



COMMONWEALTH OF
PUERTO RICO
Ports Authority

**PUERTO RICO PORTS AUTHORITY
REGULATION FOR SCANNING THE INBOUND CONTAINERS**

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**PUERTO RICO PORTS AUTHORITY
REGULATION FOR SCAN THE INBOUND CONTAINERS**

ARTICLE I. INTRODUCTION AND LEGAL GROUNDS

These rules shall be known as the Regulation for Scan the Inbound Containers. The same are set in accordance with the provisions of Law No. 125 of May 7th, 1942 as amended and Law 12 of February 18, 2008.

ARTICLE II. PURPOSE AND APPLICATION

This regulation aims to establish the new security measures for the maritime ports and among them, to scan the inbound containers in order to detect contraband.

ARTICLE III. DEFINITIONS

1. Cargo Container - Shall mean all types of containers used to carry cargo freight in ships, regardless of whether the container is empty, but shall not include uncontainerized bulk cargo.
2. Ship's Manifest - Means the statement submitted by the Ship Owner or Ship Agent to the different PRPA facilities Regulatory Agencies related to the inbound and outbound cargo delivered. The Ship manifest statement is supported, but not limited to, by bills of lading describing Cargo and weight and any other kind of valid documentation which provides a clear description of type of Cargo and weight conveyed.
3. Bill of Lading - Document issued by a Carrier acknowledging that specified goods have been embarking or disembarking as Cargo from one consignee to other, and which involves the use of at least two different types of transportation (for example: land and sea).
4. Containers - A truck trailer body that can be detached from the chassis for a loading into a vessel. Containers may be ventilated, insulated, refrigerated or equipped with interior devices. A container may be 20 feet, 40 feet, 45 feet, 48 feet or 53 feet in length, 8.0" or 8'6" in width, and 8'6" or 9,6" in height.
5. Contraband - Anything prohibited by law from being imported or exported.
6. Inspection Lanes - Sites where the Scanning will be placed.

7. Scanning Fee - Fee established to recover the cost incurred to provide the scanning service.

8. Ship or Vessel Agent - Person or company authorized to transact business for and in the name of another person or company

9. Image - Digital representation of the Cargo by the Scanning portal.

10. Puerto Rico Ports Authority - Public Corporation as created by Act No.125 of April 7, 1942, (23 L.P.R.A. 331-352)

ARTICLE IV. GENERAL RULES

A. The Ports Authority owns, supervises and administers the Port of San Juan, through which most of the products are imported into the Island of Puerto Rico, most commonly inside closed cargo containers.

B. Although these closed cargo containers should include only the items and products disclosed in the ship's manifest and or bill of lading, it is a well known fact that the cargo containers may sometimes include undisclosed items and products, introduced as contraband into Puerto Rico, to avoid among other reasons paying the applicable excise or other related taxes, with significant loss of revenues for the Government of Puerto Rico.

C. Implementation of security models in the area of the ports must be the priority for the Puerto Rico Ports Authority, due to the challenge that represents the increasing maritime transit and of containers to the island. It is primary objective of the PRPA to scanning the 100% of the inbound Cargo Containers entering the San Juan Port facilities not previously selected and scanned (imaged) by the United States Custom Border Protection in order to detect contraband.

D. The new inspection system shall be implemented through Inspection Lanes at predetermined locations established by the Authority. During the deployment stage of the new inspection system, the Authority will establish and notify the general public the location of the new Inspection Lanes and the date of commencement of the same.

E. The Authority reserves the right and it shall be of its exclusive discretion to determine the amount of containers to be inspected in each lane, the commencement date for the lanes and the process to follow during inspection. Furthermore, the Authority reserves the faculty to release a cargo or particular container from the inspection process, if it responds to the interest of the Authority and / or the fast performance and free flow of the containers through the Inspection Lanes.

F. The scanning fee is established to implement the new security measures required by law and recover the cost incurred to provide such services. PRPA has contracted a third

party private corporation to perform the required scanning services. Puerto Rico Ports Authority reserves the right to delegate the collection process to a private operator or any another entity. This will be notified to the concerned parties by, but not limited to, letter, email or fax.

G. The ship or vessel agent must pay the scanning to Ports Authority for each container, as follow:

1. Basic Fee:

- a. 40 Ft. or larger container \$70.00
- b. Smaller than 40 Ft. container \$58.00

2. The scanning fee must be pre-paid or paid at the time of the scan.

3. If payments are received within seven (7) days after the scan, the ship or vessel shall pay:

- a. 40 Ft. or larger container \$71.00
- b. Smaller than 40 Ft. Container \$59.00

4. Payments made eight (8) days after the scan and through the thirtieth (30) day of the scan, the ship or vessel shall pay:

- a. 40 Ft. or larger container \$74.00
- b. Smaller than 40 Ft. Container \$62.00

5. Payments received after thirty (30) days from the scan will bear interest of .0493% daily or 18% annually. No discounts shall apply to the scanning fee.

ARTICLE V. RULES VIOLATIONS

A. The officials, employees, executives or agents of the Authority are bound to strictly follow the provisions of this Regulation and the breach, disobedience, or insubordination of an employee in connection with any of the provisions contained herein may result in a disciplinary sanction, according to the applicable personnel regulation.

B. Any claim or grievance filed by a third party in connection with the above process shall follow the applicable Port Authority regulation of the process of claims.

ARTICLE VI. AMENDMENTS

This Regulation may be amended in accordance to the procedure laid down in Act No. 170 of August 12, 1988, as amended provided, that any amendment shall apply only to the bids or request for proposal to be announced after the approval of the same.

ARTICLE VII. WAIVER

If any part, provision or chapter of this Regulation is declared illegal or unconstitutional, the remainder shall remain in full force and effect in all respects.

ARTICLE VIII. EFFECTIVENESS, REPEAL AND APPROVAL

This Regulation shall become effective after thirty (30) days from its filing with at Department of State of Puerto Rico any existing provision on this matter that is inconsistent and irreconcilable with the provisions herein established.

Approved in San Juan, Puerto Rico on _____

Ingrid C. Colberg Rodríguez
Executive Director