

(S.B. 1215)
(Conference)

(No. 430)

(Approved December 21, 2000)

AN ACT

To establish the public policy regarding the regulation of marine security; aquatic and marine recreational activities and related sports; the protection of natural and environmental resources exposed by these activities; provide for all matters related to their administration and regulation by the Department of Natural and Environmental Resources; establish penalties and other related purposes; and repeal Act No. 48 of June 27, 1986, and its regulations.

STATEMENT OF MOTIVES

Because of its geography, Puerto Rico proffers a special, natural scenario, to be enjoyed whose beaches are ideal for bathers as well as for those who practice a variety of water sports. It also has splendid lakes and fresh-water bodies visited by the citizens for their recreation and relaxation. Outdoor recreation in these sites has become an essential part of the leisure life of all Puerto Ricans. In order for the citizenry to safely enjoy the beaches, lakes and lagoons, the Government of the Commonwealth of Puerto Rico has established its public policy, to guarantee the bathers' safety and enjoyment with emphasis on the control of ships, boats, vessels, and bathers.

Through the years, we have seen an increase in the practice of certain water and sea sports, such as surfing on several types of boards, the use of vessels for navigation, with or without motors, and diving, among others. In

turn, this boom has brought about a considerable increase in the frequency and intensity of the use of the bodies of water, and thus, of the problems to ensure their safe use, as well as the need to protect the natural and environmental resources that are exposed due to such use.

We frequently see many persons practicing these sports on the beaches alongside the bathers. As a result of these shared recreational activities, unfortunate accidents have taken place, some of which have caused serious injuries and disabilities, and even deaths. The concern of the citizenry has increased in view of the prevailing situation, often preventing the full enjoyment of their leisure time. In addition to the above, there is also need to create awareness among the citizens of the fact that the enjoyment of these natural scenarios also entails the responsibility to protect them.

The State is responsible for watching over the welfare and safety of its citizens; in this case, for protecting the safety of those who enjoy the beauty and bountiful splendor of our beaches and other bodies of water. The State is also responsible for propitiating the conservation and protection of those natural and environmental resources that are used during these recreational activities.

This Act shall be interpreted and administered in a manner consonant with the public policy of stimulating and encouraging marine tourism in our country. The promotion of marine tourism is of fundamental importance in the strategy for the development of Puerto Rico, since it fosters economic activity and generates employment opportunities. Thus, this legislation shall be interpreted and administered prudently and reasonably applied to the marine and tourism industries.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:**Section 1.—Title.**

This Act shall be known and may be cited as the “Puerto Rico Navigation and Aquatic Safety Act.”

Section 2.—Jurisdiction.

This Act shall apply to all recreational marine and water activities, including any sports related thereto that may be developed within the jurisdiction of the Commonwealth of Puerto Rico.

Section 3.—Definitions.

For the effects of this Act, the following terms shall have the meaning stated below:

- A. “Commonwealth” means the Commonwealth of Puerto Rico.
- B. “Department” means the Department of Natural and Environmental Resources created by Act No. 23 of June 20, 1972, as amended, and reorganized by virtue of Reorganization Plan No. 1 of 1993.
- C. “Marine and Water Activities” means all leisure, recreational, entertainment, or commercial activities that can be carried out in the bodies of water and surrounding areas, including fishing, water and marine sports, and related recreational activities now in existence and that may be developed in the future.
- D. “Secretary” means the Secretary of the Department of Natural and Environmental Resources.
- E. “Commissioner” means the Commissioner of Navigation.
- F. “Marine Waters of the Commonwealth” means the seas surrounding the Commonwealth of Puerto Rico and the high

- seas within the jurisdiction, when navigated during a pleasure trip from or to the Commonwealth coast.
- G. "Bodies of Water" means the territorial seas, beaches, lakes, lagoons, rivers and their mouths, inlets or bays.
- H. "Areas Reserved for Bathers" means those zones exclusively delimited for bathing and adjacent land areas, as established in general terms in this Act, and which shall be specifically identified by the regulations adopted to such ends.
- I. "Commonwealth Territory" means the jurisdictional waters and land that belong to the Commonwealth of Puerto Rico.
- J. "Navigable Waters" means the navigable waters under the control or dominion of the Commonwealth of Puerto Rico.
- K. "Ship or Vessel" means any system of transportation on water that has a motor installed, including, but without being limited to jet skis, motorized rafts, power sailboats, motorboats, or boats of any sort, but excluding hydroplanes. This term also means those homemade vessels powered by a motor.
- L. "Watercraft" means a mode of transportation which does not have a motor installed, such as rowboats, canoes, kayaks, sailboats with or without oars, water skis, surfboards with or without sails, rafts, inflatable systems, and any device that moves on the surface of the water without being propelled by a motor, although it could be fit for installation or adaptation of some type of motor.
- M. "Land Motor Vehicle" means any type of vehicle that is driven by a motor and designed to operate on dry land. Includes all "Motor Vehicles" as defined in the Puerto Rico Traffic Act.

- N. "Registered Ship" means those ships that have a registration certificate in full force and effect issued by the Coast Guard of the United States of America, and a duly accredited Federal license.
- O. "Owner" means any person who has ownership or holds the title deed to a vessel, watercraft, or land motor vehicle. The term includes a person entitled to use or possess, even though the boat, ship or land motor vehicle itself is subject to equity in behalf of another person, or has been reserved or constituted through an agreement to ensure payment or compliance of an obligation.
- P. "Person" means any individual, firm, company, corporation, association or other legal entity.
- Q. "Operate" means to navigate, have command of, or drive a boat, ship or vessel, or land motor vehicle.
- R. "Officer of the Peace" means the Police of Puerto Rico, agents of the Natural and Environmental Resources Department Rangers, Coast Guard Officers, and the Municipal Guard of the Municipality where the infraction occurs.
- S. "Natural Resources Protection Area" means those marine and aquatic areas that are physically delimited and reserved for the protection of flora and fauna from the effects of human and natural events, as well as other neighboring natural and environmental resources that have been included in the nautical charts.
- T. "Kill Switch" is any device that completely and immediately interrupts the power of a boat or ship.

- U. "Boating Accident" means an event that involves one or several boats and in which one or several persons are injured, or property is damaged. The event may be, without being construed as a limitation, a collision of boats or ships entering or leaving any port or while afloat; a sinking; the collision of the ship with any object, boat and ships; the disappearance of a person in the water, or the drowning of any person as a result of the operation of a boat or ship.
- V. "Life preserver" means a personal flotation device duly approved by the United States Government Coast Guard.
- W. "Certificate of Registration" means the document that certifies the registration of a boat in the Department of Natural and Environmental Resources or in any territory or dependency of the United States.
- X. "Distributor" means a person duly authorized to do business in Puerto Rico who is engaged in selling, buying, reselling or dealing in boats or ships.
- Y. "Marina or Wharf" means a duly authorized public or private place with docking installations, mainly for the use of recreational or pleasure boats.
- Z. "Anchorage" means the places designated by the Secretary for the mooring or anchoring of boats within protected areas.
- AA. "Tender" ("Tender to" or "T/T") means a small ship whose purpose is to attend and supply a larger ship and is transported on the deck of the mother ship it is destined to serve. It shall not include those that are required to be transported by the mother ship. (sic)

Section 4. – Statement of Public Policy

It is hereby declared as the public policy of the Commonwealth of Puerto Rico to propitiate and ensure the safety of the citizenry in the practice of marine and related water sports and recreation, and in the enjoyment of the beaches, lakes, lagoons and bodies of water of Puerto Rico, as well as the protection of the fauna, flora and other natural and environmental resources that could be affected by recreational or other activities that are developed there. In order to comply with the responsibility to see to the welfare and safety of the citizens in their recreational and leisure activities, and propitiate that those conditions under which humans and nature can coexist in harmony are maintained, it is hereby provided that the necessary protection and safety measures are taken for the citizens who enjoy these areas, as well as for the natural and environmental resources existing therein.

The Act shall propitiate the orderly use of these resources in a way that will stimulate their commercial and recreational use, facilitating the access to and navigability of the waters.

This Act shall be interpreted and administered in consonance with the public policy of stimulating and developing nautical tourism in our country. The encouragement of nautical tourism is of basic importance in the developmental strategy of Puerto Rico, since it stimulates economic activity and generates job opportunities. Therefore, this legislation shall be interpreted and administered prudently and reasonably in its application to nautical industry and tourism.

Section 5.– Powers of the Department of Natural and Environmental Resources.

The Department of Natural and Environmental Resources is hereby vested with the powers and prerogatives to adopt, promulgate and enforce

those rules and regulations that are needed for the adequate execution and administration of this Act and the implementation of the public policy established hereby. These powers and prerogatives shall be executed by means of the regulations and supervisory action conferred upon the Office of the Commissioner of Navigation.

Section 6. – Functions and Duties of the Commissioner of Navigation

The functions and duties of the Commissioner of Navigation are the following:

1. Shall be a person of recognized moral probity with knowledge and experience in navigation and all that is related to aquatic and marine safety standards.
2. Shall hold office at the Secretary's volition and may avail himself of the benefits of Act No. 447 of May 15, 1951, as amended, that establishes the Retirement System for Employees of the Government of Puerto Rico and its Instrumentalities, and those of Act No. 133 of June 28, 1966, as amended, that creates the Puerto Rico Commonwealth Employees Savings and Loan Fund.
3. Shall comply with the duties and responsibilities delegated on him by the Secretary, among which are the following:
 - (a) Submit the regulations needed for the implementation of this Act for the approval of the Secretary.
 - (b) Establish a marine and aquatic safety program that provides for the training and education of operators of boats, ships, or vessels and of the citizenry in general, among others, on the provisions of this Act, and on the safety measures that shall

be observed in the bodies of water, beaches, and surrounding areas.

- (c) Keep a certification, registration and numbering system of boats, ships and vessels.
- (d) Coordinate preventive vigilance programs and plans with the Puerto Rico Police, the Natural Resources Rangers Corps, the Coast Guard Service, the Ports Authority and the Municipal Guard of the corresponding municipality.
- (e) Maintain a system of buoys or any floating marker delimiting the areas designated as reserved for bathers, and the protection of natural or endangered resources.

Section 7. – Marine and Aquatic Safety

The following shall be established to propitiate the proper regulations on the various aspects of marine and aquatic safety:

1. It shall be prohibited for boats, ships or land motor vehicles to operate, travel, cruise, anchor or otherwise operate on the areas reserved for bathers or areas for the protection of natural and environmental resources.
2. The Department shall establish by regulations the use, management, or operation of boats and ships in areas duly identified and demarked by buoys or other mechanisms, or notices installed or operated by the Department for the protection of habitats or breeding places of threatened, vulnerable or endangered species, as well as those areas of high natural and ecological value.
3. The Secretary may regulate or prohibit the use of boats or ships as well as swimming and the practice of any aquatic activity in lagoons and lakes. This provision shall become effective in a term

of six (6) months during which the Secretary shall approve a regulation for each lake or lagoon, designating the types of boats or ships that are authorized or prohibited. During the period that no regulations exist, the prohibition to operate water skis and ships of more than thirty (30) horsepower shall be maintained.

4. The reserved and protected areas shall be delimited and marked as follows:

(a) The Puerto Rico Planning Board, in consultation with the Department, the Sports and Recreation Department, the Puerto Rico Tourist Company, and the Puerto Rico Ports Authority, is hereby empowered to adopt zoning regulations designating the areas reserved for bathers, as well as the high-risk natural or environmental resources protection areas, leaving those areas that are not reserved, for the free use of boats and ships.

(b) The Commissioner is directed to mark the limits of the areas referred to in this Section with buoys or any other floating markers. The Department is authorized to maintain signs in the English and Spanish languages, and the international symbols that describe the delimitation of said areas, in the areas reserved for bathers, as well as in the natural and environmental resources protection areas. The Department may authorize recreational activities such as camping, as well as those destined for the practice of beach sports such as paddleball, or beach tennis, volleyball and others, and establish the areas for these purposes.

5. A system of signs shall be established in the reserved or protected areas as follows:

The Department is hereby empowered to establish in the areas reserved for bathers under his jurisdiction, a system of visual, or sound signals, or a combination thereof, by which persons who are in areas reserved for bathers are warned of the general hazardous conditions existing in said areas. The Department is also empowered to establish a warning system to advise of dangerous situations that exist in the aquatic or marine areas in which natural and environmental resources are protected.

6. The Department is hereby empowered to create a Lifesaving Corps, pursuant to the provisions of Act No. 293 of August 21, 1999.
7. The use of water scooters will be allowed in every maritime area not reserved for bathers, or the protection of Natural Resources, or that is prohibited under the provisions of other laws. But the Secretary may, through regulations, limit or prohibit said practice to ensure the safety, environmental protection and the practice of fishing. This provision does not exempt a person from civil or criminal liability who, while operating said ship in permitted areas, does so negligently or damages property or other persons or any endangered species, or violates any provisions of this Act.
8. The prudent and reasonable navigation by every operator of a boat and ship shall be propitiated, as follows:
 - (a) The Department shall establish, through regulations, the restrictions for use and/or maneuvers that could

cause physical harm to a person or damage private property, including, but not limited to the following:

- (1) The safety measures that boats or ships should observe and have, such as lighting, lifesaving, ventilation, fire extinguishers and any other equipment or accessory that is deemed necessary for the safety and protection of the persons and said boats or ships on the bodies of water.
- (2) The norms and requirements to drive boats and ships on the territorial waters of the Commonwealth. Provided, that in the marinas and anchoring areas, the speed limit shall be five miles per hour (5 MPH) in order to avoid making waves.
- (3) Safety measures that the persons who are in areas reserved for bathers, or natural or environmental resources protected areas should comply with, that are tempered to statutes already in force, such as the Penal Code and/or Special Laws.

Said regulations shall be adopted pursuant to the provisions of Sections 2101 *et seq.* of Title 3, known as the "Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico".

Exempted from the provisions previously established in this Section, are those boats or ships found in the following circumstances, when:

1. They are close to, or enter the area reserved for bathers, lagoon or lake areas, or natural or environmental resources protection areas, to provide assistance or seek safe haven in an emergency situation; or
2. Are operated by a police officer or Government official in the exercise of his official duties.
3. When the following activities are being carried out:
 - (a) Cleaning of beaches and bodies of water by the corresponding government agencies or any public or private entity.
 - (b) Works to protect lives and property, as well as the rescue or saving of shipwrecked persons, bathers, boats, as well as those related to any other emergency situation.
 - (c) Construction works, improvements, or rehabilitation of the sea-land zone or the bodies of water that are duly authorized by the corresponding government agencies.
 - (d) Holding of activities that have been duly authorized by the corresponding government authorities and that it is necessary to have one or more boats or ships present in order to hold them.
 - (e) When police officers require the use of a boat or ship to perform vigilance, or when any public official or employee has to use a boat or ship in the performance of his duties for investigations or in the management of natural resources.
 - (f) When studies or investigations are authorized, that require entry to protected areas or the use of larger boats

than what is allowed, or any other exemption of the provisions of this Act for which an authorization of the Secretary of the Department, as well as any other Commonwealth or Federal agency must be obtained. The authorization issued by the Secretary shall contain the following conditions and requirements: period of duration, days and hours allowed, safety and handling provisions that shall be obeyed, areas to be used by the boat or ship, list of the exempted provisions of the Law, or any other matter that is deemed necessary or convenient by the Secretary.

- (g) When a land motor vehicle is launching a boat, or hauling it from a body of water.
9. The following shall be deemed to be prohibited activities: careless or negligent operation, or in an intoxicated state, by a person who has not complied with the safety requirements; by a person who has not complied with the licensing requirements to operate boats or ships. The following limitations are hereby established, which shall be punished by administrative fines of fifty dollars (\$50.00) issued through tickets, unless a larger fine is specifically provided:
- (a) No person shall operate a boat or use a ship in a careless or negligent manner that could endanger the life, safety and property of other persons. An infraction of this rule shall bring about the imposition of an administrative fine of two hundred and fifty (250) dollars.
 - (b) No person shall operate a boat or ship when intoxicated or under the influence of a controlled substance, as defined in

Act No. 143 of June 30, 1969, as amended, known as the "Puerto Rico Beverages Act". Infractions of this provision shall bring about the imposition of an administrative fine of two hundred and fifty (250) dollars.

- (c) No person under twelve (12) years of age shall operate a motor boat of more than ten (10) horsepower without being accompanied by an adult, provided, that in the case of a person who is under ten (10) years of age, the horsepower shall not exceed ten (10) horsepower, and no person under fourteen (14) years of age shall operate an outboard motor boat without being accompanied by an adult.
- (d) No person shall launch or operate a boat or ship on a body of water without complying with applicable Federal and Commonwealth legislation on the safety equipment that said boat or ship should have, including the master switch, in those boats or vessels that require it.
- (e) As of January 1, 2001, no person born after July 1, 1972, and who is a resident of Puerto Rico, shall operate a boat subject to numbering and registration, without being authorized by means of a license given upon approving a course, and the corresponding written examination on the use and handling of boats and navigation skills, implemented or duly certified by the Department, the Coast Guard or by the National Association of State Boating Laws Administrators (NASBLA), or any other accredited by the Secretary.
- (f) No owner of a boat or sailing ship shall allow the operation thereof that exceeds the capacity of passengers or the weight

recommended by the manufacturer. In the case of home-built boats or sailing ships, the analogous guidelines established by the manufacturers of comparable equipment shall be used. Infractions of this provision shall bring about the imposition of an administrative fine of two hundred and fifty (250) dollars.

- (g) No person shall operate a boat to tow a person or persons on water skis, surfboards or similar apparatus, unless there is another person besides the operator on board, in a position to observe the track of the person or persons who are being towed. This prohibition shall not apply when it is necessary to rescue or give needed help to a person who is endangered.
- (h) No person shall engage in water skiing unless he/she wears a life vest.
- (i) No person shall swim beyond the limits set aside for bathers with buoys or any other floating devices. If he/she does so, the police officers shall admonish him/her and suggest that he/she returns to the area set aside for bathers. If an accident occurs beyond the area reserved for bathers, the comparative responsibility rule shall apply.
- (j) No person shall remove, alter or modify any part or device of the motor of a motorboat, or its propulsion unit or capsule for it to exceed the maximum sound emission levels established by the manufacturer of the unit, except in competitions authorized by the Secretary or the United States Coast Guard.
- (k) No person shall moor or secure a boat or ship to any buoy or sea marker installed by the Department or authorized thereby,

which serves to limit or mark an area or to establish a speed limit.

- (l) No person shall moor or secure a boat or ship to a buoy or seamark placed by a fisherman to identify the location of a net.
- (m) When as a result of tying or securing a boat or a ship to a species of plant that composes a mangrove swamp within a protected area, except in those cases that it is damaged when aid must be given as a result of a sudden emergency or after a hurricane warning, or when it is anchored outside of the areas designated for anchoring by the Secretary, next to mangrove swamps, coral beds, and marine grass meadows found in natural resources protection areas. An administrative fine of two hundred and fifty (250) dollars shall be imposed through a ticket issued by the police officer. Nothing that is provided in this subsection shall prevent any civil, criminal or administrative action to be taken if mangroves, corals or marine grass meadows have been damaged or destroyed.
- (n) No person shall operate a motorboat if the operator, as well as the passengers, are not wearing a life preserver or a personal lifesaving device. An infraction of this provision shall bring about the imposition of an administrative fine of fifty (50) dollars for each infraction, to be imposed through a ticket.
- (o) No owner or operator shall allow any person less than twelve (12) years of age to be on a boat that is in motion, without wearing a life preserver or personal lifesaving device. An infraction of this provision shall bring about an administrative

fine of one hundred (100) dollars for non-commercial ships, and of two hundred and fifty (250) dollars for commercial ships, which shall be imposed for each infraction up to a maximum of one thousand (1,000) dollars for each event, through a ticket issued by the police officers.

This requirement is not mandatory in any of the following circumstances:

- (1) When the minor is in the inside cabin or command cabin of the boat.
 - (2) When the boat is operated by the Ports Authority or by a person or entity authorized by the Public Service Commission to transport passengers. In these cases it shall be necessary to have life preservers or personal life saving devices available at all times in sufficient number so that there will be a life preserver or personal life saving device for each passenger.
 - (3) Those activities or sports events organized by bona fide groups determined by the Secretary through a dispensation or regulations.
10. The following shall be identified as actions by police officers, and penalties for violations:
- (a) A police officer may intervene and arrest, and board any boat or ship, in those cases that there is a boarding protocol, as well as placing its operator under arrest when there are grounds to believe that it is being used in violation of the provisions of this Act or its regulations; when there are grounds to believe that a crime is being committed under any Commonwealth

law, or when there are grounds to consider that its operator is handling it under the effects of alcoholic beverages or controlled substances, as defined in Act No. 143 of June 30, 1969, as amended, known as the "Puerto Rico Alcoholic Beverages Act", and by Act No. 4 of June 23, 1971, as amended, known as the "Puerto Rico Controlled Substances Act".

- (b) Any police officer shall require any operator of a boat or ship to submit to a chemical analysis of his/her blood, breath, or any other bodily fluid, for the purposes stated in this Section, after having stopped and arrested him/her on grounds to believe that said person was operating, or had a boat or ship under his/her command while under the effects of alcoholic beverages.
- (c) In any criminal procedure for an infraction of this provision, the amount of alcohol in the blood of the operator of the boat, vessel, or ship when the alleged infraction was committed, according to the chemical analysis of his/her blood or breath or any other bodily fluid, except urine, shall be grounds for the following presumptions:
 - (1) If at the time of the analysis there was less than ten (10) hundredths of one (1) percent of alcohol per volume (grams in one hundred milliliters-*avas* parts of one (1) percent per volume of blood) in the operator's blood, it shall be conclusively presumed that the operator is not under the influence of

alcoholic beverages when the alleged violation was committed.

- (2) If at the time of the analysis the operator's blood had ten (10) hundredths of one (1) percent or more per volume (grams of one hundred milliliters-*avas* parts of one (1) percent per volume of blood), it shall be presumed that the operator was under the effects of alcoholic beverages at the time the alleged infraction was committed.
 - (3) The above provisions shall not be interpreted in the sense that the same limit the filing of any other competent evidence as to whether the operator was or not under the effects of alcoholic beverages at the time the alleged infraction was committed.
- (d) The infractions and penalties in the Controlled Substances Act shall apply when the provisions of said Act are violated while the person is operating a boat or ship, or travels in it, provided that every boat or ship in which any controlled substance is seized following due process of law, shall be subject to confiscation by the Commonwealth of Puerto Rico, following the procedure established in Act No. 93 of July 13, 1988, as amended, known as the "Uniform Confiscation Act of 1988". This provision, however, shall not impede entering a plea of innocent third party.
- (e) Likewise, the same procedure shall be followed when pursuant to the "Uniform Confiscation Act of 1988, and following the due process of law, any weapon or ammunition

which is in violation of Act No. 17 of January 19, 1951, as amended, known as the Puerto Rico Weapons Act, is seized, and in the event that the boat or ship is used to transport explosives or substances that can be used to manufacture explosives without first having obtained the corresponding permit from the Superintendent of Police, pursuant to Act No. 134 of June 28, 1869, as amended known as the "Puerto Rico Explosives Act".

- (f) Any person who disobeys an order or legal admonition of a police officer while driving or operating a boat or other vessel, to halt said boat or vessel, or any person who impedes the inspection of any boat or ship, shall be guilty of a misdemeanor.
- (g) If, as a result of a violation of the provisions of this Act, a person should cause grave bodily harm to a human being, he/she shall be charged with a felony, and upon conviction, shall be punished by imprisonment for a fixed term of one (1) year, or a fine of two thousand (2,000) dollars, or both penalties at the discretion of the Court. If aggravating circumstances are present, the fixed penalty may be raised to a maximum of three (3) years; if there are extenuating circumstances, it may be reduced to a minimum of nine (9) months.
- (h) When a person causes the death of a human being as a result of a violation of the provisions of this Act, he/she shall be charged with a misdemeanor and upon conviction, shall be punished according to the provisions of the Penal Code.

- (i) Any person who operates a boat or other vessel under the effects of alcoholic beverages or controlled substances, in violation of the provisions of this Act, shall be charged of a felony and upon conviction, shall be punished with a penalty of imprisonment for a fixed term of one (1) year, or a fine of five thousand (5,000) dollars, or both penalties, at the discretion of the Court. If there were aggravating circumstances, the fixed penalty established hereby may be increased to a maximum of two (2) years, and if there were extenuating circumstances, it may be reduced to a minimum of nine (9) months.
- (j) The operator or owner of the boat or ship in which a weapon is seized for not holding the corresponding permit, shall be punished with the corresponding penalty established in Act No. 17, of January 19, 1951, as amended, known as the "Puerto Rico Weapons Act". This provision shall not apply to the ships registered by the Coast Guard Service of the United States of America, or that have been registered as foreign flag vessels with regard to the weapons used for the protection of the ship on high seas, that are kept on the ship and are not intended to be introduced to the jurisdiction of the United States of America.
- (k) Any natural or juridical person that operates a cross-country vehicle on land areas of beaches reserved for bathers without the corresponding permit, shall incur a misdemeanor and, upon conviction, shall be punished with a fine of five hundred (500) dollars.

- (l) Any person who violates any provision of this Act for which no penalty has been provided, or violates any regulation adopted by virtue of this Act, shall incur a misdemeanor and upon conviction, shall be punished with a fine of not less than two hundred and fifty (250) dollars.
- (m) The courts of Puerto Rico shall have concurrent jurisdiction with the Department it initiate any procedure that arises due to a violation of this Act.

Section 8. – Obligations in the event of accidents.

1. The operator of a boat or ship involved in a collision, accident, or other emergency, shall give the persons thus affected the help and assistance that is prudent and necessary to save them, or minimize any danger caused by the collision, accident or emergency whenever it is possible, without gravely endangering his/her own means of transportation, crew or passengers. He/she shall also give his/her name, address, license number or identification of the boat or ship to any injured person and the owner of any property thus affected.

2. In the case of a collision, accident or other misadventure in which a boat or other ship is involved and a person has died or been injured, or when damage to property has been caused in excess of one hundred (100) dollars, the operator or owner shall inform it to the closest Commonwealth or Municipal Police Station or the Ranger Corps headquarters, in the event a police officer is not present. In the cases where deaths or injuries occur, the operator or owner shall report said death or injury within the next twelve (12) hours. In the case of property damage in excess of one hundred (100) dollars, the operator or owner shall inform it within forty-eight hours after it

occurs. He/she shall also render a written report of the accident or collision to the Department.

3. Any person who violates the provisions of this Section 8, shall incur a misdemeanor, and upon conviction shall be punished with a fine of two hundred and fifty (250) dollars or imprisonment that shall not exceed one (1) month, or both penalties, at the discretion of the court. The Department shall be empowered to impose an administrative fine of fifty (50) dollars for failing to comply with this requirement.

Section 9. – Registration of the means of transportation identified in this Act; numbering, registration and certification

1. Every vessel that is subject to numbering or registration that is in the waters of the Commonwealth shall be numbered and identified with a common or proper name, duly registered in the Department, with the exception of a ship to which the Reciprocity Act applies as provided in this Section. No person shall operate or give permission to operate any vessel in said waters, unless:
 - (a) Said vessel is numbered and labeled pursuant to this Act, or in accordance with a numbering system of another state, approved by the Government of the United States of America, or is a foreign flag vessel; provided, that if it is numbered and labeled according to this Act, the identification number and the name shall be of the size and form required in the rules and regulations of the Department, and shall always be legible and visible. The norms and regulations that are promulgated by the Department for the size and form of the identification number and name, shall

also apply in those cases that the sixty (60) day term of reciprocity has elapsed, as provided in this Section;

- (b) The Certificate of Number assigned to said ship or vessel is in full force and vigor; and
- (c) The identification number indicated in the Certificate of Number of the vessel is affixed in a visible place on each side or on the place determined by regulations according to the type of vessel. In the event that the vessel is registered with a proper or common name in the Department, said name shall also be affixed on the bow or the place determined by regulations. It shall also be necessary for each vessel that is in the territorial waters of the Commonwealth, be registered and shall pay the annual registration fee, as established in this Act, except in the case of those that are exempted from registration, pursuant to this Section.

2. The application for registration or transfer shall include evidence of legal title to the vessel; the corresponding payment of fees to the Secretary of the Treasury of Puerto Rico. In addition, the applicant shall present evidence of having filed his/her Income Tax return, through a certification of the Department of the Treasury to said effect, or a certified copy of the return, if bound to file the same, for the taxable year immediately prior to the date of said application. In the event there is no evidence of title, an authorization shall be procured that consists of a sworn statement, along with a certification of the Office the General Prosecutor of the Department of Justice that accredits that the ship or vessel is not subject to a criminal suit. The fees to be paid shall be determined according to the class of ship, as classified in the following table:

**CLASSIFICATION OF BOATS, SHIPS, NAVIGATION
VESSELS AND CROSS-COUNTRY VEHICLES**

| Class | Size | Rate |
|---------|---------------------------------------------------------------------|----------|
| Class 1 | Ships or vessels less than 16 feet long | \$25.00 |
| Class 2 | Ships or vessels sixteen feet or more but less than twenty-two feet | \$50.00 |
| Class 3 | Ships or vessels twenty-two feet or more but less than thirty feet | \$100.00 |
| Class 4 | Ships or vessels thirty feet or more but less than forty feet | \$200.00 |
| Class 5 | Ships or vessels forty feet or more but less than sixty-five feet | \$300.00 |
| Class 6 | Ships or vessels sixty-five feet or more | \$400.00 |

With the exception that every ship or boat, or vessel used exclusively by its owner as his/her sole instrument of work in commercial fishing, or that is operated by its own owner for hire for recreational purposes, shall pay a registration fee of five (5) dollars.

3. The Department shall issue a certificate to the owner of the vessel or ship attesting to the size, amount of payment and the municipality in which the vessel is located. This certificate shall be issued upon presentation of the application for registration. The owner of the vessel shall present it to the Collector of Internal Revenue for the payment of the corresponding fees, and he shall issue a duly stamped copy of the receipt,

which shall always be available for inspection when so requested by the police officers. The Department shall register the vessel, assigning the corresponding number and name to it, and shall present the stamp upon presentation of the receipt issued by the Collector of Internal Revenue.

4. The Secretary of the Department is hereby empowered, pursuant to, and in coordination with the Secretary of the Treasury, to use the services of collaborating entities such as banks, distributors of navigation vehicles and ships for the collection of fees and granting of registration stickers, and establishing the regulations that describe the procedures. The owner of every ship manufactured since January 1, 1998, which should be registered pursuant to Section 17, and is under class 3, 4, 5 and 6, shall have to procure evidence from the Department of the Treasury of the payment of excise taxes imposed under Section 2015 of Act No. 120 of October 31, 1994, as amended, known as the Puerto Rico Internal Revenue Code. Provided, that the Department shall not register any ship that does not show that it has complied with the corresponding payment of excise taxes. The statement of excise taxes or the receipt for payment issued by a Collector of Internal Revenue, shall be admitted as evidence thereof. Excepted from this obligation are the ships with documents issued by the Coast Guard Service and Foreign Flag vessels.

5. The sticker of every ship shall be renewed each year, upon payment of the annual fee to the Secretary of the Treasury. The Secretary shall establish a staggered system for the payment of fees and the renewal of stickers as established in this Section.

The Department shall remit the notice of renewal of registration to the owners of ships, annually, which shall be presented to the Collector of Internal Revenue when paying the annual renewal fee. Upon receiving the

application and evidence of payment of the corresponding fee, the Department shall register the ship and issue a Certificate of Numbering to the applicant, except in those cases that the Reciprocity Act applies, in which case no number shall be issued, although it will be registered stating the number assigned to it, the name, Social Security number, and address of the owner or agent in Puerto Rico, the location thereof and a description of the ship.

The owner of any ship covered by a number in effect which has been assigned to it by virtue of a Federal law, or by a State numbering system approved by the Federal Government, who wishes to operate said ship in Commonwealth waters, after the sixty (60) day reciprocity term provided in this Section has elapsed, shall register said number through the procedure established in this Section. In this case, the Department shall issue additional or substitute numbers.

6. The owner of any ship shall have the following civil obligations and responsibilities:

- (a) Shall affix the number on each side of the bow of the ship, the identification name on the bow in the form and size provided in this Section.
- (b) The Certificate of Number shall be pocket-size and shall be available for inspection at all times for inspection on the ship for which it has been issued while said ship is being operated.
- (c) If the ship changes ownership, the owner or vendor shall file an application at the Department to register it in the name of the new owner.

- (d) The former owner shall provide information to the Department within fifteen (15) days following the presentation of the application, with regard to everything related to the transfer of his/her rights or the destruction or abandonment of the ship. Said transfer, destruction or abandonment shall invalidate the Certificate of Number of said ship, except when said transfer does not affect the right of the owner to operate it.
- (e) When the holder of a Certificate of Number changes the address that appears on the document, he/she shall advise of this fact and inform the new address to the Department within a term of sixty (60) days from the change of address.
- (f) No ship shall show or bear any other painted or affixed number other than the one assigned according to this Act, or by virtue of the reciprocity provided in this Section.
- (g) The owner of a ship rental firm shall keep a record of the name and address of the person who rents any ship or navigation vessel designed or authorized by him/her to be operated as such, the identification number, date and hour of departure, date and hour it is expected to return, and the date and hour of its return. This record shall be kept for a period of one (1) year. It shall be the obligation of the owner to provide a general oral or written orientation to the lessee on the navigation rules prepared and provided by the Commissioner of Navigation.
- (h) The owner of any ship or navigation vessel shall be responsible for damages caused when operating any of

these, with fault or negligence, and when it is operated or under control of any person who, with the main purpose of operating or allowing it to be operated by a third party, obtains possession of it through express or tacit authorization of the owner. In every case it shall be presumed, unless there is evidence to the contrary, that the person who operates, or has control of a ship has obtained its possession with the authorization of the owner with the main purpose of operating it, or to allow it to be operated by a third party.

The person for whose negligence the owner of a ship or vessel shall have to respond, according to the provisions of the above paragraph, shall be bound to indemnify him/her for the obligations and liability he/she is bound to assume.

- (i) The owner of a ship or vessel is bound to provide the Department the complete information of the identity of any person who is involved in an accident while operating the ship or vessel, as well as all the details of the accident.
- (i) It is presumed that every ship is the property of the person in whose name it is registered or of the person whose information appears in the application for an identification number.

Neither the owner of a ship rental business, nor his employed agent shall allow a ship or vessel designed or authorized by him to be operated as such, to leave the premises unless he/she has been provided by the owner or

lessee with the equipment required pursuant to the regulations promulgated to such effects by the Department.

7. The following ships shall be exempted from numbering:
 - (a) Ships already covered by a number in full force and vigor assigned by Federal law, or according to a numbering system of another State which has Federal approval, provided said ship has not remained in Commonwealth waters for more than sixty (60) days during the calendar year. Except, that when said ship is used or owned by residents of Puerto Rico, it is required for it to be registered.
 - (b) Foreign flag ships operating temporarily in Commonwealth waters.
 - ~~(c)~~ Ships owned by the United States of America, the Commonwealth, a State of the United States, or a subdivision thereof.
 - (d) Lifeboats of a vessel or ship that are transported on the deck of the ship they are destined to serve.
 - (e) "Tender to" service ships that must be identified through the letters T/T and the name of the mother ship to which they belong.
 - (f) Vessels that have a Registration Certificate in effect issued by the Coast Guard Service of the United States of America, and have a sticker issued by the United States of America Customs Service.
 - (g) The Department may declare other vessels exempted from numbering through regulations to such effect, after having ascertained that the numbering thereof does not materially

help in identifying them, provided the Department determines that these vessels would be exempted from numbering if they were subject to a Federal law or were registered as foreign flag vessels.

8. In the event that an agency of the Government of the United States maintains an identification system by number for motor vessels or navigation vessels within the United States, the numbering system used by the Department by virtue of that Act must be in harmony with said other system.

9. The following is provided for failing to register, renew or advise of the transfer of a boat, ship or vessel:

Any person who, in violation of the provisions of this Section, fails to register or renew the registration or fails to notify the change of ownership of the terms provided in this Act, shall be subject to an administrative fine equal to the annual registration fee corresponding to said ship, multiplied by four (4). The administrative fine may be imposed each time that the police officers determine that the vessel has not been properly registered, that the sticker has not been renewed, or that the change of ownership has not been notified within the terms prescribed in this Section. The fine shall not be imposed on more than one occasion within a period of forty-eight (48) hours if the ticket was handed to the operator, and of twenty (20) days if it was issued during his/her absence. If during the course of those twenty (20) days the police officer intercepts the vessel while it is being operated, an additional ticket may be issued for each occasion that it is operated. The amount of this fine shall be covered into the Special Fund created by virtue of this Act.

It is further established that the fine for not renewing the sticker or for failing to notify the change of ownership shall be noted in the registration of the vessel that is found in the Office of the Commissioner of Navigation, which shall be paid prior to making the renewal or transfer in the Department, including those cases of foreclosure by a financial institution or by any creditor regardless of the manner that title is transferred.

The lessor of a vessel is authorized to require the lessee to keep a credit card form signed and in effect up to a maximum of sixty (60) days. Within said term, and by request of the lessor, the Department shall notify of any debt resulting from a fine imposed on the lessee, and the lessor shall pay the debt within said period by completing the credit card form for the amount paid.

10. Any person who violates any of the provisions of this Section, shall be charged with a misdemeanor, and upon conviction, shall be punished with a fine that shall not exceed five hundred (500) dollars, for each infraction.

Section 9.- Administrative Fines

1. The Secretary is empowered to establish and impose administrative fines, through regulations, for infractions of this Act, in those cases in which an administrative fine has not been established previously, or the infraction is deemed a crime. Thus, he/she is empowered to impose administrative fines for infractions to the provisions of the regulations approved under this Act. Provided, that the administrative fines to be imposed by the Secretary shall not exceed five thousand dollars (\$5,000.00) per incident.

The administrative fines imposed by the Secretary as a result of an adjudicative procedure shall be paid in the Department to the

authorized Collector or Cashier, by check, money order or any other method, drawn to the order of the Secretary of the Treasury, that is accepted by the Department of the Treasury. The administrative fines imposed as a result of a fine, shall be paid in any Internal Revenue Collection Office.

2. The Secretary shall determine which infractions are to be imposed by the issuing of tickets, empowering the police officers to issue the same.
3. Every administrative fine imposed for infractions of the provisions of this Act or its regulations shall be covered into the Special Fund established in Section 14. When the operator or user of a boat or ship or sailing vessel incurs an infraction in which an administrative fine is established, and as a result, causes or contributes to cause an accident which brings about the injury of a person or damages to private property, it shall be deemed a misdemeanor and upon conviction, the person shall be punished with a fine that shall not exceed five hundred dollars (\$500.00), or imprisonment for a term that shall not exceed six (6) months, or both penalties, at the discretion of the Court. Provided, however, that this does not impair the power to process the acts that constitute infractions of this Act or its regulations as felonies or misdemeanors typified in the Penal Code or any other special legislation.

Section 10. - Impediments to Renewal or Transfer

1. Every notice of an administrative fine filed by the Secretary in the registration of a vessel shall constitute a prohibition to register the transfer of said title, as well as to issue or renew the certificate of

number and the corresponding sticker until the fine is paid, annulled or cancelled.

In the event that a quasi-judicial or judicial procedure is pending on the administrative fine, and the party on whom the infraction is imputed wishes to renew the certificate of number, or wishes to register the transfer of the title to the vessel, or that the notation be cancelled for any reason, shall pay the fine covering the total amount of the fine or fines requested to be reviewed. Once there is a decision, resolution or final judgment, if it is favorable, the total amount of the fine or fines that have been paid, shall be returned, and the canceling of the notation shall proceed. Otherwise, if the determination is adverse, the notation shall prevail, which can only be cancelled through the payment of the corresponding fine or fines.

2. The Secretary shall convey the notation to the person who appears in his/her files as the owner of the vessel as well as to any person who has any other type of lien on said ship registered in the Department. For the purpose of liability with regard to the administrative fine it shall be deemed that the notice of the Secretary to the person who appears in his/her files as the owner, shall constitute notice to the persons who are *de facto* owners of the vessel and the mere remitting of the notice by mail to the addresses that appear in the Register of Numbering and Registration of the Department, even though they are not received by the addressees, shall be deemed as said notice to all legal effects.

The Secretary shall keep a register of the notations created by administrative fines or any other type of notation or lien he/she has knowledge of, which shall be available for public inspection. It shall be the duty of the Secretary to inform any interested applicant, orally or in writing, of the existence of any type of lien or notation he/she is cognizant of, within a term of forty-eight (48) hours after receiving the request. Provided, that every administrative fine imposed and every ticket for an infraction issued against a vessel under this act shall be registered and made available for inspection and certification within the term of forty-five (45) days after being imposed or issued. If this requirement is not complied with, the administrative fine or ticket may be annulled.

3. The notation established by an administrative fine may be cancelled or annulled by the Secretary under the following circumstances:

(a) In those cases in which the administrative fine is established in a quasi-judicial proceeding and not as a result of the issuing of a ticket, the notation may be cancelled when the fine is paid and there is evidence of the payment thereof.

(b) In the event that the notation is as a result of the issuing of a ticket, it may be cancelled under the following circumstances:

(1) When the ticket is paid and there is evidence of its payment.

(2) When a quasi-judicial or judicial proceeding is established in which the imputed infraction was not committed if a review is requested.

- (3) When upon an investigation by the highest-ranking official in the corps to which the police agent who intervened belongs, determines that the police officer who issued the ticket made an error or mistake and proceeds to annul it and informs it to the Commander of the Ranger Corps and the Commissioner of Navigation.
 - (4) The administrative fine ticket pending payment that has been issued for over five years.
 - (5) When there is no evidence of the administrative fine that gave rise to the imposition of the notation in the registers.
4. The Secretary may process the transfer of title of the vessels that have annotations pursuant to this Section, if the imposition of the administrative fine is prior to the date the ownership of the vessel changed. The date that appears in the transfer executed in the Department shall be deemed as the date of the transfer of ownership. In said case, the transfer of title shall be executed, but the notation shall be kept in the file and reported to the new owner to be paid at the time of the transfer.

Provided, that regardless of what is established in this Section, any person who wishes to include a notation on a vessel that is duly registered and numbered, to which a certificate of number has been issued, shall present the title on which said right is based, for its registration.

Section 11. – Procedure for the Issuing of Tickets

1. Police officers are hereby authorized to issue tickers under those circumstances that are provided by law or regulations.
2. The forms for said tickets shall be drawn up, printed, individually numbered and distributed as established by the Secretary through regulations. It being understood that said tickets can be those already established for infractions of this Act or its regulations.

The police officers shall date and sign the ticket, shall write the registry number and registration and the case number, which shall state the infraction that was allegedly committed and the amount of the fine to be paid.

3. A copy of the ticket shall be handed to the owner or operator of the ship or vessel; besides, a copy thereof shall be sent by mail or may be affixed to the vessel if the circumstances allow it, in which case, a register shall be kept to such effects.

The copy that is handed to the owner or operator, or affixed to the ship or vessel, or remitted by mail shall contain instructions to request an appeal for review before the Secretary, which procedure shall be established through regulations. Provided, that the person shall have a term of thirty (30) days to request the reconsideration of the ticket.

The original and the copy of the ticket shall be sent immediately to the Secretary by the police officers through their headquarters or offices. The Secretary shall attach it to the registration file of the ship subject to the infraction, as the case may be.

4. The payment of an administrative fine established through a ticket shall be made at any Internal Revenue Collector's Office or at the Department, taken personally or through a duly authorized agent, in cash, or by check, money order, or any other means adopted by the Secretary of the Treasury and the ticket issued or a copy thereof or the notice of the establishing of the notation by the Secretary shall be shown.

If the ticket is paid and evidence thereof is presented, the Secretary shall proceed to cancel it, making the corresponding notation in the Registry.

5. In those cases that a ticket is issued to a ship or vessel for an infraction of the provisions of the Act or its regulations, and they ~~are~~ not or do not have to be registered or numbered in the Register of Numbers and Registration kept by the Department, the police officers shall remit the original and a copy of the ticket to the Secretary who shall keep a register of these fines.

6. In these cases or in any other in which a ticket is issued for infractions of this Act or its regulations, if an appeal for review is not requested before the Secretary as established by regulations and the fine is not paid within a term of thirty (30) days after the ticket is issued or notified, the Secretary may take the corresponding legal actions for the collection of said ticket in those cases that the ship or vessel is not registered in Puerto Rico.

Section 12. – Infrastructure for the development of water and marine sports and activities

1. The Department, with the advice and counsel of the Planning Board, shall determine the adequate coastal zones for the construction of

public access ramps to the coast that will enable the practice of marine sports and activities. These ramps shall be constructed for the use of the general public.

2. The Department shall build adequate infrastructure for the practice of water sports and activities as indicated in Act No. 115 of September 6, 1997.

3. The Department may use funds that are furnished by the Special Fund created in this Act for the construction of infrastructure. It may also establish construction contracts with private enterprises, municipalities and government entities for the creation of said infrastructure.

4. The Department may collect a reasonable fee for the use of the ramps to be used for the maintenance and administration of the infrastructure.

Section 13. – Creation of the Special Fund

The total amount of the fees collected as a result of the administration of this Act, as well as the amount of administrative and judicial fines for infractions of the provisions of this Act or its regulations shall be covered into a Special Fund in the Commonwealth Treasury created under Act No. 48 of June 27, 1986, as amended, which shall be destined mainly to the implementation of this Act and its regulations. The Secretary may use part of these funds on programs and administrative expenses he/she deems convenient and necessary for the best attainment of the ends and purposes of the Department and those laws and regulations under its jurisdiction.

Section 14. – Repeal

Act No. 48 of June 27, 1986, as amended, its regulations, and any other provisions of law that are contradictory to this Act, are hereby repealed. However, the regulations of Act No. 48 shall remain in effect in all that is

not contrary to this Act, until the Secretary issues the new regulations created by this Act and the same are certified by the Department of State.

Section 15. – Effectiveness

This Act shall take effect January 1, 2001, after its approval, the Secretary shall have one hundred and eighty (180) days to promulgate the regulations, pursuant to the provisions contained in this Act.