

THE MOTOR VEHICLES AND ROAD TRAFFIC
(MOBILE DEVICES) REGULATIONS, 2010

Arrangement of Regulations

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LEGAL NOTICE NO. 281

REPUBLIC OF TRINIDAD AND TOBAGO

THE MOTOR VEHICLES AND ROAD TRAFFIC ACT, CHAP. 48:50

REGULATIONS

MADE BY THE MINISTER OF WORKS AND TRANSPORT UNDER
SECTION 100 OF THE MOTOR VEHICLES AND ROAD TRAFFIC ACT
AND SUBJECT TO NEGATIVE RESOLUTION OF PARLIAMENT

THE MOTOR VEHICLES AND ROAD TRAFFIC
(MOBILE DEVICES) REGULATIONS, 2010

1. These Regulations may be cited as the Motor Vehicles and Road Traffic (Mobile Devices) Regulations, 2010. Citation

2. These Regulations shall come into effect three months from the date of publication. Commencement

3. (1) In these Regulations— Interpretation

“interactive communications function” includes—

- (a) sending or receiving oral or written message;
- (b) sending or receiving facsimile;
- (c) sending or receiving still or moving images;
and
- (d) providing access to the internet;

“mobile device” means a mobile telephone or any other device, other than a two-way radio, which performs an interactive communication function by transmitting and receiving data;

“provisional permit” means a provisional permit to drive issued under section 42 of the Act;

“two-way radio” means any wireless telecommunications apparatus which is designed or adapted—

- (a) for the purpose of transmitting and receiving spoken messages; and
- (b) to operate on any frequency other than 880 MHz to 915 MHz, 925 MHz to 960 MHz, 1710 MHz to 1785 MHz, 1805 MHz to 1880 MHz, 1900 MHz to 1980 MHz or 2110 MHz to 2170 MHz; and

“wireless communication device” means a device used to transfer information over a distance without the use of electrical conductors or wires.

(2) For the purpose of these Regulations—

(a) a mobile telephone or other device is to be treated as hand-held if it is held or is required to be held at some point during the course of making or receiving a call or performing any other interactive communication function; and

(b) a person supervises the holder of a provisional permit if he does so pursuant to a condition imposed on the provisional permit holder under section 42(4) of the Act.

Prohibition on driving while holding or using a hand-held mobile device

4. (1) No person shall drive or have charge of a motor vehicle, on any road while holding or using a hand-held mobile device.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of one thousand five hundred dollars or imprisonment for three months.

Restrictions on supervising the holder of a provisional permit

5. (1) No person shall supervise the holder of a provisional permit if the person supervising is using a hand-held mobile device.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of one thousand five hundred dollars or imprisonment for three months.

Use of hands-free devices permitted

6. Notwithstanding regulations 4 and 5, a person may drive a motor vehicle on a road while using a mobile device in hands-free mode.

Prohibition on electronic messaging while driving

7. (1) No person shall use a wireless communication device to view, send or compose an electronic message while driving or having charge of a motor vehicle.

(2) A person who contravenes subregulation (1) commits an offence and is liable on summary conviction to a fine of one thousand five hundred dollars or imprisonment for three months.

Limitation on application of regulations 4, 5 and 7 to certain persons

8. Regulations 4, 5 and 7 shall not apply to—

(a) the driver of an ambulance, fire service vehicle or police service vehicle;

(b) any other person or class of persons prescribed by the Minister under the Act;

(c) a person holding or using a device prescribed by the Minister under the Act;

- (d) a person engaged in an activity prescribed by the Minister under the Act; and
- (e) under any other condition or circumstances prescribed by the Minister under the Act.

9. Regulations 4, 5 and 7 shall not apply where the motor vehicle is—

- (a) off the roadway or is lawfully parked on the roadway;
- (b) not in motion; and
- (c) not impeding traffic.

Limitation on application of regulations 4, 5 and 7 in certain circumstances

Dated this 2nd day of November, 2010.

J. WARNER
Minister of Works and Transport