

## MOTOR VEHICLES AND ROAD TRAFFIC BILL

### EXPLANATORY MEMORANDUM

The Bill for consideration, the *Motor Vehicles and Road Traffic Bill*, seeks to facilitate the transformation of the governance framework for the issuance of drivers' licences and vehicles registration. This is an initiative to facilitate the modernization of the public sector, which was an important theme incorporated in Vision 2020 of the Government of the Republic.

The initial focus of the modernization process is on ensuring that an institution is in place to facilitate the maintenance of an efficient licensing and registration system, to ensure that vehicles that enter the Republic are recorded in a more effective manner; so as to assist in matters relating to national security, for the protection of consumers and the safety of the general public.

**Part I** of the Bill, *clauses 1 to 5, (Preliminary)* would provide for the preliminary provisions, such as the short title, interpretation of words and terms used in the law, its commencement and its binding effect on the State. New terms such as “*antique vehicle*”, “*articulated bus*”, “*private motor vehicle*”, “*Chief Motor Vehicles Enforcement Officer*”, and “*Registrar*” have been introduced in the law relating to vehicles.

**Clause 2** of the Bill would give effect to the Act for which this is a Bill, even though the Act may affect the rights of an individual and would be inconsistent with sections 4 and 5 of the Constitution.

As regards its commencement, **Clause 3** of the Bill would provide that the provisions of the Act shall come into force on such days proclaimed by the President, who may, on the recommendation of the Minister, appoint different days for different provisions, or for different purposes of the same provision.

## Motor Vehicles and Road Traffic Bill

**Part II** of the Bill, *clauses 6 to 20, (Motor Vehicles and Road Traffic Authority)* would, in *clauses 6 to 9*, provide for the establishment of the Motor Vehicles and Road Traffic Authority, as a body corporate, and to which *sections 37 and 38* of the *Interpretation Act* would apply; and outline the Authority's functions, which include the registration, inspection, certification and classification of all vehicles, and the issuance of driver's licences. The Authority would also be empowered to perform the duties as immediately prior to the commencement of the law were required to be performed by the Licensing Authority constituted under the repealed *Motor Vehicles and Road Traffic Act, Chap 48:50*.

*Clause 8* of the Bill would outline the powers to be exercised by the Authority in carrying out its functions. This includes the power to charge and collect fees associated with the provision of its services, as may be prescribed. The Authority's functions and powers would be exercised in accordance with ministerial directions *(c9)*.

The Authority would be governed by a Board of Directors, to be known as the Motor Vehicles and Road Traffic Authority Board; which would be responsible for the performance of the functions conferred on the Authority by the Act, for which this is the Bill. *Clauses 10 to 20* of the Bill would provide for the establishment, constitution and appointment of the Board of Directors-*(c10 and 11)*, remuneration and liability of members,-*(c12 and 13)* appointment of secretary of the Board-*(c14)*. These clauses include provisions regarding the administrative procedure of the Board, its meetings-*(c15)*, its rules of procedure-*(c16)*, and provides for the establishment of committees to assist the Board in the exercise of its functions-*(c17)*. Members of the Board would be required to disclose their interests, to avoid conflict of interests-*(c 18)*; provision would be made for the seal of the Authority-*(c19)*, and for the service of notice and other documents on the Authority-*(c20)*.

**Part III** of the Bill, *clauses 21 to 38, (Staff, Enforcement and Administration)* would provide for the appointment of staff required for the performance of the duties of the Authority. *Clause 21* would authorise the Authority to employ, at such

## Motor Vehicles and Road Traffic Bill

remuneration, and on such terms and conditions of service as it considers fit, a General Manager, who would be the chief executive officer, and responsible for carrying out the decisions of the Authority-(*c 24 and 25*); a Registrar of Motor Vehicles, who would have responsibility for the effective administration of the Act-(*c 26*); a Chief Motor Vehicles Enforcement Officer, who would be responsible for assisting in the enforcement of the Act-(*c 27 to 29*); an Accountant and such other officers and employees as may be necessary and proper, to be staff of the Authority, for the due and efficient administration, management and performance by the Authority of its functions and the exercise of its powers.

*Clause 22* of the Bill would provide for the officers and other employees, who are members of the staff of the Licensing Authority established, under the *Motor Vehicles and Road Traffic Act*, (the existing Act) to comprise the staff of the Motor Vehicles and Road Traffic Authority, on the commencement of this Act; and when a vacancy occurs in the membership of the staff, the Authority would exercise its powers of appointment under *clause 21*, to fill the vacancy. The Authority would be empowered to employ persons to perform specific tasks that the Authority considers necessary for the due performance of its functions-(*c23*).

*Clause 31* of the Bill would enable a public officer, who has served for at least two continuous years in a prescribed office, to, within three months of the date of commencement of this clause, voluntarily retire from the Public Service, on terms and conditions as agreed between him or his appropriate recognised association, transfer to the Authority with the approval of the Public Service Commission on terms and conditions no less favourable than those enjoyed by him in the Public Service, or to remain in the Public Service.

*Clause 32* of the Bill would enable an officer in the Public Service or a Statutory Authority to be seconded to the service of the Authority with the approval of the appropriate Service Commission or Statutory Authority and with the consent of the officer.

## Motor Vehicles and Road Traffic Bill

*Clause 33 (1)* of the Bill would require, every member, officer and employee of the Authority and the Board, at all times to preserve and aid in preserving confidentiality with regard to all matters coming to his knowledge in the performance of his duties; and except for the purpose of the performance of his duties or under legal obligation, should not at any time, communicate any confidential matter to any person nor permit any person to have access to any records in the possession, custody or under the control of the Authority. *Clause 33(2)* would require every member, officer and employee of the Authority and the Board to take an oath of secrecy in the form set out in the Second Schedule.

*Clause 34* of the Bill would provide for personal liability, not to be attached to any personnel of the Authority, for anything done, permitted to be done or omitted in good faith in the course of the operations of the Authority.

*Clause 35* of the Bill would authorise the Authority to establish a pension fund plan, or where the establishment of that plan is not feasible, the Authority would be required to make arrangements for membership in a pension fund plan, or for staff of the Authority to join an existing pension fund plan.

*Clause 36* of the Bill would provide for the preservation and accrual of superannuation benefits of staff that have been seconded or transferred to the Authority from the Public Service.

*Clause 37* of the Bill would provide for the payment of superannuation benefits by the Authority, prior to the establishment of the pension fund plan.

*Clause 38* of the Bill would provide for the payment of superannuation benefits by the pension fund plan.

**Part IV** of this Bill, *clauses 39 to 49, (Financial Provisions)* would provide procedures for the financial management and operations of the Authority. Under *clause 39*, the funds and resources of the Authority would include such amounts as may be allocated annually or for special purposes by Parliament, for the use and

## Motor Vehicles and Road Traffic Bill

operations of the Authority. By virtue of *clause 40* the funds and resources of the Authority may be designated for specific projects or made subject to specific conditions, in which case, such funds and resources would be preserved and utilized solely for the designated purpose.

Under *clause 41* the Authority would be empowered to borrow funds for the exercise of its functions.

*Clause 42* of this Bill would authorise the responsible Minister to exempt the Authority, in whole or in part, from the payment of any tax imposed by or under any written law.

Under *clause 43* the Authority would be required to keep proper books of accounts and records of all sums received and expended by the Authority and would record the matters in respect of which such sums were received and expended.

*Clause 44* of this Bill would provide for the accounts of the Authority to be treated as public accounts and for any surplus in revenue or resources of the Authority to be paid into the Consolidated Fund.

*Clause 45* of this Bill would provide for the financial year of the Licensing Authority to be 1<sup>st</sup> October to 30th September in each year.

*Clause 46* of this Bill would hold, all officers charged with the receipt, accounting for, or disbursement of moneys or with the custody or delivery of stores, or other property belonging to the Authority, individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all property entrusted to their care, and for the due observance of all rules and regulations, and of all orders and instructions prescribed for their guidance.

*Clause 47* of this Bill would authorise the Board to appoint an external auditor, with the approval of the Minister.

## Motor Vehicles and Road Traffic Bill

Under **clause 48** the Authority would be required, within three months after the end of each financial year, to cause to be prepared, in respect of that year a report setting out the activities of the Authority and audited financial statements in accordance with standards established by the Institute of Chartered Accountants of Trinidad and Tobago.

By virtue of **clause 49** the Authority would not be subject to the *Central Tenders Board Act, Chap 71:91*, in pursuance of its functions.

**Part V** of this Bill, **clauses 50 to 78, (*Licensing of Persons to Drive*)** would provide for the licensing of persons to drive and would include provisions of sections 10, 41(4), 42, 43, 46, 47, 50, 54 to 60, 86A to 86C of the existing Act, with some drafting refinements and consequential changes, such as the deletion of the words “provisional permit” wherever they occur and the substitution in each case of the words “learner’s driver’s licence” and the deletion of the references to “driving permits” and “permits” wherever they occur and the substitution in each case of the words “driver’s licence” and “licence” respectively.

**Clause 50** of this Bill would prohibit a person from driving a vehicle unless he holds a valid licence to so operate, issued by the Authority, for the type or class of vehicle being driven.

**Clause 51** of this Bill would replace *section 55(1)* of the existing Act, with minor drafting refinements, and provide for the exemption from any requirement, of a person, to hold a driver’s licence under the Act to drive in Trinidad and Tobago, whilst his international driver’s licence remains valid.

**Clause 52** of this Bill would replace *section 50* of the existing Act (*Classes of vehicles*) and *section 54* of the existing Act (*Colour classification of driving permits and provisional permits*) and provide for the introduction of a new classification system of driver’s licences. In moving between the classes a person who holds a Class 3 licence for at least one year may apply to obtain a Class 1 licence without holding a Class 2 licence, but in all other instances, the upward movement between classes from Class

## Motor Vehicles and Road Traffic Bill

5 to Class 1 would be based on the holding of a licence of the earlier class for at least one year. [c52 (2)]

*Clause 53* of this Bill would replace *section 10* of the existing Act (*Power to stop and inspect vehicles*) and would require a driver to stop on the request of a Constable in uniform. This clause would provide for minor consequential changes to the existing law, by providing for the deletion of the term “*Transport Officer*” and the substitution of the word “*Constable*” as defined, as well as by providing for an increase in the penalty from \$300 or 6 months imprisonment to \$10,000 or 2 years imprisonment.

*Clause 54* of this Bill would replace *section 42(7)* of the existing Act with minor drafting refinements and provide for the exemption from requirement for a licence to drive a vehicle owned by a military authority, by the holder of an approved identification card.

*Clause 55* of this Bill would replace *section 43* of the existing Act, with minor drafting refinements, and would provide that a person should not drive or be carried on a motorcycle on any road unless he wears a safety helmet capable of affording his head protection from injury in the event of an accident.

*Clause 56* of this Bill would replace provisions of *sections 42, 46, 52 and 59* of the existing Act, with minor drafting refinements, and would require a person over the age of seventeen years, who is not the holder of a valid driving permit or provisional permit under the existing Act, or a driver’s licence under this Act, who wishes to operate a vehicle for the purpose of learning to drive, to apply to the Authority in the manner prescribed. *Clause 56* would also amend *section 52* of the existing Act (*Age*) by deleting the words “not being under” and substituting the word “over” to confirm the qualifying age for the issue of a driver’s licence.

*Clause 57* of this Bill would replace *section 58* of the existing Act, (*Period of driving permit*) which was amended by Act No 5 of 2010, and provide a further amendment regarding the validity of a driver’s licence. Such a licence would be valid for five years from the date of issue or renewal, where on such date the holder of the licence

## Motor Vehicles and Road Traffic Bill

has not yet attained the age of 66 years; with a graduated reduction in the number of years for which the licence remains valid, where the applicant has attained the age of 66 years but has not yet attained the age of 70 or two years from the date of issue or renewal, where on such date the holder of the licence has attained the age of 70 years and over.

*Clause 57* of this Bill would also amend *section 58* of the existing Act to require a person who has reached the age of 70 to provide a medical certificate in the prescribed form, from a medical practitioner registered under the Medical Board Act, as to his ability to operate a vehicle without impediment, before a licence is renewed. *Sub-clause (4)* of that clause would make it an offence for a medical practitioner to issue a medical certificate to such a person without examining that person.

*Clause 58* of this Bill would outline the conditions under which a driver's licence would be issued; e.g. on the expiration and renewal of the licence; the class of licence issued and any endorsements or restrictions.

*Clause 59* of this Bill would outline the grounds for refusal of a licence and change *section 61 (2)* of the existing Act (*Restriction on the issue of new driving permit after expiration of former one*).

*Clause 61* of this Bill would provide for the insertion of a new clause which would authorise the Authority to extend any certificate, licence or permit issued under the Act, in the event of a natural disaster or any temporary situation, that the Authority considers requires the extension of the certificate, licence or permit, for the purpose of carrying out the true intent, purpose and object of the Act.

*Clause 62* of this Bill is a new provision that would enable the holder of a driver's licence to apply to the Authority for an endorsement to be placed on his licence in respect of another class of vehicle for which an endorsement is required.

*Clause 63* of this Bill would prohibit a person from operating or driving a vehicle unless his driver's licence has been endorsed, authorizing him to operate that class of



## Motor Vehicles and Road Traffic Bill

vehicle; and imposes a fine of three thousand dollars and suspension from driving for at least one year, for contravention of that clause.

**Clause 64** of this Bill would provide for the revocation or suspension of a driver's licence, where the holder of the driver's licence does not meet the prescribed requirements of the Act or Regulations made thereunder.

**Clause 65** of this Bill would replace *section 86A* of the existing Act (*Licensing Authority may suspend driving permit*) and would empower the Minister, instead of the President, to prescribe a system of awarding penalty points against a person, by providing for the deletion of the word "President" and the substitution of the word "Minister".

**Sub-clause (7)** of **clause 65** would provide for the maximum amount of the penalty points that could be awarded against the offending person as distinct from against any person.

**Clause 66** of this Bill would replace *section 86B* of the existing Act (*Surrender and return of driving permit*) and would enable the holder of driver's licence to show cause why his licence should not be suspended, in the interest of public safety. Under **sub-clause (4)**, the holder of a driver's licence that has been suspended by the Authority would be enabled to appeal to the Appeal Committee against the suspension, within fourteen days of the receipt of the notice of suspension.

**Clause 67** of this Bill would replace *section 86C* of the existing Act and would require the holder of a driver's licence to surrender the driver's licence to the Authority on suspension of the driver's licence under **clause 65**.

**Clause 68** of this Bill is a new provision that would provide for the voluntary surrender of driver's licence by the holder.

**Clause 69** of this Bill would replace *section 56* of the existing Act (*Production of driving permit or provisional permit*) and authorise a Constable in uniform to require a person to produce his driving licence for examination.

## Motor Vehicles and Road Traffic Bill

*Clause 70* of this Bill is a new provision which would provide that a driver's licence, issued under this Act would remain the property of the Authority and must be returned to the Authority by the holder whenever required by the Authority.

*Clause 71* of this Bill would replace *section 60* of the existing Act (*Re-issue of lost or defaced driving permit*) and provide for the reissue of a lost, stolen or destroyed driver's licence.

*Clause 72* of this Bill would replace *section 41 (1), 41 (6), 55 (2) and (3)* of the existing Act and would require the Authority to keep a register of all holders in Trinidad and Tobago of a valid international driver's licence issued inside and outside Trinidad and Tobago.

*Clause 73* of this Bill is a new provision that would require the holder of a valid driver's licence issued in a country listed in the **Third Schedule**, who uses that licence as authorisation to drive on a road in Trinidad and Tobago, to only drive on a road in Trinidad and Tobago under such authorisation for three months from the date on which the holder enters Trinidad and Tobago and thereafter if he wishes to drive on a road in Trinidad and Tobago he must apply to the Authority for a driver's licence.

*Clause 74* of this Bill would replace *section 57* of the existing Act (*Register of driving permits*) to authorise the Authority to keep a register of all persons who have been issued a licence to drive under the Act. The contents of the register would, for the purposes of all proceedings in court, be *prima facie* evidence of all information contained therein; and extracts of the register purporting to be certified as such by the General Manager, or his authorised officer, would be receivable in evidence in court.

*Clause 75* of this Bill would replace *sections 86 A (2) to 86 A (4)* (*Licensing Authority may suspend driving permit*) of the existing Act to enable the Authority to attach driving points to the holder of the licence.

## Motor Vehicles and Road Traffic Bill

**Clause 76** of this Bill would replace *sections 86 B (1) to 86 B (4) (Licensing Authority may suspend driving permit)* of the existing Act to enable the Authority before suspending the driver's licence of a person, for failure to observe the Act and the Regulations, to give that person notice in writing of its intention to do so, specifying a date, not less than fourteen days after the date of the notice, on which such suspension shall be made and calling on the person to show cause to the Authority why the driver's licence should not be suspended. **Clause 76 (4)** would enable a person whose driver's licence has been suspended by the Authority, to appeal to the Appeal Committee against that decision within fourteen days of the receipt of the notice of suspension.

**Clause 77** of this Bill would replace *sections 86 C (Surrender and return of driving permit)* of the existing Act and authorise the Authority to, upon suspending a driver's licence for non compliance with the Act or Regulations, require the person concerned to surrender the driver's licence to the Authority.

**Clause 78** of this Bill would be a new provision and which would contain transitional provisions relating to permits and licences.

**Part VI** of this Bill, *clauses 79 to 121, (Registration and Certification of Vehicles)* would provide for the registration and certification of vehicles. Under this Part provision would be made for the tagging of vehicles, the payment of vehicle tax, and the registration of vehicles including antique vehicles. Existing provisions would be continued regarding driving while a child is in the vehicle.

**Clause 79** of this Bill would enable the Board to approve the forms, certificates and procedures required by the Authority for the registration of a vehicle. This clause would replace *section 4A* of the existing Act (*Minister to approve forms, certificates and procedures for registration of vehicles*) which imposes a similar obligation on the Minister in respect of forms issued by the Licensing Authority.

**Clause 80** of this Bill is new provision which would authorise the Authority, where a vehicle enters Trinidad and Tobago as part of a shipment, the Authority to examine the vehicle at the point of entry to determine the purpose of the vehicle for which

## Motor Vehicles and Road Traffic Bill

entry is being sought; take the chassis and engine number where applicable, from the vehicle, and all other details necessary for the registration of the vehicle, from the vehicle and place the necessary electronic identification tags on the vehicle and record the information obtained.

*Clause 81* of this Bill is new provision which would require an importer, where it is intended that a vehicle enter Trinidad and Tobago as part of a shipment, prior to the arrival of the shipment, to provide the Authority with the name and address of the importer or dealer, the Bills of Lading in respect of the vehicle, and any other shipping documents that the Authority may require.

*Clause 82* of this Bill would replace *section 14 (Motor Vehicle tax)* of the existing Act and provide for the payment to the relevant tax authority, in respect of the classes of vehicles, a vehicle tax computed in accordance with the provisions of that Schedule for all vehicles entering Trinidad and Tobago. It empowers the Minister, instead of the President, to amend the **Sixth Schedule** by Order.

*Clause 83* of this Bill would replace *section 17 A (Restriction on registration of motor vehicles)* of the existing Act and would prohibit the registration a vehicle that is assembled in Trinidad and Tobago, where the customs duty payable on the vehicle as assembled has not been paid, unless the fee prescribed by the Minister by Order in relation to such a vehicle is paid, and would exempt the vehicle from the payment of vehicle tax. *Sub-clause (2)* would empower the President to remit or refund the whole or any part of any fee payable in relation to such a vehicle, where he considers it expedient to do so.

*Clause 84* of this Bill would replace *section 12* of the existing Act (*Registration of motor vehicles*) and would prohibit, the use or keeping for use or, the ownership, the granting of permission to any other person to use or keep for use, any vehicle unless that vehicle is registered under this Act and in accordance with the procedures required by the Authority.

## Motor Vehicles and Road Traffic Bill

**Clause 85** of this Bill would replace *section 16* of the existing Act (*Exemptions from need for registration*) and would exempt certain classes of vehicles from the need for registration including new vehicles in the possession of manufacturers or vehicle traders, but subject to such provisions as to vehicle traders certificate and private motor vehicles and motor cycles brought into Trinidad and Tobago by visitors for their own use for a period not exceeding three months subject to such conditions as may be prescribe. **Sub-clause (2)** would empower the Minister, in special circumstances, by Order, to exempt from registration, on a temporary basis, a vehicle being used by visiting dignitaries. The Minister would also be empowered under **sub-clause (5)** to prescribe, by Order, the identification mark to be carried on any vehicle or trailer owned or used by the State.

**Clause 86** of this Bill would amend the existing Act by providing for the insertion of a new section that would provide for the registration of an antique vehicle, that is, a vehicle that is at least thirty years old.

**Clause 87** of this Bill would replace *section 13 (1), (2) (Examination of motor vehicles); section 12(4) (5) and (9) (Registration of motor vehicles)* of the existing Act.

**Clauses 89 to 91** of this Bill would replace *sections 43 B to 43 D*, respectively, of the existing Act, as amended by *Act No 5 of 2010*, and would require the registered owners of certain vehicles to have the vehicles fitted with seat belts designed as to provide restraint for both upper and lower parts of the trunk of the wearer.

**Clause 92** of this Bill would replace *section 23* of the existing Act (*Restrictions on licensing of certain motor vehicles and trailers*) and would prohibit the use of certain vehicles on the road e.g. a motor vehicle exceeding the maximum gross weight of fifteen tones, a trailer exceeding the maximum gross weight of eight tones, a vehicle or trailer all the wheels of which are not fitted with pneumatic tyres and a vehicle the windscreen or any other window of which is fitted with glass so tinted as to exceed the limit prescribed.

## Motor Vehicles and Road Traffic Bill

**Clauses 93 and 94** of this Bill would replace *section 15* of the existing Act (*Cancellation of Registration*) and would specify the circumstances under a which a licence would be cancelled, e.g. where the Authority is satisfied that the vehicle has been destroyed, or the vehicle has been rendered unserviceable for a minimum period of one year, or the vehicle for whatever reason cannot be located in Trinidad and Tobago for a minimum period of one year or the vehicle is removed from Trinidad and Tobago for a period of more than three months. The owner of a vehicle who is aggrieved by the decision of the Authority to cancel his registration may appeal to the Appeal Committee by virtue of *sub clause (3)*. **Clause 94** would place an obligation on the owner of a vehicle which has been destroyed, rendered unserviceable or has been removed from Trinidad and Tobago to notify the Authority in writing, within one month of such event.

**Clause 95** of this Bill would replace *section 18* of the existing Act (*Registration of change of use*) and would impose an obligation on the owner of a vehicle which is registered for use for a particular purpose who intends to use that vehicle for some other purpose to apply to the Authority for registration of the vehicle for use for that other purpose, before using the vehicle for that other purpose.

**Clause 96** of this Bill would replace *section 27* of the existing Act (*Cancellation or refusal of registration*) and would provide for cancellation of a vehicle registration or trailer registration or refusal to renew such registration, by the Authority, where a Motor Vehicles Enforcement Officer certifies in writing that the vehicle or trailer is so constructed or is in such a condition as to constitute a health, safety or environmental hazard to any person traveling in the vehicle, or to other members of the public, or is injurious to the roads or contravenes this Act.

**Clause 97** of this Bill would be a new provision in the law, which would require the insurer of a vehicle, that has been involved in an accident, and is damaged and there is constructive loss or total loss of that vehicle, to notify the Authority of that fact in accordance with the *Motor Vehicles (Third Party Risks) Act*.

## Motor Vehicles and Road Traffic Bill

**Clause 98** of this Bill would be a new provision in the law which would incorporate *section 13 (3)* of the existing Act and would authorise the Chief Motor Vehicles Enforcement Officer to direct that a vehicle be inspected by a Motor Vehicles Enforcement Officer prior to its registration.

**Clause 99** of this Bill would be a new provision in the law which would place an obligation on the holder of a Vehicle Certificate of Registration to report to the Authority, in the prescribed form, where the Vehicle Certificate of Registration is lost, stolen or damaged.

**Clause 100** of this Bill would be a new provision in the law, which would make it an offence for a person to intentionally alter or deface any Vehicle Certificate of Registration issued by the Authority.

**Clause 101** of this Bill would be a new provision in the law, which would provide for the issue of validation certificates to vehicles. A validation certificate would be accompanied by a validation sticker which would be affixed to the appropriate licence plate of the vehicle in respect of which the validation certificate is issued-*sc (2)*. A validation certificate issued in respect of a private motor vehicle would be valid for a period not exceeding twenty-four months from the month of registration of the vehicle, and a validation certificate issued in respect of any other vehicle, would be valid for a period not exceeding twelve months from the month of registration of the vehicle-*sc (1)*.

**Clause 102** of this Bill would be new provisions in the law, which would provide for new letters and numbers to be assigned to a vehicle, which shall become one of the identification marks of that vehicle. If a vehicle does not bear an identification mark, this fact shall be regarded as *prima facie* evidence that the vehicle has not been registered or validated. *sc (1) and (2)*.

**Clause 103** of this Bill would be new provisions in the law, which would provide for licence plates to be issued by the Authority, where a vehicle has been registered and a validation certificate has been issued. The Authority would be authorised, on

## Motor Vehicles and Road Traffic Bill

payment of the prescribed fee, to issue personalised licence plates in respect of a motorcycle and a private motor vehicle-*sc (1) and (2)*.

Where licence plates have been issued in respect of a vehicle, they shall remain on the vehicle until the transfer of the vehicle to another person by the owner of the vehicle or the destruction of the vehicle. An owner who discovers an error on his licence plates would be required to return the licence plates to the Authority within seventy-two hours of the discovery-*sc (4) and (6)*.

The licence plates issued under this Act would remain the property of the Authority and would have to be returned to the Authority by the registered owner of the vehicle whenever required by the Authority-*sc (9)*.

*Clause 104* of this Bill would include new provisions in the law, which would provide for the renewal of a validation certificate.

*Clause 105* of this Bill would include new provisions in the law, which would provide for the revocation or suspension of a validation certificate.

*Clause 106* of this Bill would include new provisions in the law, which would provide for the issue of a temporary permit to a person who wishes to operate a vehicle which has not yet been registered or for which no permit or licence plates have been issued-*sc (1) and (2)*. A temporary permit would authorise the vehicle, in respect of which it is issued, to be operated or moved on a highway without load, in accordance with the conditions stated on the temporary permit-*sc (3)*. A temporary permit would be valid for 30 days and would be issued in respect of a vehicle that has a valid inspection certificate and insurance-*sc (5)*.

*Clause 107* of this Bill would be new provisions in the law, which would provide for the issue of an in-transit permit, in respect of a vehicle that is not registered, or for which no permit or number plates have been issued. An in-transit permit would authorise the vehicle in respect of which it is issued to be operated or moved on a



## Motor Vehicles and Road Traffic Bill

road or highway without load for a single trip from a place to another place named in the permit and in accordance with the conditions stated in or on the permit-*sc* (3).

**Clause 108** of this Bill would replace provisions of *sections 19 and 28* of the existing Act (*Transfer of Registration and Amendment of Register and Certificate of Registration*) and would provide for the transfer of ownership of a vehicle registered in the name of a person.

**Clause 109** of this Bill would replace provisions of *sections 19 A to 19F* of the existing Act (*Tax payable on transfer of motor vehicle*) and would provide for the imposition of a transfer tax in respect of every used vehicle, in respect of which there is to be a transfer of registration on the change of physical possession.

**Clause 110** of this Bill would replace provisions of *section 11* of the existing Act (*Motor vehicle registers*) and would provide for the maintenance of a register of vehicles registered under this Act.

**Clause 111** of this Bill would provide for the issue of a new vehicle identification number to a vehicle that has previously been registered and tagged with reference to a particular vehicle identification number or chassis number, and is rebuilt, and displays more than one vehicle identification number or chassis number, which varies from the original numbers stated in the certificate of registration, a validation certificate and in the electronic identification tag.

**Clauses 112 to 120** of this Bill would introduce new terms and clauses which provide for the issuance of an identification permit to allow access to parking spaces for the exclusive use of differently-abled persons. A person who has not been issued with an identification permit would not be permitted to stop, leave standing or park in a differently-abled person's zone, a vehicle in which an identification permit is displayed, unless the person stops, leaves standing or parks the vehicle for the purpose of transporting a differently-abled person.

## Motor Vehicles and Road Traffic Bill

*Clause 121* of this Bill would be a new provision and which would contain transitional provisions relating to an identification mark and identification permit.

**Parts VII to XI** of this Bill, *clauses 122 to 194*, (*Registration of Persons Trading in Vehicles, Registration of Vehicle Rental Firms, Inspection of Vehicles and Certification of Fleet Management Facilities and Inspection Centres, Hired Vehicles, (including Taxis and Maxi-Taxis) and Registration of Driving Schools and Testing of Drivers*) are similar in nature in the various Parts and repeat the requirements in relation to each specific matter e. g. similar provisions may apply to the registration of persons trading in vehicles and owners of rental firms, but the provisions are presented in different Parts.

**Part VII** of this Bill, *clauses 122 to 136*, (*Registration of Persons Trading in Vehicles*) would provide for an elaboration of *sections 34 to 40* of the existing Act, relating to dealers in motor vehicles. *Clause 123* would impose a requirement for persons trading in vehicles to be registered. *Clause 124* would provide for the inspection of the premises to be used by the vehicle trader. *Clause 125* would provide for the issue and expiration of a Vehicle Trader Certificate. *Clause 126* would impose a requirement for the vehicle trader to display the Vehicle Trader Certificate. *Clause 125* would provide for the validity of the Vehicle Trader Certificate. *Clause 128* would provide for remedial action to be undertaken to maintain the validity of a certificate. *Clause 129* would provide for the suspension of a Vehicle Trader Certificate. *Clause 130* would provide for the revocation of a Vehicle Trader Certificate.

*Clause 131* would replace *section 38* of the existing Act (*Dealer's general licence not transferable*) and would prohibit the transfer of the Vehicle Trader Certificate.

*Clause 132* would replace *section 40* of the existing Act (*Record of vehicles used under authority of dealers' general licence*) and would provide for the vehicle trader to keep records, which would contain a description of every vehicle in his possession, including the name of the maker, serial number and other distinguishing marks, whether any numbers thereon have been defaced, destroyed or changed.

*Clause 133* would provide for the vehicle trader to keep record of interests in every vehicle in his possession. *Clause 134* would replace *section 36* of the existing Act (*Register of Dealers' General Licences*) and provide for the Vehicle Trader Register. *Clause 135* would provide for the vehicle trader plates and *Clause 136* would provide for the transitional provisions relating to dealer plates and vehicle trader plates.

*Part VIII* of this Bill, *clauses 137 to 148, (Registration of Vehicle Rental Firms)* would provide for the registration of rental firms and replace provisions relating to “hiring cars” in the existing law. It would prohibit a person from engaging in the business of renting vehicles without drivers, unless the person is registered by the Authority to engage in such business-*c 138*. This Part would provide for application to be made to the Authority in the prescribed form-*c 139*; for the inspection of the location of a vehicle rental firm by the Authority-*c 140*, for registration as a vehicle rental firm and issue of a vehicle rental firm registration certificate-*c 141*, for remedial action to be undertaken by a vehicle rental firm to maintain the validity of a certificate-*c 143*; for the suspension of the vehicle rental firm registration certificate-*c 144*; for the issue of a notice of compliance and the revocation of the vehicle rental firm registration certificate-*c145*; and a requirement to keep records-*c 146*. *Clause 148* would provide for the transitional provisions relating to rental of vehicles. Similar provisions are not in the existing Act.

*Part IX* of this Bill, *clauses 149 to 160, (Inspection of Vehicles and Certification of Fleet Management Facilities and Inspection Centres)* introduces new provisions regarding the inspection of vehicles and certification of fleet management facilities and inspection centres. These clauses would replace *section 26* of the existing Act, which authorises the Licensing Authority to designate premises, where motor vehicles and trailers may be examined, and such designation may be subject to such conditions as may be determined by the existing Licensing Authority.

## Motor Vehicles and Road Traffic Bill

*Clause 149* of the Bill would require a person who wishes to operate a business of a vehicle inspection centre to apply to the Authority in the prescribed form. *Clause 150* would provide for the registration of a Fleet Management Facility. *Clause 151* would provide for the validity of Fleet Management Facility Certificate. *Clause 152* would provide for the remedial work for Fleet Management Facility. *Clause 153* would provide for the suspension of Fleet Management Facility Certificate of Registration. *Clause 154* would provide for the revocation of Fleet Management Facility Certificate of Registration. *Clause 155* would provide for the registration of Vehicle Inspection Centres. A current list of approved Vehicle Inspection Centres would be required to be published annually, in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago-*c155(6)*. *Clause 156* would provide for the validity of Vehicle Inspection Centre Registration Certificate. *Clause 157* would provide for the remedial work to be undertaken in respect of a Vehicle Inspection Centres. *Clause 158* would provide for the suspension of a Vehicle Inspection Centre Registration Certificate. *Clause 159* would provide for the revocation of a Vehicle Inspection Centre Registration Certificate.

*Clause 160* would provide for the transitional provisions relating to premises designated for inspection of motor vehicles or trailers or inspection centres. By virtue of *clause 160* certificates issued under *section 26* of the existing Act would continue in force until their expiration date, at which time the holder would be required to apply for a new certificate to operate.

**Part X** of this Bill, **clauses 161 to 185, (*Hired Vehicles, (including Taxis and Maxi-Taxis)*)** would replace the provisions of the *Maxi-Taxi Act, Chap 48 :53* (M-T Act) with necessary drafting refinements and increased fines, and would provide a concerted approach to the administration of the law relating to all vehicles.

**Part X** would provide for the registration of hired vehicles, including taxis and maxi-taxis. Under *clause 161* “hired vehicle” would be defined as a vehicle which is operated for hire with a driver, whether operated as part of one transaction

## Motor Vehicles and Road Traffic Bill

or many transactions. “Private hired vehicle” would mean a vehicle constructed or adapted to seat fewer than nine passengers, which is made available with a driver to the public for hire, for the purpose of carrying passengers in such areas in Trinidad and Tobago, as may be prescribed. The term and word “hiring car” or “taxi” would be maintained with an amendment to the existing Act which increases the amount of passengers to be transported in a vehicle. Similarly, “rented cars”, which includes a privately hired vehicle, would be regulated under the Act.

*Clause 162* would prohibit the use of a vehicle for hire unless the vehicle is classified and the person hold’s a hired driver’s permit for the class of vehicle to be driven. *Clause 164* would replace *section 7* of the M-T Act (*Authority to issue permit*) and would provide for the issuance of permits in respect of hired vehicles.

*Clauses 165 to 170* are new provisions that would require the display of a hired driver’s permit and hired vehicle permit-**c165**; prohibit the alteration or defacement of a hired driver’s permit or hired vehicle permit-**c166**; provide for the replacement of a lost, stolen or destroyed hired driver’s permit or hired vehicle permit-**c167**; and for the suspension or revocation of hired driver’s permit or hired vehicle permit-**c168-c169**. *Clause 170* would provide for the validity and renewal of hired driver’s permit or hired vehicle permit.

*Clause 171* would replace *section 21 (5) and 17 (1)* of the existing Act and provide for requirements to operate a taxi and for an increase in the seating accommodation for a maxi-taxi to 30 passengers.. *Clause 172* would provide for requirements to operate a private hired vehicle. *Clause 173* would provide for the interpretation of certain words used in *clauses 174 to 182*.

*Clause 174* would replace *section 6 A (1) and 11 (1)* of the M-T Act (*Permit to operate a maxi-taxi*) and would prohibit the operation of maxi-taxi without a hired driver’s permit.

## Motor Vehicles and Road Traffic Bill

**Clause 175** would replace *section 5* of the M-T Act (*Authority to determine suitability for use as maxi-taxi*) and would enable the Authority to determine the types of vehicles suitable for use as a maxi-taxi.

**Clauses 176 and 178** would replace *sections 6 (3) and (4) and 6 (1)* respectively, of the M-T Act (*Registration of maxi-taxi owners*) and would provide for the procedure that would be adopted in respect of an application to own a maxi-taxi. **Clause 178** would provide for the maintenance of a maxi-taxi owners register.

**Clause 177** would replace *sections 7(1) and 6 (5)* of the M-T Act (*Authority to issue permit*) and would provide for the issue of a maxi-taxi owner's permit.

**Clause 179** would replace *section 9* of the M-T Act (*Repossessor not in breach of Act by not being holder of a permit*) and would provide for the repossession of a maxi-taxi.

**Clause 180** would replace *section 10* of the M-T Act (*Offence to use maxi-taxi for other commercial purposes*) and would prohibit the use of a repossessed maxi-taxi.

**Clause 181** would replace *section 12* of the M-T Act (*Vehicle not to be painted in such manner as is likely to be mistaken for maxi-taxi*) and would provide for the restriction on a maxi-taxi.

**Clause 182** would replace *section 12 A* of the M-T Act (*Use of electrical equipment restricted*) and would provide for the restrictions on use of certain equipment on a maxi-taxi.

**Clause 183** would provide conditions under which a person could operate or offer services as a hired school bus driver.

**Part XI** of this Bill, **clauses 186 to 194**, (**Registration of Driving Schools and Testing of Drivers**) would prohibit a person from teaching another to operate a vehicle

## Motor Vehicles and Road Traffic Bill

unless he is registered to do so by the Authority. *Clauses 186 to 190* are new provisions that would provide for application to be made in the prescribed form, the issue, suspension and revocation of a Driving School Registration Certificate.

*Clause 191* would replace *section 45* of the existing Act (*Driving instructors*) and would impose certain requirements on an instructor. A person who instructs a learner to drive a motor vehicle in [Classes 4, 5 and 6] must be the holder of a valid driving licence for that class of vehicle for a period of not less than three years.

*Clause 192* would replace *section 46* of the existing Act (*Offences of driving instructor*) and would impose certain requirements and prohibit certain actions of an instructor. The Instructor must be the holder of a valid driver's licence for the class of motor vehicle in which he is giving instruction and the vehicle being used must be equipped with dual pedal controls.

*Clause 193* would replace *section 47* of the existing Act (*Driving tests*) and would authorise a Motor Vehicles Enforcement Officer to exercise his discretion and require an applicant for a valid driver's licence to produce a certificate of having passed a driving test signed by such association as may be approved by the Authority.

*Clause 194* would provide for the transitional provisions relating to driving schools.

Part XII of this Bill, *clauses 195 to 237, (Driving and other Offences and General Conditions Relating to use of the Roads)*; with the exception of increases in penalties, *Clause 196 to 224 and 228* replace similar provisions in *Part V, sections 63 to 79, 108, 109* of the existing Act, with minor drafting refinements.

*Clause 195* would impose a requirement on the registered owner of a vehicle to notify the Authority when absenting from the State.

## Motor Vehicles and Road Traffic Bill

**Clause 214** is a new provision that would provide for the undertaking of an alcohol rehabilitation program by a person whose licence has been disqualified as a result of an alcohol related offence.

**Clause 225** would replace *section 21* of the existing Act (*Using vehicle without prescribed registration, an offence*) to prohibit the use of a vehicle without prescribed registration.

**Clause 226** would replace *section 22* of the existing Act (*Licensing Authority may permit goods vehicles to be used for the conveyance of persons*) to enable the Authority to permit goods vehicles to be used for the conveyance of persons.

**Clause 227** would replace *section 22 A* of the existing Act (*Police and Prison Service vehicles exempted from payment of fees*) to exempt Police and Prison Service vehicles from the payment of fees under the Act.

**Clauses 229 to 237** replace similar provisions of the *Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Ch 48:52*, with minor drafting refinements.

**Part XIII** of this Bill, **clauses 238 to 247, (Legal Proceedings)** would replace *sections 80- 88* of the existing Act, with minor drafting refinements.

**Part XIV** of this Bill, **clauses 248 to 254, (Appeal Committee)** would introduce new provisions in the law to provide for the establishment of an Appeal Committee to facilitate the early settlement of disputes arising under the Act. The Appeal Committee would be empowered to hear and determine all appeals from the decisions of the Authority, in the exercise of its functions and duties under this Act, and in particular, respecting its refusal of a permit, licence or certificate under this Act; and to review the exercise by the Chief Motor Vehicles Enforcement Officer of his powers- **c248**.

During the pendency of an appeal, orders made and decisions and directions given by the Authority remain in force pending the outcome of the appeal; unless on an *inter parte* application or an *ex parte* application, where notice has been



## Motor Vehicles and Road Traffic Bill

given to the Authority that the Appeal Committee is of the view that exceptional circumstances exist that warrant the grant of a stay of any further action by the Authority-*c252*.

**Part XV** of this Bill *clauses 255 to 259 (Offences and Penalties)* would replace *sections 93, 94, 97 and 91* respectively, of the existing Act, with minor drafting refinements.

**Clause 255** would replace *section 93(1)* of the Act (*Refusing to give name or address or giving false name or address*) to provide for the imposition of a penalty on summary conviction of a fine of five thousand dollars for breach of the section.

**Part XVI** of this Bill, *clauses 260 to 270, (Miscellaneous)* would replace *sections 10A, 96, 98, 99, 89, 92, 100 and 110* respectively of the existing Act, with minor drafting refinements.

**Clause 263** would amend *section 99* of the Act (*Certificate as to damage to be admissible in evidence*) to provide for changes in the designation of the responsible officer, by the deletion of the words “appointed by the Public Service Commission, in the exercise of its power under the constitution as a Transport Officer” and the substitution of the words “authorised by the Authority”.

**Clause 264** would amend *section 89* of the existing Act (*Fees and duties*) to provide for the replacement of subsections (2) and (3) to enable the new Authority to retain the fees payable under the Act so that it may be a self financing Statutory Authority in the long term; and to allow the Minister instead of the President to make Regulations to amend the Schedule of fees.

**Clause 267** would authorise the Minister to make Regulations generally for giving effect to the provisions of the Bill, subject to negative resolution of Parliament. **Clause 267** would also change *section 100* of the existing Act (*Regulations*) to provide for the insertion of new circumstances in respect of which the Minister may make Regulations, namely, regarding the use of licence plates by the owner of a vehicle;

## Motor Vehicles and Road Traffic Bill

fees required under the Act to be prescribed, the requirements and standard for vehicles under the Act, and for regulating road use and the operations of premises designated for the examination of vehicles, and in respect of vehicle traders.

*Clause 270* would provide for the repeal of the *Motor Vehicles and Road Traffic Act, Chap 48:50*; the *Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Chap 48 52*; and the *Maxi-Taxi Act Chap 48:53*, and for the savings of any Orders, regulations, notices or other subsidiary legislation made pursuant to these Acts until replaced by other subsidiary legislation made under this Act.

Motor Vehicles and Road Traffic Bill