

CAYMAN ISLANDS



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**THE TRAFFIC (AMENDMENT) LAW, 2018**

**(LAW 7 OF 2018)**



**THE TRAFFIC (AMENDMENT) LAW, 2018**

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CAYMAN ISLANDS

Law 7 of 2018.

I Assent

Franz Manderson

Acting Governor.

Date: 8<sup>th</sup> August, 2018

**A LAW TO AMEND THE TRAFFIC LAW, 2011 TO REGULATE MOTORIZED BICYCLES AS PEDAL CYCLES; TO PROVIDE VISITORS DRIVING PERMITS FOR PERSONS WHO HAVE BEEN GRANTED PERMISSION TO STAY IN THE ISLANDS FOR MORE THAN SIX MONTHS BUT DO NOT RESIDE HERE; TO PERMIT INSURERS TO ASSIST IN UPDATING THE REGISTER; TO REQUIRE OWNERS TO PAY FINES AND ARREARS OF FEES BEFORE THE TRANSFER OF THEIR VEHICLES; TO LIMIT THE ACCRUAL OF BACK-FEES FOR UNLICENSED VEHICLES TO ONE YEAR; TO PROHIBIT THE REGISTRATION OF PUBLIC PASSENGER VEHICLES IMPORTED CONTRARY TO THE PROHIBITED GOODS ORDER; TO PERMIT THE IMPORTATION OF “MOKES” OR “MINI-MOKES”; TO EMPOWER CONSTABLES TO SEIZE MOTORCYCLES OR MOPEDS USED IN A DANGEROUS, RECKLESS OR ANTI-SOCIAL MANNER; TO PROVIDE FOR THE ISSUANCE OF LICENCES FOR FIVE YEARS FOR NEW VEHICLES; TO PERMIT VISITORS AND NEW RESIDENTS LICENSED IN CONVENTION COUNTRIES TO DRIVE IN THE ISLANDS WITHOUT A PERMIT FOR SIX MONTHS AND THOSE LICENSED IN NON-CONVENTION COUNTRIES TO DRIVE FOR ONE MONTH; TO PROVIDE FOR THE QUARTERLY ISSUE OF TRADE PLATES; TO ALLOW RENEWAL OF DRIVER’S LICENCES DURING THE SIX MONTHS BEFORE THEIR EXPIRY; TO ALLOW PERSONS TO CHOOSE TO HAVE THEIR DRIVER’S LICENCE EXPIRE ON THEIR BIRTHDAY; TO PERMIT AMPHIBIOUS ALL-TERRAIN VEHICLES TO BE DRIVEN ON DESIGNATED ROUTES AT SPEEDS OF 35 MPH OR LESS; TO ESTABLISH PERIODS OF ROADWORTHINESS FOR VEHICLES; TO IMPLEMENT THE ELECTRONIC VEHICLE REGISTRATION SYSTEM; AND FOR INCIDENTAL AND CONNECTED MATTERS**

ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Traffic (Amendment) Law, 2018.

Short title and  
commencement

(2) This Law shall come into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions and in relation to different matters.

Amendment of section 2 of the Traffic Law, 2011 (Law 26 of 2011) - interpretation

2. The Traffic Law, 2011 (Law 26 of 2011), in this Law referred to as the “principal Law”, is amended in section 2 as follows -

(a) by inserting in the appropriate alphabetical sequence the following definitions -

“amphibious ATV” means an all-terrain vehicle -

- (a) which travels under its own power on land or water; and
- (b) the use of which is restricted on land to the speed and routes set out in section 53(1A);

“camera” means a camera of a prescribed type that can be linked to an electronic reading device;

“electronic reading device” means an electronic reading device of a prescribed type that is capable of reading an electronic tag;

“electronic tag” means an electronic tag of a prescribed type that is affixed to a vehicle and -

- (a) is unique to that vehicle;
- (b) provides a link to the information in the register pertaining to that vehicle; and
- (c) is capable of producing an electronic record of the information in the register pertaining to that vehicle when the electronic tag is read by an electronic reading device;

“new resident” means a person who has been granted permission to stay in the Islands for a period exceeding six months and is still in the person’s initial six month period of residence;

“special purpose vehicle” means an amphibious ATV or a special electric vehicle;”;

(b) in the definition of the words “pedal cycle” -

- (i) in paragraph (a) by deleting the word “and”;
- (ii) in paragraph (b) by deleting the word “includes” and inserting after the semicolon the word “and”; and
- (iii) by inserting after paragraph (b) the following paragraph -  
“(c) a motorized bicycle or cycle propelled by means of pedals capable of being driven in excess of 15 miles per hour;”;

- (c) by deleting the definition of the word “resident” and substituting the following definition -  
“ “resident” means a person who has permission to stay in the Islands for a period of six months or more;”; and
- (d) by deleting the definition of the word “visitor” and substituting the following definition -  
“ “visitor” means a person who -
  - (a) has been granted permission to stay in the Islands for a period not exceeding six months; or
  - (b) does not reside in the Islands but has permission to stay in the Islands for a period of more than six months.”.

3. The principal Law is amended by deleting the words “Governor” or “Governor in Cabinet” wherever they appear and substituting the word “Cabinet”. General amendment

4. The principal Law is amended in section 6 by inserting after subsection (4) the following subsection - Amendment of section 6  
- registration of vehicles,  
and third party risks

(2012 Revision) “ (4A) For the purpose of assessing compliance with the Motor Vehicle Insurance (Third Party Risks) Law (2012 Revision) and regulations, the Director may enter into an agreement with an “insurer”, as defined in that Law, governing the updating of the register for any alteration of insurance coverage of registered vehicles for which the insurer provides insurance.”.

5. The principal Law is amended in section 8(4) as follows - Amendment of section 8  
- registration plates

- (a) by deleting the words “permanent licence plates” and substituting the words “permanent registration plates”; and
- (b) by deleting the words “temporary licence plates” and substituting the words “temporary registration plates”.

6. The principal Law is amended in section 9 by inserting after subsection (1) the following subsections - Amendment of section 9  
- alteration of particulars  
to be recorded in the  
register and certificate of  
registration

“ (1A) Subject to subsection (1B), the Director shall not record the change in ownership or issue a new certificate of registration if the registered owner of the vehicle is liable for and has failed to pay arrears of fees in respect of the vehicle or a fine imposed for an offence under this Law.

(1B) The registered owner of a vehicle may apply to the court for an

order approving the change of ownership or alteration in the particulars of the vehicle, notwithstanding the owner's failure to pay arrears of fees or a fine, and on receiving such order from the court, the Director shall record the change and issue a new certificate of registration to the new owner of the vehicle.”.

Amendment of section 10 - termination of vehicle registration

7. The principal Law is amended in section 10 as follows -

- (a) in subsection (1)(b) -
  - (i) in subparagraph (i) by inserting after the semi-colon the word “and”;
  - (ii) in subparagraph (ii) by deleting the words “; and” and substituting a full stop; and
  - (iii) by repealing subparagraph (iii);
- (b) in subsection (4) by deleting the words “and the fees shall cease to accrue as at the date of termination”; and
- (c) by inserting after subsection (4) the following subsection -

“ (4A) Subject to subsection (5), the Director may, if a vehicle has not been licenced for a continuous period of one year, consider the licence of that vehicle to be expired as of a particular date, and licence fees shall cease to accrue as of that date.”.

Amendment of section 11 - importation and use of certain vehicles restricted

8. The principal Law is amended in section 11 as follows -

- (a) in subsection (1) -
  - (i) by repealing paragraph (a);
  - (ii) by renumbering paragraphs (b) to (e) as paragraphs (a) to (d); and
  - (iii) in paragraph (c) as renumbered, by deleting the words “(c)” and substituting the words “and (b)”;
- (b) in subsection (2) by inserting before the full stop the words “or to paragraph 4(1) of the Customs (Prohibited Goods) Order (2017 Revision)”.



9. The principal Law is amended by repealing section 13 and substituting the following section -

Repeal and substitution of section 13 - exemptions from fees: motor trade

“Liability to pay fees and exemption from payment

13. (1) A registered owner who for any period uses or keeps, or causes to be used or kept, a vehicle in respect of which a fee under this Law has at any time become chargeable is liable to pay the fee in respect of that vehicle for that period.

(2) No vehicle licence fee may be charged for -

- (a) vehicles in the possession of persons licensed under the Trade and Business Licensing Law (2018 Revision) as motor vehicle dealers, agents, repairers or traders solely for the purpose of sale, repair or testing in the course of that business;
- (b) oversize vehicles, subject to provisions relating to special permits; or
- (c) a vehicle in respect of which the Director has granted a person’s application under section 15 for the suspension of the vehicle licence.

(2018 Revision)

(3) Notwithstanding subsection (2)(c), a person who has been granted a suspension under section 15 does not escape liability to pay a fee if, at any time during the period of suspension the person uses or keeps, or causes to be used or kept, the vehicle on a road and no vehicle licence is in force for the vehicle at that time.”.

10. The principal Law is amended in section 14 as follows -

Amendment of section 14 - commencement and duration of licences: rate of fees

- (a) in subsection (1) by deleting the words “or thirty-six” and substituting the words “, thirty-six months or sixty”;
- (b) by repealing subsection (2) and substituting the following subsection -

“ (2) A licence may be issued for the following maximum periods in respect of the following vehicles -

- (a) five years, for a new vehicle being registered for the first time in the Islands that has not been registered anywhere before;

- (b) three years, for a vehicle that is less than ten years old, if the vehicle was registered before; and
- (c) one year, for a vehicle that is more than ten years old, whether or not the vehicle was registered before.”;
- (c) in subsection (5) by inserting -
  - (i) after the word “register” the words “and license”; and
  - (ii) after the word “registered” the words “and licensed”; and
- (d) by inserting after subsection (5) the following subsections -

“ (6) Where the licence for a vehicle has expired, the amount of the fee for renewal shall be increased to take into account the period between the expiry of the licence and the date of renewal.

(7) The fee referred to in subsection (6) may be paid over a three-month period if the vehicle licence is renewed for a maximum period of three months.”.

Amendment of section  
15 - continuous liability  
for suspension of vehicle  
licence

11. The principal Law is amended in section 15 as follows -

- (a) by deleting the words in the marginal note and substituting the words “Suspension of vehicle licence”;
- (b) by repealing subsections (1) and (2);
- (c) in subsection (3) by deleting the word “that” and substituting the word “the”;
- (d) by renumbering subsections (3) to (6) as subsections (1) to (4);
- (e) by repealing subsection (7); and
- (f) by inserting after subsection (4), as renumbered, the following subsections -

“ (5) Subject to subsection (6), the maximum period for suspension of a vehicle licence is ten years.

(6) If the registered owner wishes to extend the period beyond the date of expiry of the suspension, he shall, during the three months before that date, make a further application to the Director.

(7) There is no limit on the number of applications that may be made under subsection (6).”.

12. The principal Law is amended in section 18(2)(a) by deleting the words “section 112” and substituting the words “section 111”. Amendment of section 18 - special permit

13. The principal Law is amended in section 21 as follows - Amendment of section 21 - trade plates

- (a) in subsection (3) by inserting after the word “for” the words “a maximum of”;
- (b) in subsection (4) by deleting the word “business” and substituting the word “person”;
- (c) by inserting after subsection (4) the following subsection -  
“ (4A) The Director may request the holder of trade plates to surrender or renew them.”; and
- (d) in subsection (5) by inserting after the words “subsection (1)” the words “or does not comply with a request of the Director under subsection (4A)”.

14. The principal Law is amended in section 22 as follows - Amendment of section 22 - regulations under this Part

- (a) in paragraph (j) by deleting the words “15(3)” and substituting the words “15(1)”
- (b) in paragraph (m) by deleting the word “and”;
- (c) in paragraph (n) -
  - (i) by deleting the full stop and substituting a semi-colon; and
  - (ii) by inserting the word “and” after the semi-colon; and
- (d) by inserting after paragraph (n) the following paragraph -  
“(o) the fees to be paid for the issue of duplicate receipts.”.

15. The principal Law is amended by inserting after Part 2 the following Part - Insertion of Part 2A - electronic vehicle registration

“PART 2A - Electronic Vehicle Registration

Electronic tag      22A.(1) The Director shall issue an electronic tag in respect of every registered vehicle.

(2) The electronic tag issued in respect of a vehicle shall be affixed to the vehicle by the registered owner or a person authorized by the Director in a prescribed place on the vehicle that is both readable by an electronic reading device and visible from outside the vehicle.

Installation of      22B.(1) The Panel may install electronic reading devices

cameras and  
electronic reading  
devices

of a fixed type at such locations as it determines necessary for the purposes of this Part.

(2) The Commissioner may authorize a constable to carry an electronic reading device of a mobile type.

Gathering  
evidence and  
recording data

22C. (1) Evidence that is gathered by a camera may be gathered by any method that captures the image of a vehicle, its registration or electronic tag and allows the image to be reproduced by any means, including by film, printing or electronic means.

(2) Data, which may be in an encoded form, may be electronically and simultaneously recorded on the captured image under subsection (1).

(3) The recorded image under subsection (2) may be converted from one format to another, transmitted, stored or reproduced by electronic or other means that allows the recorded image to be reproduced in intelligible form, including, without limitation, electronically.

(4) For the purposes of subsection (3), a recorded image may include an enlargement of the area of the recorded image depicting the registration of the vehicle.

Evidence of  
offence

22D. (1) Evidence that is gathered through the use of an electronic reading device or camera, including data and images referred to in section 22C, is admissible as evidence in any proceedings with respect to any offence under this Law.

(2) Evidence of a fact relevant to the proceedings may be given by the production of -

- (a) a record produced by an electronic reading device or a camera; and
- (b) in the same or another document, a certificate signed by the Director as to the circumstances in which the record was produced.

(3) Unless the contrary is proved, a document purporting to be a record under subsection (2)(a) or to be a

certificate signed by the Director under subsection (2)(b) is presumed to be such a record or to be so signed, as the case may be.

(4) Nothing in this section makes a record or a certificate admissible in any proceedings unless a copy of it has, not less than seven days before the trial, been served on the person charged with the offence.

(5) The court may grant leave for a person in respect of whom a record or certificate under this section is produced to require the attendance of the person who signed the certificate, for the purpose of cross-examination.

Certificate in  
electronic format

22E. (1) A certified extract of information from the register gathered under section 22C or a record or certificate under section 22D(2) may be created and completed in electronic format by electronic or any other means that allows the extract or certificate to be reproduced in intelligible form, including, without limitation, electronically.

(2) A certified extract or a certificate may be signed by the Director by means of an electronic reproduction of the Director's signature that is capable of being assigned to that extract or certificate only by the Director.

(3) The signature referred to in subsection (2) may be made by electronic or any other means that allows the signature to be reproduced in intelligible form including, without limitation, by electronically storing the signature by means of an electronic scanner or an electronic signature pad.

(4) If the certified extract or certificate, including the Director's signature, is in electronic format, it may be converted from electronic format to paper format for all purposes and it may be received, transmitted, stored or sent electronically.

(5) The recorded image referred to in section 22C(3) and any enlargement referred to in section 22C(4) may be

included as part of a certificate.

Presumption

22F. (1) Where evidence in respect of a vehicle gathered through the use of an electronic reading device or a camera is admitted in court and establishes that an offence under this Law has been committed, the owner of the vehicle is presumed, in the absence of evidence to the contrary, to be guilty of the offence unless the owner proves that -

- (a) the owner was not in possession of the vehicle at the time of the offence; and
- (b) the owner did not know that the vehicle was in the possession of another person, had not consented to it being in the possession of another person and could not, by taking reasonable steps, have prevented it from being in the possession of another person.

(2) In this section, “owner” means the person in whose name the vehicle is registered in the register, or if the vehicle is not registered, any other person who is proved to be the owner.

Regulations

22G. The Cabinet may make regulations prescribing -

- (a) the types of cameras, electronic reading devices and electronic tags for the purposes of this Part; and
- (b) the places on vehicles where electronic tags must be affixed.

Offences

22H. (1) A person shall not remove, destroy or interfere with an electronic tag, or its operation, except as authorized by the Director or the Commissioner.

(2) A person shall not use, or cause or allow any other person to use, a vehicle that does not have the electronic tag for that vehicle affixed to it in accordance with section 22A(2).

(3) A person shall not remove, destroy or interfere with an electronic reading device, or its operation, except as authorized by the Director or the Commissioner.

(4) A person, other than a constable or a vehicle

inspector, shall not use an electronic reading device of a mobile type.

(5) A person shall not remove, destroy or interfere with a camera, or its operation, except as authorized by the Director or Commissioner.

(6) A person who contravenes subsections (1) to (5) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.”.

16. The principal Law is amended in section 25(b)(i) by deleting the words “section 29” and substituting the words “section 28”. Amendment of section 25 - qualification to drive

17. The principal Law is amended by repealing section 28. Repeal of section 28 - new residents and certain visitors may be authorized to drive: international driver’s licence

18. The principal Law is amended in section 29 as follows - Amendment of section 29 - driving tests for new residents

- (a) by renumbering it as section 28;
- (b) in the marginal note by inserting after the word “residents” the words “and visitors”;
- (c) in subsection (2) -
  - (i) by inserting after the word “visitor” the words “or new resident”; and
  - (ii) by inserting after the word “that” the words “licence or”;
- (d) in subsection (3) by inserting after the word “visitor” the words “or new resident”; and
- (e) in subsection (4) by deleting the word “written” where the word appears for the second time and substituting the word “road”.

19. The principal Law is amended by inserting after section 28, as renumbered, the following sections - Insertion of new sections 29 and 29A - authorisation to drive: persons from non-Convention countries; international driver’s permits

“Authorization to drive: persons from non-Convention countries

29. A person lawfully visiting the Islands or a new resident from a country that is not a “Convention country” as defined in section 28(1) who -

- (a) is qualified to drive a group of vehicles for the purposes of section 25(a)(i) to (v); and
- (b) is the holder of a current driver’s licence issued in the person’s country of residence in

respect of that group of vehicles,  
may drive a motor car, a truck not exceeding 8,500 pounds or  
a motor cycle under 125cc in the Islands for a maximum  
period of one month.

International  
driver's permits

29A.(1) The holder of an international driver's permit issued outside the Islands and in accordance with an International Convention with respect to the international circulation of vehicles to which the Islands have adhered, shall, while the international driver's permit remains valid, be exempted from a requirement to hold a driver's licence under this Law to drive in the Islands a vehicle of the group for which the person holds an authorisation to drive in the country in which the international driver's permit was issued.

(2) Where a person who is at least twenty years old wishes to drive a vehicle in any other country which has adhered to an International Convention described in subsection (1), the person may apply to the Director in the prescribed manner for an international driver's permit.

(3) The applicant referred to in subsection (2) shall comply with the requirements of the Convention referred to in that subsection and shall, in addition to any other particulars as may be required by the Director, satisfy the Director that the applicant holds a valid driver's licence issued in the Islands and that the applicant is ordinarily resident in the Islands.

(4) Where the Director is satisfied as to the requirements of subsection (3) the Director shall, upon payment of the prescribed fee, issue an international driver's permit in accordance with the International Convention concerned.

(5) An international driver's permit shall, unless suspended by a court, remain in effect for twelve months from the date of issue.

(6) The Director shall keep a register of -

- (a) holders of valid international driver's permits issued outside the Islands who are exempted from holding a driver's licence under



- subsection (1); and
- (b) holders of international driver's permits issued by the Director.

(7) Except as otherwise specifically stated or contradicted in this Law, this Law does not derogate from any privilege or obligation accorded to any person by virtue of a Convention referred to in section 28(1).”.

20. The principal Law is amended in section 30(1) -

Amendment of section 30 - saving of licences and tests under the repealed Law

- (a) in paragraph (a) by deleting the word “or”;
- (b) in paragraph (b) by deleting the comma and substituting the words “; or”; and
- (c) by inserting after paragraph (b) the following paragraph -
  - “(c) that has expired but who has -
    - (i) within the preceding ten years held a licence; and
    - (ii) since the period beginning five years after the expiry of the licence continuously held a licence from a Convention country, as defined in section 28(1),”.

21. The principal Law is amended in section 41 as follows -

Amendment of section 41 - duration of driver's licence

- (a) by renumbering it as section 30A;
- (b) in subsection (1) -
  - (i) by deleting the words “years or five” wherever they appear and substituting the words “; five or ten”;
  - (ii) by inserting after the words “the driver's licence” the words “according to the period for which the prescribed fee is paid”; and
  - (iii) by deleting the words “without the applicant for the renewal being required to pass a further test”; and
- (c) by inserting after subsection (2) the following subsections -
  - “(3) Notwithstanding subsection (1), a driver's licence shall not be issued to a visitor or renewed in respect of a visitor for a period longer than six months.

(4) A driver's licence may be renewed at any time during the six months before the date of expiration of the licence, but the renewal only takes effect on the date of expiry of the licence.

(5) If an applicant elects to have the applicant's renewed driver's licence expire on the anniversary of the applicant's birth immediately preceding the expiry of the three, five or ten year

period for which the prescribed fee is paid, the fee shall be reduced on a pro rata basis, taking into account the number of days between his birthday and the expiry of the period for which the prescribed fee is paid.”.

- Amendment of section 45 - establishment of Public Transport Board
22. The principal Law is amended in section 45(2) by repealing paragraph (d) and substituting the following paragraph -
- “(d) a representative of the Cayman Islands Airport Authority;”.
- Amendment of section 47 - permits for omnibus and taxi drivers
23. The principal Law is amended in section 47(1) by inserting after the word “vehicle” the words “for hire”.
- Amendment of heading to Part 5 - special electric vehicles
24. The principal Law is amended in the heading to Part 5 by deleting the word “Electric” and substituting the word “Purpose”.
- Amendment of section 53 - restrictions on use of special electric vehicles
25. The principal Law is amended in section 53 as follows -
- (a) in subsection (1) by deleting the words “, in exercise of the power contained in section 120(1), there is a school zone and”;
  - (b) by inserting after subsection (1) the following subsection -

“(1A) An amphibious ATV may only be used on a route designated by the Director and driven, while on land, at a speed of thirty-five miles per hour or less.”;
  - (c) in subsection (2) -
    - (i) by deleting the dash;
    - (ii) by repealing paragraphs (a) and (b) and substituting the words “uses a special purpose vehicle in a manner that contravenes subsection (1) or (1A)”;
    - (iii) by deleting the word “month” and substituting the word “months”; and
  - (d) by repealing subsection (3).
- Amendment of section 54 - special permit for use of special electric vehicles
26. The principal Law is amended in section 54 by deleting the word “electric” wherever it appears and substituting the word “purpose”.
- Amendment of section 55 - requirements for registration of special electric vehicles
27. The principal Law is amended in section 55 by deleting the word “electric” wherever it appears and substituting the word “purpose”.
- Amendment of section 62 - issue of certificate of roadworthiness
28. The principal Law is amended in section 62 by inserting after subsection (1) the following subsection -

“ (1A) The certificate of roadworthiness may be issued for such period as the inspector believes appropriate, up to a maximum of -

- (a) sixty-two months, for a new vehicle that has not been registered anywhere before;
- (b) thirty-eight months, for a vehicle that is less than ten years old; and
- (c) fourteen months, for a vehicle that is more than ten years old.”.

29. The principal Law is amended in section 63 -

- (a) in the marginal note by deleting the word “annual”; and
- (b) in subsection (1) by inserting after the words “shall,” the words “in the month”.

Amendment of section 63 - annual inspection of vehicles

30. The principal Law is amended by inserting after section 77 the following section -

“Dangerous, careless, reckless or anti-social, driving of motorcycles or mopeds

77A. (1) A constable shall have the powers set out in subsection (2) where the constable has reasonable grounds for believing that a motorcycle or moped is being used, or was on any occasion used, in a manner that -

- (a) contravenes section 76 or 77; or
- (b) causes or is likely to cause alarm, distress or annoyance to members of the public.

(2) The constable’s powers are -

- (a) power, if the motorcycle or moped is moving, to order the person driving it to stop the motorcycle or moped;
- (b) if the constable is satisfied that it is reasonably necessary to do so in order to prevent the motorcycle or moped from being used again in a manner described in subsection (1)(a) or (b), power to seize the motorcycle or moped; and
- (c) if the constable has reasonable grounds to believe that the motorcycle or moped is located on any premises (other than a private dwelling house), power to enter those premises for the purpose of exercising a power in paragraph (a) or (b).

(3) In the circumstances described in subsection (2)(c),

Insertion of new section 77A - dangerous, careless, reckless or anti-social driving of motorcycles or mopeds

a constable may enter land appurtenant to a private dwelling house or a garage or other structure attached to a private dwelling house for the purposes set out in subsection (2).

(4) A constable may use reasonable force, if necessary, in the exercise of the powers in subsection (2).

(5) A person who does not comply with an order under subsection (2)(a) to stop a motorcycle or moped, commits an offence and is liable, on summary conviction, to a fine of two thousand five hundred dollars.

(6) A constable may, without warrant, arrest a person whom the constable has reasonable grounds to believe has committed an offence under subsection (5).”.

Amendment of section 94 - ticket procedure

31. The principal Law is amended in section 94 as follows -

- (a) in subsection (1) by inserting after the word “section” the words “53(2),”; and
- (b) in subsection (2) by deleting the words “on or before the date and time prescribed” and substituting the words “before the date and time prescribed for the hearing of the charges”.

Amendment of section 106 - regulations under this Part

32. The principal Law is amended in section 106 as follows -

- (a) by renumbering the section as subsection (1);
- (b) in subsection (1), as renumbered, by inserting after paragraph (a) the following paragraph -  
“(aa) the removal, retention, release and disposal of motorcycles or mopeds seized under section 77A;”; and
- (c) by inserting after subsection (1), as renumbered, the following subsection -  
“ (2) Regulations made under paragraph (1)(aa) -
  - (a) may in particular provide, in respect of a motorcycle or moped seized under section 77A -
    - (i) for the giving of notice of the seizure to a person who is the owner of that motorcycle or moped or who appears to be its owner;
    - (ii) for the procedure by which a person who claims to be the owner of the motorcycle or moped may seek to have it released;

- (iii) for requiring the production of documents, including documents proving registration of the motorcycle or moped and insurance coverage, by a person who claims to be the owner;
  - (iv) for requiring the payment of fees, charges or costs in relation to the removal and retention of the motorcycle or moped and to any application for its release;
  - (v) as to the circumstances in which the motorcycle or moped may be disposed of;
  - (vi) as to the destination of any fees or charges payable in accordance with the Regulations and of the proceeds (if any) arising from the disposal of the motorcycle or moped; and
  - (vii) for the delivery of the motorcycle or moped to an authority designated by the Commissioner in circumstances prescribed by or determined in accordance with the Regulations; and
- (b) shall provide that a person who would otherwise be liable to pay any fee or charge under the Regulations shall not be liable to pay it if -
- (i) the use by reference to which the motorcycle or moped was seized was not a use by that person; and
  - (ii) the person did not know of the use of the motorcycle or moped in the manner which led to its seizure, had not consented to its use in that manner and could not, by taking reasonable steps, have prevented its use in that manner.”.

33. The principal Law is amended in section 113(1) as follows -

- (a) in subsection (1) -
  - (i) in paragraph (c) by deleting the word “or”;
  - (ii) in paragraph (d) by deleting the comma and substituting the word “; or”;
  - (iii) by inserting after paragraph (d) the following paragraph -  
“(e) seized under section 77A,”;
  - (iv) by inserting after the word “drive” the word “, remove”;
  - (v) by inserting after the word “driven” the word “, removed”;

Amendment of section  
113 - removal of vehicles  
to pound, etc.

- (b) in subsection (2) by inserting after the word “driven”, wherever it appears, the word “, removed”; and
- (c) in subsection (4) -
  - (i) by inserting after the word “driven” the word “, removed”; and
  - (ii) by inserting after the word “driving” the word “, removal”.

Amendment of section  
123 - registration of  
driving instructor

34. The principal Law is amended in section 123(2)(c)(ii) by deleting the words “section 28” and substituting the words “section 29A”.

Transitional provision

35. Where a vehicle’s registration is terminated by the Director before the coming into force of section 7 of this Law, or within six months after the coming into force of that section, the following fees shall be waived -

- (a) all arrears of fees that the vehicle would have been liable for, had its registration not been terminated; and
- (b) the application fee to have the vehicle restored to the register.

Passed by the Legislative Assembly the 29<sup>th</sup> day of June, 2018.

Dr. Hon. W. McKeeva Bush

Speaker.

Zena Merren-Chin

Clerk of the Legislative Assembly.