

## 23 L.P.R.A. § 671d

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**Laws of Puerto Rico Annotated > TITLE TWENTY-THREE Public Planning and Development  
> PART II. Economic Development > Chapter 39. Tourism Company**

### **§ 671d. Rights, duties, and powers**

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The company shall have and may exercise the rights, duties, and powers that are necessary or convenient to promote, develop, and improve the tourist industry, including, but not limited to, the following:

- (a) To have perpetual succession.
- (b) To adopt, alter, and use a corporate seal of which judicial notice shall be taken.
- (c) To formulate, adopt, amend, and repeal rules and regulations, as provided herein, to govern the internal operation as well as such rules and regulations to exercise and discharge the powers, duties, and other tourist functions which by law are granted and imposed.
- (d) To appoint all its officers, agents, and employees, and to grant them the powers and authorities which it may deem proper; to impose their duties and responsibilities; to fix, change, and pay, adequate compensation; and to regulate all personnel matters without being subject to the laws which govern the personnel office of the Commonwealth, or to the rules and regulations promulgated by said office, except those of general character applicable to public corporations. Said officers and employees shall be classified in the exempt service.
- (e) To sue and be sued.
- (f) To have full control and intervention over all its properties and activities, including the power to determine the use and investment of its funds, and the nature and necessity of all the expenses and how they shall be spent, authorized and paid, without taking into consideration any provision of law regulating the public fund disbursements. This determination shall be final and conclusive.
- (g) To enter into contracts and perfect all such instruments as may be necessary or convenient in the exercise of any of its powers.
- (h) To acquire property in any legal manner, including the exercise of condemnation, to possess and administer them as it deems most convenient, and to dispose of them and convey them whenever, and under such conditions as it considers necessary and appropriate.
- (i) To acquire, possess and dispose of shares, rights, contracts, bonds, or other interests in any company, corporation or entity, and to exercise any legal power in relation thereto; to exercise partial or whole control over companies, associations, or subsidiary corporations, for profit or nonprofit purposes, affiliates or associates, when said arrangements may be necessary or convenient to adequately carry out the purposes of the company. It may delegate any of its rights, powers, functions, or duties, to a subsidiary entity which is subject to its whole control, except the right to institute condemnation proceedings.
- (j) Whenever the board deems it necessary, to create subsidiary corporations to fully comply with the mission that this chapter provides.
- (k) To prepare, or cause to prepare or modify plans, projects, and budgets of the cost of the construction, reconstruction, extension, addition, improvement, enlargement or repair or any work of the Company, by means of contract or under the direction of its own officers, agents and employees, or through or by means of the latter.
- (l) To make loans for any of its corporate purposes or to consolidate, restore, pay or liquidate any of its obligations; to guarantee the payment of obligations by means of liens or mortgages of any or all of its contracts, leases, income, or properties, to grant and deliver trust instruments and other agreements with regard to any of said loans, bond issues, notes, obligations, and by the power herein granted by the Commonwealth

of Puerto Rico to issue its own bonds, notes, mortgage bonds or other obligations, in the form, with the security and under such redemption terms, with or without the payment of premiums, and to sell the same at public or private sale for the price or prices, as determined therefor by its board of directors. Provided, That in every debt emission of the company, the Government Development Bank for Puerto Rico shall act as the company's fiscal agent as provided in §§ 581–595 of Title 7.

- (m) To accept gifts and make contracts, leases, agreements, or other transactions with any federal agency, with the government of the United States, with the Commonwealth of Puerto Rico, its agencies or political subdivisions, and to invest the proceeds of said gifts or transactions in any of its corporate purposes.
- (n) To accept, receive, take charge, carry out and conduct, all its functions, faculties, obligations, bureaus, offices, agencies, dependencies, personnel, funds, gifts, properties of any kind which are as signed, conveyed, or transferred by law, by the Governor of Puerto Rico, by any federal agency or by the Government of the United States.
- (o) To administratively propose, recommend, adopt, and coordinate with other agencies, departments, or any pertinent government body, any measures directed, among others, to the following aspects:
  - (1) To develop the quality and the just and reasonable compensation of the products in the tourist traffic.
  - (2) Maintenance of the proper hygienic and health conditions in the tourist facilities and others related to the industry.
  - (3) Conservation of the natural beauties and of the environmental health.
  - (4) Improvement in the services of public cleanliness of streets, parks, beaches, plazas, walks, lakes, forests, and other tourist places.
  - (5) To establish and execute, in coordination with the Department of Transportation and Public Works and the Highway Authority, a plan for marking and identifying streets and tourist, historical and cultural interest areas with international symbols, in agreement with the tourist marking system established by the World Tourism Organization and the federal government of the United States of America. Additionally, to prepare maps and information publications, printed and electronic, including internet pages, in Spanish, English and any other language that the [Tourism] Company deems necessary after performing a market study.
  - (6) Maintenance of order and protection to the persons and to the property.
  - (7) Improvement in the services of communication and transportation by air, sea, and land, including travel agencies and tourist excursions, not only for the increment of tourism, but also for the incentive of the participation in the industrial and commercial activities of Puerto Rico.
  - (8) Improvement in hotel and restaurant services, including safety rules, claims, and other facilities of attention and lodging.
  - (9) To obtain the maximum benefit of the natural resources and the different regions of the Island by virtue of a proportionate distribution of hotel facilities and tourist services. In addition, it shall actively promote and market ecotourism and ecotourism projects, as defined in subsection (n) of Section 3 of Act No. 340 of December 31, 1998.
- (p) To loan money and secure loans granted by financial institutions to any person, firm, corporation, or other organization, through a program of loans and security on loans program to enterprises of interest to tourism in Puerto Rico, when such loans are to be used to promote, develop and improve Puerto Rico's tourist industry. Any loan or security to be granted by the company shall be approved by the board, and shall meet all terms and conditions established by the Board by regulations.
- (q) Require tourism businesses endorsed by the Tourism Company operating in Puerto Rico, to furnish any necessary statistical data, either in electronic or paper format, to develop a data base that may contribute with the marketing and effective planning of the tourist activity: If the paper format option is chosen, the company

shall establish through regulation, a reasonable transition period until the data collection of statistics by electronic means is completed. Each tourist business shall designate a contact person who shall be in charge of furnishing the necessary statistical data to the Tourism Company. The requirements imposed under this section on the Tourism Company and tourist businesses are mandatory and shall be answered within the term provided by the Tourism Company; specifically, but not limited to, tourist businesses endorsed by the company operating in Puerto Rico and registering guests in their facilities, shall be required to furnish data related to guest registers within seven (7) calendar days after the close of the month in question. Failure to comply with said requirements shall constitute a violation of the obligation imposed hereunder of providing the pertinent statistical data. Such data shall be furnished confidentially, if it contains confidential data or trade secrets that may identify specific natural or juridical persons. However, aggregate figures and data and products and statistical analyses that do not disclose confidential data or trade secrets shall be made available to the general public. Such data shall be furnished confidentially, disclosing aggregate figures to tourist businesses that provided them (without disclosing individual data of lodgings or businesses), as well as potential investors in order to help them to develop their plans.

- (r) Hold public hearings, summon witnesses, issue orders, resolutions, and decisions, and perform any other duties of a quasi judicial nature that would be necessary to implement the provisions of this chapter.
- (s) To impose, determine, fix, assess, collect, supervise, distribute, regulate, investigate, intervene and sanction the tax on the room occupancy rate, as provided in §§ 2271–2272v of Title 13, known as the “Commonwealth of Puerto Rico Room Occupancy Rate Tax Act”.
- (t) To conduct adjudicative hearings to hear complaints against any person under its jurisdiction, *motu proprio* or at the request of an interested party, as provided in this chapter, and to impose appropriate sanctions or fines according to the regulations promulgated to those effect[s] pursuant to §§ 2101 et seq. of Title 3, known as the “Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico”.
- (u) To investigate, issue summons, require documents believed pertinent and declare evidence void *motu proprio* or in representation of the person who initiated the complaint.
- (v) Make effective and implement an administrative structure with full powers to supervise the laws and regulations approved pursuant thereto and resolve those complaints brought before its consideration and grant the pertinent remedies according to law.
- (w) Establish the rules and norms needed to carry out the administrative proceedings it conducts, be they regulatory or adjudicatory, according to the provisions of §§ 2101 et seq. of Title 3.
- (x) Issue orders to compel the appearance of witnesses and the production of the required documents and information.
- (y) Introduce any legal remedies needed to make the purposes of this chapter effective and ensure that the rules, regulations, orders, resolutions and determinations of the Company are complied with, including the power to impose sanctions pursuant to the provisions of §§ 2101 et seq. of Title 3.
- (z) Establish and maintain a register of the authorizations granted, including as well those that have been cancelled or suspended. Any authorization of the Company shall be subject to an administrative action for suspension, cancellation or cease of operations in the case of noncompliance with the norms in effect by the entities to which an authorization has been granted.
- (aa) Require that travel agents and wholesalers include the number and type of license that authorizes them to operate in Puerto Rico, in any travel offer promotion published in the media of the Island, as well as an itemized breakdown of all components of the travel offers.
- (cc) Regulate and issue certifications to juridical persons or entities operating facilities, docks or boats engaged in rendering nautical tourism services, which include, without it being construed as a limitation: (i) rental or chartering of boats for leisure, recreation, and tourist education purposes; (ii) leasing of jet skis and other similar equipment to guests in a hotel, condo-hotel, timeshare or vacation club, or located within a tourist resort; or (iii) services offered by facilities or docks to boats devoted to nautical tourism for guest

entertainment and leisure, in exchange for a compensation in waters within and outside of Puerto Rico. The company shall, in turn, investigate, intervene, and impose administrative fines or other sanctions on any person or juridical entity operating facilities, docks, or boats devoted to providing nautical tourism services.

- (bb)** Establish a program for the certification, promotion, marketing and continuing education aimed at tour guides. In addition, it shall provide continuing education courses for the betterment of the profession. In order to achieve due compliance with the provisions of this subsection, the Company is hereby authorized to establish a Tour Guide Council, presided by the Executive Director of the Company and composed of tour guides and representatives of the tourist transportation sector and by the sectors of the tourism industry he/she deems pertinent, which shall serve as a permanent discussion forum, to contribute, among other things, to the regulations for regulating everything concerning the tour guide certification provided for in § 671e of this title, and to develop a plan for the betterment and professional training of tour guides.

## History

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—June 18, 1970, No. 10, p. 413, § 5; May 27, 1985, No. 18, p. 55, § 1; Aug. 17, 2002, No. 187, § 1; Sept. 19, 2002, No. 228, § 1; Dec. 19, 2002, No. 282, § 65; Aug. 16, 2003, No. 185, § 1; Aug. 28, 2003, No. 212, § 2; Sept. 9, 2003, No. 272, § 67; Sept. 15, 2004, No. 301, § 1; Sept. 29, 2004, No. 523, § 18; May 27, 2005, No. 16, § 1; May 6, 2008, No. 52, § 1; Dec. 16, 2009, No. 170, § 2.

Laws of Puerto Rico Annotated

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