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No. 22 of 2011

Second Session Tenth Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

AN ACT to amend the Motor Vehicles and Road
Traffic Act, Chap. 48:50 and the Motor Vehicles
and Road Traffic (Enforcement and
Administration) Act, Chap. 48:52

THE MOTOR VEHICLES AND ROAD TRAFFIC
(MISCELLANEOUS PROVISIONS) (NO. 2) BILL, 2011

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

Clause 1 would provide for the short title of the Bill.

Clause 2 would provide for the Act to come into operation on a date to be fixed by the President by Proclamation.

Clause 3 would amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 (“the Act”)—

- (a) in section 2, by inserting the definitions of “PH driver’s licence”, “private hire motor vehicle” and “private school bus driver’s licence” and by replacing the definition of “private school bus”;
- (b) in section 18, by inserting a new subsection (4) which would exempt a private motor vehicle from the requirement of re-registration where it is to be used as a private hire motor vehicle;
- (c) by repealing section 41A and replacing it with a new section 41A which would seek to regulate the operation of private school buses being used to transport school children;
- (d) by inserting section 41B which would seek to regulate the operation of private motor cars being used as private hire motor vehicles for the purpose of transporting passengers;
- (e) in section 48(3), by deleting the words “sixty-five” and substituting the word “seventy”. This would increase the age at which a person is required to provide a medical certificate for the issue or renewal of his driving permit from sixty-five years to seventy years;
- (f) in section 58, by repealing subsection (1) and substituting a new subsection (1) which would provide for new periods of duration of driving permits;
- (g) by inserting a new section 95A which would empower the Minister to extend, by Order, the validity of driving permits or other documents lawfully issued by the Licencing Authority for a period not exceeding three months in circumstances involving a natural disaster, emergency or other unforeseen occurrence;

- (h) in section 100, to empower the Minister to make regulations for the operation of private hire motor vehicles and private school buses;
- (i) in section 106, to increase the fine that may be imposed in regulations made under sections 101, 102, 103 and 104 of the Act from “fifteen hundred dollars” to “five thousand dollars”; and
- (j) in clause (7) of the First Schedule, by deleting the words “sixty-five” and substituting the word “seventy”. This would increase the age at which a person is now exempted from the requirement of paying a fee for the renewal of their driver’s permit from sixty-five years to seventy years.

Clause 4 of the Bill would amend the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, by inserting in the First Schedule items 62A and 62B. These new items would empower a police officer to issue a fixed penalty ticket to persons found operating—

- (a) a private school bus without a valid private school bus driver’s licence; or
- (b) a private motor car without a valid PH driver’s licence.

BILL

AN ACT to amend the Motor Vehicles and Road
Traffic Act, Chap. 48:50 and the Motor Vehicles
and Road Traffic (Enforcement and
Administration) Act, Chap. 48:52

[, 2011]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Motor Vehicles and Short title
Road Traffic (Miscellaneous Provisions) Act, 2011.

Commencement

2. This Act comes into operation on such date as is fixed by the President by Proclamation.

Chap. 48:50
amended

3. The Motor Vehicles and Road Traffic Act is amended—

(a) in section 2—

(i) by inserting in the appropriate alphabetical sequence the following definitions:

“PH driver’s licence” means a private hire motor vehicle driver’s licence issued under section 41B(2);

“private hire motor vehicle” means a private motor car in respect of which the registered owner has been issued a PH driver’s licence;

“private school bus driver’s licence” means a private school bus driver’s licence issued under section 41A(2);”;

(ii) by deleting the definition of “private school bus” and substituting the following definition:

“private school bus” means a motor vehicle with seating accommodation for not less than nine nor more than twenty-five passengers and authorized by the Licensing Authority under section 41A to be used for the purpose of transporting school children;”;

(b) in section 18, by inserting after subsection (3), the following subsection:

“ (4) The requirements of this section shall not apply to a private motor car to be used as a private hire motor vehicle.”;

(c) by repealing section 41A and substituting the following section:

“Private
school bus
driver’s
licence 41A. (1) Where a person is desirous of operating a private school bus for the purpose of carrying school children, he shall apply to the Licensing Authority in the prescribed form for a private school bus driver’s licence for that purpose.

(2) Subject to subsection (3), where, in the opinion of the Licensing Authority, an applicant under subsection (1) has satisfied all of the requirements for the issue of a private school bus driver’s licence, the Licensing Authority may, on the payment of the fee prescribed in the First Schedule, issue to the applicant a private school bus driver’s licence authorizing him to operate such private school bus as is specified in the licence for the purpose of transporting school children.

(3) The Licensing Authority shall refuse to issue a private school bus driver’s licence to an applicant who has, within the

three years preceding the application, been convicted of—

- (a) manslaughter arising out of the use of any motor vehicle;
- (b) an offence under sections 70, 70A, 70B, 70C, 70E or 71 or of at least two other offences under this Act or regulations made under this Act; or
- (c) at least two offences under the First Schedule to the Motor Vehicles and Road Traffic (Enforcement and Administration) Act or regulations made under that Act.

Chap. 48:52

(4) A private school bus driver's licence shall be in the prescribed form and be subject to such conditions as the Licensing Authority considers necessary.

(5) Unless previously suspended, cancelled or revoked, a private school bus driver's licence shall expire upon the expiration of—

- (a) one year; or
- (b) such shorter period as the Licensing Authority may consider appropriate,

from the date of issue or renewal.

(6) A person shall not operate a private school bus unless that person is the holder of—

(a) a valid driver's permit;
and

(b) a valid private school bus driver's licence.

(7) A person who contravenes subsection (6) or any condition of a private school bus driver's licence commits an offence and shall be liable on summary conviction to a fine of four thousand dollars on first conviction and on any subsequent conviction to a fine of eight thousand dollars and suspension of his driving permit and private school bus driver's licence for a period not exceeding three years.”;

(d) by inserting after section 41A, the following section:

“PH
driver's
licence

41B.(1) Where a person is desirous of operating a private motor car for the purpose of carrying passengers for hire, he shall apply to the Licensing Authority in the prescribed form for a PH driver's licence for that purpose.

(2) Subject to subsection (3), where, in the opinion of the Licensing Authority, an applicant under subsection (1) has satisfied all the requirements for the issue of a PH driver's licence, the Licensing Authority may, on the

payment of the fee prescribed in the First Schedule, issue to the applicant a PH driver's licence authorizing him to operate as a private hire motor vehicle such private motor car as is specified in the licence.

(3) The Licensing Authority shall refuse to issue a PH driver's licence to an applicant who has, within the three years preceding the application, been convicted of—

- (a) manslaughter arising out of the use of any motor vehicle;
- (b) an offence under sections 70, 70A, 70B, 70C, 70E or 71 or of at least two other offences under this Act or regulations made under this Act; or
- (c) at least two offences under the First Schedule to the Motor Vehicles and Road Traffic (Enforcement and Administration) Act or regulations made under that Act.

(4) A PH driver's licence shall be in the prescribed form and be subject to such conditions as the Licensing Authority considers necessary.

(5) Unless previously suspended, cancelled or revoked, a

PH driver's licence shall expire upon the expiration of—

- (a) one year; or
- (b) such shorter period as the Licensing Authority may consider appropriate,

from the date of issue or renewal.

(6) A person shall not operate a private hire motor vehicle unless that person is the holder of—

- (a) a valid driver's permit; and
- (b) a valid PH driver's licence.

(7) A person who contravenes subsection (6) or any condition of a PH driver's licence commits an offence and shall be liable on summary conviction to a fine of four thousand dollars on first conviction and on any subsequent conviction to a fine of eight thousand dollars and suspension of his driver's permit and PH driver's licence for a period not exceeding one year.”;

(e) in section 48(3), by deleting the words “sixty-five” and substituting the word “seventy”;

(f) in section 58, by repealing subsection (1) and substituting the following subsection:

“ (1) Unless previously suspended, cancelled or revoked by the competent

authority, a driving permit shall expire upon the expiration of—

- (a) five years from the date of issue or renewal, where on such date the holder of the permit has not yet attained the age of sixty-six years;
 - (b) four years from the date of issue or renewal, where on such date the holder of the permit has attained the age of sixty-six years but has not yet attained the age of sixty-seven years;
 - (c) three years from the date of issue or renewal, where on such date the holder of the permit has attained the age of sixty-seven years but has not yet attained the age of sixty-eight years; or
 - (d) two years from the date of issue or renewal, where on such date the holder of the permit has attained the age of sixty-eight years and over.”;
- (g) by inserting after section 95, the following section:

“Extension
of the
validity of
driving
permits

95A. The Minister may, by Order, extend the validity of a driving permit or other document lawfully issued by the Licensing

Authority for a period not exceeding three months in circumstances where there is a natural disaster, emergency or other unforeseen occurrence.”;

(h) in section 100—

- (i) by deleting the full stop at the end of paragraph (r) and substituting a semicolon; and
- (ii) by inserting after paragraph (r), the following paragraphs:

“(s) the operation of a private hire motor vehicle; or

(t) the operation of a private school bus.”;

(i) in section 106, by deleting the words “fifteen hundred” and substituting the words “five thousand”;

(j) in the First Schedule—

(i) in clause (7)—

(A) by deleting item (e); and

(B) in item (f), by deleting the words “sixty-five” and substituting the word “seventy”; and

(ii) by inserting after item (23), the following items:

“(23A)	PH driver’s licence	\$200.00
(23B)	private school bus driver’s licence	\$200.00.

Passed in the Senate this day of , 2011.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 22 of 2011

SECOND SESSION
TENTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

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and Road Traffic Act, Chap. 48:50
and the Motor Vehicles and Road
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Received and read the

First time

Second time

Third time
