquefied Petroleum Gas Cylinders.—Includes any person who as the principal or agent thereof, controls, operates or administers any business in Puerto Rico engaged in rendering the service of providing, supplying, distributing, selling or offering to sell, manufacture, repair or reconstruct gas cylinders for the bottling of liquefied petroleum gas. For purposes of this Act, it shall be understood that the bottling or cylinder includes the cylinder and all the accessories or equipment needed for the operation thereof.”

Article 3.—Clauses (a), (b), (f), and (g) are hereby amended to[sic.] subsection (7) of Section 9 of Act No. 430 of December 21, 2000, as amended, to read as follows:

“Section 9.—Registration of Means of Transportation Identified in this Act; Numbering, Registration, and Certification.—

(1) ...

...

(7) The following watercraft shall be exempt from numbering and registration:

(a) Watercraft already covered by a number in full force and effect assigned by federal law or according to a numbering system of another state which has federal approval, and confers reciprocity rights to watercraft numbered and registered in Puerto Rico, provided that the watercraft to which an exemption has been granted does not remain in Puerto Rico waters for more than sixty (60) days during the calendar year. Provided that, when said watercraft is used or owned by residents of Puerto Rico or persons domiciled in Puerto Rico, it shall be required for such watercraft to be registered, as appropriate, within a sixty (60) day term counted as of its first introduction into the waters of Puerto Rico.

(b) In the case of foreign flag nautical tourism watercraft, as defined by the Nautical Tourism Act of 2010 and the Regulation approved thereunder, such watercraft may remain exempt from numbering and registration for a period of up to one (1) year, provided that after one (1) year said watercraft shall leave the waters of Puerto Rico.

(c) ...

...

(f) Foreign flag watercraft and watercraft that have a Registration Certificate in effect issued by the United States Coast Guard and have a sticker issued by the United States of America Customs Service may remain exempt from numbering and registration for up to one (1) year, provided however that watercraft held or owned by residents of Puerto Rico shall not be exempt from registration.

(g) The Department may declare other watercraft exempt from numbering through regulations to such effect, after having ascertained that the numbering thereof does not materially help in identifying them, provided that the Department determines that these watercraft would be exempt from numbering if they were subject to a Federal law or were registered as foreign flag watercraft. Any foreign flag nautical tourism watercraft and watercraft registered with the United States Coast Guard shall also be exempt from numbering and registration, provided, however, that commercial nautical tourism watercraft for which a Certificate of Inspection (COI) is required shall not be exempt under this Section.

(8) ...

...”

Article 4.—Section 3 of Act No. 194 of August 7, 2008, better known as the “Mooring Buoy Adoption Program Act,” is hereby amended to read as follows:

“Section 3.—Concessions, Donations, Assistance, and Benefits.—

The Secretary of the DNER is hereby directed to establish a special concession program to install and maintain mooring buoys and to authorize natural or juridical persons to install and provide maintenance to mooring buoys in exchange for charging mooring fees or any other means to generate income that, in the judgment of the DNER, is beneficial for and accessible to the general public and stimulates the use of mooring buoys. The Secretary of the DNER is hereby empowered to receive donations, assistance or benefits from public agencies of the Government of Puerto Rico or the Government of the United States of America, municipalities, educational institutions, and nonprofit or for-profit private companies or organizations that wish to contribute with funds, equipment, and materials for the development and implementation of the Program and for the DNER to exclusively carry out the cleaning and maintenance of mooring buoy systems.”

Article 5.—Subsections (a) and (d) of Section 6 of Act No. 194 of August 7, 2008, better known as the “Mooring Buoy Adoption Program Act,” are hereby amended to read as follows:

“Section 6.—Powers and Functions of the Coordinator.—

(a) To prepare and implement, in coordination with and with the approval of the Secretary, the norms, procedures, rules and regulations that shall govern the “Mooring Buoy Adoption Program,” including its work plan, which shall include such guidelines as deemed pertinent to implement special concession mechanisms for the maintenance and installation of buoys and donations to the Special Fund, emphasizing on zones of high ecological value, high watercraft traffic, and tourist interest. In order to achieve these purposes, the DNER shall work in coordination with the Puerto Rico Tourism Company and/or companies engaged in nautical tourism activities certified by the Tourism Company.

(b) ...

...

(d) To manage special concessions, as well as any appropriations and donations received, and keep a register thereof for faithful compliance with the provisions of this Act. He/she shall also coordinate with the participants of the program as to the kind of resources to be offered and the availability of mooring buoys to be adopted or selected as part of a concession for their maintenance. In addition, he/she shall establish an educational program, in coordination with the Puerto Rico Tourism Company, to foster the good use of mooring buoys and to raise awareness of their ecological value.

...”

Article 6.—Severability of the Provisions in this Act.—

In the event that a competent court rules any provision set forth herein invalid, null, or inefficient for being unconstitutional, the remaining provisions of this Act shall continue to have full force of law.

Article 7.—Act No. 179 of December 16, 2009 is hereby repealed.

Article 8.—Any agreement, covenant, contract, or obligation executed from the date of the approval of Act No. 179 of December 16, 2009 to the effective date of this Act shall be rendered null.

Article 9.—Effectiveness.—

This Act shall take effect thirty (30) days after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 241-2010 (H. B. 2613) (Conference)** of the **4th Session of the 16th Legislature** of Puerto Rico:

AN ACT to establish the “Nautical Tourism Act of 2009,” amend subsections (d) through (5), (i), and (k) of Act No. 109 of June 28, 1962, as amended, better known as the “Puerto Rico Public Service Act,” and renumber the other subsections; amend clauses (a), (b), (f), and (g) to subsection (7) of Section 9 of Act No. 430 of December 21, 2000, as amended, better known as the “Puerto Rico Navigation and Aquatic Safety Act,” amend Section 3 and subsections (a) and (d) of Section 6 of Act No. 194 of August 7, 2008, in order to foster and regulate activities related to nautical tourism and the operation of activities related to yachts and mega yachts for tourism purposes; to transfer certain functions related to nautical tourism activities to the Tourism Company; to clarify provisions that apply to yachts and mega yachts for tourism purposes; and to expand the “Mooring Buoy Adoption Program of the Department of Natural and Environmental Resources”; to repeal Act No. 179 of December 16, 2009.

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

In San Juan, Puerto Rico, on the 3rd day of October, 2012.

María del Mar Ortiz Rivera