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Trinidad and Tobago

SENATE

BILL

AN ACT to amend the Motor Vehicles and Road Traffic
Act, Chap. 48:50

THE MOTOR VEHICLES AND ROAD TRAFFIC
(AMENDMENT) BILL, 2019

Explanatory Notes

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

The purpose of this Bill would be to provide for an electronic registration system for all motor vehicles including vehicles that are registered on the coming into operation of this Act.

The Bill would also provide for a system of speed-control enforcement through the use of spot speed cameras. These cameras would be installed by the Licensing Authority on or near certain roads for the purpose of detecting the speed at which a vehicle is being driven.

Clause 1 of the Bill would provide for the title of the Bill being “Motor Vehicles and Road Traffic (Amendment) Bill, 2019”.

Clause 2 of the Bill would provide for the Act to come into operation by Proclamation.

Clause 3 of the Bill would provide for the interpretation of the words “the Act” to mean the Motor Vehicles and Road Traffic Act.

Clause 4 of the Bill would provide for the application process for registration or renewal of registration for all classes of motor vehicles. When an application for registration is tendered to the Licensing Authority and it is satisfied that all requirements are met, the Authority would be required to assign a unique identification mark to the vehicle and register it in the appropriate register established under section 11 of the Act. Additionally, a registered owner of a motor vehicle would be compelled to have affixed on his vehicle, registration plates bearing the unique identification mark assigned by the Licensing Authority. The registration plates would remain the property of the Authority and a registered owner may, in specified circumstances, be required to return these registration plates to the Authority.

Clause 5 of the Bill would expand circumstances in which the Licensing Authority may cancel the registration of a motor vehicle to include the failure of an owner to renew an expired motor vehicle registration. The registration of a vehicle would be valid for a period of five years from the date of registration and an owner would be allowed to apply for renewal of the registration within six months before or not more than thirty days after the date of expiry of the registration of the vehicle.

Clause 6 of the Bill would insert a new Part IIB that would provide for electronic registration of motor vehicles and tagging. The electronic registration of motor vehicles would involve, *inter alia*, affixing on the motor vehicle that is in the process of being registered, a unique tag that is encrypted and embedded with an electronic security code. The clause would also allow the Licensing Authority to install at such locations as it sees fit, special electronic reading devices that are capable of reading an electronic tag and capturing and producing data, photographic images and video recordings of a motor vehicle and its registration plates.

Clause 7 of the Bill would delete paragraph 23(1) (*d*) of the Act. This paragraph would be replaced with a new paragraph 100 (*ea*) that would allow the Minister to make regulations to effectively regulate the degree or shade of tint on windows and windscreen of a vehicle or trailer.

Clause 8 of the Bill would provide for the definition of radar detector or jammer.

Clauses 9 and 10 of the Bill would make adjustments in relation to the definitions of “radar detector or jammer” and “Clerk” in sections 62A and 79A respectively.

Clause 11 of the Bill would make cross-referencing adjustments in section 79G of the Act.

Clause 12 of the Bill would delete paragraph (*b*) in section 79H and renumber paragraph (*c*) as paragraph (*b*).

Clause 13 of the Bill would amend section 79J of the Act by deleting the words “with a payee prescribed by the Minister under section 88D”.

Clause 14 of the Bill would amend section 79K of the Act by deleting paragraphs (*a*) and (*b*) and providing that court proceedings for traffic violations under section 66A of the Act would be commenced only if a notice to contest has been filed by the owner of a motor vehicle within thirty days of the deemed date of service of the Citation Notice as required under section 79J of the Act.

Clause 15 of the Bill would amend section 79L by deleting paragraph (*b*) and requiring the Inspection Officer to transmit documents to the Magistracy Registrar and Clerk of the Court in which the hearing is to occur rather than to the Clerk in the district in which the traffic violation occurred.

Clause 16 of the Bill would amend section 79Q by deleting the words “at the date, time and address specified in the citation notice” and substituting the words “at the date, time and place or method, as notified by the District Criminal and Traffic Court”.

Clause 17 of the Bill would insert a new Part VB that would provide for spot speed camera enforcement. Spot speed camera enforcement would include, *inter alia*, the use of spot speed cameras to capture the commission of a traffic violation under section 62(1) of the Act. The clause would also permit the Licensing Authority to install spot speed cameras on or near certain roads and use the photographic images and video recordings captured by them as evidence of the commission of a traffic violation under section 62(1) of the Act. The photographic images and video recordings captured by the spot speed cameras would be used to prepare a Citation Notice to be served on the owner of a motor vehicle. The Citation Notice would allow the owner of the motor vehicle to either pay the fixed penalty for the violation or to file a Notice to Contest.

Clause 18 of the Bill would reduce the time allotted for a police officer to send a copy of a fixed penalty notice to the Licensing Authority from seven working days to one working day.

Clause 19 of the Bill would amend section 82 of the Act by deleting paragraph (*h*) which required fixed penalty notices under section 81 of the Act to include the date, time and address of the Court at which the person is required to appear in the event of filing a notice to contest in accordance with section 85 of the Act.

Clause 20 of the Bill would amend section 85(1) of the Act by substituting the words “the Court” for the words “a payee”.

Clause 21 of the Bill would amend section 86 to require a constable to transmit a copy of the fixed penalty notice to the Magistracy Registrar and Clerk of the Court rather than to the Clerk in which the traffic violation occurred.

Clause 22 of the Bill would delete paragraphs (*a*) and (*b*) of section 87 and stipulate that court proceedings for traffic violations in respect of which a fixed penalty notice was issued would be commenced only if a notice to contest has been filed under section 85 of the Act within fifteen days of the date of issue of the fixed penalty notice.

Clause 23 of the Bill would amend section 88 of the Act by deleting the words “date, time and address of the Court as specified in the fixed penalty notice” in subsection (1) and substituting the words “date, at the time and place and in the manner specified by the Court” and in subsection (2), by deleting the words “date and time” and substituting the words “date, at the time and place or in the manner”.

Clause 24 of the Bill would repeal section 90 of the Act and replace it with a new section 90 that expands the categories of the fraudulent imitation of identification mark and information. It would particularly target the fraudulent acquisition, use, and manufacture of registration plates to be issued by the Licensing Authority.

Clause 25 of the Bill would expand the categories in respect of which the Minister may make regulations under section 100 of the Act to include restrictions on the shades or degrees of tint on the windows and windscreens of motor vehicles and trailers and, special parking for persons with a disability or other persons in special circumstances.

Clause 26 of the Bill would provide for the applicable fee for registration, renewal and re-registration of a vehicle or trailer.

Clause 27 of the Bill would delete the Seventh Schedule of the Act and insert a new Seventh Schedule. The inserted Seventh Schedule is reformatted and a new item 3 inserted. The new item 3 would provide for the traffic violation of failure to comply with a notice issued by the Transport Authority under sections 12(5A)(a), (12) and 20E(5). Clause 27 would also insert a new item 1a. in the Ninth Schedule that would provide for the fixed penalty and demerit point for the traffic violation of failure to comply with a notice issued by the Transport Authority and insert a new Tenth Schedule that would list offences for which evidence is admissible in proceedings for the particular offence.

BILL

AN ACT to amend the Motor Vehicles and Road Traffic
Act, Chap. 48:50

[, 2019]

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

1. This Act may be cited as the Motor Vehicles and Road Short title
Traffic (Amendment) Act, 2019.

- Commencement **2.** This Act comes into operation on such day as is fixed by the President by Proclamation.
- Interpretation **3.** In this Act, “the Act” means the Motor Vehicles and
Chap. 48:50 Road Traffic Act.
- Section 12 amended **4.** Section 12 of the Act is amended—
- (a) by repealing subsection (3) and substituting the following subsections:
- “(2A) An owner who wishes to register or renew the registration of his vehicle shall—
- (a) apply to the Licensing Authority in the form prescribed by the Licensing Authority;
- (b) pay the fee set out in the First Schedule;
- (c) where applicable, provide proof of payment of motor vehicle tax required under section 14; and
- (d) provide proof that there is in force in respect of the vehicle a policy of insurance as required under the Motor Vehicles Insurance (Third-Party Risks) Act
- (3) On the application by an owner to register or renew the registration of his vehicle under subsection (2A), the Licensing Authority shall upon being satisfied that the provisions of this Act and the Motor Vehicles Insurance (Third-Party Risks) Act have been complied with—
- Chap. 48:51

- (a) register the vehicle in the appropriate register established under section 11;
 - (b) assign to the vehicle a unique identification mark to be carried on the registration plates of the vehicle;
 - (c) enter particulars of the vehicle in the register; and
 - (d) issue and affix registration plates on the vehicle in accordance with this section and Part II B.”;
- (b) in subsection (4), by deleting the word “A” and substituting the words “Registration plates bearing the unique identification mark assigned to the vehicle shall be issued to the owner of the vehicle and a”;
- (c) by inserting after subsection (4), the following subsection:
 - “(4A) A registered vehicle shall have affixed on it, registration plates bearing the unique identification mark assigned to that vehicle by the Licensing Authority.”;
- (d) in subsection (5), by deleting the words “motor vehicle does not bear on it an identification mark as required” and substituting the words “vehicle does not have affixed to it registration plates bearing the unique identification mark assigned to it”; and
- (e) by inserting after subsection (5), the following subsections:
 - “(5A) Registration plates issued under this section and Part IIB shall remain the property of the Licensing

Authority and shall be surrendered to the Licensing Authority where the Licensing Authority—

- (a) has caused to be published in the *Gazette* and at least two newspapers in daily circulation in Trinidad and Tobago, a notice requiring an owner of a vehicle to return his registration plates to the Licensing Authority; or
- (b) cancels the registration of the vehicle in respect of which the registration plates were issued.

(5B) A person who without written authorisation from the Licensing Authority, makes, or causes to be made, or issues registration plates for use on a vehicle, commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years.”; and

- (f) by inserting after subsection (10), the following subsections:

“(11) Notwithstanding subsection (3), all vehicles that are validly registered prior to the coming into operation of this Act, shall be re-registered in accordance with the requirements of this section and Part IIB.

(12) The Licensing Authority shall, for the purposes of subsection (11), cause to be published in the *Gazette* and at least two newspapers in daily

circulation in Trinidad and Tobago, a notice requiring an owner of a vehicle to attend a designated location for the purpose of re-registering the vehicle in accordance with this section and Part IIB.

(13) A person who fails to comply with a notice under subsections (5A)(a) or (12) within the period specified in the notice, is liable to a fine of ten thousand dollars.

(14) For the purposes of this section and unless a contrary intention appears, “registration” in relation to a vehicle, includes renewal of registration or re-registration of a vehicle.”

5. Section 15(1) of the Act is amended—

Section 15 amended

- (a) by deleting the words “motor vehicle shall remain valid so long as the vehicle is kept in use” and substituting the words “vehicle shall remain valid for a period of five years from the date of registration”;
- (b) in paragraph (g), by deleting the full stop and substituting a semicolon;
- (c) by inserting after paragraph (g), the following paragraphs:
 - “(h) an owner has failed to comply with a notice issued under section 12(12); or
 - (i) the registration of the vehicle has expired and was not renewed within thirty days after the date of expiry.”; and
- (d) by inserting after subsection (5), the following subsections:

“(6) Where the registration of a vehicle remains expired for a period of not more than thirty days from the date of expiry, the Licensing Authority may renew the registration of the vehicle in accordance with section 12.

7) An application for renewal of registration of a vehicle shall be made—

(a) not more than six months before;
or

(b) not more than thirty days after,
the date of expiry of the registration of the vehicle.

(8) Where the registration of a vehicle remains expired for a period of more than thirty days from the date of expiry, the owner shall be required to re-register the vehicle in accordance with the requirements under section 12 and Part IIB.”.

6. The Act is amended by inserting after Part IIA, the Part IIB inserted following Part:

“PART IIB

ELECTRONIC REGISTRATION OF MOTOR VEHICLES AND TAGGING

Interpretation 20D. For the purposes of this Part—

“camera” means a camera of a type
that is linked with an electronic
reading device;

“constable” includes—

- Chap. 15:01
- (a) a police officer, as defined in the Police Service Act;
 - (b) a Transport Officer;
 - (c) a Traffic Warden appointed

under section 10A; and

- (d) an estate constable employed under the Supplemental Police Act;

Chap. 15:02

“electronic reading device” means an electronic device—

- (a) that is capable of reading an electronic tag or is designed or adapted for the purpose of capturing and producing data; and
- (b) approved by the Transport Commissioner under section 20C;

“electronic tag” means a tag encrypted and embedded with an electronic security code that—

- (a) is unique to a vehicle;
- (b) provides a link to the registration information contained in the registers under section 11(1) in respect of that vehicle; and
- (c) is capable of producing an electronic record of the information in the registers when the electronic tag is read by an electronic reading device.

Issuance of
electronic tag

20E. (1) Subject to subsection (5), the Licensing Authority shall issue an electronic tag in respect of each registered vehicle.

(2) An electronic tag issued under subsection (1), shall be affixed to a vehicle by the Licensing Authority in a place

where it is visible from outside the vehicle and can be easily read by an electronic reading device.

(3) A person shall not—

- (a) use or cause or allow to be used by another person, a vehicle that does not have an electronic tag affixed to it;
- (b) remove or destroy an electronic tag unless authorised by the Licensing Authority; or
- (c) tamper with or otherwise interfere with the proper functioning of an electronic tag.

(4) A person who contravenes subsection (3), commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and imprisonment for three years.

(5) For the purposes of subsection (1), the Licensing Authority may cause to be published in the *Gazette* and at least two newspapers in daily circulation in Trinidad and Tobago, a notice requiring an owner of a vehicle to present his vehicle to the Licensing Authority to have an electronic tag affixed to it.

(6) A person who fails to comply with a notice under subsection (5), is liable to a fine of five thousand dollars.

Installation of
electronic
reading
devices and
cameras

20F. (1) The Licensing Authority may install electronic reading devices and cameras at such locations as the Licensing Authority determines for the purposes of this Part.

(2) The Licensing Authority may authorise a constable to carry and operate an electronic reading device for the

purpose of obtaining a record of the information from the registers referred to in section 11(1) in order to ascertain the registration status of the vehicle.

(3) A person shall not tamper with or otherwise interfere with the proper functioning of an electronic reading device or a camera.

(4) A person who contravenes subsection (3), commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and imprisonment for three years.

(5) The Minister may by Order on the recommendation of the Licensing Authority approve the electronic reading devices and cameras which may be used for the purposes of this Part.

Obtaining
information
by a camera
or an elec-
tronic reading
device

20G. (1) Any image, record or information obtained by a camera may be retained by any method that captures the image of a vehicle, the identification mark on its registration plate or its electronic tag and allows the image, record or information to be reproduced by any means, including by film, printing or electronic means.

(2) Any record or information obtained by an electronic reading device may be retained by any method that allows the record or information to be reproduced by any means, including by film, printing or electronic means.

(3) Data obtained from an electronic reading device, which may be in an encoded form, may be electronically and simultaneously recorded on a captured image under subsection (1).

(4) The captured image or recorded data under subsection (3), may be converted from one format to another and may be transmitted, stored or reproduced by any electronic or other means that allows the captured image or recorded data to be reproduced in any intelligible form including an electronic format.

(5) For the purposes of subsection (4), a captured image may include an enlargement of the area of the image which depicts the registration plate of the vehicle.

Evidence of
offence

20H. (1) Any image, record or information obtained through the use of a camera or an electronic reading device is admissible as evidence in any proceedings with respect to any offence listed in Tenth Schedule.

(2) Evidence of any fact relevant to proceedings under this Part may be given by a constable by the production of—

(a) any image, record or information produced by a camera or an electronic reading device; and

(b) a certificate or document signed by the Transport Commissioner as to the circumstances in which the image, record or information was obtained and produced.

(3) Any image, record, information or certificate produced under subsection (2), is *prima facie* evidence of the particulars shown, stated or specified therein.

(4) The Minister may by Order amend the Tenth Schedule.

Certificate to
be created
and complet-
ed in elec-
tronic form

20I. (1) A certified extract of information from a register referred to in section 11(1) or any image, record, information or certificate referred to in section 20H(2), may be created and completed electronically or by any other means that allows the extract, image, record, information or certificate, as the case may be, to be reproduced in an intelligible form.

(2) A certified extract or a certificate under subsection (1), may be signed by an Authorised Officer by means of an electronic reproduction of the signature of the Authorised Officer that is capable of being assigned to that extract or certificate only by that Authorised Officer.

(3) The signature of an Authorised Officer under subsection (2), may be made by electronic or any other means that allows the signature to be reproduced in an intelligible form including storing the signature by means of an electronic scanner or an electronic signature pad.

(4) Where a certified extract or certificate under subsection (1), including the signature of the Authorised Officer is in an electronic format, certified extract or certificate, it may be converted from an electronic format to paper copy for all purposes and it may be received, transmitted, stored or sent electronically.

(5) A certified extract or certificate under subsection (1) may include a captured image referred to in section 20G(4) or an enlargement referred to in section 20G(5).

(6) For the purposes of this section, “Authorised Officer” means the Transport Officer or any Assistant Transport Officer authorised in writing by him.

Registered
owner
presumed to
be liable
for traffic
violation

20J. (1) Where a traffic violation is committed under this Part in relation to a vehicle, the registered owner of the vehicle is deemed to be liable for the violation unless the owner proves that—

- (a) he was not in possession of the vehicle when the traffic violation was committed; and
- (b) he did not—
 - (i) know that the vehicle was in the possession of another person; or
 - (ii) consent to the vehicle being in the possession of another person and could not, by taking reasonable steps, have prevented the vehicle from being in the possession of that person.

(2) For the purposes of this section, “owner” in relation to a vehicle means—

- (a) any person in whose name the vehicle is registered in the registers under section 11(1); or
- (b) where a vehicle is not registered, any person who is otherwise proven to be the owner of the vehicle.

Section 23(1)
amended

7. Section 23(1) of the Act is amended by deleting paragraph (d).

8. Section 62(8) of the Act is amended by— Section 62(8)
amended

- (a) deleting the words “this section and section 62A” and substituting the words “this Part and Part VB”; and
- (b) inserting after the definition of “constable”, the following definition:

“radar detector or jammer” means any device that is designed, or used, for the purpose of detecting, interfering with, or preventing the effective use of a speed measuring device;”.

9. Section 62A (1) of the Act is amended by Section 62A(1)
amended deleting the words “device that is designed for jamming, scrambling, neutralizing, disabling, or otherwise interfering with a speed measuring device used by a constable to measure the speed at which a person is driving a motor vehicle” and substituting the words “radar detector or jammer”.

10. Section 79A of the Act is amended by deleting the Section 79A
amended definition of “Clerk” and substituting in the appropriate alphabetical sequence, the following definition:

“Magistracy Registrar and Clerk of the Court” has the meaning assigned by the Criminal Division and District Criminal and Traffic Courts Act, 2018;”.

11. Section 79G of the Act is amended— Section 79G
amended

- (a) in paragraph (g), by inserting after the words “section 79J(1);”, the word “and”;
- (b) in paragraph (h), by deleting the words “79J; and” and substituting words “79J and in such manner as may be specified.”; and
- (c) by deleting paragraph (i).

Section 79H(1)
amended

12. Section 79H of the Act is amended—

(a) in subsection (1)—

- (i) in paragraph (a), by inserting after the words “Licensing Authority;”, the word “or”;
- (ii) by deleting paragraph (b); and
- (iii) by renumbering paragraph (c) as paragraph (b); and

(b) in subsection (3), by deleting the words “left, affixed,”.

Section 79J(1)
amended

13. Section 79J(1) of the Act is amended, by deleting the words “with a payee prescribed by the Minister under section 88D”.

Section 79K
amended

14. Section 79K of the Act is amended by deleting—

- (a) the words “Court unless —” and substituting the words “Court unless a notice to contest has been filed by the owner of the vehicle within thirty days from the deemed date of service of the Citation Notice in accordance with section 79J.”; and
- (b) paragraphs (a) and (b).

Section 79L
amended

15. Section 79L of the Act is amended by deleting—

- (a) the words “Clerk, in the district in which the traffic violation occurred” and substituting the words “Magistracy Registrar and Clerk of the Court in the District in which the hearing is to occur”; and
- (b) paragraph (b).

Section 79Q
amended

16. Section 79Q of the Act is amended by deleting the words “at the date, time and address specified in the Citation Notice” and substituting the words “at the date, at the time and place, or in the manner notified by the District Criminal and Traffic Court”.

17. The Act is amended by inserting after Part VA, Part VB inserted the following Part:

“PART VB

SPOT SPEED CAMERA ENFORCEMENT

- Interpretation 79U. For the purposes of this Part—
- “Citation Notice” means a notice in the form approved by the Licensing Authority under section 79AA;
- “Court” has the meaning assigned by the Summary Courts Act;
- “District Criminal and Traffic Court” has the meaning assigned by the Criminal Division and District Criminal and Traffic Courts Act, 2018;
- “fixed penalty” means the penalty referred to under section 84;
- “Inspection Officer” means a constable, Transport Officer or Traffic Warden certified by the Commissioner of Police as trained to analyze and certify the authenticity of photographic images or video recordings obtained with a spot speed camera;
- “Magistracy Registrar and Clerk of the Court” has the meaning assigned by the Criminal Division and District Criminal and Traffic Courts Act, 2018;
- “Notice to Contest” means a notice requesting a hearing by a District Criminal and Traffic Court in

respect of a traffic violation and indicating that an owner wishes to contest responsibility for the payment of a fixed penalty as stated in a Citation Notice;

“spot speed camera” means an electronic device—

- (a) designed for the purpose of measuring the speed at which a person is driving a vehicle;
- (b) approved by the Minister under section 79V; and
- (c) that captures and produces photographic images or video recordings of speeding violations committed under section 62.

Installation of
spot speed
camera

79V. (1) The Licensing Authority may cause or permit a spot speed camera to be installed on or near any road.

(2) The Minister may, by Order, approve the spot speed cameras for the purposes of this Part.

Unlawful
interference

79W. A person who unlawfully interferes with a spot speed camera or its proper functioning, commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Owner
deemed
responsible
for traffic
violation

79X. (1) For the purposes of this Part, where a spot speed camera captures a photographic image or video recording of a vehicle that is involved in a traffic violation under section 62(1), the owner of the

vehicle shall be responsible for ensuring the payment of the fixed penalty for that traffic violation.

(2) Where there is more than one owner of the vehicle referred to in subsection (1), the owners shall be jointly responsible for ensuring the payment of the fixed penalty.

(3) Where an owner pays a fixed penalty under this Part, he may recover the sum paid by him from the person who was driving the vehicle at the time the photographic image or video recording was captured.

Photographic
image or video
recording
captured by
spot speed
camera

79Y. A photographic image or video recording of a vehicle captured by a spot speed camera shall be evidence that the—

- (a) vehicle was used in the commission of a traffic violation under section 62(1); and
- (b) information shown on the photographic image or video recording is a true and accurate record of the identification mark or registration plate of the vehicle used in the commission of the traffic violation.

Preparation of
Citation
Notice

79Z. (1) Where a spot speed camera captures a photographic image or video recording of the commission of a traffic violation under section 62(1), an Inspection Officer shall, within thirty days of the commission of the traffic violation, prepare a Citation Notice to be served on the owner of the vehicle involved in the commission of the traffic violation.

(2) A Citation Notice under subsection (1) shall allow the owner of the vehicle that was involved in the commission of the traffic violation to either—

- (a) pay the fixed penalty for the traffic violation, within the time specified in the Citation Notice; or
- (b) file a Notice to Contest within the time specified in the Citation Notice in accordance with section 79AC.

(3) An Inspection Officer shall not prepare a Citation Notice unless he is certified by the Commissioner of Police as trained to analyse and certify the authenticity of photographic images or video recordings obtained with a spot speed camera.

Form of
Citation
Notice

79AA. A Citation Notice prepared under section 79Z shall be in the form approved by the Licensing Authority and published in the *Gazette*, and shall—

- (a) specify the date, time and place of the traffic violation;
- (b) specify the section of the written law creating the traffic violation and such particulars of the traffic violation as are required for proceedings under the Summary Courts Act;
- (c) include the photographic image showing the commission of the traffic violation and the registration plate of the vehicle involved in the commission of the traffic violation;

- (d) include the certificate of the Inspection Officer who prepared the Citation Notice;
- (e) specify the fixed penalty that is to be paid;
- (f) specify the payee to whom the fixed penalty may be paid;
- (g) specify the time within which the fixed penalty may be paid in accordance with section 79AC; and
- (h) specify that the owner may file a Notice to Contest in accordance with section 79AD.

Service of
Citation
Notice

79AB. (1) A Citation Notice shall be served on each owner of a vehicle involved in a traffic violation under section 62(1) by—

- (a) delivering it to each owner or some adult at his usual or last known place of residence; or
- (b) sending it by way of normal post or registered post to the owner at his usual or last known place of residence or business,

or any other address furnished by him to the Licensing Authority.

(2) In the case of a Citation Notice to be served on an owner whose usual or last known place of residence cannot, with reasonable diligence, be ascertained, service may be effected by means of publication in at least one newspaper in daily circulation in Trinidad and Tobago or electronic transmission through e-mail.

(3) Service of a Citation Notice under this section is deemed to be effected on the owner on the eighth day following the date on which the Citation Notice is delivered, published, or electronically transmitted, as the case may be.

Payment of
fixed penalty

79AC. (1) Where service of a Citation Notice has been effected in accordance with section 79AB, the owner of the vehicle shall, unless he files a Notice to Contest, pay the fixed penalty within forty-five days from the deemed date of service under section 79AB(3) of the Citation Notice, or such longer period as the Minister may prescribe by Order.

(2) Payment of a fixed penalty under this section shall be—

(a) accompanied by the Citation Notice served under section 79AB; and

(b) paid to a payee prescribed by the Minister under section 88C.

(3) Where the fixed penalty is duly paid in accordance with the Citation Notice, no person shall be liable to any sanction for the traffic violation in respect of which the Citation Notice was served.

Filing of
Notice to
Contest

79AD. (1) Where an owner of a vehicle is served with a Citation Notice under section 79AB for a traffic violation and the owner is desirous of contesting the traffic violation, the owner may file a Notice to Contest with the District Criminal and Traffic Court in a manner as approved by the Court within thirty days from the deemed date of service of the Citation Notice.

(2) An owner may only file a Notice to Contest on the grounds that—

- (a) the vehicle was stolen; or
- (b) he was not the owner of the vehicle at the time the traffic violation was committed.

(3) Notwithstanding the filing of a Notice to Contest under subsection (1), an owner shall be permitted to pay the fixed penalty specified in the Citation Notice in accordance with section 79AC and the matter shall, thereafter, be removed from the list of hearing at the District Criminal and Traffic Court.

Proceedings
for traffic
violation
under
section 62

79AE. Proceedings for a traffic violation under section 62(1) for which a Citation Notice was served, shall not be listed for hearing in District Criminal and Traffic Court unless a Notice to Contest has been filed by the owner of the vehicle within thirty days from the deemed date of service of the Citation Notice in accordance with section 79AB.

Transmission
of documents
to Court

79AF. Where an owner has filed a Notice to Contest, an Inspection Officer shall transmit to the Magistracy Registrar and Clerk of the Court, in the district in which the hearing is to occur, a certified copy of—

- (a) the Citation Notice;
- (b) the photographic image or video recording of the vehicle captured by the spot speed camera in relation to the traffic violation; and
- (c) proof of service of the Citation Notice.

Certificate of
Inspection
Officer

79AG. In proceedings for a traffic violation under this Part, a certificate on the Citation Notice signed by an Inspection Officer which states that —

- (a) the Inspection Officer is certified by the Commissioner of Police in accordance with section 79Z(3);
- (b) the spot speed camera used to capture the photographic image or video recording was approved by the Minister;
- (c) the photographic image or video recording captured by the spot speed camera was obtained on the date and time stated therein;
- (d) the spot speed camera was operating accurately at the time the photographic image or video recording was captured; and
- (e) the contents of the information shown on the photographic image or video recording are true and correct,

is *prima facie* evidence of the matters stated in the certificate.

Certificate of
Commissioner
of Police

79AH. In proceedings for a traffic violation under this Part, where the credentials of an Inspection Officer are reasonably brought into question, the District Criminal and Traffic Court may authorise the submission of a certificate purporting to be signed by the Commissioner of Police that the Inspection Officer named therein is qualified to operate and analyse a spot speed camera, and the certificate shall be *prima facie* evidence of the particulars specified therein.

Evidence of
condition of
spot speed
camera

79AI. In proceedings for a traffic violation under this Part, evidence of the condition of the spot speed camera or the manner in which it was operated shall not be required unless evidence that it was not in proper working condition or that it was not properly operated at the time of the traffic violation has been adduced.

No complainant
in proceedings

79AJ. (1) In proceedings for a traffic violation under this Part, the information that is sent to the District Criminal and Traffic Court under section 79AF shall be sufficient evidence to call upon the person charged to answer.

(2) Notwithstanding any law to the contrary, in proceedings for a traffic violation under this Part, the District Criminal and Traffic Court shall not require the presence of a complainant.

Magistrate to
proceed *ex*
parte where
owner is
absent

79AK. Notwithstanding section 44 of the Summary Courts Act, where an owner files a Notice to Contest but does not appear before the District Criminal and Traffic Court at the date, time and place or in the manner notified by the District Criminal and Traffic Court, the Magistrate shall not issue a warrant for the arrest of the owner, but may proceed *ex parte* to the hearing of the matter, and shall adjudicate thereon as fully and effectually as if the owner had personally appeared before the Court.

Non-payment
of fixed
penalty and
failure to file
Notice to
Contest

79AL. (1) Where an owner does not pay the fixed penalty as specified in the Citation Notice and does not file a Notice to Contest in accordance with section 79AD, he shall be liable to pay to a payee, the

fixed penalty plus one-quarter of the amount of that fixed penalty.

(2) Where an owner does not pay the sum required under subsection (1) within fourteen days of the date on which it became payable, he shall be liable to pay the fixed penalty plus one-half of the amount of the fixed penalty.

(3) Where an owner does not pay the required sums under subsection (2) within fourteen days from the date it becomes payable, the Licensing Authority may suspend the driving permit of the owner or cease all transactions in relation to the vehicle which was involved in the commission of the traffic violation or with the owner of the vehicle.

Notice to
owner of
possible
sanctions

79AM. Where an owner does not pay the required sums under section 79AL(2) and does not file a Notice to Contest in accordance with section 79AD, the Licensing Authority shall issue a notice, in writing, to the owner indicating that—

- (a) the fixed penalty specified in the Citation Notice was not paid;
- (b) a Notice to Contest in respect of the traffic violation was not filed;
- (c) the sum stated in section 79AL(1) was not paid;
- (d) the sums stated in section 79AL(2) have become due for payment;
- (e) it intends to impose the sanction in accordance with section 79AL(3); and
- (f) he has fourteen days from the date of receipt of the notice, to show

cause, in writing, why the Licensing Authority should not impose the intended sanctions.

Imposition of
sanctions by
Licensing
Authority

79AN. (1) An owner may, as stated in section 79AM, show cause why the Licensing Authority should not impose the sanctions specified in section 79AL(3).

(2) After consideration of representations made by an owner pursuant to subsection (1), the Licensing Authority may impose any combination of sanctions specified in section 79AL(3), or decline to impose any sanctions and require the owner to pay the sum as specified under section 79AL(2).

(3) The Licensing Authority shall inform the owner of its decision, in writing, as soon as possible.

(4) The Licensing Authority shall immediately lift any sanction imposed under this section upon the payment of the sum as specified in section 79AL (2).”.

18. Section 81 of the Act is amended in subsection (6), Section 81 amended by deleting the words “seven working days” and substituting the words “one day”.

19. Section 82 of the Act is amended in subsection (1)— Section 82 amended

- (a) in paragraph (f), by inserting after the words “Schedule;”, the word “and”;
- (b) in paragraph (g), by deleting the words “; and” and substituting a full stop; and
- (c) by deleting paragraph (h).

20. Section 85(1) of the Act is amended by deleting the Section 85(1) amended words “a payee” and substituting the words “the Court”.

21. Section 86 of the Act is amended by deleting the Section 86 amended

words “Clerk, in the district in which the traffic violation is alleged to have been committed” and substituting the words “Magistracy Registrar and Clerk of the Court”.

Section 87 amended **22.** Section 87 of the Act is amended by deleting—

- (a) paragraphs (a) and (b); and
- (b) the words “Court unless —” and substituting the words “Court unless a Notice to Contest has been filed in accordance with section 85 within fifteen days from the date the fixed penalty was issued or affixed.”

Section 88 amended **23.** Section 88 of the Act is amended—

- (a) in subsection (1), by deleting the words “date, time and address of the Court as specified in the fixed penalty notice” and substituting the words “date, at the time and place and in the manner specified by the Court”; and
- (b) in subsection (2), by deleting the words “ date and time” and substituting the words “date, at the time and place or in the manner”.

Section 90 repealed and substituted **24.** The Act is amended by repealing section 90 and substituting the following section:

“Fraudulent imitation of identification mark, registration plate and information
 90. (1) A person shall not, with intent to deceive, imitate, alter, mutilate, destroy, or lend or allow to be used by any other person his certificate of registration or driving permit issued or deemed to have been issued under this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years.

(3) A person who with intent to deceive—

- (a) alters, uses, lends or allows to be used a registration plate in respect of a registered vehicle or purporting to be a registration plate for a registered vehicle;
- (b) makes or has in his possession anything resembling a registration plate or purporting to be a registration plate; or
- (c) makes any false statement or withholds information in order to obtain a registration plate issued or deemed to have been issued under this Act, or purporting to be a registration plate,

commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and to imprisonment for three years.

(4) A person shall not—

- (a) use or drive a vehicle with an identification mark or registration plate that is made with reflex-reflecting material, retro-reflecting characters or any other treatment of the identification mark or registration plate of the vehicle that renders the characters of the identification mark or registration plate

less easily distinguishable to the eye or which would impair the making of a true photographic image of the identification mark or registration plate; or

- (b) use any screw, bolt or other fixing devices which have the effect of making the appearance or legibility of any of the characters of the identification mark on the registration plate affixed on a vehicle less easily distinguishable to the eye or which would impair the making of a true photographic image of identification mark or the registration plate.

(4) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and imprisonment for a term of three years.

(5) A police officer or Transport Officer may arrest without a warrant any person who he has reasonable cause to believe is committing an offence under subsection (3).

Section 100
amended

25. Section 100 of the Act is amended—

- (a) by inserting after paragraph (e), the following paragraph:

“(ea) the restrictions on the degree or shade of tint on the windows or windscreen of a vehicle or trailer;”;
and

(b) by inserting after paragraph (f), the following paragraph:

“(fa) parking for persons with a disability or other persons in special circumstances;”.

26. The Act is amended in the First Schedule by deleting item (10) and substituting the following item: First Schedule amended

“(10) Registration of a vehicle or trailer—

- (a) new registration\$350
- (b) renewal of registration\$350
- (c) re-registration of expired registration \$450”.

27. The Act is amended by—

(a) deleting the Seventh Schedule and substituting the following schedule: Seventh Schedule amended

“SEVENTH SCHEDULE

(Section 20B)

BREACH OF CONDITION CONSTITUTING A TRAFFIC VIOLATION

<i>Description of Offence</i>	<i>Relevant Section/ Regulation</i>
1. Notification of destroyed or permanently unserviceable vehicles or vehicles that have been removed from Trinidad and Tobago.	15(2)
2. Registration of transfer within fourteen days of change of possession of a vehicle.	19(6)
3. Failure to comply with notice.	12(A5)(a), (12) and 20E(5)
4. Vehicle to be used in compliance with its registration.	21

SEVENTH SCHEDULE—CONTINUED

<i>Description of Offence</i>	<i>Relevant Section/ Regulation</i>
5. Windscreen or window of vehicle not to obscure view of inside of the vehicle from outside.	23(1B)
6. Vehicle to be fitted with seatbelts.	43B(2)
7. Failure of a driver and any passenger seventeen years and over to wear a seatbelt while the vehicle is in motion.	43C(1)
8. Driving a vehicle with a person in the front seat who is not wearing a seat belt.	43C(1A)
9. Children under the age of five years to be properly restrained in vehicle.	43D
10. Instructor to be holder of valid driving permit and give instructions to persons with a valid provisional permit.	46
11. Person to be physically fit to be the holder of a driving permit.	48
12. Person driving to be in possession of his driving permit while driving.	56
13. Holder of driving permit from another country to have his travel document showing date of arrival while driving.	56A
14. Driving within prescribed speed limits.	62
15. Take part in race or trial of speed with written permission of the Commissioner of Police.	63

SEVENTH SCHEDULE—CONTINUED

<i>Description of Offence</i>	<i>Relevant Section/ Regulation</i>
16. Comply with traffic signs.	64
17. Comply with Orders of the Minister in respect of one-way roads and parking of vehicles.	65
18. Comply with traffic direction.	66
19. Comply with traffic light signal.	66A
20. Comply with experimental traffic schemes.	67
21. Comply with Orders of the Commissioner of Police in respect of the prohibition or restriction of traffic on roads.	68
22. Person on motorcycle not to ride abreast of each other, not to hold on to another moving vehicle and not to carry unauthorized persons.	77
23. Driver not to distribute or allow the distribution of advertisements from a moving vehicle.	78
24. Person not to park in space adjoining or attached to a public building unless granted permission.	107
25. Remove vehicle parked in contravention of Act at the direction of police officer.	108(1)(a)
26. Pay required motor vehicle tax.	Fourth Schedule”;

(b) in the Ninth Schedule, by inserting after item 1, the following item:

“1a. Failure to Motor 2,000 6”; and
 comply with Vehicles and
 a notice Road Traffic
 Act, Chap.
 48:50
 Sections
 12(A5)(a),12
 and 20E(5)

(c) by inserting after the Ninth Schedule, the following schedule:

“TENTH SCHEDULE

<i>Description of Offence</i>	<i>Relevant Section/ Regulation</i>
1. Using or allowing the use of an unregistered vehicle on a road or other public place.	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 12(1)
2. Keeping or allowing for the keeping of an unregistered vehicle on a road or other public place.	
3. Using or causing or allowing to be used by another person, a vehicle that does not have an electronic tag affixed to it.	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 20(b)
4. Removing or destroying an electronic tag unless authorised by the Licensing Authority.	
5. Tampering with or otherwise interfering with the proper functioning of an electronic tag.	
6. Altering, using, lending or allowing to be used a registration plate relating to a registered vehicle or purporting to be a registration plate for a registered vehicle.	Motor Vehicles and Road Traffic Act, Ch. 48:50, section 90(3)

TENTH SCHEDULE—CONTINUED

<i>Description of Offence</i>	<i>Relevant Section/ Regulation</i>
7. Making or having in his possession anything resembling a registration plate, or purporting to be such registration plate.	
8. Making any false statement or withholding information in order to obtain, a registration plate issued or deemed to have been issued under this Act, or purporting to be a registration plate.	
9. Using or causing to be used or permitting a person to use a vehicle or licenced trailer on a public road without a valid policy of insurance.	Motor Vehicles Insurance (Third-Party Risks) Act, Chap. 48:51, section 3".

Passed in the Senate this day of ,
2019.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day
of , 2019.

Clerk of the House

I confirm the above.

Speaker

No. 6 of 2019

FOURTH SESSION
ELEVENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Motor Vehicles
and Road Traffic Act, Chap. 48:50

Received and read the

First time

Second time

Third time