



Bill Essentials

The Motor Vehicles and Road Traffic (Amendment) Bill, 2017

An Act to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 to introduce a system of traffic violations for certain breaches of the Act, to provide for the implementation of a redlight camera system, a demerit points system and the reform of the fixed penalty system and related legal proceedings and other related matters.

Introduced in: Senate

Introduced on: Tuesday February 7, 2017

Introduced By: The Attorney General and Minister of Legal Affairs, Hon. Faris Al-Rawi, MP

11th Parliament

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Background and Purpose of the Bill

1. The Motor Vehicles and Road Traffic (Miscellaneous) Bill, 2017 seeks to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 to, inter alia, introduce a system of traffic violations for certain breaches of the Act and provide for the implementation of a red-light camera system, a demerit points system, the reform of the fixed penalty system and related legal proceedings and other related matters.
2. It was first introduced by The Honourable Faris Al-Rawi, Attorney General and Minister of Legal Affairs on Tuesday February 7th, 2017.

3. The Motor Vehicles and Road Traffic (Amendment) Bill, 2017 (“the Bill”) seeks to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 (“the Act”).

Considerations

4. The Act, once it is duly passed by both Houses, will come into operation on a date fixed by Proclamation.

Key Features of the Bill

INTRODUCTION OF NEW DEFINITIONS

5. This Bill, will introduce the following new definitions:
 - i. **Emergency vehicle**

It shall mean a vehicle used by a member of the Police Service, Prison Service or Defence Force or ambulance being operated in an emergency while sounding its siren or other warning instrument approved by the Licensing Authority (**See Clause 4**).
 - ii. **Traffic light signal**

It will mean an electronic or automated device installed for the purpose of controlling vehicular traffic and showing red, amber and green light signals (**See Clause 4**)
 - iii. **Traffic violation**

The definition shall be construed in accordance with section 20B of the Act (**See Clause 4**)
 - iv. **Newly Licensed Driver**

“Newly licensed driver” means a person who is the holder of a driving permit for a period of twelve months or less from the date of issue (**See Clause 35**).
 - v. **Drug**

In **Clause 28** of the Bill, the definition of “drug” will include any intoxicant other than alcohol (**See Clause 28**).
 - vi. **Demerit points**

In **Clause 35**, the definition shall mean the points specified in the Fourth Column of the Ninth Schedule. It is a definition applicable to the proposed Part VI “Fixed Penalty, Enforcement and Administration”.
 - vii. **Notice to Contest**

A Notice to Contest shall mean a notice requesting a hearing by a Court in respect of a traffic violation specified in a fixed penalty notice (**See Clause 35**)
 - viii. **Proceedings**

It shall mean proceedings before a Magistrate. It should be noted that the currently the definition of proceedings in the Enforcement Act is “proceedings by complaint before a Magistrate”.

- ix. **Fixed Penalty and Fixed Penalty Notice**
- “Fixed Penalty” shall mean the penalty prescribed under section 84 while “fixed penalty notice” means a notice issued under section 82 and includes a duplicate of such notice.
 - These are two (2) new definitions which will be included in the Act. They are not currently defined in the Enforcement Act.

INTRODUCTION OF TRAFFIC VIOLATIONS

6. The Bill introduces the concept of traffic violations to the Act. It will be contained under a new **Part IIA** of the Act (**See Clause 9**).
7. The introduction of a traffic violation will mean that there will be a hybrid system to enforcing the laws under the Act.

What is a Traffic Violation?

8. A traffic violation can be defined as a traffic offence¹ or an infraction or breach of the traffic laws.
9. **Clause 5** of the Bill proposes to insert a **new Section 2A** to the Act. This amendment will exclude **Section 64** of the **Interpretation Act, Chap. 3:01**² which states “*where a written law provides (in whatever terms) that a person is liable to a penalty if he commits a specified act, that act shall be deemed to have been constituted an offence by such written law*”.
10. It therefore means that a large number of the offences under the Act are currently are categorised as offences. The proposed change will now categorise them as traffic violations.
11. The Bill introduces three (3) new sections:
 - **Section 20A: Conditions of Permit and Condition of a Registration a Motor Vehicle**
 - It proposes that compliance with the Act and other written laws relating to the use of vehicles will be deemed **a condition of a driving permit**.
 - It proposes that compliance with the Act and other written laws relating to the use of vehicles will be deemed **a condition of a registration of the motor vehicle driving permit**.

¹ <https://www.collinsdictionary.com/dictionary/english/traffic-violation>

² http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/3.01.pdf

- The owner of the motor vehicle is responsible for any breach of this Act or those written laws which involves the use of his motor vehicle and which is imputable to him as the owner.
- **Section 20B: Commission of a Traffic Violation**
 - The breach of a condition specified in the Seventh Schedule by the holder of a driving permit or owner of a vehicle constitutes a traffic violation and the holder of the driving permit or the owner of the motor vehicle shall be liable to be dealt with in accordance with this Act.
- **Section 20C**
 - The standard of proof will be on a balance of probabilities for any proceedings for traffic violations.

CERTAIN CATEGORIES OF OFFENCES WILL NOW BE TRAFFIC VIOLATIONS

12. Additionally, the Bill proposes that a number of offences will now be identified as traffic violations. This is effected via the deletion of words such as “guilty of an offence”, “commits an offence...”, “on conviction”, “upon conviction” or “to imprisonment for...”, etc. from the following sections. These changes in the following sections will marry into the introduction of traffic violations:

| Proposed Section | Proposed Changes |
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| 15 | <p>Cancellation of Registration</p> <ul style="list-style-type: none"> ▪ Section 15 governs the cancellation of registration of a motor vehicle. However, section 15(2) provides that an owner of a motor vehicle, which has been destroyed, rendered permanently unserviceable or has been permanently removed from Trinidad and Tobago, is required to notify the Licensing Authority in writing, within one month of such event. It furthermore provides that an owner who fails to notify the Authority commits an offence. ▪ Clause 7 proposes to delete the words “commits an offence” and substitute the words “is liable to a fine of three thousand dollars”. ▪ Repeal of subsection (3). Subsection (3) currently states that ‘prosecution of an offence under subsection (2), may be instituted at any time within two years of the commission of the offence.’ |
| 19 | <p>Transfer of Registration</p> <ul style="list-style-type: none"> ▪ Section 19 governs the transfer of vehicles. Section 19 (1) (a) provides that on the change of possession of a motor vehicle, the motor vehicle shall not be used for more than seven days after such change of possession unless the new owner is registered as the owner. ▪ Subsection 5 requires that where a registration of transfer of a used motor vehicle has not been made within seven days after the change of possession of that vehicle in accordance with subsection (1)(a), the registered owner shall be liable to pay to the Licensing Authority a penalty of two hundred dollars. |

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| | <ul style="list-style-type: none"> ▪ Clause 8 proposes that subsection (6) be amended as follows: “where a registration of transfer referred to in subsection (5) has not been made within fourteen days after the change of possession of that vehicle, the registered owner is guilty of an offence and is liable upon summary conviction to a fine of five thousand dollars and imprisonment for six months is liable to a fine of five thousand dollars.” |
| 21 | <p>Section 21 Using a Motor Vehicle without its prescribed registration</p> <ul style="list-style-type: none"> ▪ Clause 10 proposes to repeal subsections (2) and (3) of Section 21. This amendment will remove the Magistrate’s power to order that a summons be issued against any person alleged by the driver to be the owner of the vehicle and thus making such alleged owner the co-defendant in the case. ▪ Furthermore, it removes the Magistrate power, after hearing the evidence and witnesses of all parties, to make such order regarding the payment of any penalty and costs as to the Magistrate seems just. ▪ Additionally, it removes subsection (3) which states that “where a motor vehicle is used for a purpose for which it is not duly registered under this Act, it is a defence on the part of the owner to prove that the contravention was without his knowledge and that he had taken all reasonable steps to avoid the contravention.” |
| 23 (1B) | <p>Windscreen or window of motor vehicle not to obscure view of inside of the vehicle from outside</p> <ul style="list-style-type: none"> ▪ Clause 11 proposes the following amendment to subsection (1B): “Notwithstanding subsection (1A), a person who contravenes subsection (1)(d), commits an offence and is liable on summary conviction to a fine of five thousand dollars is liable to a fine of five thousand dollars.” |
| 42 (1), (2) and (3) | <p>Driving without a permit</p> <ul style="list-style-type: none"> ▪ Sections 42 (1), (2) and (3) provide for: <ul style="list-style-type: none"> ○ no person shall drive a motor vehicle on a road unless he is the holder of a valid driving permit for a motor vehicle of that class ○ no person shall employ any person to drive a motor vehicle on a road unless the person so employed is the holder of a valid driving permit ○ for the purpose of learning to drive a motor vehicle of any class, a person (in this section referred to as “a learner”) who is not the holder of a valid driving permit for a vehicle of that class may nonetheless drive a vehicle of such a class on a road. ○ a learner who fails to comply with any condition attaching to or any restriction specified in his provisional permit is liable on conviction to the penalty prescribed in subsection (1) as if he were not the holder of a provisional permit and upon conviction the provisional permit shall be cancelled. ▪ Clause 12 proposes the deletion of the words “or imprisonment for six months” and “or imprisonment for one year” from subsection (1) and “on conviction” and the words “upon conviction” from subsection (2). It furthermore proposes liable for the words “any traffic violation or for” in subsection (3). |
| 43B(2) | <p>Certain motor vehicles to be outfitted with seatbelts</p> |

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| | <ul style="list-style-type: none"> ▪ Section 43B requires every person who is the registered owner of any motor vehicle shall have such motor vehicle fitted with seat belts. Subsection (2) creates the offence a person contravening subsection (1). ▪ Clause 13 proposes the following amendment: “(2) The registered owner of a motor vehicle...who contravenes the provisions of that subsection is guilty of an offence and liable on summary conviction for a first offence to a fine of four thousand dollars and on any subsequent conviction to a fine of eight thousand dollars. is liable to a fine of four thousand dollars for the first traffic violation and to a fine of eight thousand dollars for any subsequent traffic violation.” |
| <p>43D</p> | <p>Driving while a child is in the vehicle</p> <ul style="list-style-type: none"> ▪ Section 43D details the requirements a driver must observe while a child is in a vehicle. ▪ Clause 14 proposes amendments to subsections (4) and (5). Subsection (4) creates the offence and states the penalty for a driver of a motor vehicle contravening Section 43D. The amendment proposes that the driver will be liable on summary conviction to a fine of two thousand dollars (\$2,000.00). ▪ Also, in subsection (5), it is proposed that that the words “guilty of an offence” be deleted and substituted by the word “liable”. It will now read “The driver of a motor vehicle shall not be guilty of an offence liable under this section—....” |
| <p>46</p> | <p>Offences for driving instructor</p> <ul style="list-style-type: none"> ▪ Section 46 details the requirements for a person who instructs a learner. It further provides for a penalty to be applied if a driving instructor fails to adhere to the requirements. ▪ Subsection (2) provides that upon conviction under this section, the Court may disqualify the offender from driving for a period not exceeding one year. ▪ Clause 15 of the Bill proposes two amendments <ul style="list-style-type: none"> ○ Subsection (1): Delete the words “is liable on conviction to a fine of one thousand dollars” and substituting the words “is liable to a fine of five thousand dollars”. ○ Repeal subsection (2). |
| <p>48(9)</p> | <p>Physical Fitness</p> <ul style="list-style-type: none"> ▪ Section 48 details the physical fitness requirement for which a Transport Officer must be satisfied when issuing a driving permit. For example, a Transport Officer must be satisfied that the vision, hearing and bodily and mental fitness of the applicant are such as to warrant the issue of a driving permit and that the applicant is of good character. ▪ Clause 16 proposes to amend subsection (9), which creates the offence of a person failing to comply with the requirements of the section. It further states that person will be guilty of an offence and liable on conviction to a fine of one hundred dollars and to a further fine of five dollars for each day the offence continues after conviction. ▪ Subsection (9) will read: |

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| | <p>“A person who fails to comply with the requirements of this section relating to the return of his driving permit is guilty of an offence and liable on conviction to a fine of one hundred dollars and to a further fine of five dollars for each day the offence continues after conviction thereof. is liable to a fine of two hundred dollars and to a further fine of five dollars for each day that the traffic violation continue”.</p> <ul style="list-style-type: none"> ▪ There is an increase in the fine from one hundred dollars (\$100.00) to two hundred dollars (\$200.00). |
| <p>56 (3)</p> | <p>Production of a driving permit or provisional permit</p> <ul style="list-style-type: none"> ▪ Section 56 stipulates that a driver/learner shall be required to produce his driving permit or provisional permit. It further details that a Transport Officer in uniform or a police officer may require the driver/learner to produce it for examination or to determine the name and address of the holder of the permit, the date of issue and the Transport Officer by whom it was issued. ▪ Section 56(3) creates the offence of a person who fails to comply with the Section 56. ▪ Clause 17 proposes to delete the words “is liable on conviction to a fine of five hundred dollars” and substituting the words “is liable to a fine of five hundred dollars”. |
| <p>56A (5)</p> | <p>Exemption in case of valid driving permit held elsewhere</p> <ul style="list-style-type: none"> ▪ Section 56A creates an exemption in cases of valid driving permits issued in specific countries: <ul style="list-style-type: none"> ○ the person’s entitlement to drive only the class for which he is authorised to drive by the permit of which he is the holder and ○ exempted for a period of three months from the date of his arrival in Trinidad and Tobago from any requirement to hold a driving permit issued under this Act to drive in Trinidad and Tobago. ▪ Subsection (5) creates the offence of a person who fails to comply with the requirements of Section and further provides that a person will be guilty of an offence and liable on summary conviction to a fine of five hundred dollars. ▪ Clause 18 proposes deleting the words “is guilty of an offence and liable on summary conviction to a fine of five hundred dollars” and substituting the words “is liable to a fine of five hundred dollars” in subsection (5). |
| <p>61 (2)</p> | <p>Restrictions on the issue of new driving permit after expiration of former one</p> <ul style="list-style-type: none"> ▪ Currently Section 61 (2) provides that the Licensing Authority may refuse to issue a driving permit to an applicant who has, within the three years preceding the application, been convicted of manslaughter arising out of the use of any motor vehicle or of any offence under section 70 or section 71 or of repeated offences under any one or more of the other sections of this Act or of the Regulations made under this Act. ▪ Clause 19 proposes to amend Section 61(2) by inserting after the words “repeated offences” the words “or traffic violations”. |

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| | <ul style="list-style-type: none"> ▪ It will therefore allow for the Authority to refuse to issue an applicant who may have repeated traffic violations. |
| <p>62</p> | <p>Speed Limits</p> <ul style="list-style-type: none"> ▪ Section 62(6E) specifically provides for when a motor vehicle is stopped after a constable has determined with the use of a speeding device that a motor vehicle has exceeded the speed limit. ▪ Clause 20 proposes the seven (7) amendments to Sections 62 (6E) – (6J) of the Act. |
| <p>63</p> | <p>Motor Racing and Speed Trials</p> <p>Clause 21 proposes the following amendments:</p> <ul style="list-style-type: none"> ○ Increase in the penalty for subsection (1) from two thousand dollars (\$2000.00) to six thousand dollars (\$6000.00) for any person who, except under and in accordance with the written permission of the Commissioner of Police, promotes or takes part in a race or trial of speed between motor vehicles on a road. ○ Removal of the words “and to imprisonment for six months” from subsection (1). This will mean that only the proposed fine will be the applicable penalty to anyone contravening subsection (1). ○ Repeal of subsection 2- Subsection (2) currently provides for a person convicted of an offence under subsection 1 to be disqualified for a period of twelve (12) months from holding or obtaining a permit. |
| <p>64</p> | <p>Traffic Signs</p> <ul style="list-style-type: none"> ▪ Clause 22 proposes two amendments to Section 64 of the Act. <ul style="list-style-type: none"> ○ Clause 22(a) will amend subsection (8) of Section 64 by: <ul style="list-style-type: none"> ❖ Inserting the words “other than a traffic light signal” after the word “traffic sign”. As such, it will now read: “In any case where a constable is for the time being engaged in the regulation of traffic in a road, or where any traffic sign other than a traffic light signal”, being a sign for regulating the movement of traffic...”. ❖ Deleting the words ““or any person riding or driving any animal” and “or animal”. Subsection 8 states that any person driving a motor vehicle or any person riding who neglects, refuses to stop when directed by a constable or fails to conform to a traffic sign is guilty of an offence. This means that the subsection will not be |

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| | <p>applicable to persons riding or driving an animal.</p> <ul style="list-style-type: none"> ○ Clause 22 (b) will amend subsection (9) by deleting the words “or to imprisonment for three months”. |
| 65 | <p>Comply with Orders of the Minister in respect of one-way roads and parking of motor vehicles</p> <ul style="list-style-type: none"> ▪ Section 65 allows the Minister by Order to— <ul style="list-style-type: none"> (a) prohibit or regulate the parking of vehicles on any road; or (b) prohibit the driving of any vehicle on any specified road otherwise than in a specified direction ▪ Clause 23 proposes the deletion of the words “or imprisonment for three months on summary conviction” from subsection (2). As such, contravention of any Order made pursuant to Section 65 would attract a fine of three thousand dollars (\$3000.00). |
| 66 | <p>Drivers to Comply with traffic directions</p> <ul style="list-style-type: none"> ▪ Clause 24 (a) proposes the insertion of the words “other than a traffic light signal” in Section 66 of the Act. ▪ Clause 24(b) also proposes the deletion of the words “is liable on summary conviction for a first offence to a fine of two thousand dollars and on any subsequent conviction to a fine of four thousand dollars and imprisonment for twelve months” from section 66. and for it to now read as follows with the inserted words in bold: <p>“66. Where a police constable in uniform is engaged in the regulation of traffic in a road or where a traffic sign other than a traffic light signal...has been lawfully placed on or near a road, a person driving or propelling a vehicle who—</p> <ul style="list-style-type: none"> (a) neglects or refuses to stop the vehicle or to make it proceed in or keep to, a particular line of traffic when directed to do so by the police constable in the execution of his duty; or (b) fails to comply with the indication given by the sign or the notice, <p>is liable on summary conviction for a first offence to a fine of two four thousand dollars for a first traffic violation and to a fine of four thousand dollars for every traffic violation thereafter and on any subsequent conviction to a fine of four thousand dollars and imprisonment for twelve months.”</p> |
| 66A | <p>New Section to be inserted: Failure to Comply with a Traffic Light</p> <ul style="list-style-type: none"> ▪ As a result of the exclusion of a traffic light signal from Sections 64 and 66, a new section is proposed to specifically deal with a person’s failure to comply with a traffic light. ▪ The proposed fine is five thousand dollars (\$5000.00) for a first traffic violation and seven thousand dollars (\$7000.00) for a second traffic violation. |
| 67(3) | <p>Experimental Traffic Scheme</p> <ul style="list-style-type: none"> ▪ Section 67 generally provides for experimental traffic schemes. Subsection (3) creates the offence for any person contravening any Regulations made under Section 67. |

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| | <ul style="list-style-type: none"> ▪ Clause 26 proposes the following change to subsection (3): <p style="margin-left: 40px;">“Any person who contravenes Regulations under this section is liable on summary conviction for a first offence to a fine of seven hundred and fifty dollars and on any subsequent conviction to a fine of one thousand dollars is liable to a fine of seven hundred and fifty dollars (\$750.00) for a first traffic violation and to a fine of one thousand dollars (\$1000.00) for every traffic violation thereafter.”</p> |
| <p>68 (7)</p> | <p>Temporary Prohibition or Restriction of Traffic on Roads</p> <ul style="list-style-type: none"> ▪ Section 68 provides for Orders, Notice or Regulations which the Commissioner of Police has the power to make. ▪ Subsection (7) currently creates the offence for any person who uses or permits the use of a vehicle in contravention of a restriction or prohibition imposed by an Order. Clause 27 of the Bill proposes the following change to subsection 7: <p style="margin-left: 40px;">“(7) Any person who uses or permits the use of a vehicle in contravention of a restriction or prohibition imposed by an Order under subsection (1) is liable on summary conviction for a first offence to a fine of one thousand, five hundred dollars and on any subsequent conviction to a fine of three thousand, five hundred dollars is liable to a fine of one thousand, five hundred dollars for the first traffic violation and to a fine of three thousand, five hundred dollars for every traffic violation thereafter.”</p> |
| <p>77</p> | <p>Restriction on cyclist riding abreast or holding onto a moving vehicles</p> <p>Clause 31 proposes two (2) amendments to Section 77:</p> <ul style="list-style-type: none"> ○ Subsection (1) will read: <p style="margin-left: 40px;">“It shall not be lawful for more than two persons to ride abreast on a road either upon motorcycles or upon bicycles not propelled by mechanical power; but a person shall not be convicted liable under this section in respect of the overtaking of two persons so riding....”</p> ○ Subsection (4) will read: <p style="margin-left: 40px;">“Any person who contravenes this section is liable on first conviction to a fine of one thousand, two hundred and fifty dollars and on any subsequent conviction to a fine of two thousand, five hundred dollars.”</p> |
| <p>78</p> | <p>Distribution of Advertisements from Vehicles Prohibited</p> <ul style="list-style-type: none"> ▪ A driver is prohibited from distributing or allowing the distribution of advertisements from a moving vehicle. ▪ Clause 32 proposes two amendments to Section 78: <ul style="list-style-type: none"> ○ Subsection (1) will read: <p style="margin-left: 40px;">“Any person who throws or distributes from any vehicle on any road any picture, print or any other article of whatsoever nature by way of advertisement, or any handbill, is liable to a fine of two thousand dollars and to imprisonment for two months on summary conviction to a fine of two thousand dollars.”</p> |

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| | <ul style="list-style-type: none"> ○ Repeal of subsection (2): Subsection (2) currently states that “where an offence has been committed under subsection (1), by any person other than the driver... the driver or person in charge of such vehicle shall be deemed to be guilty of an offence...” |
| 94 | <p>Giving False Information</p> <p>Clause 38 proposes the deletion of the phrase “and to imprisonment for six months”. This will effectively mean that anyone who contravenes Section 94 will face a fine of two thousand dollars (\$2,000.00).</p> |
| 107(4) | <p>Parking in Grounds or Other Open Spaces Adjoining a Public Building</p> <p>Clause 43 proposes to delete the words “or to imprisonment for three months” from subsection (4). The proposed amendment will see only a fine of one thousand, five hundred dollars (\$1,500.00) being applicable to anyone who contravenes this section.</p> |
| 108(1)(a) | <p>Powers of police where vehicles parked in contravention of Act or left on road</p> <p>Section 108 deals with the powers of the police where vehicles are parked in contravention of the Act or instances where the vehicles have been left on the road. Clause 44 proposes that anyone who contravenes section 108(1)(a) will attract a fine of three hundred dollars (\$300.00).</p> |
| Item 2 (2) Fourth Schedule | <ul style="list-style-type: none"> ▪ The Fourth Schedule of the Act deals with motor vehicles tax and further details the classes of motor vehicles for which motor vehicles tax should be computed. Item 2 (2) of the Fourth Schedule currently makes it an offence: <ul style="list-style-type: none"> “Where a person who is required by this section to pay motor vehicles tax fails to do so, he is guilty of an offence and liable on conviction to a fine of one thousand dollars and to a further fine of one hundred dollars for each day that the motor vehicles tax remains unpaid after conviction.” ▪ Clause 46 proposes to delete the words “guilty of an offence and liable on conviction” and substituting the word “liable”. |

ESTABLISHMENT OF A RED LIGHT CAMERA SYSTEM

13. **Clause 34** of the Bill seeks to introduce the Red Light Camera System (RLCS) to the Motor Vehicles and Road Traffic regime by inserting a new **Part VA** “Red Light Camera System” consisting of **Sections 79A to 79T**.

Main Features of the RLCS

14. The main features of the RLCS are:

- i. Owner will be deemed responsible and thus liable for breach of a red light (**Section 79D**).
- ii. Joint responsibility will be attached if there is more than one owner [**Section 79D (2)**].
- iii. The Licensing Authority may install a red-light camera on or near a traffic light (**Section 79B**).
- iv. Creation of an offence of unlawful interference with a red-light camera or with its proper functioning (**Section 79C**).
- v. Approval of red light camera by the Minister by Order (**Section 79B**).
- vi. The image and video recording captured by the red light to be evidence of the breach
- vii. Service of the Citation Notice and the contents of the Citation Notices
- viii. Introduce the concept of the “payee”.
- ix. The Notice to Contest only to be filed in one of two circumstances:
 - The motor vehicle captured by camera is not owned
 - The motor vehicle captured by camera was stolen
- x. Certificate of inspection to be deemed prima facie evidence.
- xi. Certificate of Commissioner of Police that a person is qualified to operate and analyse a red-light camera to be prima facie evidence; and
- xii. The Court does not require the presence of a complainant when dealing with a breach of a red light, captured by a red-light camera.

What is the Citation Notice?

15. A Citation Notice is detailed in the proposed **Section 79G** of the Bill. It requires:

| Citation Notice |
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| <ul style="list-style-type: none"> • the date, time and place of the traffic violation; • 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; • the photographic image showing the commission of the traffic violation and the registration number of the motor vehicle involved in the commission of the traffic violation; • the certificate of the Inspection Officer; • the fixed penalty that is to be paid; • the payee to whom the fixed penalty may be paid; • the time specified within which the fixed penalty may be paid in accordance with section 79I(1); • that the owner may file a Notice to Contest in accordance with section 79J; and • the date, time and address of the Court at which the owner is required to appear in the event of filing a Notice to Contest in accordance with section 79J. |

How will a Citation Notice be served?

16. **Section 79H** states a Citation Notice shall be served by:

- i. delivering it to each owner or to some adult member of his family at his usual place or last known place of residence or any address furnished by him to the Licensing Authority;
- ii. leaving it or affixing it at the usual or last known place of residence or place of business of the owner or at any address furnished by him to the Licensing Authority in a cover, addressed to him; or
- iii. 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;

Alternative Method of Service of Citation Notices

17. It should be noted that if in serving a Citation Notice (CN) on an owner and the usual or last known place of residence cannot with reasonable diligence be ascertained, then service may be effected by publication in at least one newspaper in daily circulation in Trinidad and Tobago or electronic transmission through e-mail.

When will service of a Citation Notice be deemed effected on the owner?

18. Service shall be deemed to be effected on the owner on the **eighth (8th) day following the date on which the Notice is delivered, left, affixed, published or electronically transmitted.**

Time Period for Payment of Fixed Penalty Notice upon Service of a Citation Notice

19. The owner of the motor vehicle shall, unless he files a Notice of Contest, pay the fixed penalty **within forty-five (45) days from the deemed date of service** under section 79H(3) of the CN. It should be noted that the Minister may prescribe by Order a longer period for payment.

Notice to Contest and Grounds for Filing a NTC (Section 79J)

20. If an owner wishes to contest the traffic violation in the CN, the owner may file a Notice to Contest (NTC) with a payee prescribed by the Minister under section 88C within thirty days from the deemed date of service of the CN.

21. Only two (2) grounds are permitted for the filing of a NTC:

- the motor vehicle was stolen; or
- the was not the owner of the motor vehicle at the time the traffic violation was committed.

Opportunity to pay a Fixed Penalty Notice although NTC

22. **Section 79J(3)** permits an owner to pay the fixed penalty specified in the CN in accordance with section 79I and the matter shall be removed from the list of hearing at the Court.

Proceedings for traffic violations under Section 66A (Section 79K)

23. In cases where a CN was served, proceedings in respect of a traffic violation under section 66A shall not be listed for trial in Court unless –

- a NTC has been filed by the owner of the motor vehicle within thirty (30) days from the deemed date of service of the CN in accordance with Section 79J; and
- a period of three (3) months has elapsed from the last day on which the fixed penalty is payable and there is no record that the fixed penalty was paid in accordance with section 79I.

Transmission of Documents (Section 79L)

24. Where an owner has filed a NTC, the Inspection Officer is required to transmit to the Clerk in the district in which the traffic violation occurred, a certified copy of –

- the CN;
- the NTC;
- the photographic image or video recording of the motor vehicle captured by the red-light camera in relation to the traffic violation; and
- proof of service of the CN.

25. Sections 79M -79P propose the following:

- the introduction of a certificate to be attached to the CN and that it has to be signed by the Inspection Officer.
- the Certificate will outline that:
 - the Inspection Officer is certified by the Commissioner of Police as trained to analyse the information captured by a red-light camera;
 - the red-light camera used to capture the photographic image or video recording was approved by the Minister;
 - the photographic image or video recording captured by the red-light camera was obtained on the date and time stated therein;
 - the red-light camera was operating accurately at the time the photographic image or video recording was captured; and
 - the contents of the information shown on the photographic image or video recording are true and correct,
- the certificate provided it contains the information will be deemed to be prima facie evidence.
- where the credential of an Inspection Officer is reasonably brought into question, the Court may authorise the submission of a certificate purporting to be signed by the Commissioner of Police (**Section 79N**).
- evidence of the condition of the red-light camera or the manner in which it was operated shall not be required unless evidence that it was not in proper condition or was not properly operated at the time of the traffic violation has been adduced (**Section 79O**) ;
- no complainant is required (**Section 79P**);

- a Magistrate may proceed in the absence of the owner where an owner files a NTC and does not appear. This will apply in this circumstance notwithstanding Section 44 of the Summary Courts Act (**Section 79Q**).

Failing to Pay Fixed Penalty Notice and Failing to File a NTC (Section 79R)

26. Failure on an owner’s part to pay a Fixed Penalty Notice for a NTC may result in sanctions being placed on the owner:

- Where an owner does not pay the fixed penalty and does not file a Notice to Contest, in accordance with this Act, he shall be liable to pay, to a payee, the fixed penalty plus one-quarter of the amount of that fixed penalty.
- 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.
- Where an owner fails to pay the required sums in accordance with this section, the Licensing Authority may suspend the driving permit of the owner and/or cease all transactions in relation to the motor vehicle which was involved in the commission of the traffic violation or with the owner of the said motor vehicle.

REFORM OF THE FIXED PENALTY SYSTEM

27. **Clause 35** proposes the reform of the fixed penalty system. Currently the fixed penalty system is governed by the **Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Chap. 48:52** (“Enforcement and Administration Act”). This Bill proposes to:

- repeal the Enforcement and Administration Act.
- due to the repeal of the Enforcement and Administration Act, introduce a new Part VI entitled “Fixed Penalty and Administration”;
- introduce a new Seventh Schedule the Motor Vehicles and Road Traffic Act, Chap. 48:50. This will now have one hundred (100) offences for which fixed penalty notices will be issued. It currently lists 90 offences.
- introduce a new Eighth Schedule to the Motor Vehicles and Road Traffic Act, Chap. 48:50 which will retain the bodies which are authorized to issue fixed penalty notices.

| Proposed Section | Proposed Changes |
|------------------|--|
| 85 | <p>Opportunity to file a NTC</p> <ul style="list-style-type: none"> ▪ Where a person is desirous of contesting a fixed penalty notice, he shall file a notice to contest with a payee within fifteen days from the date that the fixed penalty notice was issued or affixed. ▪ A person may at any time within the period specified in the fixed penalty notice for the payment of the fixed penalty pay the fixed penalty in accordance with section 83 and the matter shall be removed from the list of hearing at the Court. |

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| 86 | <p>Documents which are required to be transmitted to the Court</p> <ul style="list-style-type: none"> ▪ Where a Notice to Contest has been filed, the constable shall immediately transmit to the Clerk, in the district in which the traffic violation is alleged to have been committed, a copy of the fixed penalty notice |
| 87 | <p>Listing of proceedings relating to a Fixed Penalty Notice (FPN)</p> <ul style="list-style-type: none"> ▪ Proceedings in respect of a traffic violation for which a fixed penalty notice was issued or affixed shall not be listed for trial in Court unless - <ul style="list-style-type: none"> ○ a notice to contest has been filed in accordance with section 85 within fifteen days from the date that the fixed penalty notice was issued or affixed; and ○ a period of two months has elapsed from the last day on which the fixed penalty is payable and there is no record that the fixed penalty was paid in accordance with section 83. |
| 88 | <p>Appearance of parties</p> <ul style="list-style-type: none"> ▪ Where a notice to contest is filed within the period specified in the fixed penalty notice, the constable who issued or affixed the fixed penalty notice shall be notified and shall be required to attend Court on the date, time and address of the Court as specified in the fixed penalty notice. ▪ If the person that filed the NTC fails to appear in court on the appointed date and time, the Magistrate shall not issue a warrant for the arrest of the person but may proceed <i>ex parte</i> to hear the matter and adjudicate thereon as fully and effectually as if the person had personally appeared before the Court. |
| 88A | <p>Consequences for Non-payment of FPN and Failure to file a NTC</p> <ul style="list-style-type: none"> ▪ The owner or driver shall be liable to pay to a payee, the fixed penalty plus one-quarter of the amount of that fixed penalty; ▪ The applicable number of demerit points for the traffic violation shall be recorded against his driving permit record. ▪ Where the driver or owner, as the case may be, does not pay the sum required under subsection (1) within fourteen (14) 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. ▪ The Licensing Authority may suspend the driving permit of the driver or owner, as the case may be, and/or cease all transactions in relation to the motor vehicle which was involved in the commission of the traffic violation or with the driver or owner of the said motor vehicle, as the case may be. |
| 88B | <p>Licensing Authority may Issue a Notice to Owner or Driver of Possible Sanctions</p> |
| 88C | <p>Imposition of Sanctions by the Licensing Authority</p> |

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| | <ul style="list-style-type: none"> ▪ A driver or owner, as the case may be, may show cause, as stated in section 88B, why the Licensing Authority should not impose the sanctions specified in section 88A(3). ▪ The Licensing Authority shall immediately lift any sanction imposed under this section upon the payment of the applicable sum specified in section 88A. |
| 88D | <p>Minister may by Order prescribe fixed penalty traffic violations</p> <ul style="list-style-type: none"> ▪ An Order made under subsection (1) shall be subject to negative resolution of Parliament. |

IMPLEMENTATION OF A DEMERIT POINTS SYSTEM

28. **Clause 35** will also introduce the demerit points system to Trinidad and Tobago.

Current System

29. It should be noted that **Sections 86A-C** of the Act currently provide for the President to prescribe by Regulations, a system of awarding penalty points against a person for the commission of an offence under this Act or Enforcement and Administration Act or the Regulations made under both pieces of legislations. This change in the law was introduced via Act 21 of 2000³. However, no Regulations were enacted to give effect to the Penalty Points System⁴.

Proposed System

30. A system of Demerit Points within the framework of traffic law enforcement is generally aimed at engendering greater responsibility in those who drive on the nation's roads, by imposing a regime that will bring about a robust change in attitudes and encultured behaviour of motorists with respect to road safety awareness⁵.

31. **Clause 35** will detail the demerit points system and revise where applicable the following into the Act:

- Part VIA "**Legal Proceedings, Demerit Points, Suspension and Cancellation of Driving Permits**". It should be noted that the current Part VI governed "Legal Proceedings, Suspension and Cancellation of Driving Permits". It has been amended to include Demerit Points

³ Motor Vehicles and Road Traffic Amendment Act, 2000 <http://www.ttparliament.org/legislations/a2000-21.pdf> Accessed 13Mar2017.

⁴The penalty points are currently reflected in column 5 of the First Schedule to the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Chap. 48:52.

⁵ Policy for Amending the Legislative Framework Governing the Fixed Penalty Traffic Ticketing System and The Introduction of a Demerit Points System in Trinidad and Tobago. Accessed 13Mar17.

- New Sections 88 E- 88 O.
- The proposed Demerit Points system is detailed in Section 88J-Q.

| Proposed Section | Details |
|------------------|---|
| 88E | <p>Power to convict for reckless or dangerous driving on trial for manslaughter</p> <ul style="list-style-type: none"> ▪ This section is currently contained in the Act as Section 80. |
| 88F | <p>Power to proceed on charge for careless driving on hearing of charges under s.70 or s.71A</p> <ul style="list-style-type: none"> ▪ This section is currently contained in the Act as Section 81. |
| 88G | <p>Power of Court to order disqualification from obtaining a driving permit and to cancel permit</p> <ul style="list-style-type: none"> ▪ This section is currently contained in Section 82 of the Act. ▪ There are minor adjustments to the proposed 88G for example, there is now specific reference to sections 70, 70A, 71 or 71A instead of the phrase ‘in connection with the driving of a motor vehicle’. |
| 88H | <p>Right of Appeal</p> <ul style="list-style-type: none"> ▪ This section is currently contained in the Act as Section 83 of the Act. |
| 88I | <p>Production of offender’s Record of Conviction</p> <ul style="list-style-type: none"> ▪ This section is currently contained in the Act as Section 84 of the Act. |
| 88J | <p>Establishment of the Demerit Points Register</p> <ul style="list-style-type: none"> ▪ The establishment and maintenance of a Demerit Points Register (Section 88J). ▪ All demerit points shall be recorded against a driving permit record by the Licensing Authority for offences and traffic violation [Section 88 J (2)]. ▪ The contents of the register shall be prima facie evidence for all information contained in it [Section 88J(3)]. |
| 88K | <p>Demerit Points</p> <ul style="list-style-type: none"> ▪ On conviction for an offence or a traffic violation for which demerit points apply, the demerit points shall be recorded against the driving permit record of the person so convicted. ▪ In cases of appeals against convictions under subsection (1), no demerit points shall be recorded against the driving permit record of the person <i>unless</i> the conviction is confirmed on appeal. ▪ Demerit points shall be recorded against a driving permit record of a person in two instances: |

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| | <ul style="list-style-type: none"> ○ Where a fixed penalty notice is paid in accordance with the requirements of the FPN. This applies to FPNs issued under section 81 for a traffic violation that carries demerit points the fixed penalty for the traffic violation. ○ The time specified for the payment of the fixed penalty has expired and a notice to contest was not filed by the driver or owner within the specified time. ▪ As such, it means that notwithstanding the payment of a fixed penalty notice, the knowledge that the demerit point would still be recorded would act as a possible deterrent to owners/drivers. |
| <p>88L</p> | <p>Simultaneous Traffic Violations</p> <p>It is possible to be charged with more than one traffic violation.</p> <p>Section 88L(1):</p> <ul style="list-style-type: none"> ▪ considers the circumstance where a person is charged with more than one traffic violation or served with more than one fixed penalty notice for traffic violations that carry demerit points and those traffic violations arise out of one incident. ▪ It specifies instances where the person: <ul style="list-style-type: none"> ○ is convicted of two or more of the traffic violations for which he was charged; or ○ has made payment in respect of two or more of the traffic violations for which he was issued a fixed penalty notice. ▪ In either case the person shall be liable to have recorded against his driving permit record: <ul style="list-style-type: none"> ○ demerit points for the traffic violation that carries the highest number of demerit points. ○ demerit points for only one traffic violation in instances where the traffic violations carry an equal number of demerit points. <p>Section 88L (2) addresses the issue of demerit points being recorded for traffic violations involving breach of a red light or exceeding of the speed limit.</p> <ul style="list-style-type: none"> ▪ Accordingly, where a person is issued with a citation notice OR a fixed penalty notice for breach of a red light or exceeding the speed limit in a singular incident during which he is also issued with a fixed penalty notice for any other violation, he shall be liable to have recorded against his driving permit record the demerit points prescribed for breach of a red light or for exceeding the speed limit, in addition to the highest number of demerit points for any of the other traffic violations. |
| <p>88M</p> | <p>Accumulation of Demerit Points and Disqualification</p> <p>This section introduces:</p> <ul style="list-style-type: none"> ▪ the “newly licensed driver”. It will mean a person who is the holder of a driving permit for a period of twelve months or less from the date of issue [Section 88M(10)]. ▪ The disqualification of a person from holding or obtaining a driving permit for a period of one (1) year: |

| | |
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| | <ul style="list-style-type: none"> ○ Where a newly licensed driver or the holder of a provisional permit accumulates seven or more demerit points within a period of twelve (12) months from the date of issue of the driving permit or the provisional permit [Section 88M(1)]. ▪ In instances where a person holds a driving permit for more than twelve (12) months and accumulates within a three (3) year period, the following will apply: <ul style="list-style-type: none"> ○ ten or more but less than fourteen demerit points, the Licensing Authority shall disqualify that person from holding or obtaining a driving permit for a period of six months; ○ fourteen or more but less than twenty demerit points, the Licensing Authority shall disqualify that person from holding or obtaining a driving permit for a period of one year; or ○ twenty or more demerit points, the Licensing Authority shall disqualify that person from holding or obtaining a driving permit for a period of two years [Section 88M (2)]. ▪ The Licensing Authority shall notify a person of its intention to disqualify pursuant to Section 88M(2). ▪ Furthermore, the Licensing Authority is required to specify a period of not less than fourteen (14) days after the date of the notice where suspension will occur. ▪ At this time, the person is still given an opportunity to show just cause why he should be disqualified. ▪ Expungement of Demerit Points When the period of disqualification expires, all demerit points recorded against the driving permit record of the person shall be expunged. [Section 88 M(8)] ▪ Right of Appeal: A person who is disqualified from holding or obtaining a driving permit under this section may, within fourteen days of the receipt of the notice under subsection (4), appeal to a Court of competent jurisdiction against that decision and the decision of that Court shall be final. |
| <p>88N</p> | <p>Reissue of a Driving Permit</p> <ul style="list-style-type: none"> ▪ A person is barred from applying the Licensing Authority to have his permit reissued unless the period of disqualification has expired or is removed under section 88M(8). ▪ Reissuance of a Permit: To be reissued a permit after the expiration of the period of disqualification, the person disqualified would be required to: <ul style="list-style-type: none"> ○ participate in a driver’s rehabilitation programme approved by the Licensing Authority; ○ pass a driving test; and ○ pay the prescribed fee for the re-issue of the driving permit. |
| <p>88O</p> | <p>Demerit Point to be Expunged after three (3) years</p> |

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| | Where demerit points have been recorded against the driving permit record of a person and three continuous years have elapsed without additional demerit points being recorded, the demerit points recorded against that person's driving permit record shall be expunged. |
| 88P | <p>Double Demerit Points</p> <ul style="list-style-type: none"> ▪ The Minister may from time to time by Order: <ul style="list-style-type: none"> ○ prescribe the traffic violations specified in the First Column of the Ninth Schedule that will carry double demerit points; and ○ the period during which the imposition of the double demerit points. ▪ Section 88P details the method of publication of the order and defines the prescribed period. |
| 88Q | <p>Fraudulent Application for a Driving Permit</p> <ul style="list-style-type: none"> ▪ If any person who has been refused a permit applies for or obtains a permit without disclosing such refusal, he is liable to a fine of ten thousand dollars (\$10,000.00) and imprisonment for one year. |

ADDITIONAL AMENDMENTS

32. There are a number of additional amendments proposed to the Act:

i. **Section 10A (3) of the Act:**

Increase in the penalty from three hundred dollars (\$300.00) or to imprisonment for **six (6) months to ten thousand dollars (\$10,000.00) and imprisonment for one (1) year** for any driver who:

- fails to comply with the directions given by a Traffic Warden while on duty;
- obstructs a Traffic Warden in the execution of his duty, or aids or incites any other person not to comply with the directions of a Traffic Warden or to obstruct a Traffic Warden in the execution of his duty (See Clause 6 of the Bill).

ii. **Section 70**

- Currently Section 70 (1) of the Act provides for an offence for driving under the influence of drink or drug. The proposed amendment to Section 70(1) will see the deletion of the words “drink or” and thus will make Section 70 applicable to drugs only.
- The second amendment proposes to include a definition for drug in a new subsection 5 (**Clause 28** of the Bill).

iii. **Section 72**

- Section 72 of the Act creates the offence of careless driving. **Clause 29** of the Bill proposes to insert the words “on summary conviction” after the word “liable”.

- It will now read “Any person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road, is liable **on summary conviction** to a fine of one thousand dollars...”.
- iv. **Section 75**
- Section 75 of the Act creates the offence of interfering with a motor vehicle. **Clause 30** of the Bill proposes to insert the words “and is liable on summary conviction to a fine of five thousand dollars and imprisonment for nine months” after the word “offence”.
 - As such the Section will now read “Any person who, without the knowledge or permission of the owner...in any way interferes with ... a motor vehicle while the vehicle is on a road or parking place, is guilty of an offence **and is liable on summary conviction to a fine of five thousand dollars and imprisonment for nine months;...**”
- v. **Section 79**
- Section 79 details the circumstances under which driver of a vehicle shall immediately stop and give aid and report. Subsection (2) states that any person who contravenes this section is guilty of an offence.
 - **Clause 33** proposes that subsection (2) will now read:
“Any person who contravenes this section is guilty of an offence and is liable to a fine of five thousand dollars and imprisonment for nine months.
- vi. **Section 93 (1)**
- **Section 93 (1)** states that any driver or conductor of a motor vehicle who commits an offence under this Act or any Regulations made thereunder and refuses to give his name and address or gives a false name or address is guilty of an offence.
 - **Clause 37** proposes to amend Section 93 (1) by inserting the words “a traffic violation” after the word commits.
- vii. **Section 94**
- Section 94** deals with for giving false information in connection with application for motor vehicle licence, registration etc. **Clause 38** of the Bill proposes to delete the words “and to imprisonment for six months”. This will effectively mean that anyone who contravenes Section 94 will face a fine of two thousand dollars (\$2,000.00).
- viii. **Section 96 (1)**

Section 96 governs the liability of a driver and the person in charge of a vehicle. **Clause 39** of the Bill proposes the deletion of the words “is guilty of an offence unless the offence” and substituting the words “or traffic violation is liable unless the offence or traffic violation”.

ix. **Section 97(2)**

- Section 97 deals with the power of Licensing Authority or a constable to require a motor vehicle that is licensed by its maximum gross weight to proceed to the nearest weighbridge.
- Subsection (2) creates the offence of failure to comply with a request to proceed to nearest weighbridge. **Clause 40** of the Bill proposes to delete the words “is guilty of an offence and” from subsection (2).
- It will now read “Any person who fails to comply with a request to proceed to the nearest weighbridge as aforesaid ~~is guilty of an offence and~~ may be arrested forthwith without a warrant...”.

x. **Section 98 (1)**

- Section 98 provides for the recovery of damage caused to any road or bridge. **Clause 41** of the Bill proposes to amend subsection (1) by inserting the words “or traffic violation” after the word “offence”.
- This amendment will allow the Licensing Authority an easier means of recovering from the owner of a motor vehicle the estimated or actual cost to repair the bridge/roadway.

xi. **Section 106**

Clause 42 of the Bill proposes to insert the words “of fifteen hundred dollars for each traffic violation and a fine” after the word “fine”. As such it will now read: “Regulations under sections 100, 102, 103 and 104 may contain provisions for imposing on any person contravening the Regulations a fine **of fifteen hundred dollars for each traffic violation and a fine** recoverable on summary conviction of fifteen hundred dollars or imprisonment for three months for each offence.”

xii. **Section 111**

- Section 111 provides for the Licensing Authority to prepare a Highway Code comprising such directions as appear to him to be proper for the guidance of persons using roads.
- **Clause 45** of the Bill proposes to delete the word “criminal” wherever they appear in Section 111 (4).
- As such, subsection (4) will now read ‘A failure on the part of any person to observe any provision of the Highway Code shall not of itself render that

person liable to ~~criminal~~ proceedings of any kind, but any such failure may in any proceedings (whether civil or ~~criminal~~, and including proceedings for an offence under this Act) be relied upon by any party...”.

Key Features of the Schedules

33. **Clause 47** of the Bill proposes to insert three new Schedules:

- Seventh Schedule
- Eighth Schedule; and
- Ninth Schedule:

SEVENTH SCHEDULE

34. The proposed Seventh Schedule will list the conditions which constitute a traffic violation in accordance with Section 20B.

| Section | Condition |
|---------|--|
| 15(2) | Notification of destroyed or permanently unserviceable vehicles or vehicles that have been removed from Trinidad and Tobago. |
| 19(6) | Registration of transfer within fourteen days of change of possession of a vehicle. |
| 21 | Vehicle to be used in compliance with its registration. |
| 23(1B) | Windscreen or window of motor vehicle not to obscure view of inside of the vehicle from outside. |
| 43B(2) | Motor vehicle to be fitted with seatbelts. |
| 43D | Children under the age of five years to be properly restrained in motor vehicle. |
| 46 | Instructor to be holder of valid driving permit and give instructions to persons with a valid provisional permit. |
| 48 | Person to be physically fit to be the holder of a driving permit. |
| 56 | Person driving to be in possession of his driving permit while driving. |
| 56A | Holder of driving permit from another country to have his travel document showing date of arrival while driving. |
| 62 | Driving within prescribed speed limits. |
| 63 | Take part in race or trial of speed with written permission of the Commissioner of Police. |
| 64 | Comply with traffic signs. |

| | |
|-----------------|---|
| 65 | Comply with Orders of the Minister in respect of one-way roads and parking of motor vehicles. |
| 66 | Comply with traffic direction. |
| 66A | Comply with traffic light signal. |
| 67 | Comply with experimental traffic schemes. |
| 68 | Comply with Orders of the Commissioner of Police in respect of the prohibition or restriction of traffic on roads. |
| 77 | Person on motorcycle not to ride abreast of each other, not to hold on to another moving vehicle and not to carry unauthorized persons. |
| 78 | Driver not to distribute or allow the distribution of advertisements from a moving vehicle. |
| 107 | Person not to park in space adjoining or attached to a public building unless granted permission. |
| 108(1)(a) | Remove vehicle parked in contravention of Act at the direction of police officer. |
| Fourth Schedule | Pay required motor vehicle tax. |

EIGHTH SCHEDULE

35. The **Eighth Schedule** will list the public bodies which are allowed to issue fixed penalty notices. They include:

- **Airport Authority**
- **Public Transport Service Corporation**
- **The Chaguaramas Development Authority**
- **The National Hospital Management Company Limited**

36. It should be noted that the list of public bodies in proposed Eighth Schedule of the Act is currently found in the Second Schedule of the Enforcement and Administration Act.

NINTH SCHEDULE

37. The proposed Ninth Schedule lists a total of one hundred (100) offences for which fixed penalty notices may be issued.

38. Furthermore, the Ninth Schedule lists the corresponding demerit points which will be issued against a driving permit if contravened.

39. The following some notable changes in the proposed **Ninth Schedule**.

| No. | Enforcement and Administration Act | The Bill | | |
|-----|--|---|----------------------|-----------------------|
| 1. | Offence: Exceeding the speed limit (Section 62 (1)) Fixed Penalty: \$1000.000 Penalty Points: 30 | Offence | Fixed Penalty | Demerit Points |
| | | Exceeding the specified speed limit By 1 to 9 km per hour | \$1000.00 | 0 |
| | | Exceeding the specified speed limit By 10 to 20 km per hour | 1,500.00 | 2 |
| | | Exceeding the specified speed limit by 21 to 30 km per hour | \$2,000.00 | 4 |
| | | Exceeding the specified speed limit by 31 or more km per hour | \$3,000.00 | 6 |
| 2. | Offence: Failing to comply with a traffic sign (excluding an electric traffic signal) or notice authorised by the Licensing Authority or Commissioner of Police, respectively [Section 66 (b)] Fixed Penalty: \$1,000.00 Penalty Points: 30 | Offence: Failing to comply with a traffic sign or notice authorised by the Licensing Authority or Commissioner of Police respectively (Section 66 (b)). Fixed Penalty: \$1,000.00 Demerit Points: 3 | | |
| 3. | Offence: Failing to comply with an electric automatic signal (traffic light) Section 66(b) Fixed Penalty: \$1,000.00 Penalty Points: 30 | Offence: Failing to comply with a traffic light signal (Section 66A). Fixed Penalty: \$1,000.00 Demerit Points: 3 | | |
| 4. | - | Offence: Failing to comply with a traffic light signal captured under Part VA [Section 66A] ⁶ . Fixed Penalty: \$1,000.00 Demerit Points: none | | |
| 5. | Offence: Failing to draw up vehicles for passage of fire [Regulation 38, Rule 19 ⁷] Fixed Penalty: \$1,000.00 Penalty Points: 30 | Offence: Failing to draw up vehicle for passage of any engine or other apparatus of the Fire Services, Police Vehicles, Defence Force Vehicles or Ambulances [Regulation 38, Rule 19]. Fixed Penalty: \$1,000.00 Demerit Points: 6 | | |

⁶ This offence specifically provides for breach of the red light camera system.

⁷ Motor Vehicles and Road Traffic Regulations

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|-----|---|--|
| 6. | - | Offence: Driving while disqualified from holding or obtaining a driving permit [Section 42]. Fixed Penalty: none Demerit Points: 14 |
| 7. | - | Offence: Offences of driving instructors (Section 46) Fixed Penalty: \$2,000.00 Demerit Points: 12 |
| 8. | - | Offence: Traffic Signs [Section 64] Fixed Penalty: \$1,000.00 Demerit Points: 6 |
| 9. | - | Offence: Driving when under the influence of drug (Section 70) Fixed Penalty: none Demerit Points: 9 |
| 10. | - | Offence: Driving or being in charge of a vehicle while blood alcohol levels exceed prescribed limit (Section 70A) Fixed Penalty: none Demerit Points: 9 |
| 11. | - | Offence: Failure to provide a specimen or breath or blood (Section 70B) Fixed Penalty: none Demerit Points: 14 |
| 12. | - | Offence: Failure to submit breath analysis or wilful alteration of concentration of alcohol in his breath (Section 70C). Fixed Penalty: none Demerit Points: 14 |
| 13. | - | Offence: Careless driving (Section 72) Fixed Penalty: \$1,000.00 Demerit Points : 6 |
| 14. | - | Offence: Failing to observe restrictions on pedestrian crossings (Regulation 16, 17 and 18) Fixed Penalty: \$500.00 Demerit Points: none |
| 15. | - | Offence: Failure to produce a vehicle for inspection/Driving a vehicle without a valid inspection sticker and certificate [Regulation 27 (11)] |

| | | |
|--|--|--|
| | | Fixed Penalty: \$1,000.00 Demerit Points: 9 |
|--|--|--|

Amendments of Subsidiary Legislation

40. **Clause 49** of the Bill proposes to amend a number of pieces of subsidiary legislation made pursuant to the Act. They include:

| Subsidiary Legislation | |
|---|---|
| <ul style="list-style-type: none"> ▪ The Motor Vehicles and Road Traffic Regulations ▪ The Road Traffic (Prohibited Parking) Order ▪ Miscellaneous Roads (Unilateral Parking) Order ▪ Miscellaneous Roads (Unilateral Alternate Parking) Order ▪ Private Motor Cars (Parking Places) Order ▪ Public Stands (Taxis) Parking Order ▪ Public Stands (Motor Omnibuses) Parking Order ▪ Goods Vehicles Stands Parking Order ▪ Parking on Dual Carriage-ways Order ▪ Queen’s Park Savannah Parking Order ▪ Independence Square (Parking of Vehicles) Order ▪ South Quay (Parking of Vehicles) Order ▪ Queen’s Park Savannah Parking Order ▪ Independence Square (Parking of Vehicles) Order ▪ South Quay (Parking of Vehicles) Order ▪ Broadway (Parking of Vehicles) Order | <ul style="list-style-type: none"> ▪ One-way Traffic Order ▪ Eastern Main Road Traffic Order ▪ Beetham Highway Order ▪ Public Stand (Maxi-Taxi) Parking Order ▪ Traffic Control Taxi Stand Location Order ▪ Port-of-Spain Transit Centre (Taxi Stand) Order ▪ Port-of-Spain Transit Centre (Public Service Vehicle Station) Regulations ▪ Priority Bus Route (Traffic Control) Order ▪ Priority Bus Route (Special Roads Toll) Regulations ▪ Motor Vehicles and Road Traffic (Mobile Devices) Regulations |

Comparative Legislation

RED LIGHT CAMERA SYSTEM

SOUTH AUSTRALIA - THE ROAD TRAFFIC ACT, 1961

41. **Section 79B of the Road Traffic Act**⁸ states a red light offence “means a prescribed offence relating to traffic lights, traffic arrows or twin red lights defined by the regulations as a red light offence;”.

42. **Section 79 B (2)** provides that “where a vehicle appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a Prescribed offence, the owner of the vehicle is guilty of an offence against this section...”

⁸ Road Traffic Act, 1961. Accessed 13Mar2017.

<https://www.legislation.sa.gov.au/LZ/C/A/ROAD%20TRAFFIC%20ACT%201961/CURRENT/1961.50.UN.PDF>

43. **Section 79B (10)-Road Traffic Act 1961** provides for the admissibility of photographic evidence in prosecuting such an offence. The legislation limits certification to the **Commissioner of Police** or any other **police officer of and above the rank of inspector**.

ONATARIO, CANADA - THE HIGHWAY TRAFFIC ACT, R.S.O 1990

44. **Section 144 (18)** of the **Highway Traffic Act**⁹, provides that “Every driver approaching a traffic control signal showing a circular red indication and facing the indication shall stop his or her vehicle and shall not proceed until a green indication is shown.”.
45. **Section 134 (6)** states that the Minister is empowered to make regulations for the posting of signs as well as the placement of traffic control devices and prescribing the type of signs and traffic control devices.

Certification of a Photograph

46. Section 205.15 (3) provides
 “A photograph that purports to be certified by a provincial offences officer as having been obtained through the use of a red light camera system shall be received in evidence as proof, in the absence of evidence to the contrary, that the photograph was obtained through the use of a red light camera system

DEMERIT POINTS SYSTEM

DEMERIT POINTS SYSTEM- NEW ZEALAND, BARBADOS AND IRELAND

| NEW ZEALAND Land Transport Act, 1998 ¹⁰ | BARBADOS Road Traffic Act Chapter 295 | IRELAND Road Traffic Act, 2010 ¹¹ |
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| Drivers | | |
| <ul style="list-style-type: none"> ▪ No distinction between new drivers and fully licensed drivers. ▪ Sec 90 (1) provides if in any 2-year period, a person has accumulated a total of 100 or more demerit points, the license shall be suspended for a period of 3 months or, if longer than 3 months, the | <ul style="list-style-type: none"> ▪ No distinction between new drivers and fully licensed drivers. ▪ Section 79 (10) states if within a period of 1 year a total number of 14 or more demerit points have accumulated in the record of any person, the Licensing Authority shall suspend the | <p style="text-align: center;">Fully licensed Drivers</p> <ul style="list-style-type: none"> ▪ Section 64(2) of the Road Traffic Act, 2010 states where penalty points are endorsed on the entry of a person and, in consequence, the total number of penalty points standing so endorsed equals or exceeds 12, the person shall stand disqualified for a period |

⁹ Highway Traffic Act, <https://www.ontario.ca/laws/statute/90h08?search=highway+traffic#BK337>

¹⁰ Land Transport Act, 1998. Accessed 13Mar2017.

<http://www.legislation.govt.nz/act/public/1998/0110/latest/whole.html#DLM433613>

¹¹ Road Traffic Act, 2010. Accessed 13Mar2017. <http://www.irishstatutebook.ie/eli/2010/act/25/enacted/en/pdf>

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| <p>period calculated based on the number of demerit points stipulated for that offence.</p> | <p>driving licence of that person for a period of 6 months.</p> <ul style="list-style-type: none"> ▪ Further, if in a period exceeding 1 year, a total number of 18 or more demerit points have accumulated in the record of a person, the Licensing Authority shall suspend the driving licence of that person for a period of 3 months. | <p>of 6 months beginning on the appropriate date for holding a licence and a licence held by him or her at the beginning of the period shall stand suspended accordingly.</p> <p style="text-align: center;">New Drivers</p> <ul style="list-style-type: none"> ▪ In the case of a person who at the time such points are endorsed is a learner driver or a novice driver, equals or exceeds 7, the person shall stand disqualified for a period of 6 months. |
| <p>Warning Notice to Drivers</p> | | |
| <ul style="list-style-type: none"> ➤ Section 89(1) states if 50 or more demerit points have been recorded against a person, the Agency must, when reasonably practicable, send that person a notice in writing telling the person; <ul style="list-style-type: none"> (a) the number of demerit points recorded against that person; and (b) the consequences of further demerit points being recorded against that person. | <ul style="list-style-type: none"> ▪ Section 79(6) states that where a total number of more than 10 but less than 14 demerit points has accumulated in the record of any person, the Licensing Authority shall cause a notice to be sent to that person informing him of the number of demerit points accumulated. | <ul style="list-style-type: none"> ▪ Section (5) of the Road Traffic Act, 2000 states that when penalty points are endorsed on the entry of a person, the Minister shall, as soon as may be thereafter, cause a notice to be given or sent, by post or otherwise, to the person. |
| <p>Duration and Expungement of Points</p> | | |
| <ul style="list-style-type: none"> ▪ Section 91 (1) provides that after two (2) years have elapsed since the commission of an offence in respect of which demerit points were recorded, the entry of the points made in respect of that offence ceases to have effect in relation to the person who committed that offence; but if demerit points were recorded in respect of 2 or | <ul style="list-style-type: none"> ▪ Section 79(4) provides where a period of 3 years has elapsed after the entry of demerit points on the record of a person, the Licensing Authority shall cause those points to be expunged from the record if no further demerit points have been recorded against him during that period. | <ul style="list-style-type: none"> ▪ Section 3(2) of the Road Traffic Act, 2000 provides that at the end of a period of disqualification, the Minister; <ul style="list-style-type: none"> (A) shall cause to be removed from the entry concerned penalty points standing endorsed on it on the date of the notice under section 5 relating to the disqualification, and |

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| <p>more offences committed by that person, the entry ceases to have effect when 2 years have elapsed since the commission of the most recent of those offences.</p> <ul style="list-style-type: none"> ▪ Further, the Agency must cancel all demerit points for the time being recorded against a person if a court disqualifies the person from holding or obtaining a driver licence for a period of 6 months or more. | | <p>(B) shall cause a notice to be given or sent, by post or otherwise, to the person to whom the entry relates indicating the particulars of the penalty points to be removed.</p> |
| Simultaneous Multiple Offences | | |
| <ul style="list-style-type: none"> ▪ Section 88 (3) stipulates that if a person is convicted of 2 or more offences arising out of the same set of circumstances; <ul style="list-style-type: none"> (a) demerit points must be recorded in relation to 1 offence only; and (b) If those offences do not carry the same number of points, points must be recorded for the offence or one of the offences that carries the greatest number of points. | <ul style="list-style-type: none"> ▪ Section 79(3) provides where a person is convicted of 2 or more offences arising out of the same circumstances, the demerit points to be recorded are those relating to the offence in respect of which the greatest number of demerit points is imposed, but where equal demerit points are imposed for a number of offences, demerit points for 2 convictions only are to be recorded. | <ul style="list-style-type: none"> ▪ Section 2(3) of the Road Traffic Act, 2002 states whether on the same occasion or not if a person makes 2 or more payments in respect of alleged penalty point offences committed on the same occasion, or is convicted of 2 or more penalty point offences committed on the same occasion, penalty points in respect of one only of the alleged offences or offences, determined, where appropriate, shall be endorsed on the entry relating to the person. |
| Rehabilitative Approach | | |
| <p>Section (93) states a person whose driver licence has been suspended is disqualified from holding or obtaining a driver licence until such time as he or she passes the approved tests and examinations.</p> <p>Further, if a person passes the approved tests and examinations, the Agency may issue a new licence to have effect</p> | <ul style="list-style-type: none"> ▪ 79 (7) provides that where a total number of 14 or more but less than 18 demerit points has accumulated in the record of a person, the Licensing Authority may require that person, to appear before him for an interview and furnish such information, evidence or material as is required to show cause why his driving | |

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| <p>in place of the suspended licence or endorse the suspended licence.</p> | <p>license should not be suspended.</p> <ul style="list-style-type: none"> ▪ In addition, the Licensing Authority may suspend the driving licence of any person for such period as it thinks reasonable if he is of the opinion that that person has failed to show cause why his driving licence should not be suspended. | |
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Legislation Mentioned in the Bill

- Interpretation Act, Chap. 3:01
http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/3.01.pdf
- Motor Vehicles and Road Traffic Act, Chap. 48:50
http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/48.50.pdf
- Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Chap. 48:52
http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/48.52.pdf
- Summary Courts Act, Chap. 4:20
http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/4.20.pdf

Reference Materials

- Glossary of Parliamentary Terms
<http://www.ttparliament.org/about.php?mid=42>
- Government Information Services Limited Website
<http://www.news.gov.tt>
- Automated enforcement systems have reduced red-light violations by 20 to 60 percent and crashes by 22 to 51 percent.
<http://www.itsbenefits.its.dot.gov/its/benecost.nsf/5c36f979ce2c926a852569bc006c5713/4dc18000ea43cd88852569ca005c1592?OpenDocument>
- An Evaluation of the Effectiveness of Red Light Cameras at Signalised Intersections
abstracts.aetransport.org/paper/download/id/1391
- Evaluating The Effectiveness Of Red Light Running Camera Enforcement In Cedar Rapids And Developing Guidelines For Selection And Use Of Red Light Running Countermeasures
http://www.intrans.iastate.edu/reports/rlr_iii_w_cvr.pdf

- Effectiveness of Red Light Cameras
<https://tti.tamu.edu/group/stsc/files/2011/03/Red-light-camera-effectiveness-070610-w-Garland-correction1.pdf>
- Policy for Amending the Legislative Framework Governing the Fixed Penalty Traffic Ticketing System and The Introduction of a Demerit Points System in Trinidad and Tobago
<http://www.mowt.gov.tt/documents/fixedpenaltypolicy.pdf>



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Kindly note that this information is provided to Members of Parliament in support of their parliamentary duties and is not intended to address the specific circumstances of any particular individual.