

## ***“Puerto Rico Firefighters Corps Act”***

Act No. 43 of June 21, 1988, as amended

(Contains amendments incorporated by:

Act No. 148 of December 22, 1994

Act No. 199 of August 12, 1995

Act No. 345 of December 18, 1999

Act No. 162 of August 10, 2002

Act No. 33 of January 2, 2003

Act No. 184 of August 16, 2003

Act No. 494 of September 29, 2004

Act No. 140 of November 15, 2005

Act No. 25 of January 23, 2006

Act No. 51 of August 4, 2009

Act No. 53 of August 4, 2009)

(Amendments non-incorporated:

Act No. 167 of July 29, 2011)

To create the Puerto Rico Fire-Fighters Corps and provide for its organization, by-laws and government; to grant faculties and powers to the Fire Chief for the prevention, extinguishing and determination of the origin and cause of fires; to repeal Act No. 158 of May 9, 1942 as amended; and to establish penalties for violations of this Act.

### STATEMENT OF MOTIVES

The Fire service of Puerto Rico was created by virtue of Act No.158 of May 9, 1942. This body was created due to a need to centralize the functions of fire prevention and extinguishing, saving lives, guaranteeing adequate protection to the citizens in general, as well as developing an awareness of the need to prevent fires. During the time that has elapsed since its approval, the law has been amended five times. The amendments have been addressed towards changing the official title of the Fire-Fighters Corps, classifying criminal conduct and increasing the penalties provided.

Even though Act No. 158, supra, includes the basic organizational elements of a fire-fighters corps, it no longer responds to the social, economic and cultural needs of Puerto Rico, today.

Puerto Rico's social and economic development from 1942 up to the present has brought about dramatic changes in the growth and concentration of the population of urban centers, especially in the San Juan Metropolitan Zone, During these years there has been a marked evolution in the designs for multistory buildings and structures that house residential

units, hotels, hospitals, schools, businesses, industries and other service enterprises. Changes in the technology and living patterns have been equally significant.

This situation brings forth an unpostponable necessity to create a new, more efficient administrative structure than the present one. This new structure must have greater operational autonomy in order to establish proper norms and methods for the selection, recruitment, training and professional betterment of its members. It must also allow an adequate administration of the specialized fleet of vehicles needed to extinguish fires.

This fire-fighters corps has to respond to the needs, risks and dangers of modern life in order to effectively protect the lives and ensure safety throughout the island through the prevention and extinguishing of fires. The rendering of this most essential service has to ensure that the safety and fire prevention regulations require the adoption of more modern and effective systems in order to reduce the factors that cause and spread fires to a minimum, as well as the requirements that will allow a speedy and safe evacuation of structures.

On the other hand, the existence of an aggressive and systematic inspection program of lots, buildings and structures is indispensable in order to guarantee that regulatory safety measures are complied with. Inspection programs and rescue exercises must be stricter in places and structures that imply a greater risk of loss of human lives in case of a fire or an explosion, such as multistory buildings, hotels, schools, hospitals and other buildings used to hold assemblies and public spectacles.

The fire that occurred on December 31, 1986, has shown the unpostponable necessity to broaden the fire-fighters corps' legal framework in order to provide it with additional powers that will facilitate the task of fire prevention and inspection of lots, structures and buildings.

Based on the above, this Act proposes the creation of the Puerto Rico Fire-Fighters Corps in order to provide the citizenry in general with adequate safety and protection against fires. Also, the reciprocal obligations corresponding to the Puerto Rico Fire-Fighters Corps officials, and the owners' administrators and occupants of the buildings, structures and lots are more clearly established by this Act. In addition, criminal activity is classified and penalties are established. This act encompasses to a great extent the recommendations suggested by the Fire Safety Commission created by the Governor following the Dupont Plaza Hotel fire.

*Be it enacted by the Legislature of Puerto Rico:*

**Section 1. — Title.** — (25 L.P.R.A. § 331 note)

This act shall be known as the "Puerto Rico Firefighters Corps Act".

**Section 2. — Definitions.** — (25 L.P.R.A. § 331)

For purposes of this Act, the phrases and terms hereunder shall have the following meanings:

(a) *Safety, protection, or fire extinguishing equipment or devices.* — Include, but are not limited to, hoses, extinguishers, hydrants, smoke detectors, alarms, hose nozzles, emergency signs, lights and doors, as well as fire sprinkler valves and pipes.

(b) *Commercial establishment.* — Means any building, structure or lot used to retail or sell merchandise, to carry out business transactions or render professional services. These include, but are not limited to, restaurants, gasoline stations, shops, banks, barbershops, radio stations, television stations, supermarkets, hardware stores, drug stores, doctors' offices and law offices.

(c) *Firefighters Corps.* — Means the government body whose obligation shall be, among others provided by this Act, to prevent and fight fires, save lives, guarantee to the citizenry in general an adequate protection against fires, as well as to determine the origin and cause of a fire once it has occurred.

(d) *Fire Chief.* — Means the person charged with administering the Firefighters Corps.

(e) *Firefighters Corps Personnel.* — Means all the members of the Firefighters Corps whether they are classified by position or by rank.

(f) *Industry.* — Means any building, structure, or land that is used for operations of assembly, production, manufacturing, storage, packaging, or distribution of products, or in which any other industrial process is performed. Among these are included, without being limited to, factories, laboratories, printing presses, pharmaceutical installations, petroleum refineries, petrochemical plants, cereal mills, distilleries, bonded warehouses, thermoelectric plants, nuclear reactors, and installations for the disposal, processing or storage of toxic or hazardous materials.

(g) *Hazardous materials.* — Means any substance or material that has been identified by the Federal Transportation Department and is included under Section 172.101 of Subpart B of part 172 of Title 49 of the Code of Federal Regulations (49 CFR 172.101), which exceeds the maximum net amount per substance allowed to be transported in an air cargo vessel in a single package, pursuant to the dispositions of this regulation, and which complies with the requirements of hazard type, pursuant to Subparts C through J of Part 173 of Title 49 of the Code of Federal Regulations. Any other hazardous chemicals, as described in Section 370.2 of Subpart A of Part 370 of Title 40 of the Code of Federal Regulations (40 CFR 370.2), shall also form part of this definition.

(h) *First Aid.* — Means any urgent therapeutic measure applied to victims of accidents or sudden illnesses in any of the following circumstances: asphyxia, heart attack, profuse bleeding, poisoning, burning, heat stroke and sunburn, fainting, and fractures, among others.”

**Section 3. — Creation.** — (25 L.P.R.A. § 331a)

A body is hereby created within the Commonwealth of Puerto Rico that shall be known as the "Puerto Rico Firefighters Corps" whose obligation, among others provided by this Act, shall be to prevent and fight fires, save lives, guarantee adequate protection to the citizenry in general from fires, as well as to determine the origin and cause of a fire once it has occurred. The headquarters of the Firefighters Corps shall be established in San Juan.

**Section 4. — Organization.** — (25 L.P.R.A. § 331b)

The Firefighters Corps shall be headed by the Fire Chief, who shall be appointed by the Governor of Puerto Rico with the advice and consent of the Senate. He shall hold office for a term of six (6) years, or until his successor is appointed.

The Puerto Rico Firefighters Corps shall be composed of the Fire Chief, Assistant Fire Chiefs, Firefighter Commanders, Captains, Lieutenants, Sergeants, Corporals, Firefighters, Auxiliary Fire-fighters, Volunteer Firefighters and Inspectors. These ranks may be created, consolidated and modified according to the needs of the service.

The Fire Chief shall determine the functional organization of the Firefighters Corps through regulations, and shall establish the chain of command in case of his absence, disability or death. The Firefighters Corps is deemed to be an Individual Administrator, pursuant to the provisions of Act No. 5 of October 14, 1975, as amended, known as the "Puerto Rico Public Service Personnel Act" [*Note: Repealed by Act No. 184 of August 3, 2004 known as "Public Service Human Resources Administration Act of the Commonwealth of Puerto Rico"*].

**Section 5. — Work day.** — (25 L.P.R.A. § 331b-1)

(a) The legal working period of the Firefighters Corps of Puerto Rico shall not exceed eight (8) hours a day, nor forty (40) hours a week. The members of the Firefighters Corps of Puerto Rico who render services of an administrative, executive or of confidential nature, and those who are attending the training courses offered or sponsored by the Firefighters Corps of Puerto Rico, shall be excluded from the provisions of this subsection. The establishment of their respective daily as well as weekly work periods and the granting of days off corresponds to the Fire Chief.

(b) Any member of the Puerto Rico Firefighters Corps who works in excess of the legal working day established in subsection (a) of this section shall be entitled to receive payment for the hours worked in excess of said working day at the rate of double time only in emergency situations and at the rate of time and a half (1.5) in situations not of emergency but of need. Provided, That the payment of the hours shall be made within a maximum term of sixty (60) days.

(c) The chief of the working unit shall keep an attendance registry for each member of said unit in which the regular and overtime hours worked by said members shall be registered. He/she shall certify the total number of hours worked by each member, on a weekly basis, and shall state the name of the officer who authorized the overtime and the justification for authorizing it, if that is the case. After confirming the accuracy of the information thus certified, the member of the Firefighters Corps of Puerto Rico shall be bound to sign said attendance registry.

(d) The working schedule shall be drafted in such a way that the need to work overtime shall be reduced to a minimum, however, the members of the Firefighters Corps of Puerto Rico shall be bound to work overtime in the following cases:

- (1) In case of an act of God or an emergency such as earthquakes, fires, floods, hurricanes, election periods, riots and any others declared as such by the Governor.
- (2) When necessary for the needs of the service, and in benefit of the public service.

Provided, That the notice or authorization to work overtime shall be made prior to doing the work, except in emergencies.

(e) The time the members spend in the courts of justice as witnesses, summoned by an order to officially appear before any government or municipal official, body or committee, shall be deemed official in nature and shall be computed as the legal work schedule.

(f) The time during which a member of the Puerto Rico Firefighters Corps who is off duty or on vacation leave, is engaged in official matters, shall be deemed as time worked as of his/her legal work schedule and to compute the payment of any overtime, provided that the corresponding report accrediting his work and participation, is presented. In the event the member is on vacation leave, the day thus worked shall be added to the number of days he has accrued until then.

(g) The Chief of the Firefighters Corps shall establish, through regulations, the standards to pay overtime, the maximum number of hours the members of the Puerto Rico Firefighters Corps shall work, any exceptions to that maximum, and any other conditions that are needed to comply with the purposes of this section. These regulations shall be ready within one hundred and twenty (120) days after the effectiveness of this act.

**Section 6. — Duties and Powers of the Fire Chief. — (25 L.P.R.A. § 331c)**

The Fire Chief shall have the duties and powers established below:

(a) To adopt rules and regulations that state in detail the functional organization and administration of the Firefighters Corps, the obligations, responsibilities and conduct of its members, as well as the insignias and uniform to be used by them and any other matter related to the operation of the Corps after prior consultation with the Office of Management and Budget. He may also adopt, amend and modify those regulations that are necessary and convenient to comply with the goals and objectives of this Act.

(b) To adopt the rules and regulations needed for the personnel administration of the Firefighters Corps including those related to admission requirements, appointments, transfers, work schedule, specific salary norms, disciplinary measures, leaves, as well as specific standards for the promotion of its members pursuant to the standards and regulations established by the Central Personnel Administration Office.

(c) To adopt the rules and regulations needed to establish the admission requirements, obligations, responsibilities and conduct of the members of the Voluntary Firefighters Corps, as well as the uniform and equipment to be used by them.

(d) To carry out the investigations and examinations that are necessary concerning the acts of any officer or member of the Corps, or the manner in which matters related to prevention and extinguishing of fires are being administered in any district.

(e) To keep a register that includes a record of all fires and facts related to them, including statistics about their extent and the damage caused by them, whether the losses were insured and, if affirmative, up to what limits. This register shall be kept daily from the reports rendered by those in charge of each district. The abovementioned reports shall be public documents.

(f) Render a report to the Governor of Puerto Rico and the Legislature, which shall contain a summary of all the activities carried out by the Corps during the year, with the corresponding

statistics and including an inventory of hydrants at the national levels and the conditions thereof, no later than the second week of the month of January of each year.

(g) To carry out the investigations needed to determine the cause and origin of fires, and prepare the corresponding reports on these cases, without impairing the faculties of the Puerto Rico Police and the Department of Justice in the investigation and prosecution of criminal cases of arson.

The Chief shall immediately notify the Puerto Rico Police and the Justice Department in the event that the investigation by the Firefighters Corps reveals or contains information or indications of criminal conduct during a fire.

(h) To have absolute command and authority in cases of fires and fire alarms throughout the Island during the event or alarm, and over all devices, equipment and personnel in his charge. From time to time he may issue any emergency orders he deems necessary to govern those in charge of the district, salaried firefighters and voluntary firefighters.

(i) To request and receive donations of money and personal and real property from the federal government or from any natural person, public or private entity, be it in trust or in property or in any other manner. Provided, That donations shall be used exclusively to comply with the objectives of this Act. When money or any other financial assistance is involved, the funds received shall be deposited in the Special Fund created by this Act.

(j) To request and obtain technical services from any of the officials or employees of the Government of the Commonwealth of Puerto Rico that in his judgment are necessary to carry out the purposes of this chapter, after the employee's working hours, without being subject to the provisions of Section 177 of the Political Code of 1902 [3 L.P.R.A. § 551], with the prior authorization of the head of the agency concerned. He may also request the government agencies, and they may authorize, the assignment of public employees in that agency to carry out the purposes of this Act.

(k) To collaborate with and advise those persons who so request it in the preparation of evacuation plans for buildings and structures during fire or emergency situations and in the execution of simulation drills of these plans.

(l) To contract for the technical and professional services he deems necessary to carry out the purposes of this Act pursuant to the applicable laws and regulations.

(m) To enter into and execute such agreements, rental agreements, contracts and other instruments that are necessary or pertinent in the exercise of his powers and duties in accordance with the law and applicable regulations.

(n) To appear before the courts solely through the Secretary of Justice, to file actions that are in order according to the law and corresponding regulations.

(o) To adopt rules and regulations for the observance of adequate safety measures, exit facilities and the prevention of fires in sports and recreation facilities, in industries, commercial establishments, schools, hotels, hospitals, buildings used for exhibitions, assemblies or public shows, commercial multiple story buildings, as well as in common areas of residential multiple story buildings, public roads, and any other building, structure or lot not for residential use. Likewise, to adopt those rules and regulations in order to authorize the operation of recreational equipment. Said regulations shall require inspection by a mechanical engineer accredited and authorized to exercise his profession in the Commonwealth of Puerto Rico, shall further require a current public liability insurance, without impairing any other insurance that may be required by any other law or regulation.

Likewise, any other persons that may be held liable for the maintenance and operation of said equipment shall also comply with this requirement. The regulations promulgated in accordance with the purposes of this Act shall prevail over any other regulations on the same matter.

(p) To adopt rules and regulations to establish the maximum number of persons allowed in those buildings or structures destined for exhibitions, assemblies, public spectacles or commercial use, for the purpose of offering adequate safety conditions for the speedy evacuation of their occupants.

(q) To charge for the inspections of buildings, apartments, premises, lots or any private or quasi public structure, held not later than five (5) working days from the date requested.

In the particular case of the individual inspections of the total number of booths of the artisans, plastic arts practitioners, writers, editors and other creative artists of a similar nature who participate in fairs and artistic and cultural events organized, directed or sponsored by government agencies and/or non-profit entities shall be deemed as a single inspection for the payment of the inspection no matter the number of individual booths involved. The charge for said inspection shall be one hundred dollars (\$100) for the total number of days said event may last and/or the activity in question. The cost of said inspection shall be assumed by the government agencies and/or non-profit entities and shall not be transferred to the artisans, plastic arts practitioners, writers, editors and other creative artists of a similar nature who participate in fairs and artistic and cultural events with individual facilities for exhibiting and selling their works. The charge for the inspection in the case of activities organized by private entities who do not qualify as non-profit organizations shall be determined by the Firefighters Corps through regulations; however, said charges may not be transferred by said entities to the groups herein mentioned and exempted.

(r) Charge the health insurance plans for the medical emergency services within the mainland of the Island and its island municipalities.

(s) Adopt the rules and regulations needed to implement the previous subsections (q) and (r).

(t) To request and obtain from any industry or commercial establishment that uses, stores, or produces hazardous materials, a written notification of the presence of said hazardous materials in their land, building, or structure. The requested notification must detail the type of hazard, as set forth in 49 CFR 172.101, or in 40 CFR 370.20, and following, of each hazardous material, as well as the site within the installations of the industry or commercial establishment in which said materials are commonly located. The industry or commercial establishment must also inform the exact locations to which their hazardous wastes are sent or dumped. The requested information must be evaluated periodically and analyzed by the personnel designated by the Auxiliary Chief of the Fire Prevention Bureau, and the results of that evaluation and analysis shall be immediately referred to the fire station that serves the site at which the industry or commercial establishment in question is located.

(u) To inspect the operating condition of hydrants (fire hydrants), report the findings to the Aqueduct and Sewer Authority so that the latter may proceed to repair them, as provided in subsection (p) of Section 4 of Act No. 40 of May 1, 1945, as amended, and to identify fireprone communities. For such purposes, he/she shall create a work plan with the Aqueduct and Sewer Authority that shall take into consideration the following aspects:

(1) The development of an interagency structure;

- (2) the continuous evaluation, revision and update of the information, and of the inspection, operations and preventive maintenance procedures in effect;
  - (3) the development of a plan for citizen awareness on the importance of protecting fire hydrants, and
  - (4) the evaluation of new ideas whose purpose is to help fire hydrant conservation.
- v) To authorize the payment of funeral services expenses of the members of the Firefighters Corps up to a maximum of two thousand (2,000) dollars, when they had died in the line of duty. This payment shall be chargeable to the operating expenses of the Puerto Rico Firefighters Corps and not later than ten (10) working days following the date of the passing of the member of the Corps. Such transaction shall be independent from any other compensation or benefit to which the spouse or the dependents of these public officials are entitled.

**Section 7. — Assistant Chiefs. — (25 L.P.R.A. § 331d)**

The positions of Assistant Fire Chiefs who shall answer directly to the Fire Chief and shall serve in those positions at his discretion are hereby created. The Assistant Chiefs shall be in the Confidential Service. These Assistant Fire Chiefs shall be in charge of the operational areas established by regulations and shall be responsible for the administration and supervision of personnel in their charge. Any regular member of the Firefighters Corps may be appointed Assistant Chief. When this occurs, he or she shall retain their permanent rank and once they cease in their functions as Assistant Chiefs they will return to their permanent rank with the salary to which they would be entitled had they remained in their position.

**Section 8. — Firefighter Commanders. — (25 L.P.R.A. § 331e)**

The positions of Firefighter Commanders who shall answer to the Fire Chief directly or through the Assistant Fire Chiefs are hereby created. The Firefighter Commanders shall be in the Confidential Service. The Firefighter Commanders shall be in charge of the operational zones established by regulations. Any regular member of the Firefighters Corps may be appointed Commander. When this occurs, he will retain his permanent rank and, once he ceases in his functions as Commander, he will return to his permanent rank and the salary to which he would be entitled had he remained in the position.

**Section 9. — Firefighter Captains and Lieutenants. — (25 L.P.R.A. § 331f)**

The positions of Firefighter Captain and Lieutenant are hereby created. The Firefighter Captain, as well as the Firefighter Lieutenant, shall be in the Career Service. They shall be in charge of the districts and the functions established by regulations.

**Section 10. — Regulations. — (25 L.P.R.A. § 331g)**

The regulations approved by the Fire Chief by virtue of this Act, except those needed for administrative and internal functions, shall comply with the requirements of Act No. 112 of

June 30, 1957, as amended, known as the "Rules and Regulations Act of 1958" [*Note: Repealed by Act No. 170 of August 12, 1988 known as "Uniform Administrative Procedure Act"*].

Before adopting or amending the regulations authorized by Section 5, subsections (o) and (p) of this Act, the Fire Chief shall hold public hearings to discuss the special provisions they contain. The public hearings shall be held after notifying the public by means of a notice in two (2) newspapers of general circulation in the Commonwealth of Puerto Rico, stating the date, place and nature of the hearing. This notification shall be made fifteen (15) days before the hearing is held. Technical conferences on the need, scope and other outstanding features of the regulatory provisions, in which the general public may participate, shall be held along with the required public hearings.

The fire safety regulations adopted by the Fire Chief must be in harmony with the norms established by other regulatory agencies such as the Regulations and Permits Administration, the Department of Labor and Human Resources and the Public Service Commission, which have established fire protection requirements for buildings and vehicles used for commercial transportation of flammable liquids, respectively.

The Fire Chief shall adopt those regulations that are needed for the personnel administration of the Firefighters Corps. These regulations must be in harmony with the norms established by the Central Office of Personnel Administration in order to maintain uniformity in the Public Service system of Puerto Rico. Provided, That until such regulations are adopted, the Firefighters Corps shall be governed by the Personnel Regulations applicable to those areas that are essential to the merit principle and those non-essential areas for career and confidential employees of the central administration. The security regulations in effect on the date of this act shall continue to be in force until the new regulations are adopted.

**Section 11. — Authority to Carry Out Inspections. — (25 L.P.R.A. § 331h)**

The Fire Chief or any duly authorized member of the Puerto Rico Firefighters Corps shall carry out inspections and investigations of lots, buildings and structures during regular working hours, or at any other time when the particular situation merits it, to detect violations of the fire safety, protection and prevention laws and regulations, or the existence of any situation or practice which entails the possibility of a fire or explosion or that causes the death or produces physical damage to persons or property, as well as to determine the origin and cause of a fire.

In order to carry out the abovementioned inspections and investigations, the Fire Chief shall have free access to all places where industrial and commercial activities are conducted, to sports and recreation sites, hospitals, schools, hotels, buildings destined for exhibitions, assemblies or public spectacles, commercial multistory buildings and common areas of residential multistory buildings, as well as any other building, structure or lot that is not residential, for the purpose of obtaining information or verifying investigations regarding the safety of persons, and shall monitor for the strict compliance of those rules and regulations established by the Fire Chief, adopted pursuant to this Act or approved pursuant to the provisions of Act No. 112 of June 30, 1957 as amended, known as the "Rules and Regulations Act of 1958" [*Note: Repealed by Act No. 170 of August 12, 1988 known as "Uniform Administrative Procedure Act"*]., or those regulations related to the number of persons that may

occupy a site or area, exit capacity, means of departure or other provisions concerning fire safety in the structures, adopted by the Regulations and Permits Administration. The Fire Chief is also empowered to monitor for strict compliance with those regulations adopted by the Public Service Commission by virtue of Act No. 109 of June 28, 1962, as amended, [27 L.P.R.A. §§ 1001 et seq.] with respect to safety requirements and protection against fires in motor vehicles or trailers used for the commercial transportation of flammable liquids.

**Section 12. — Interagency Coordination; notification of violation. — (25 L.P.R.A. § 331i)**

The Fire Chief shall exercise reasonable efforts to coordinate any action taken under this Act with other government agencies that have some type of jurisdiction over the case in order to avoid duplication of effort or conflicts in the requirements related to protection against fires that affect the safety of the citizenry in general. If, after an inspection or investigation, the Fire Chief determines that the owner, administrator, person in charge or occupant of a lot, sports and recreation site, industry, commercial establishment, hotel, hospital, building destined for exhibitions, assemblies or public spectacles, commercial multistory building, common areas of multistory residential building, as well as any other lot, building or structure with a non-residential use, has violated any legal provision or safety or fire prevention regulation, he shall notify the person concerned of the nature of the violation in writing, and shall give him a reasonable time to correct the deficiency indicated taking into consideration the seriousness of the violation and the risk it represents to the safety of persons and property. The order so issued shall prescribe the practices, means or methods the person must adopt to comply with the laws and regulations in effect, and will also warn the person that if he does not undertake corrective action or comply with the order within the period indicated, the Fire Chief may impose the corresponding sanctions for such noncompliance.

**Section 13. — Reconsideration of Order. — (25 L.P.R.A. § 331j)**

Within the period established to take corrective action the person thus affected may request the Fire Chief to reconsider the order by establishing the grounds upon which his petition is based. The Fire Chief shall issue an order modifying or confirming his determination as soon as possible.

**Section 14. — Annual inspection. — (25 L.P.R.A. § 331k)**

The Fire Chief shall carry out at least one annual inspection of all those buildings, structures or lots that represent a serious risk to the safety of persons and property, to detect any violation of the laws and fire safety and prevention regulations, or the existence of any situation or practice that entails the possibility of a fire or an explosion that could cause death or physical harm to persons or property, in order to direct that the pertinent corrective measures be taken. The buildings, structures or lots that are covered by this section are commercial, industrial or government buildings as well as hotels, hospitals, schools and institutions of higher education, sports and recreation sites, and all those buildings destined to

hold assemblies, exhibitions or public spectacles, commercial multistory buildings, as well as the common areas of residential multistory buildings.

**Section 15. — Administrative fines; temporary evacuation. — (25 L.P.R.A. § 331l)**

The Fire Chief shall have the power to impose administrative fines up to a maximum of ten thousand dollars (\$10,000) for violation of the safety and fire prevention laws or regulations or for noncompliance with the orders, resolutions or decisions issued by him thereunder, subject to prior notice and hearing. The Fire Chief shall adopt the regulations needed to comply with these purposes. Each day that the same violation is committed shall be considered as a separate and distinct violation.

When it is determined that the violation of the laws and fire safety and prevention regulations constitutes a serious risk to the safety of persons or property, the Fire Chief shall order the temporary evacuation of any nonresidential lot, building or structure. The evacuation order issued under this section shall be personally notified to the owner, administrator, person in charge or occupant of the affected property, or his representative. The temporary evacuation ordered by the Fire Chief shall not exceed a term of twenty-four (24) hours. Provided, That when the serious risk to the safety of persons or property persists, the Fire Chief shall be empowered to extend the term of a temporary evacuation order after holding an administrative hearing. Said order shall be in effect until the deficiencies indicated are corrected.

**Section 16. — Authority to hear testimony and issue summons. — (25 L.P.R.A. § 331m)**

The Fire Chief or his authorized representatives shall be empowered to hear testimony, take oaths, issue summons requiring the appearance of witnesses or the presentation of documentary or any other evidence that is needed to achieve the purposes of this Act.

**Section 17. — Judicial Review. — (25 L.P.R.A. § 331n)**

Any person adversely affected by an order, resolution or decision of the Fire Chief issued pursuant to this Act may request a judicial review of said order, resolution or decision before the Court of First Instance, San Juan Part, within thirty (30) days following the receipt of the notification.

The filing of an appeal for review will not stop the effects of the order, resolution or decision unless the court, by request of the interested party, does so order after a prior hearing and determination that the party against whom it was rendered will suffer serious or irreparable damages if such suspension is not decreed.

**Section 18. — Authority to appeal to court. — (25 L.P.R.A. § 331o)**

The Fire Chief may appear before the Court of First Instance of Puerto Rico to request that any order, resolution or decision issued by virtue of this Act be put in effect. Noncompliance with a judicial order upholding such a request shall amount to contempt of court. The

decision of the Fire Chief shall remain in full force and effect as long as there is no final and binding judicial decision reversing or modifying the order of the Fire Chief.

**Section 19. — Responsibility for compliance. — (25 L.P.R.A. § 331p)**

The Fire Chief and the owners, their representatives, administrators, persons in charge or occupants of lots, buildings or structures subject to the provisions of this Act or to the regulations, orders, resolutions, or decisions of the Fire Chief, respectively.

**Section 20. — Penalties for hindering inspections or investigations. — (25 L.P.R.A. § 331q)**

Any owner, administrator, occupant or his representative, who refuses to allow access to the sites indicated by this Act or who intervenes in any way with a member of the Puerto Rico Fire-fighters Corps authorized to carry out inspections and investigations by obstructing his entrance to any one of them, shall be guilty of a misdemeanor and upon conviction of the first infraction shall be punished by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), or imprisonment for a term of not less than thirty (30) days nor more than ninety (90) days, or both penalties, at the discretion of the court. Provided, That the court may impose the penalty of rendering community services in an activity related to the Puerto Rico Firefighters Corps as established by Section 49B of Act No. 115 of July 22, 1974, as amended, instead of imprisonment.

Every subsequent violation shall constitute a felony and the person convicted thereof shall be punished with imprisonment for a fixed term of one (1) year. If there are aggravating circumstances, the established fixed term can be increased to a maximum of three (3) years; if there are extenuating circumstances, it may be reduced to a minimum of six (6) months and one day. At its discretion, the court may impose the established fixed sanction of imprisonment or a fine that shall not exceed two thousand dollars (\$2,000), or both penalties.

Any industry or commercial establishment that does not comply with the dispositions set forth herein shall be guilty of a misdemeanor subject to a penalty of a fine of up to five thousand dollars (\$5,000), or a jail term of six (6) months, or both penalties, at the discretion of the court.

**Section 21. — Penalties for causing fires; negligence. — (25 L.P.R.A. § 331r)**

Every person who negligently or for failing to take due precautions causes a fire or by his negligence contributes in some way to its development or propagation, shall be punished with imprisonment for a term of not less than thirty (30) days nor more than six (6) months, or a fine of not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500), or both penalties, at the discretion of the court, for the first violation. Provided, That the court may impose the penalty of rendering community services in an activity related to the Puerto Rico Firefighters Corps as established by Section 49B of Act No. 115 of July 24, 1974, as amended, instead of imprisonment.

Every subsequent violation shall constitute a felony and the convicted person shall be punished with imprisonment for a fixed term of two (2) years. If there are aggravating

circumstances, the established fixed term may be increased to a maximum of three (3) years; if there are extenuating circumstances, it may be reduced to a minimum of one (1) year. The court may impose the established fixed penalty of imprisonment or a fine that will not exceed two thousand dollars (\$2,000), or both penalties, at its discretion.

It shall be understood that a fire has been caused by the negligence of the owner, occupant or administrator of a building if that person has failed to comply with the regulations or orders of the competent authorities in order to avoid or prevent fires, or has voluntarily failed to acquire all those fire extinguishing devices, or any other type, required by said authority.

**Section 22. — Damage to safety, protection or fire-extinguishing equipment or devices.**  
— (25 L.P.R.A. § 331s)

Any person who destroys, makes useless, alters, causes the disappearance of, or damages any safety, protection or fire-extinguishing equipment or devices shall be sanctioned with imprisonment for a term of not less than ninety (90) days nor more than six (6) months, or a fine of five hundred dollars (\$500), or both penalties, at the discretion of the court. Provided, That the court may impose the penalty of rendering community services in an activity related to the Puerto Rico Firefighters Corps as provided by Section 49B of Act No. 115 of July 22, 1974, as amended, instead of imprisonment.

Every subsequent violation shall constitute a felony and the person convicted thereof shall be punished with imprisonment for a fixed term of four (4) years. If there are aggravating circumstances, the established fixed term may be increased to a maximum of six (6) years; if there are extenuating circumstances, it may be reduced to a minimum of two (2) years. The court may impose the established fixed penalty of imprisonment or a fine that shall not exceed three thousand dollars (\$3,000), or both penalties at its discretion.

**Section 23. — Illegal taking of safety, protection or fire-extinction equipment or devices.**  
— (25 L.P.R.A. § 331t)

Any person who illegally takes possession of any safety, protection or fire extinction equipment or device owned by another person, without violence or intimidation, shall be punished with imprisonment for a term of not less than ninety (90) days nor more than six (6) months, or a fine of five hundred dollars (\$500), or both penalties at the discretion of the court. Provided, That the court may impose the penalty of rendering community services in an activity related to the Puerto Rico Firefighters Corps as provided by Section 49B of Act No. 115 of July 22, 1974, as amended, instead of imprisonment.

Every subsequent violation shall constitute a felony and the person convicted thereof shall be punished with imprisonment for a fixed term of four (4) years. If there are aggravating circumstances, the established fixed term may be increased to a maximum of six (6) years; if there are extenuating circumstances, it may be reduced to a minimum of two (2) years. The court may impose the established fixed penalty or a fine that shall not exceed three thousand dollars (\$3,000), or both penalties, at its discretion.

**Section 24. — Receipt and transportation of safety, protection or fire extinguishing equipment or devices. — (25 L.P.R.A. § 331u)**

Any person who purchases, receives, retains, transports, transfers or disposes of any safety, protection or fire-extinguishing equipment or device knowing that it was obtained through illegal taking, theft, extortion, or any other illegal means, shall be sanctioned with imprisonment for a fixed term of four (4) years. If there are aggravating circumstances, the fixed term may be increased to a maximum of six (6) years; if there are extenuating circumstances, it may be reduced to a minimum of two (2) years. The court may impose the penalty of restitution in addition to the established penalty of imprisonment, or both penalties, at its discretion.

**Section 25. — Fleet of vehicles. — (25 L.P.R.A. § 331v)**

The Puerto Rico Fire Chief is hereby empowered to administer the agency's fleet of vehicles. He shall be entirely responsible for purchasing, maintaining, and repairing the agency's fleet of vehicles. He shall also organize repair shops or contract with private shops for the maintenance and repair of the units presently in service and all those that are acquired in the future. The Fire Chief shall adopt the regulations established for these purposes by the General Services Administration of the Government of Puerto Rico, and shall be strictly governed by the fiscal norms of the Department of the Treasury.

**Section 26. — Firefighters Academy. — (25 L.P.R.A. § 331w)**

The Firefighter Academy, attached to the Puerto Rico Firefighter Corps, is hereby created. It shall be directed by an Assistant Chief, who shall be in charge of the operational area related to the instruction and training of Corps members. It shall be his/her concern to establish education and training programs on fire prevention and extinction and rescue techniques for personnel from the Firefighter Corps, agencies, public corporations and departments of the Government of Puerto Rico, and municipalities, as well as for the private business sector.

The instruction and training of Corps members must include a basic and advanced first aid course that includes cardiopulmonary resuscitation (C.P.R.), so that each one of them is prepared to apply urgent therapeutic measures when the circumstances so require. These emergency situations may be any of the following: asphyxia, heart attack, profuse bleeding, poisoning, burning, heat stroke and sunburn, fainting, and fractures, among others.

The Fire Chief is hereby authorized to charge a reasonable amount for this training. It shall be fixed by agreement and contract between the requesting parties and the Fire Chief. The monies thus collected shall be deposited in the Special Fund created by this Act.

**Section 27. — Uniform and equipment. — (25 L.P.R.A. § 331x)**

The Fire Chief shall determine by regulation the clothing and insignia that will constitute the official uniform of the Corps. All prescribed wearing apparel, the uniform and equipment shall be supplied to Firefighters Corps members at the Government's expense. Provided, That

uniform and wearing apparel shall be understood to be the jacket, shirt, tie, pants, socks, boots, shoes, hat, cape, safety helmet, gloves, and insignias that members of the Corps are bound to use pursuant to regulations and the task they must perform. Appropriations for the purchase of uniforms and equipment shall be consigned in the agency's annual budget.

The use of the uniform or any combination of the above-mentioned outer garments that identify the user as a member of the Puerto Rico Firefighters Corps by any person who is not a member of the Puerto Rico Firefighters Corps is hereby prohibited. Any person who violates the above-stated prohibition shall be guilty of a misdemeanor and, upon conviction, shall be punished with imprisonment for a term of not less than thirty (30) days nor more than six (6) months, or a fine of not less than three hundred dollars (\$300) nor more than five hundred dollars (\$500) or both penalties at the discretion of the court.

**Section 28. — Puerto Rico Firefighters Corps Band. — (25 L.P.R.A. § 331y)**

The organization of a band that shall be named the "Puerto Rico Firefighters Corps Band," whose organization and composition shall be determined by the Firefighters Regulations, as well as the rules to govern and administer it, are hereby provided for. Its members shall devote at least fifty percent (50%) of their work time to regular chores appropriate to the Firefighters Corps as determined by the Fire Chief.

While performing as band members, those who form a part of it shall hold the ranks conferred upon them by the Fire Chief. Regular members of the Firefighters Corps with permanent rank shall conserve it upon release from service in the Band.

The operational expenses of the Band shall be consigned in the Firefighters Corps annual operating budget.

**Section 29. — Volunteer Firefighters Corps. — (25 L.P.R.A. § 331z)**

The Volunteer Firefighters Corps is hereby created to serve the Puerto Rican community. It shall be composed of members of the community who shall serve in a voluntary capacity. The Fire Chief shall determine, through its bylaws, the admission requirements, obligations, responsibilities and conduct of the volunteers, as well as the uniform and other equipment to be used by them. For purposes of Act No. 45 of April 18, 1935, as amended [11 L.P.R.A. §§ 1 et seq.], known as the "Compensation System for Work-Related Accidents Act", while in the performance of their duties as such the Volunteer Firefighters shall be included in the concept of "Commonwealth officials". In case of a work accident or illness and for purposes of payment of per diems or compensation as such, the weekly salary shall be estimated based on the salary accrued in his regular position or employment. If unemployed, it shall be computed on the basis of the weekly salary corresponding to the minimum wage. With the prior agreement of the Administrator of the State Insurance Fund, the Fire Chief shall pay an annual premium to the Fund as coverage for the protection of all the Volunteer Firefighters. The cost of that premium shall be consigned in the operational budget of the agency.

**Section 30. — Junior Firefighters Corps. — (25 L.P.R.A. § 331aa)**

The Puerto Rico Firefighters Corps shall organize a Junior Firefighters Corps whose main purpose and goal shall be the education of the greatest number of children and adolescents in fire prevention measures, prevent juvenile delinquency by holding sports, recreational and educational activities that encourage a better physical and mental development of our children and adolescents.

The Fire Chief shall determine the functioning of this body through its bylaws. The expenses of such a program shall be covered with contributions from private enterprise, donations and the resources of the agency, provided the basic operational activities of the agency are not affected.

**Section 31. — Firefighters Corps Special Fund. — (25 L.P.R.A. § 331 note)**

The funds received by the Firefighters Corps by virtue of the provisions of subsections (g) and (i) of Section 5, as well as Sections 14 and 25 of this Act, shall be deposited in a special account to be known as the 'Firefighters Special Fund'. Said Fund shall be established by the Secretary of the Treasury in favor of the Firefighters Chief, who shall use it to comply with the objectives of this Act

**Section 32. — Separability of the Provisions. — (25 L.P.R.A. § 331note)**

If a court with pertinent jurisdiction declares any clause, paragraph, section, subsection or part of this act as unconstitutional, the judgment rendered shall not affect nor invalidate the rest of this act and its effect shall be limited to the clause, paragraph, section, subsection or part declared unconstitutional.

**Section 33. — Repeal. — (25 L.P.R.A. § 331 note)**

Act No. 158 of May 9, 1942, as amended, is hereby repealed.

**Section 34. — Validity of Contracts in effect. — (25 L.P.R.A. § 331 note)**

No provision of this act shall modify, alter or invalidate any accord, bargaining agreement or contract duly executed by the Fire Service of Puerto Rico in force on the effective date of this act

**Section 35. — Transitory Provisions. — (25 L.P.R.A. § 331 note)**

(a) The Governor of Puerto Rico is hereby authorized to adopt those transitory measures that are needed so that the administrative processes and the rendering of services initiated and offered under Act No. 158 of May 9, 1942 as amended, are not interrupted.

(b) The personnel transferred to the Firefighters Corps by virtue of this act shall retain all the rights, privileges, obligations and status acquired under the personnel laws and regulations in force on the date of approval of this act [June 21, 1988], as well as the honoring of any

existing pension or retirement system or systems, or savings and loans funds to which they availed themselves or were affiliated to upon approval of this act.

(c) All the functions, duties and obligations of the Fire Service of Puerto Rico created by Act No. 158 of May 9, 1942 as amended, are hereby transferred to the Firefighters Corps as well as the personnel, property, records, unexpended appropriations, items or other funds in the possession and in custody of that agency. The funds appropriated to the Fire Service of Puerto Rico in the General Expense Budget of the Government of Puerto Rico for fiscal year 1988-89 shall also be transferred to the Firefighters Corps to carry out the purposes of this act during said fiscal year. During subsequent years the funds needed for the implementation of this act shall be consigned in the General Expense Budget of the Government of Puerto Rico.

(d) The District Chief II and District Chief I positions are hereby eliminated. The Firefighters Captain shall be equivalent to the position of District Chief II and the Firefighters Lieutenant shall be equivalent to the District Chief I.

**Section 36. — Effectiveness.** — This Act shall take effect one hundred eighty (180) days after its approval.

**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.