

amount not exceeding \$100.00, except if arriving from the Virgin Islands, in which case he shall be entitled to bring in his luggage, tax free, taxable articles for an amount not exceeding \$200.00, subject to the following conditions:

(1) The enjoyment of this exemption is hereby limited to once every thirty-one (31) days. Nevertheless, with respect to cigarettes, the entrance of two (2) cartons containing two hundred (200) cigarettes per carton shall be permitted, and shall be tax exempt. Any quantity in excess of two (2) cartons shall be taxable. The cost of exempt cigarettes shall be understood as included within the amount of the exemption.

(2) Articles so brought in shall not be the object of commerce in Puerto Rico.”

Section 2.—This act shall take effect immediately after its approval.

Approved July 23, 1974.

Racing Act—Review by the Board; Fees

(H.B. 841)

[No. 129]

[*Approved July 23, 1974*]

AN ACT

To amend Sections 3, 6, 7, 8, 9, 10, 11, 13 and 16 of Act No. 149, approved July 22, 1960, as amended, known as the “Puerto Rico Racing Act”.

Be it enacted by the Legislature of Puerto Rico:

Section 1.—Sections 3, 6, 7, 8, 9, 10, 11, 13 and 16 of Act No. 149, approved July 22, 1960, as amended, known as the “Puerto Rico Racing Act”, is hereby amended to read as follows:

“Section 3.—⁵²

The Racing Board shall be composed of three persons appointed by the Governor with the advice and consent of the Senate for a term of four years. Provided that the members of said

⁵² 15 L.P.R.A. § 183.

Board first appointed shall hold office for the terms of two, three and four years, respectively; Provided, further, That if a vacancy occurs before the expiration of any such term, the person appointed to fill the same shall hold the office for the unexpired portion of term.

The Governor shall designate as Chairman of the Board one of its members. In case of absence from Puerto Rico, or of temporary incapacity of the Chairman, the Governor shall designate as Acting Chairman, one of the other two members.

The Governor may remove any member of the Board for just cause upon preferment of charges and an opportunity to be heard. The Governor may designate a master to hear the evidence, and who shall submit a report to the Governor containing an analysis of the evidence and his own findings. The decision of the Governor shall be final and unappealable.

The members of the Board shall receive no salary, but they shall be reimbursed travel expenses incurred in rendering official services as members of the Board, and in addition receive per diems at the rate of forty (40) dollars daily for the time engaged in their official business. The provisions of Section 177 of the Political Code⁵³ shall not be applicable to the members of the Board.

The Board shall adopt rules for its organization and internal functioning and for the holding of meetings. Quorum of the Board to make decisions shall be two members present at the meeting in which action is to be taken. When the Chairman of the Board is unable to attend any meeting and no Acting Chairman has been designated, then the member designated by agreement of the Board shall preside.

Meetings of the Board may be called by its Chairman or a majority of its members.

The Board shall adopt a seal, an impression of which shall be registered in the State Department. Likewise, the signatures of the Chairman of the Board and the Racing Administrator shall be registered and the courts shall take judicial notice of the seal and signatures.”

“Section 6.—⁵⁴ Powers of the Racing Board.—

The Racing Board is hereby authorized by rules or regulations, to regulate all matters concerning the racing sport. The Board

⁵³ 3 L.P.R.A. § 551.

⁵⁴ 15 L.P.R.A. § 186.

shall adopt, after holding a public hearing, the regulations of the racing sport, and upon approval of said regulations by the Governor and filing in the State Department pursuant to Act No. 112 of June 30, 1957,⁵⁵ known as '1958 Regulations Act', they shall have force of law and any violation thereof shall constitute a misdemeanor, punishable as provided herein.

The Racing Board shall have powers:

(1) To prescribe the rules by which the horse races shall be governed, upon the approval of a plan which shall be known as 'Racing Plan,' and which shall serve to guide and orient the Racing Secretary to establish the condition and requirements for the planning of races.

- (2)
- (3)
- (4)
- (5)

(6) To issue orders, establish principles and take the necessary measures leading to the physical, economic and social safety of every natural and juridical person connected with the racing sport and activity.

(7)

(8) To declare, on recommendation of the Racing Administrator, at the request of the natural and juridical persons authorized to operate racetracks in Puerto Rico, or motu proprio, a racing nuisance any person who in its opinion attempts to obstruct or actually obstructs the development of the racing sport; Provided, That in order to declare a person to be a racing nuisance, the Board shall give said person an opportunity to be heard in his defense personally or through counsel. Any person who has been declared a racing nuisance by the Racing Board and who shall attempt to enter or enters any racetrack or dependency thereof, or stable or stall to which he has been forbidden to enter by the Board, shall be guilty of a misdemeanor and upon conviction, shall be punished by imprisonment of not less than one (1) month nor more than (1) year, or a fine of not less than fifty (50) dollars nor more than one thousand (1,000) dollars, or both, in the discretion of the court.

⁵⁵ 3 L.P.R.A. §§ 1041-1059.

To determine and establish, by regulation, the practices that are undesirable and forbidden because they obstruct the best development of the racing sport.

- (9)
- (10) Entertain and decide the petitions for review as provided herein and in the racing regulations.
- (11)
- (12)
- (13)
- (14)
- (15)”

“Section 7.—⁵⁶Powers of the Racing Administrator.

The Administrator shall be the executive officer and administrative head of all racing activities of Puerto Rico and shall have, but without it being understood as a limitation, to the points mentioned herein, the following powers:

- (1)
- (2) To grant, temporarily suspend or cancel permanently the licenses of horse owners, jockeys, trainers, grooms, or any other kind of license related to the racing sport, with the exception of racetrack licenses. The Racing Administrator shall not grant any license to persons who have been convicted of traffic in narcotic drugs or controlled substances or any other or for a felony implying moral depravation. Provided, that before permanently cancelling any of said licenses, the Administrator shall give the prejudiced person an opportunity to be heard in his defense, personally or through counsel.

Except in cases of owners, in all other cases the Administrator may require the interested parties to pass tests of knowledge, ability, experience and skill or to appear to approve special courses whenever they are available.

The Administrator shall require a health certificate; or of good conduct of those interested in licenses or in the renewal thereof, provided that in case of licenses of horse owners, he may request a certificate of economic solvency.

The Racing Board shall regulate the manner in which the Racing Administrator shall grant licenses to those persons who

⁵⁶ 15 L.P.R.A. § 187.

have been convicted of possession or use of narcotic drugs or controlled substances or of any others.

(3)

(4) To suspend the races at a racetrack when in his judgment said racetrack does not offer the necessary guarantees and conveniences to the public attending the races or to the jockeys, trainers, grooms, horse owners and officers who directly or indirectly intervene in the spectacle or when the interest or right of the bettors may be unreasonably affected.

(5) To hold hearings, summon witnesses, administer oaths, and order the introduction of documents, books and papers he may deem to be necessary. When there is a refusal to comply with any summons or orders issued by the Administrator, the latter may resort to the Superior Court of Puerto Rico in order that said court may order compliance with said summons or order under penalty of contempt. When the Administrator deems it convenient, he may delegate on a Master who shall receive the evidence in connection with any matter or complaint presented to him. The officer so designated shall submit a report to the Administrator containing his findings of fact and the prejudiced party may challenge said report before the Administrator within ten (10) days after being served with a copy thereof.

(6)

(7) He shall contract for the services of the personnel required for the holding of horse races, including, but without limitation, the members of the jury, starting judges, finish judges, paddock judges, race secretary, registration judges, veterinarians, chemists, pool and *banca* inspectors, racetrack judges, weight judges or saddle inspectors.

(8)

(9) To establish and supervise a Racing Vocational School, appoint the necessary personnel for its operation, and promulgate with the approval of the Racing Board, the rules and standards under which said school shall operate. The operating expenses of said school shall be disbursed from a special fund created by Act No. 66 of June 24, 1969, amending Article 44(a) of Section (b) of Article 11 of Act No. 2 of January 20, 1956,⁵⁷ known as 'Puerto Rico Excise Act', as amended, or by the corresponding

⁵⁷ 13 L.P.R.A. § 4011 (b).

appropriation which is annually assigned in the General Expense Budget of the Racing Sport Administration."

"Section 8.—⁵⁸ Review before the Board.—

Any person affected by the orders, decisions, suspensions or fines imposed by the Racing Administrator, the jury and the starting judges may request the review by the Racing Board; Provided, That in cases of penalties, fines or suspensions, a review may be sought only when the suspension is for a term of one month or more or the fine imposed is of \$100 or more. The petitions for review shall not stay the effects of the orders, decisions, suspensions and fines while the petitions for review are pending before the Board. In cases of fines, the person punished may neither register nor run any horse unless he deposits in the Office of the Administrator the amount of the fine which shall be reimbursed to him in case of a favorable decision by the Board.

Petitions for review shall be filed in the office of the secretary of the Racing Board within five (5) days after notice has been served to the prejudiced person.

The Board shall pass upon the petition for review and shall hear the parties within fifteen (15) days after the petition is filed, and shall pronounce judgment within five (5) days after the hearing. The decision of the Board may be either by affirming, modifying or reversing the order or decision on review.

The prejudiced party and the officers of the Administration shall be entitled to be represented by counsel. The Board may hold a full hearing of any case before its consideration, whenever deemed convenient.

The Board shall establish by regulation the manner of conducting the proceedings before it."

"Section 9.—⁵⁹ Judicial Review.—

The final decisions, orders or resolutions of the Racing Board, may be reviewed only by way of certiorari by the San Juan Part of the Superior Court of the Court of First Instance of Puerto Rico as to errors of law; Provided, That prior to the filing of a petition for certiorari, a motion for reconsideration of the decision, order or resolution must be sought before the Racing Board, and the latter shall be compelled to pass upon the merits

⁵⁸ 15 L.P.R.A. § 188.

⁵⁹ 15 L.P.R.A. § 189.

thereof within a term not to exceed ten (10) days following the filing with the Board.

The petition for certiorari provided by this act, shall be filed within the period of fifteen (15) days following the service of notice of the final decision, order or resolution corresponding on the prejudiced party; Provided, That the petitioner may only allege, as errors of law in his petition for review, those he pleaded in his motion for reconsideration before the Racing Board.

The Superior Court shall pass upon the petition for certiorari provided by this act within thirty (30) days after the petition has been definitely submitted by the parties.

Neither the filing of the motion for reconsideration provided herein, nor the issuance of the writ of certiorari by the Superior Court shall stay the effectiveness of the decision, order, resolution or action sought to be reconsidered by the Board or which is taken to the courts.

No interdict, injunction, or other restrictive measure shall be issued to bar the execution of the orders or resolutions appealed from, without notifying and hearing the Racing Board, Administrator, or jury, as the case may be.”

“Section 10.—⁶⁰ Prohibition to Officers and Employees.—

No member of the Board, nor the Administrator nor any other officer or employee of the Racing Sport Administration may have interest in the property of racetracks or in the horses participating in the races, nor may he lay any bets on the races. Any violation of this section shall be sufficient cause for the removal of said officer or employee.

No officer or employee of the racetracks may have any interest or participation in the ownership of horses participating in the races. Natural or juridical persons operating the racetracks shall be notified of any violation of this section and the responsible officer or employee shall cease as such or the license to operate the racetrack shall be suspended while the responsible person continues being an officer or employee of the racetrack; Provided, That before the Administrator requests the lay-off of the officer or employee or the suspension by the Racing Board of the license to operate the racetracks, the prejudiced persons shall be given an opportunity to be heard in their defense, personally or through counsel.”

⁶⁰ 15 L.P.R.A. § 190.

“Section 11.—⁶¹ Penalties and Punishments.—

Every person who violates any of the provisions of this act and of the regulations of the Racing Board, except as otherwise provided therein, shall be sentenced to pay a fine of not less than fifty (50) dollars nor more than one thousand (1,000) dollars, or by imprisonment in jail for a term not less than one month nor more than one year, or both, in the discretion of the court.

The Racing Board, irrespective of the penalties prescribed herein, is hereby empowered to determine and fix the fines, suspensions and cancellations of licenses and rights and other administrative punishments which may be imposed by the Board, the Administrator, the jury, and the starting judges for violations of the racing orders, rules and regulations.

In the case of fines, they shall not exceed \$500 and in the case of permanent cancellations, the prejudiced party shall be granted a hearing.

Members of the Board, the Administrator, the Assistant Administrator, members of the jury and starting judges shall be empowered to administer oaths and take depositions in all such cases or matters related to the racing sport.”

“Section 13.—⁶² Collection of fees.—

The Racing Administrator shall collect the following fees:

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|-------------------------------------------------------------------------------------------------|-------------|
| (1) For each racetrack license, for a year or part of a year | \$50,000.00 |
| (2) For the first horse or stable owner license for a year or part of a year | 100.00 |
| (3) For each continuous subsequent renewal | 20.00 |
| (4) For each jockey’s license, for a year or part of a year | 5.00 |
| (5) For each trainer’s license, for a year or part of a year | 5.00 |
| (6) For each groom’s license, for a year or part of a year | 2.00 |
| (7) For the registration of each stable’s or owner’s colors, for a year or part of a year | 2.00 |
| (8) For the first inspection and branding of a native foal | 5.00 |

⁶¹ 15 L.P.R.A. § 191.

⁶² 15 L.P.R.A. § 193.

(9) For the registration of a native foal or horse in the Stud Book	5.00
(10) For the registration of an imported horse in the Stud Book	10.00
(11) For the transfer of a registration of a horse registry in the Stud Book to the Racing Horse Registry	1.00
(12) For the registration in the Horse Registry of an imported horse incapable of procreation	15.00
(13) For each horse inspection or reinspection	5.00
(14) For the annotation of each change in the name of a horse when it is made at the voluntary request of the owner, except when said annotation is ordered by the Puerto Rico Racing Board	50.00
(15) For the annotation of each transfer or sale of a horse	5.00
(16) For each purchase or claim request in claiming races	5.00
(17) For each certified copy of a registration in the Stud Book or in a horse registry	5.00
(18) For each certified copy twenty (20) cents for each one hundred words and for the certificate	1.00
(19) For each license of Sales Agent of Veterinarian Products, for a year or part of a year	10.00
(20) Any other kind of license relating to the racing sport	1.00"

“Section 16.—⁶³ Illegal Bets.—

Any person who advertises or offers for sale, who sells, donates, traffics in, exchanges, or otherwise or by any other means disposes of; or who transports or carries on his person, purchases, takes, receives or accepts; or who prints, writes, causes to be printed, or to be written; or who distributes or transfers any ticket, card or paper presumed to be, constitute or represent a means of participation or sharing in any way in any play or bet authorized herein and/or the regulations of the Board,

⁶³ 15 L.P.R.A. § 196.

operated or conducted in contravention or violation of same; and any person who maintains, operates or manages any of the said plays in contravention or violation of this act and/or the regulations of the Board, or who gives, pays, delivers, or distributes, or who takes or receives any money, or any other object, as a winning, gratuity or profit in or through said plays so maintained, operated, or managed, or who cooperates in, aids, attends, or participates in any of the above-mentioned actions, or who offers or accepts any bet with relation to the probable order of arrival of any horse, in violation of this act and/or the regulations of the Board, shall be guilty of a misdemeanor, and shall upon conviction, be punished in the following manner:

(1) For the first offense: by a fine not less than \$100 nor more than \$250 or imprisonment in jail for a term of not more than thirty (30) days, or both, in the discretion of the Court;

(2) For the second offense: a fine not less than \$250 nor more than \$500 or imprisonment in jail for a term of not less than thirty (30) days nor more than sixty (60) days, or both, in the discretion of the Court;

(3) For the third and succeeding offenses: by a fine of \$500 or imprisonment in jail for a term of six (6) months or both, in the discretion of the Court.

The provisions of this section apply to any violation of this act herein specified, when committed anywhere within or without the territorial limits of a racetrack.”

Section 2.—This act shall take effect immediately after its approval.

Approved July 23, 1974.

Controlled Substances—Secretary’s Orders

(H.B. 849)

[No. 130]

[*Approved July 23, 1974*]

AN ACT

To amend subsections (a), (d), (e) and (f), and to add subsection (g) to Section 201; and to amend subsection (a) of