

Traffic Safety Commission

Act No. 33 of May 25, 1972 as amended

(Contains amendments incorporated by:

Act No. 137 of July 18, 1986

Act No. 144 of July 18, 1986

Act No. 40 of June 19, 1987

Act No. 44 of August 21, 1990

Act No. 21 of January 1, 2003

Act No. 107 of May 6, 2004)

(Amendments non-incorporated:

Act No. 148 of October 8, 2010)

To create the Traffic Safety Commission; to provide for its organization and to define its functions and powers; to repeal section 3 of Act No. 92 approved June 29, 1954, and Joint Resolution No. 19 approved May 30, 1969, except section 1; to transfer to the Commission the personnel, equipment, funds and materials of the Traffic Safety Committee created by Joint Resolution No. 19 of 1969, and to appropriate funds for the implementation of this act.

STATEMENT OF MOTIVES

Traffic accidents constitute problem of great magnitude in Puerto Rico. Every year said accidents cause serious losses in terms of dead and injured persons and damages to property.

The solution of this problem will depend in a great measure on the balanced development of all the phases which integrate a traffic accident prevention program. In Puerto Rico the development of those different phases, such as police surveillance, driver and pedestrian education, medical emergency services, issuance of licenses to drivers, registry of vehicles, traffic records, traffic courts and alcohol influence in accidents, is the responsibilities of different agencies of our government.

This diversity of responsibilities requires a regular organization which coordinates all efforts and canalizes them in the most effective way so as to permit the carrying out of a coordinated program where duplicity of activities and efforts be reduced to a minimum or be completely eliminated. Such organization is also necessary in order to obtain and administer as effectively as possible the benefits corresponding to Puerto Rico under the provisions of Congress Public Law No. 89-564, approved September 9, 1966, known as the "Highway Safety Act of 1966".

Joint Resolution No. 19, approved May 30, 1969, created the Traffic Safety Committee composed of the Secretary of Public Works, the Secretary of Education and the Police Superintendent to carry out a local program of traffic safety. The experience had, shows that in

behalf of a better organization and coordination of this program, it is necessary to amend the composition of said Committee to include other officers and give to it a permanent character. The Committee is hereby renamed the Traffic Safety Commission and shall be responsible for preparing and implementing a general program on traffic safety and to determine the use of the commonwealth and federal funds appropriated thereto.

Be it enacted by the Legislature of Puerto Rico :

Section 1. — Traffic Accident Prevention Program. (9 L.P.R.A. § 2092)

(1) Authority of the Governor of the Commonwealth of Puerto Rico to establish a traffic accident prevention program. In addition to the powers and faculties conferred on him by the Constitution and the laws of the Commonwealth of Puerto Rico, the Governor is hereby empowered to enter into and negotiate the necessary agreements so that the Commonwealth of Puerto Rico may receive all the funds and benefits appertaining to it and that may be provided in the future under the provisions of Congressional Public Law No. 89-564 of 1966, known as the "Highway Safety Act of 1966", and under any other federal law amendatory or supplementary thereof.

(2) Responsibility of the Governor to administer the Traffic Accident Prevention Program. The Governor of the Commonwealth of Puerto Rico shall be responsible for administering the Traffic Accident Prevention Program carried out in accordance with this chapter. To such effect he/she shall make the necessary contacts with the federal government and shall work in coordination with it in the development of programs and activities that are carried out in accordance with the U.S. Congress Public Law No. 89-564 of 1966, and the amendatory and supplementary laws thereof. To such ends, the Governor shall coordinate the activities related with traffic accident prevention carried out by the agencies, instrumentalities, public corporations and municipalities of the Commonwealth of Puerto Rico. The Governor may delegate all powers and duties conferred on him by this section to the Traffic Safety Commission; Provided, however, That the Governor shall always be responsible for the administration of the Program.

Section 2. — Traffic Safety Commission. (9 L.P.R.A. § 2093)

(1) *Creation of the Commission.* — A coordination committee is hereby created which shall be known as the "Traffic Safety Commission" which shall be referred to, hereafter, as the "Commission". This Commission shall be presided by the Governor or by the person he may delegate.

(2) *Members of the Commission.* —

(a) The Commission will consist of the following public servants, or those representatives who said public servants appoint, who must have the capacity, knowledge and decisional power to effectively represent the executive public servant that they replace. Those appointed shall respond directly to the agency chief, who in his turn, shall be responsible for the determinations that are made by the Commission.

1. The Governor
2. The Secretary of Transportation and Public Works
3. The Secretary of Education

4. The Secretary of Health
5. The Police Superintendent
6. The Executive Director of the Highways Authority
7. The Administrative Director of the Courts
8. The Executive Director of the Automobile Accident Compensation Administration
9. The Secretary of Justice
10. The Administrator of Mental Health Addiction Services Administration.
11. The President of the Public Service Commission
12. One representative of the public interest who shall be appointed by the Governor for a two (2) year term
13. A youth representative who shall also be appointed by the Governor for a term of three (3) years. The youth representative shall be a youth over eighteen (18) years of age and no older than thirty (30) years of age.

(b) The Governor may appoint additional members so that, at his discretion, they may form a part of the Commission.

(c) The members of the Commission shall not receive compensation for their services as such. However, they shall be entitled to receive reimbursements for per diems and travel expenses in which they may incur in carrying out their functions, pursuant to the standards that to such effect the Secretary of the Treasury has already established.

(3) *Functions and powers.* — The Commission shall act as coordinating central agency in the planning, administration and execution of the traffic accident prevention programs. The Commission is not, however, empowered to exercise the authority nor the powers and duties conferred to other agencies, instrumentalities, public corporations or other political subdivisions of our governmental structure.

1. For the purposes of attaining the goals of this act and the highest benefits possible from federal funds appropriated to the Traffic Accident Prevention Program, the Commission shall have the following functions:

- a. Study and evaluate all the problems affecting the traffic safety on our streets and highways.
- b. Require from agencies, instrumentalities and public corporations which perform functions connected with traffic safety to investigate the convenience of establishing new measures aimed at promoting greater traffic safety and to make an evaluation of the existing programs and measures.
- c. Prepare, develop and coordinate a general program on traffic accident prevention, in cooperation with the different agencies, instrumentalities, public corporations and municipalities which under the law have the responsibility of carrying out any phase in connection with the traffic, taking into consideration the standards and requirements that the Government of the United States may establish through the federal agency responsible for enforcing Public Law No. 89-564 of 1966, known as the "Highway Safety Act".
- d. Prepare, develop, and coordinate an annual study on the effects on traffic safety on the thoroughfares of the Commonwealth of Puerto Rico of the use of mobile telephones while driving, with and without hands-free devices, in coordination with the different agencies, instrumentalities, public corporations, and municipalities, which by law perform duties related to traffic.

2. To carry out these functions, the Commission shall have the following powers:
 - a. Appoint a Working Committee which shall be composed of a representative from each one of the agencies and public corporations which are a part of the Commission, for the purposes of carrying out studies and submitting recommendations to the Commission on different aspects of traffic safety.
 - b. Appoint other committees, as it may deem necessary, to attain the ends and purposes of this act and of the federal act.
 - c. Use the resources available within the agencies and public corporations that compose it, such as the use of offices, personnel, equipment, materials and other facilities, such agencies and corporations, particularly the Automobile Accident Compensation Administration being authorized hereby to place at the disposal of the Commission said offices, personnel, equipment, materials and other facilities.
 - d. Appoint an Executive Director and all the personnel needed for the administration and execution of the program, conferring to it all those powers and obligations he/she deems convenient, and to pay them the compensation determined by the Commission for their services. The personnel shall be governed by the provisions of Act No. 5 of October 14, 1975, known as the Public Service Personnel Act. The Commission is hereby empowered to include one or more of its officers in the exempt service in such cases as it may deem necessary for its proper operation.
 - e. Receive in the name of the Commonwealth of Puerto Rico the funds and benefits that the federal government may assign in accordance with Congressional Public Law No. 89-564 of 1966, and the amendatory and supplementary laws thereof, and to use such funds in the development of projects and activities in connection with traffic accident prevention.
 - f. Assign or transfer to the agencies, departments, instrumentalities, public corporations and municipalities such commonwealth or federal funds or part thereof that the Commission may have at its disposal so that said organizations may develop any specific traffic safety project previously approved by the Commission.
 - g. Accept in the name of the Commonwealth any donation of properties and moneys, as well as appropriations made by the Automobile Accident Compensation Administration in its behalf to carry out the purposes of this chapter.
 - h. Adopt, promulgate and totally or partially amend, the Rules and Regulations necessary for the purposes of enforcing the provisions of this act and for the management of matters not in conflict with other laws nor with the authority granted by law to the different agencies.
 - i. Contract the services of technicians to perform the necessary studies and investigations on traffic safety.

(4) *Operation.*

1. *Meetings.* — The Commission shall meet not less than four (4) times a year upon previous call to such effect by the chairperson. Seven (7) of its members shall constitute a quorum and the resolutions shall be taken by a majority of the members present. The Executive Director shall be responsible for preparing the minutes of the meetings, resolutions, annual and periodical reports, as may be needed, and shall distribute them among the other members of the Commission.

Each member who is allowed to designate a representative shall advise the Commission of the person designated to represent him in the meetings of the Commission. The Executive Director of the Commission shall be responsible for preparing the minutes of the meetings, resolutions, annual and periodical reports, as necessary, and shall circulate them among the other members of the Commission.

2. *Reports to the Legislature.* — The Commission shall prepare an annual report summing up the work performed, the objectives attained, the future programs and the recommendations of necessary legislation to carry out said programs. Said report shall be submitted to the Legislature at the beginning of each regular session.

Section 3. — Appropriation of funds and disposal of funds by the Commission. (9 L.P.R.A. § 2094)

(1) *Appropriation of funds.* — The Automobile Accident Compensation Administration (A.A.C.A.) shall appropriate and provide the Commission with the funds needed for its operation, it being also hereby authorized to request and accept the financial cooperation of any other program or interested institution for such purposes.

(2) *Disposal of funds by the Commission.* — The Commission shall prepare an annual budget that it will present to A.A.C.A. for its approval. The funds that A.A.C.A. appropriates to the Commission, as well as the funds contributed by the federal government, shall remain under the custody of A.A.C.A. in a separate account created for that purpose. The disbursements shall be made by A.A.C.A. upon a certification from the Commission to be charged to its account.

Section 4. — Transfer of funds. (9 L.P.R.A. § 2095)

The unexpended remainder of the funds previously appropriated for the operation of the Commission is hereby transferred to the Automobile Accident Compensation Administration. The Commission shall remain as a body independent from A.C.A.A., subject to the provisions of this chapter.

Section 5. — Repealing Clause. (9 L.P.R.A. § 2092 note)

Section 3 of Act No. 92, approved June 29, 1954 and Joint Resolution No. 19, approved May 30, 1969, are hereby repealed except section 1 of said resolution which shall remain in effect until the appropriation of \$250,000 provided by said section be exhausted.

Section 6.— Effectiveness. — This act shall take effect July 1, 1972.

Note. This compilation was prepared by the Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.