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Second Session Eleventh Parliament Republic of
Trinidad and Tobago

SENATE

BILL

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 red-light camera system, a demerit points system and the reform of the fixed penalty system and related legal proceedings and other related matters

THE MOTOR VEHICLES AND ROAD TRAFFIC
(AMENDMENT) BILL, 2017

Explanatory Notes

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

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

Clause 1 provides for the short title.

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

Clause 3 would define certain terms used in the Bill.

Clause 4 would amend section 2 of the Act by inserting definitions for “emergency vehicle”, “traffic light signal” and “traffic violation”.

Clause 5 would provide that section 64 of the Interpretation Act would not apply to traffic violations.

Clause 6 would amend section 10A of the Act by increasing the penalty for failing to comply with the directions of, or obstructing a Traffic Warden.

Clause 7 would amend section 15 of the Act by making failing to provide notification of a destroyed or permanently unserviceable vehicle a traffic violation.

Clause 8 would amend section 19 of the Act by making failing to register the transfer of a vehicle a traffic violation.

Clause 9 would amend the Act by inserting a new Part IIA to provide for traffic violations. This new Part would specify that compliance with the Act is a condition of a driving permit and the registration of a motor vehicle. It would also provide that a breach of a condition, as contained in the Schedule, would constitute a traffic violation and that in proceedings for a traffic violation, the standard of proof shall be on a balance of probabilities.

Clause 10 would amend section 21 of the Act by repealing subsections (2) and (5).

Clause 11 would amend section 23 of the Act to make the obscuring of the inside of a vehicle through the windshield or windows a traffic violation.

Clause 12 would amend section 42 of the Act by increasing the penalties for driving, having never been issued with a driving permit.

Clause 13 would amend section 43B of the Act to make driving without a seatbelt a traffic violation.

Clause 14 would amend section 43D of the Act to make driving with a child, under the age of five years, without a car seat a traffic violation.

Clause 15 would amend section 46 of the Act to make giving instructions without a driving permit and a provisional permit a traffic violation.

Clause 16 would amend section 48 of the Act to make the issue of a driving permit to a person who is not physically fit a traffic violation.

Clause 17 would amend section 56 of the Act to make driving without a permit a traffic violation.

Clause 18 would amend section 56A of the Act to make driving without relevant travel documents, where a driving permit is issued outside Trinidad and Tobago, a traffic violation.

Clause 19 would amend section 61 of the Act to extend the power of the Licensing Authority to refuse to issue a driving permit to a person who has committed a traffic violation.

Clause 20 would amend section 62 of the Act to make driving in excess of the speed limit a traffic violation.

Clause 21 would amend section 63 of the Act to make taking part in a race or speed trial, without the consent of the Commissioner of Police, a traffic violation.

Clause 22 would amend section 64 of the Act to make failing to comply with a traffic sign, other than a traffic light, a traffic violation. This clause would also provide that section 64 of the Act would not apply to any person riding or driving an animal.

Clause 23 would amend section 65 of the Act to make failing to comply with an Order made by the Minister a traffic violation.

Clause 24 would amend section 66 of the Act to make failing to comply with the directions of a police officer or a traffic sign, other than a traffic light, a traffic violation.

Clause 25 would amend the Act to insert a new section 66A to provide for the failure to comply with a traffic light which is to be a traffic violation.

Clause 26 would amend section 67 of the Act to make failing to comply with Regulations made by the Commissioner of Police a traffic violation.

Clause 27 would amend section 68 of the Act to make failing to comply with an Order made by the Commissioner of Police a traffic violation.

Clause 28 would amend section 70 of the Act to remove driving under the influence of drink as an offence. This clause would also seek to include a definition for the term “drug”.

Clause 29 would amend section 72 of the Act to specify that careless driving is an offence.

Clause 30 would amend section 75 of the Act to provide a penalty for the offence of interfering with a motor vehicle without permission.

Clause 31 would amend section 77 of the Act to provide that the breaches of the restrictions on cyclists would be a traffic violation.

Clause 32 would amend section 78 of the Act to specify that distribution of articles from a vehicle on the road is an offence.

Clause 33 would amend section 79 of the Act to provide a penalty for the offence of failing to stop and give aid and report an accident.

Clause 34 would amend the Act by inserting a new Part VA to provide for red-light camera system. The new Part VA would provide for the approval of red-light cameras by the Minister by Order, the creation of an offence as it relates to interfering with a red-light camera, the deeming of the owner of a motor vehicle liable for the breach of a red light, that the image and video recording captured by a red-light camera to be evidence of the breach, that the Citation Notice is to be served on owner(s) of the motor vehicle,

providing details of the breach of the red light and the options available to the owner, that is, payment of the fixed penalty or filing of a Notice to Contest in order to have a hearing before a Court, that the service of the Citation Notice on the owner(s) via personal delivery, leaving or affixing it, normal post or registered post, and in cases where the owner(s)'s residence is unknown, via publication in a daily newspaper or electronic transmission through e-mail, that a Notice to Contest can only be filed in one of two circumstances, namely, the motor vehicle captured by the camera is not his or was stolen, that the documents relating to the breach of the red light is to be sent to the Court which is to be sufficient evidence for the Court to proceed, that the certificate of an Inspection Officer and the Commissioner of Police are to be *prima facie* evidence, and that the Court is not to require the presence of a complainant when dealing with a breach of a redlight, captured by a red-light camera.

Clause 35 would repeal Part VI of the Act and substitute a new Part VI to provide for the enforcement and administration of the fixed penalty system and to establish a new demerit point system. The new Part VI would include that payment of fixed penalties to be made to payees, other than the Court, and these payees are to be prescribed by the Minister, by Order, where a person is desirous of contesting a fixed penalty notice, he is to be required to file a Notice to Contest with a payee, the Court may proceed *ex parte* when a Notice to Contest is filed and the person who filed same does not appear on the appointed date and at the appointed time, where a person does not pay the fixed penalty and does not file a Notice to Contest, the Licensing Authority would be empowered to cease transactions with that person or with his vehicle until the fixed penalty and either one-quarter or one-half is paid, and a person would be given the opportunity to be heard by the Licensing Authority before it takes any action with respect to the ceasing of transactions.

With respect to the demerit point system, the new Part VI would also provide for the establishment of a demerit points register, the assignment of demerit points to various offences and violations under the Act, the provision for higher demerit points to be attached where more than one traffic violation is committed, the accumulation of at least seven demerit points in a year to result in the disqualification from holding or obtaining a driving permit for one year, that a driving permit to be re-issued after disqualification upon the person participating in a driver's rehabilitation programme, passing a driving test and paying the prescribed fees, the expunging of demerit points after three years, and empower the Minister to double the assigned demerit points for certain violations during a particular prescribed period, not exceeding ten days.

Clause 36 would amend section 91 of the Act to ensure that general penalties, which are not provided in the Act, would not include imprisonment.

Clause 37 would amend section 93 of the Act to extend the section so that it would apply to traffic violations as well as offences.

Clause 38 would amend section 94 of the Act to make providing false information a traffic violation.

Clause 39 would amend section 96 of the Act to extend the section so that it would apply to traffic violations as well as offences.

Clause 40 would amend section 97 of the Act to make failing to comply with the direction to proceed to have a motor vehicle or trailer weighed a traffic violation.

Clause 41 would amend section 98 to extend the section so that it would apply to traffic violations as well as offences.

Clause 42 would amend section 106 of the Act to extend the section so that it would apply to traffic violations as well as offences.

Clause 43 would amend section 107 of the Act to make parking in a space adjoining a public building without permission a traffic violation.

Clause 44 would amend section 108 of the Act to make failing to comply with a police officer's instructions to move an illegally parked vehicle a traffic violation.

Clause 45 would amend section 111 of the Act to make the section applicable to both offences and traffic violations.

Clause 46 would amend the Fourth Schedule of the Act to make failing to pay relevant motor vehicle tax a traffic violation.

Clause 47 would amend the Act by inserting three new Schedules in the Act. The new Seventh Schedule would list the conditions of the Act that would result in a traffic violation if breached. The new Eighth Schedule would list the Public Bodies that would be allowed to issue fixed penalty notices. The new Ninth Schedule would specify the fixed penalties and demerit points that are to be attached to certain offences and traffic violations under the Act.

Clause 48 would repeal the Motor Vehicles and Road Traffic (Enforcement and Administration) Act.

Clause 49 would provide for a Schedule to the Bill which would set out consequential amendments that are to be made to certain subsidiary legislation made under the Act.

THE MOTOR VEHICLES AND ROAD TRAFFIC
(AMENDMENT) BILL, 2017

Arrangement of Clauses

PART I
PRELIMINARY

Clause

1. Short title
2. Commencement
3. Interpretation
4. Section 2 amended
5. New section 2A inserted
6. Section 10A amended
7. Section 15 amended
8. Section 19 amended
9. New Part IIA inserted
10. Section 21 amended
11. Section 23 amended
12. Section 42 amended
13. Section 43B amended
14. Section 43D amended
15. Section 46 amended
16. Section 48 amended
17. Section 56 amended
18. Section 56A amended
19. Section 61 amended
20. Section 62 amended
21. Section 63 amended
22. Section 64 amended
23. Section 65 amended
24. Section 66 amended

25. New section 66A inserted
26. Section 67 amended
27. Section 68 amended
28. Section 70 amended
29. Section 72 amended
30. Section 75 amended
31. Section 77 amended
32. Section 78 amended
33. Section 79 amended
34. New Part VA inserted
35. Part VI repealed
36. Section 91 amended
37. Section 93 amended
38. Section 94 amended
39. Section 96 amended
40. Section 97 amended
41. Section 98 amended
42. Section 106 amended
43. Section 107 amended
44. Section 108 amended
45. Section 111 amended
46. Fourth Schedule amended
47. Seventh, Eighth and Ninth Schedules inserted
48. Chap. 48:52 repealed
49. Subsidiary legislation amended Schedule

SCHEDULE

BILL

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 red-light camera system, a demerit points system and the reform of the fixed penalty system and related legal proceedings and other related matters

[, 2017]

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

Short title **1.** This Act may be cited as the Motor Vehicles and Road Traffic (Miscellaneous) (Amendment) Act, 2017.

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

Interpretation
Chap. 48:50 **3.** In this Act, “the Act” means the Motor Vehicles and Road Traffic Act.

Section 2 amended **4.** Section 2 of the Act is amended by inserting in the appropriate alphabetical order, the following definitions:

“emergency vehicle” means—

(a) a vehicle being used by a member of the Police Service, Prison Service or Defence Force; or

(b) an ambulance being operated,

in an emergency situation while sounding its siren or other warning instrument approved by the Licensing Authority;

“traffic light signal” means an electronic or automated device installed for the purpose of controlling vehicular traffic and showing red, amber and green light signals; and

“traffic violation” shall be construed in accordance with section 20B;”.

New section 2A inserted **5.** The Act is amended by inserting after section 2, the following new section:

“Non-application of section 64 of Interpretation Act Chap. 3:01 **2A.** Section 64 of the Interpretation Act does not apply to a traffic violation.”.

6. Section 10A(3) of the Act is amended by deleting Section 10A amended the words “three hundred dollars or to imprisonment for six months” and substituting the words “ten thousand dollars and imprisonment for one year”.

7. Section 15 of the Act is amended— Section 15 amended

(a) in subsection (2), by deleting the words “commits an offence” and substituting the words “is liable to a fine of three thousand dollars”; and

(b) by repealing subsection (3).

8. Section 19(6) of the Act is amended by deleting the Section 19 amended words “is guilty of an offence and is liable upon summary conviction to a fine of five thousand dollars and imprisonment for six months” and substituting the words “is liable to a fine of five thousand dollars”.

9. The Act is amended by inserting after section 20 New Part IIA inserted the following new Part:

“PART IIA

TRAFFIC VIOLATIONS

Conditions of permit and registration 20A. (1) It is hereby declared that compliance with this Act and other written laws relating to the use of a vehicle on a road by the holder of a driving permit is a condition of the driving permit.

(2) It is hereby declared that compliance with this Act and other written laws relating to the use of a motor vehicle on a road is a condition of the registration of the motor vehicle under this Act and that, subject to the provisions of this Act and those written laws, 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.

Commission
of a traffic
violation

20B. 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.

Standard of
proof

20C. In proceedings for a traffic violation under this Act, the standard of proof shall be on a balance of probabilities.”.

Section 21 amended **10.** Section 21 of the Act is amended by repealing subsections (2) and (5).

Section 23 amended **11.** Section 23(1B) of the Act is amended by deleting the words “commits an offence and is liable on summary conviction to a fine of five thousand dollars” and substituting the words “is liable to a fine of five thousand dollars”.

Section 42 amended **12.** Section 42 of the Act is amended—

- (a) in subsection (1), by deleting the words “or imprisonment for six months” and the words “or imprisonment for one year”;
- (b) in subsection (3), by deleting the words “on conviction” and the words “upon conviction”; and
- (c) in subsection (6), by inserting after the words “liable for” the words “any traffic violation or for”.

Section 43B
amended

13. Section 43B(2) of the Act is amended by deleting the words “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” and substituting the words “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”.

14. Section 43D of the Act is amended—

Section 43D
amended

- (a) in subsection (4), by deleting the words “commits an offence and is liable on summary conviction to a fine of two thousand dollars” and substituting the words “is liable to a fine of two thousand dollars”; and
- (b) in subsection (5), by deleting the words “guilty of an offence” and substituting the word “liable”.

15. Section 46 of the Act is amended—

Section 46 amended

- (a) in subsection (1), by deleting 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”; and
- (b) by repealing subsection (2).

16. Section 48(9) of the Act is amended by deleting Section 48 amended
the words “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” and substituting the words “is liable to a fine of two hundred dollars and to a further fine of five dollars for each day that the traffic violation continues”.

17. Section 56(3) of the Act is amended by deleting Section 56 amended
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”.

18. Section 56A(5) of the Act is amended by deleting Section 56A
amended
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”.

Section 61 amended **19.** Section 61(2) of the Act is amended by inserting after the words “repeated offences” the words “or traffic violations”.

Section 62 amended **20.** Section 62 of the Act is amended—

(a) in subsection (6E)(a), by deleting subparagraph (ii) and substituting the following subparagraph:

“(ii) failed to comply with subsection (1)”;

(b) in subsection (6E)(b)(iii), by deleting the word “offence”, wherever it occurs, and substituting the words “traffic violation”;

(c) in subsection (6F)—

(i) by deleting the words “an offence under subsection (5)” and substituting the words “a traffic violation under this section”;

(ii) in paragraph (b), by deleting the words “the accused” and substituting the words “a person”;
and

(iii) in paragraph (d), by deleting the words “the accused” and substituting the words “the person”;

(d) in subsection (6G)—

(i) by deleting the words “an offence under subsection (5)” and substituting the words “a traffic violation under this section”;

(ii) in paragraph (a), by deleting the words “the accused” and substituting the words “a person”;
and

- (iii) in paragraph (b), by deleting the words “the accused” wherever it occurs and substituting the word “he”;
- (e) in subsection (6H), by deleting the words “an offence under subsection (5)” and substituting the words “a traffic violation under this section”;
- (f) in subsection (6I), by deleting the words “an offence under subsection (5)” and substituting the words “a traffic violation under this section”; and
- (g) in subsection (6J)—
 - (i) by deleting the words “an offence under subsection (5)” and substituting the words “a traffic violation under this section”; and
 - (ii) by deleting the words “the accused” and substituting the words “the person who was driving the motor vehicle”.

21. Section 63 of the Act is amended—

Section 63 amended

- (a) in subsection (1), by deleting the words “two thousand dollars and to imprisonment for six months” and substituting the words “six thousand dollars”; and
- (b) by repealing subsection (2).

22. Section 64 of the Act is amended—

Section 64 amended

- (a) in subsection (8), by—
 - (i) inserting after the words “traffic sign”, where they first occur, the words “, other than a traffic light signal”;

- (ii) deleting the words “or any person riding or driving any animal”;
- (iii) deleting the words “or animal” wherever they occur; and
- (iv) deleting the words “is guilty of an offence” and substituting the words “is liable to a fine of four thousand dollars”; and

(b) in subsection (9), by deleting the words “or to imprisonment for three months”.

Section 65 amended **23.** Section 65(2) of the Act is amended by deleting the words “or imprisonment for three months on summary conviction”.

Section 66 amended **24.** Section 66 of the Act is amended—

- (a) by inserting after the words “traffic sign”, the words “other than a traffic light signal”; and
- (b) by deleting 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” and substituting the words “is liable to a fine of two thousand dollars for the first traffic violation and to a fine of four thousand dollars for every traffic violation thereafter”.

New section 66A inserted

25. The Act is amended by inserting after section 66, the following new section:

“Failure to comply with a traffic light”
66A. (1) A person driving or propelling a vehicle, who fails to comply with the indication given by a traffic light signal is liable to a fine of five thousand dollars for the first traffic violation and a fine of seven thousand dollars for any subsequent traffic violation.

(2) This section does not apply to an emergency vehicle.”.

26. Section 67(3) of the Act is amended by deleting Section 67 amended the words “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” and substituting the words “is liable to a fine of seven hundred and fifty dollars for the first traffic violation and to a fine of one thousand dollars for every traffic violation thereafter”.

27. Section 68(7) of the Act is amended by deleting Section 68 amended the words “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” and substituting the words “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”.

28. Section 70 of the Act is amended— Section 70 amended

(a) in subsection (1), by deleting the words “drink or”; and

(b) by inserting after subsection (4), the following subsection:

“ (5) For the purposes of this section—
“drug” includes any intoxicant
other than alcohol.”.

29. Section 72 of the Act is amended by inserting after Section 72 amended the word “liable” the words “, on summary conviction,”.

30. Section 75 of the Act is amended by inserting after Section 75 amended the word “offence” the words “and is liable on summary conviction to a fine of five thousand dollars and imprisonment for nine months”.

Section 77 amended

31. Section 77 of the Act is amended—

- (a) in subsection (1), by deleting the word “convicted” and substituting the word “liable”; and
- (b) in subsection (4), by deleting the words “on first conviction to a fine of one thousand, two hundred and fifty dollars and on any subsequent conviction”.

Section 78 amended

32. Section 78 of the Act is amended—

- (a) in subsection (1), by deleting the words “to a fine of two thousand dollars and to imprisonment for two months” and substituting the words “on summary conviction to a fine of two thousand dollars”; and
- (b) by repealing subsection (2).

Section 79 amended

33. Section 79(2) of the Act is amended by inserting after the word “offence” the words “and is liable to a fine of five thousand dollars and imprisonment for nine months”.

New Part VA
inserted

34. The Act is amended by inserting after section 79, the following new Part:

“PART VA

RED-LIGHT CAMERA SYSTEM

Definitions

79A. For the purposes of this Part—

“Citation Notice” means the Notice prescribed by the Minister under section 79G;

Chap. 4:20

“Clerk” has the meaning assigned by the Summary Courts Act;

“Court” has the meaning assigned by the Summary Courts Act;

“fixed penalty” means the penalty prescribed under section 84;

“Inspection Officer” means a constable, Transport Officer or Traffic Warden certified by the Commissioner of Police as trained to analyse and certify the authenticity of photographic images or video recordings obtained with a red-light camera; and

“Notice to Contest” means a Notice requesting a hearing by a Court in respect of a traffic violation indicating that the owner wishes to contest responsibility for the payment of a fixed penalty as stated in the Citation Notice;

“red-light camera” means an electronic device, approved by the Minister under section 79B, for the purpose of capturing and producing photographic images and video recordings of traffic violations committed under section 66A.

Installation of red-light camera 79B. (1) The Licensing Authority may cause or permit a red-light camera to be installed on, or near any traffic light signal.

(2) The Minister may by Order approve the red-light camera for the purposes of this Part.

Unlawful interference 79C. A person who unlawfully interferes with a red-light camera or its proper functioning commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Owner
deemed
responsible

79D. (1) For the purposes of this Part, where a red-light camera captures a photographic image or video recording of a motor vehicle that fails to comply with the indication given by a red light of a traffic light signal in contravention of section 66A, the owner of the motor vehicle involved in the traffic violation shall be responsible for ensuring the payment of the fixed penalty stipulated in the Citation Notice served under section 79H.

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

(3) Where an owner pays a fixed penalty under this Part, he may recover the sums paid from the person who was driving the motor vehicle at the time the photographic image or video recording referred to in subsection (1) was captured.

Photographic
image or video
recording
captured by
red-light
camera
system

79E. A photographic image or video recording of a motor vehicle captured by a red-light camera shall be evidence—

- (a) that the motor vehicle was used in the commission of a traffic violation under section 66A; and
- (b) that the information shown on the photographic image or video recording is a true and accurate record of the registration number of the motor vehicle used in the commission of the traffic violation.

Preparation of
Citation Notice

79F. (1) Where a red-light camera captures a photographic image or video recording of the commission of a traffic violation under section 66A, an Inspection Officer shall, within thirty days of the commission of the traffic violation, prepare a Citation Notice to be served on each owner of the motor vehicle involved in the commission of the traffic violation.

(2) The Citation Notice prepared under subsection (1) shall state that the owner has the option of either—

- (a) paying the stipulated fixed penalty for the traffic violation, within the time specified in the Citation Notice; or
- (b) filing a Notice to Contest within the time specified in the Citation Notice in accordance with section 79J.

Form of
Citation
Notice

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

- (a) the date, time and place of the traffic violation;
- (b) the section of the written law creating the traffic violation and such particulars of the traffic violation as are required for proceedings under the Summary Courts Act;
- (c) 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;

- (d) the certificate of the Inspection Officer;
- (e) the fixed penalty that is to be paid;
- (f) the payee to whom the fixed penalty may be paid;
- (g) the time specified within which the fixed penalty may be paid in accordance with section 79I(1);
- (h) that the owner may file a Notice to Contest in accordance with section 79J; and
- (i) 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.

Service of
Citation
Notice

79H. (1) A Citation Notice prepared under section 79F shall be served on each owner of a motor vehicle involved in a traffic violation under section 66A—

- (a) by delivering it to each owner or some adult member of his family at his usual or last known place of residence or any address furnished by him to the Licensing Authority;
- (b) by 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
- (c) by sending it by way of normal post or registered post to the owner at his usual or last known place of

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

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

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

Payment of
fixed penalty

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

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

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

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

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

Filing of
Notice to
Contest

79J. (1) Where an owner of a motor vehicle is served with a Citation Notice under section 79H for a traffic violation and is desirous of contesting the traffic violation in the Citation Notice, the owner may file a Notice to Contest with a payee prescribed by the Minister under section 88C within thirty days from the deemed date of service of the Citation Notice.

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

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

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

Proceedings
for traffic
violation
under
section 66A

79K. Proceedings in respect of a traffic violation under section 66A, for which a Citation Notice was served, shall not be listed for trial in Court unless—

- (a) a Notice to Contest has been filed by the owner of the motor vehicle within thirty days from the deemed date of service of the Citation Notice in accordance with section 79J; and
- (b) a period of three 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
to Court

79L. Where an owner has filed a Notice to Contest, the Inspection Officer shall transmit to the Clerk, in the district in which the traffic violation occurred, a certified copy of—

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

Certificate of
Inspection
Officer

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

- (a) he is certified by the Commissioner of Police as trained to analyse the information captured by a red-light camera;
- (b) the red-light camera used to capture the photographic image or video recording was approved by the Minister;
- (c) the photographic image or video recording captured by the red-light camera was obtained on the date and time stated therein;
- (d) the red-light camera was operating accurately at the time the photographic image or video recording was captured; and

(e) the contents of the information shown on the photographic image or video recording are true and correct,

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

Certificate of
Commissioner
of Police

79N. In proceedings for a traffic violation under this Part, 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 that the Inspection Officer named therein is qualified to operate and analyse a red-light camera, and the certificate shall be *prima facie* evidence of the particulars specified in, and by the certificate.

Evidence of
condition of
red-light
camera

79O. In proceedings for a traffic violation under this Part, 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.

No
complainant
in proceedings

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

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

Magistrate to
proceed *ex*
parte where
owner is
absent

79Q. Notwithstanding section 44 of the Summary Courts Act, where an owner who files a Notice to Contest does not appear before the Court at the date, time and address specified in the Citation Notice, the Magistrate shall not issue a warrant for the arrest of the owner, but may proceed *ex parte* to the hearing of the matter, and adjudicate thereon as fully and effectually as if the owner had personally appeared before the Court.

Non-payment
of fixed
penalty and
failure to file
notice to
contest

79R. (1) 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.

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

(3) Where an owner fails to pay the required sums in accordance with this section, the Licensing Authority may suspend the driving permit of the owner 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.

Notice to
owner of
possible
sanctions

79S. Where section 79R of the Act becomes applicable, the Licensing Authority shall issue a notice, in writing, to the owner indicating that—

(a) the fixed penalty specified in the Citation Notice was not paid;

- (b) a Notice to Contest in respect of the traffic violation was not filed;
- (c) the sum stated in section 79R(a) has become due for payment;
- (d) it intends to impose the sanction specified at section 79R(3), which would be lifted upon the payment of the applicable penalty; and
- (e) he has fourteen days, from the date of receipt of the notice, to show cause, in writing, why the Licensing Authority should not impose the intended sanctions.

Imposition of
sanctions by
Licensing
Authority

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

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

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

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

35. The Act is amended by repealing Part VI and Part VI repealed substituting the following new Parts:

“PART VI
FIXED PENALTY ENFORCEMENT
AND ADMINISTRATION

- Definitions 80. For the purposes of this Part—
- Chap. 4:20 “Clerk” and “Court” have the meanings assigned by the Summary Courts Act;
- Chap. 15:01 “constable” includes—
- (a) a police officer as defined in the Police Service Act;
 - (b) a Transport Officer;
 - (c) a Traffic Warden appointed under section 10A; and
 - (d) an estate constable employed under the Supplemental Police Act, in a public body listed in the Eighth Schedule;
- Chap. 15:02 “demerit points” means the points specified in the Fourth Column of the Ninth Schedule;
- Eighth Schedule “fixed penalty” means the penalty prescribed under section 84;
- Ninth Schedule “fixed penalty notice” means a notice issued under section 82 and includes a duplicate of such notice;
- “notice to contest” means a notice requesting a hearing by a Court in respect of a traffic violation specified in a fixed penalty notice;
- “proceedings” means proceedings before a Magistrate.

Constable
may issue
fixed penalty
notice

81. (1) Where a constable has reason to believe that a person is committing or has committed a traffic violation, the constable may issue the driver with a fixed penalty notice that offers the driver the opportunity to pay the fixed penalty within the time specified in the fixed penalty notice and discharge of any liability for the traffic violation or to file a notice to contest where the driver is desirous of contesting the fixed penalty notice issued to him.

(2) Where a constable finds a vehicle on any occasion and has reason to believe that a traffic violation is being or has been committed in respect of that vehicle, the constable may affix a fixed penalty notice to any part of the vehicle where the fixed penalty notice may be easily seen and for the purposes of this Part, the affixed fixed penalty notice shall be deemed to have been served upon the person liable for the traffic violation.

(3) Notwithstanding any law to the contrary, the owner of a vehicle on which a fixed penalty notice was affixed under subsection (2) shall be presumed to be the person liable for the traffic violation and shall be required to either pay the fixed penalty within the time specified in the fixed penalty notice or to file a notice to contest where the owner is desirous of contesting the fixed penalty notice affixed.

(4) A fixed penalty notice affixed to a vehicle under subsection (2) shall not be removed or interfered with except by, or under the authority of the driver of the vehicle or the person liable for the traffic violation.

(5) A person who contravenes subsection (4) commits an offence and is liable on summary conviction to a fine of three thousand dollars.

(6) Where a fixed penalty notice has been issued or affixed under this section, the police officer in charge of the police station for the district in which the fixed penalty notice was issued shall send a duplicate of the fixed penalty notice to the Licensing Authority within seven working days from the date of issue or affixing of the fixed penalty notice.

Contents of
fixed penalty
notice

82. (1) A fixed penalty notice issued or affixed under section 81, shall bear the signature of the constable and shall specify—

- (a) the date, time and place that the fixed penalty notice was issued or affixed;
- (b) the section of the written law creating the traffic violation and such particulars of the traffic violation as are required for proceedings under this Act or the Summary Courts Act;
- (c) the time within which the fixed penalty may be paid in accordance with section 83(1);
- (d) the amount of the fixed penalty;
- (e) the payee to whom the fixed penalty may be paid;
- (f) the applicable number of demerit points for the traffic violation as specified in the Fourth Column of the Ninth Schedule;

- (g) that the person may contest the fixed penalty notice by filing a notice to contest in accordance with section 85; and
- (h) the date, time and address of the Court at which the person is required to appear in the event of filing a notice to contest in accordance with section 85.

(2) A notice under this Part shall be in the form approved by the Licensing Authority and published in the *Gazette*.

Payment of
fixed penalty

83. (1) Where a fixed penalty notice has been issued or affixed under section 81, the driver or owner of the vehicle, as the case may be, shall, unless he files a Notice to Contest, pay the fixed penalty within thirty days from the date that the fixed penalty notice was issued or affixed, or such longer period as the Minister may by Order prescribe.

(2) Subject to section 88K, where a fixed penalty is paid in accordance with a fixed penalty notice, a person shall not be liable to any sanction for the traffic violation in respect of which the fixed penalty notice was issued or affixed.

(3) Payment of a fixed penalty under subsection (1) shall be—

- (a) accompanied by the fixed penalty notice issued under section 81; and
- (b) paid to a payee as prescribed by the Minister under section 88C.

Amount of
fixed penalty

84. The fixed penalty for a traffic violation shall be the amount specified in the Third Column of the Ninth Schedule.

Notice to
contest to be
filed

85. (1) 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.

(2) Notwithstanding subsection (1) 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.

Transmission
of documents
to Court

86. 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.

Listing of
proceedings in
respect of
fixed penalty
notice

87. 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—

(a) 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

(b) 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.

Appearance of
parties in
proceedings
where notice
to contest was
filed

88. (1) 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.

(2) Notwithstanding section 44 of the Summary Courts Act, where a person files a notice to contest and does not appear before the Court on the date and time specified in the fixed penalty notice, the Magistrate shall not issue a warrant for the arrest of the person but may proceed *ex parte* to hear the matter and adjudicate thereon as fully and effectually as if the person had personally appeared before the Court.

Non-payment
of fixed
penalty and
failure to file
notice to
contest

88A. (1) Where a fixed penalty notice was issued or affixed and the driver or owner, as the case may be, does not pay the fixed penalty and does not file a Notice to Contest, in accordance with this Act—

- (a) he shall be liable to pay to a payee, the fixed penalty plus one-quarter of the amount of that fixed penalty; and
- (b) the applicable number of demerit points for the traffic violation shall be recorded against his driving permit record.

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

(3) Where the driver or owner, as the case may be, fails to pay the required sums in accordance with this section, the Licensing Authority may suspend the driving permit of the driver or owner, as the case may be, 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.

Notice to
driver or
owner of
possible
sanctions

88B. (1) Where section 88A of the Act becomes applicable, the Licensing Authority shall issue a notice, in writing, to the driver or owner, as the case may be, indicating that—

- (a) the fixed penalty specified in the fixed penalty notice was not paid;
- (b) a Notice to Contest in respect of the traffic violation was not filed;
- (c) the applicable number of demerit points for the traffic violation, as specified in the Fourth Column of the Ninth Schedule was recorded against his driving permit;
- (d) the sum stated in section 88A(1)(a) has become due for payment;
- (e) it intends to impose the sanctions specified at section 88A(3), which would be lifted upon the payment of the applicable penalty; and
- (f) he has fourteen days, from the date of receipt of the notice, to show cause, in writing, why the Licensing Authority should not impose the intended sanctions.

Imposition of
sanctions by
Licensing
Authority

88C. (1) 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).

(2) After consideration of representations made by the driver or owner, as the case may be, pursuant to subsection (1), the Licensing Authority may impose any combination of sanctions specified in section 88A(3), or decline to impose any sanctions and require the driver to pay the applicable sum due under section 88A.

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

(4) The Licensing Authority shall immediately lift any sanction imposed under this section upon the payment of the applicable sum specified in section 88A.

Minister may
by Order
prescribe fixed
penalty traffic
violations

88D. (1) The Minister may from time to time by Order—

- (a) add any traffic violation to the Ninth Schedule and prescribe in respect of that traffic violation a fixed penalty not exceeding five thousand dollars;
- (b) remove any traffic violation from the Ninth Schedule;
- (c) alter the fixed penalty for any traffic violation listed in the Ninth Schedule to an extent that the fixed penalty as altered does not exceed five thousand dollars;

- (d) prescribe the methods and payees for payment of a fixed penalty; and
- (e) add to, or remove from the Eighth Schedule the name of any Corporation or public body.

(2) An Order made under subsection (1) shall be subject to negative resolution of Parliament.

PART VIA
LEGAL PROCEEDINGS, DEMERIT POINTS,
SUSPENSION AND CANCELLATION OF
DRIVING PERMITS

Power to
convict for
reckless or
dangerous
driving on
trial for
manslaughter

88E. Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under section 71, to find him guilty of that offence, whether or not the requirements of section 73 have been satisfied as respects that offence.

Power to
proceed on
charge for
careless
driving on
hearing of
charge under
section 70. or
71A

88F. (1) Where a person is charged with an offence under section 70 or section 71A and the Court determines that the offence is not proved, then, at any time during the hearing or immediately thereafter, the Court may, without prejudice to any other direction or order that may be made, direct or allow a charge for an offence under section 72 to be preferred against the defendant and may thereupon proceed with that charge.

(2) A defendant under subsection (1) or his Attorney-at-law shall be informed of the new charge and be given an

opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the Court shall, if it considers that the defendant is prejudiced in his defence by reason of the new charge being preferred, adjourn the hearing.

Power of
Court to
require a
suspended
permit be
produced

88G. (1) Where a person is convicted of an offence under section 70, 70A, 71, or 71A and an order has been imposed for the disqualification of the person from holding or obtaining a driving permit for a stated period or permanently and where the person holds a driving permit, the Court before which the person is convicted shall require him to produce the permit and upon the making of an order of disqualification, shall forfeit the permit and return it to the Licensing Authority.

(2) A person who is disqualified from holding or obtaining a driving permit under subsection (1) may, after the expiration of six months from the date of the disqualification, apply to the Court by which he was disqualified to remove the disqualification.

(3) Where an application for removal of the disqualification from holding or obtaining a driving permit is made under subsection (2) the Court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the disqualification, the nature of the offence and any other circumstances of the case either by order, remove the disqualification as from the date specified in the order or refuse the application.

(4) Where an application is refused under this section a further application shall not be made within six months from the date of the refusal.

(5) Particulars of a conviction or disqualification or of the removal of a disqualification under this Act shall be furnished to the Transport Commissioner.

(6) The costs of any application referred to in this section may be borne in whole or in part by the applicant, as the Court may order.

(7) In this section, “driving permit” includes a provisional permit.

Right of
appeal

88H. A person who, by virtue of an order of a Court under section 88F is disqualified from holding or obtaining a driving permit may appeal against the order in the same manner as against a conviction, and the Court may, if it thinks fit, pending the appeal, suspend the operation of the order.

Production of
offender's
Record of
Conviction

88I. Where a person who holds a driving permit is convicted of an offence under section 70, 70A, 71, or 71A, the Court may in order to impose an appropriate penalty, require the Transport Commissioner to produce for its inspection the offender's Record of Conviction.

Establishment
of Demerit
Points
Register

88J. (1) The Licensing Authority shall, for the purpose of administering demerit points, establish and maintain a register to be known as “the Demerit Points Register”.

(2) All demerit points recorded against the driving permit record of a person for an offence or a traffic violation shall be duly recorded by the Licensing Authority in the Demerit Points Register.

(3) The contents of the Demerit Points Register shall, for the purposes of all proceedings in a Court, be *prima facie* evidence of all information contained therein and extracts of the Demerit Points Register purporting to be certified as such by the Transport Commissioner, shall be admissible in evidence in Court.

Demerit
Points

88K. (1) Subject to subsection (2), where a person is convicted for an offence or a traffic violation listed in the First Column of the Ninth Schedule that carries demerit points, the demerit points as prescribed in the Fourth Column in the Ninth Schedule for that offence or traffic violation shall be recorded against the driving permit record of the person so convicted.

(2) Where a person appeals against conviction under subsection (1), no demerit points shall be recorded against the driving permit record of the person unless the conviction is confirmed on appeal.

(3) Where a fixed penalty notice is issued under section 81 for a traffic violation that carries demerit points—

- (a) the fixed penalty for the traffic violation is paid in accordance with the requirements of the fixed penalty notice; or
- (b) 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,

the number of demerit points as prescribed in the Fourth Column of the Ninth Schedule for the traffic violation shall be recorded against the driving permit record of the person.

Simultaneous
traffic
violations

88L. (1) Subject to subsection (2), 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 and that person—

- (a) is convicted of two or more of the traffic violations for which he was charged; or
- (b) has made payment in respect of two or more of the traffic violations for which he was issued a fixed penalty notice,

he shall be liable to have recorded against his driving permit record, demerit points for the traffic violation that carries the highest number of demerit points and where the traffic violations carry an equal number of demerit points, the person shall be liable to have recorded against his driving permit record, demerit points for only one traffic violation.

(2) Where a person is charged for a traffic violation under this Act that involves—

- (a) a failure to comply with the indication given by a traffic light signal under section 66A; or
- (b) exceeding the specified speed limit, that person shall be liable to have recorded against his driving permit record the demerit points prescribed for both traffic violations in addition to the highest number of demerit points for any other traffic violation arising out of the same incident.

Accumulation
of demerit
points and
disqualifica-
tion

88M. (1) Where a newly licensed driver or the holder of a provisional permit accumulates seven or more demerit points within a period of twelve months from the date of issue of the driving permit or the provisional permit, the Licensing Authority shall disqualify that person from holding or obtaining a driving permit for a period of one year.

(2) Where a person who holds a driving permit for more than twelve months, accumulates within a period of three years—

- (a) 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;
- (b) 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
- (c) 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.

(3) The Licensing Authority shall, before disqualifying a person under subsection (2), give that person notice in writing of its intention to do so, and shall specify a date not less than fourteen days after the date of the notice, upon which the suspension shall be made and call upon the person to show cause why he should not be disqualified.

(4) Where a person fails to show cause under subsection (3) and the Licensing Authority after taking into consideration any facts in mitigation, decides to disqualify that person from holding or obtaining a driving permit, the Authority shall forthwith, in writing, notify that person of the disqualification.

(5) A disqualification imposed under this section shall not take effect until the expiration of fourteen days after the Licensing Authority has informed the person of the disqualification.

(6) Where a person has been disqualified from holding or obtaining a driving permit under this section, that person shall, within fourteen days of being informed of the disqualification, surrender his driving permit to the Licensing Authority.

(7) A person who fails to surrender his driving permit to the Licensing Authority as required under subsection (6), commits an offence and is liable to a fine of five thousand dollars and further disqualification for an additional period of one year.

(8) Where the disqualification period under this section expires, all demerit points recorded against the driving permit record of the person shall be expunged.

(9) 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.

(10) For the purposes of subsection (1), “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.

Reissue of driving permit after dis-qualification 88N. (1) A driving permit suspended by a Court or by the Licensing Authority shall, during the period of suspension, be of no effect.

(2) A person whose driving permit is suspended, or who is declared by a Court or by the Licensing Authority to be disqualified from holding or obtaining a driving permit, shall, during the period of suspension or disqualification, not apply to the Licensing Authority to have his permit reissued unless the period of disqualification has expired or is removed under section 88M(8).

(3) A person who is disqualified from holding or obtaining a driving permit may be reissued with a driving permit by the Licensing Authority where he—

(a) participates in a driver’s rehabilitation programme approved by the Licensing Authority;

(b) passes a driving test; and

(c) pays the prescribed fee for the re-issue of the driving permit.

(4) A person who contravenes subsection (2) commits an offence and is liable to a penalty of ten thousand dollars.

Demerit
points to be
expunged
after three
years

88O. (1) Subject to subsection (2), 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.

(2) Where a person is disqualified by an order of a Court from holding or obtaining a driving permit, any demerit points recorded against the driving permit record of that person shall be expunged.

(3) The Licensing Authority shall have responsibility for calculating the three-year period prescribed under subsection (1) and in calculating the period, shall not take into account any period of suspension or disqualification by virtue of an order of the Court or any written law.

Double
demerit
points

88P. (1) The Minister may from time to time by Order, 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 shall apply.

(2) An Order made under subsection (1) shall be published at least five days prior to the commencement of a prescribed period in the *Gazette* and in at least one daily newspapers circulating in Trinidad and Tobago.

(3) For the purposes of this section, "prescribed period" means any period not exceeding ten consecutive days.

Fraudulent application for driving permit 88Q. If any person who, under the provisions of this Part is disqualified for holding or obtaining a driving permit applies for, or obtains a permit while he is so disqualified, or if any person while he is so disqualified drives a motor vehicle or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description on a road, or 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 and imprisonment for one year.”.

- Section 91 amended **36.** Section 91 of the Act is amended—
- (a) in subsection (1), by deleting the words “or to imprisonment for six months”;
 - (b) in subsection (2), by deleting the words “or to imprisonment for six months”; and
 - (c) in subsection (3), by deleting the words “shall be guilty of an offence under this Act” and substituting the words “is liable to a fine of three thousand dollars”.
- Section 93 amended **37.** Section 93(1) of the Act is amended by inserting after the word “commits” the words “a traffic violation or”.
- Section 94 amended **38.** Section 94 of the Act is amended by deleting the words “and to imprisonment for six months”.
- Section 96 amended **39.** Section 96(1) of the Act is amended by deleting 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”.
- Section 97 amended **40.** Section 97(2) of the Act is amended by deleting the words “is guilty of an offence and”.

41. Section 98(1) of the Act is amended by inserting Section 98 amended after the word “offence” wherever it occurs, the words “or traffic violation”.

42. Section 106 of the Act is amended by inserting Section 106 amended after the word “fine” the words “of fifteen hundred dollars for each traffic violation and a fine”.

43. Section 107(4) of the Act is amended by deleting Section 107 amended the words “or to imprisonment for three months”.

44. Section 108(1)(a) of the Act is amended by Section 108 amended deleting the words “or to imprisonment for three months”.

45. Section 111(4) of the Act is amended by deleting Section 111 amended the word “criminal” in the first place where it occurs.

46. The Fourth Schedule of the Act is amended in Fourth Schedule amended item 2(2), by deleting the words “guilty of an offence and liable on conviction” and substituting the word “liable”.

47. The Act is amended by inserting after the Sixth Seventh, Eighth and Ninth Schedules inserted Schedule, the following Schedules:

“SEVENTH SCHEDULE

(Section 20B)

BREACH OF CONDITION CONSTITUTING A TRAFFIC VIOLATION

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.

SEVENTH SCHEDULE—CONTINUED

Section	Condition
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

(Section 80)

PUBLIC BODIES ALLOWED TO ISSUE FIXED PENALTY NOTICES

Airport Authority

Public Transport Service Corporation

The Chaguaramas Development Authority

The National Hospital Management Company
Limited

NINTH SCHEDULE

(Sections 80, 82, 84, 88B, 88D, 88K, 88P)

FIXED PENALTY AND DEMERIT POINTS

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
1.	Using or altering a motor vehicle or trailer for a purpose not authorised by the registration or Licensing Authority	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 21(1)(b)	1,000.00	3
2.	Public Service Vehicle carrying excess passengers	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 21(1)(c)	750.00	4
3.	Goods vehicle carrying excess weight	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 21(1)(c)	750.00	3

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
4.	Use of motor vehicle with the windscreen or any other window fitted with glass so tinted, treated or darkened as to obscure the view of the inside of the vehicle from outside	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 23(1)(d)	2,000.00	3
5.	Use of motor vehicle under dealer's licence by a person other than a dealer	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 39	1,000.00	3
6.	Driving while disqualified from holding or obtaining a driving permit	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 42		14
7.	Riding Motor Cycle without safety helmet	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 43(1)	450.00	2
8.	Failure of a driver and any passenger seventeen years and over to wear a seat belt while the vehicle is in motion	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 43C(1)	1,000.00	4
9.	Driving a vehicle with a person in the front seat who is not wearing a seat belt	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 43C(1A)	1,000.00	4

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
10.	Driving a vehicle with a child in the front seat who is five years and under	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 43D(1)(a)	1,000.00	4
11.	Failing to place a child who is five years and under in a child restraint or booster seat in the vehicle while driving the vehicle	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 43D(1)(b)	1,000.00	4
12.	Offences of driving instructor	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 46	2,000.00	12
13.	Exceeding the specified speed limit— by 1 to 9 km per hour by 10 to 20 km per hour by 21 to 30 km per hour by 31 km or more per hour	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 62(1)	1,000.00 1,500.00 2,000.00 3,000.00	0 2 4 6
14.	Motor racing and speed trials between motor vehicles without permission	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 63	1,000.00	14

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
15.	Traffic Signs	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 64	1,000.00	6
16.	Breach of Traffic Order made by the Minister	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 65(1)	300.00	4
17.	Failing to comply with directive of a police constable	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 66(a)	1,000.00	6
18.	Failing to comply with a traffic sign or notice authorised by the Licensing Authority or Commissioner of Police, respectively.	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 66(b)	1,000.00	3
19.	Failing to comply with a traffic light signal	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 66A	1,000.00	3
20.	Failing to comply with a traffic light signal captured under Part VA	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 66A	1,000.00	
21.	Contravention of Traffic Order made by the Commissioner of Police	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 68(7)	750.00	3

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
22.	Breach of Knox Street and Abercromby Street Parking Restriction	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 69(1)(a)	1,000.00	
23.	Breach of parking restriction made by the Minister	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 69(1)(b)	750.00	
24.	Driving when under the influence of drug	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 70		9
25.	Driving or being in charge of a vehicle while blood alcohol levels exceed prescribed limit	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 70A		9
26.	Failure to provide a specimen of breath or blood	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 70B		14
27.	Failure to submit breath analysis or wilful alternation of concentration of alcohol in his breath or blood	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 70C		14
28.	Careless Driving	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 72	1,000.00	6

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
29.	Motor Cyclist holding onto another moving vehicle	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 77(2)(a)	750.00	2
30.	Motor Cyclist riding with no hands on the handle bar	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 77(2)(b)	750.00	2
31.	Throwing or distributing advertisements or handbills from a vehicle.	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 78(1)	300.00	
32.	Standing for hire at a place not appointed for the purpose	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 91(3)	750.00	3
33.	Unauthorised parking on grounds of a public building	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 107(1)	750.00	2
34.	Defaced or defective identification plate	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 7	300.00	3
35.	Using vehicle for a purpose other than that for which it is registered	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 8	750.00	
36.	No identification plate fixed to the front or back of the vehicle	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 9	750.00	4

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
37.	No identification lights on vehicles at night	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 10	300.00	2
38.	Failing to observe restrictions on pedestrian crossings	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulations 16, 17 and 18	500.00	
39.	Number of passengers to be carried not printed on right front door of taxi	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 17(a)	300.00	
40.	Failure to produce a vehicle for inspection/Driving a vehicle without a valid inspection sticker and certificate	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 27(11)	1,000.00	9
41.	Vehicle with defective brakes	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 28(1)(f)(v)	750.00	3
42.	No Tare and M.G.W. painted on vehicles	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 28(1)(h)	1,000.00	2
43.	Vehicle with defective fittings	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 28(1)(i)	450.00	3

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
44.	Vehicle without silencers or fitted with cut outs	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 28(1)(j)	300.00	3
45.	Unauthorised lights to front or rear of vehicle	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 28(1)(k)	750.00	3
46.	Unauthorised letters and figures on vehicle	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 28(1)(l)	750.00	
47.	Vehicle without two head lamps	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 28(1)(m)(i)	1,000.00	3
48.	Vehicle without park lights	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 28(1)(m)(ii)	1,000.00	3
49.	Vehicle without tail lights	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 28(1)(m)(iii)	1,000.00	3
50.	Vehicle with unauthorised spot or swivel lights	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 28(1)(m)(iv)	1,000.00	4
51.	No “left hand drive” notice affixed to appropriate vehicle	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 31(2)	300.00	2

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
52.	Reversing on roads for an unreasonable distance	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 1	750.00	3
53.	Reversing at the junction of roads or around corner in the City of Port-of-Spain or San Fernando	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 1	1,000.00	2
54.	Quitting vehicle before applying brakes and switching off engine	Motor Vehicles and Road Traffic Act, Chap.48:50, Regulation 38, Rule 3	1,000.00	
55.	Failing to keep vehicle to left on road	Motor Vehicles and Road Traffic Act, Chap.48:50, Regulation 38, Rule 5(1)	1,000.00	
56.	Improper overtaking on the left side of the road	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 5(3)	1,000.00	6
57.	Obstructing overtaking traffic	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 5(4)	1,000.00	3
58.	Improper overtaking on the right, cutting in	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 5(5)	1,000.00	6

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
59.	Overtaking traffic at a place dangerous to do so	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 5(6)	1,000.00	6
60.	Parking within nine metre of a corner	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 5(10)	500.00	
61.	Drawing up alongside another vehicle; backing motor vehicle to kerb or roadside	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 5(11)	500.00	
62.	Parking within three metres of a fire hydrant	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 5(12)	500.00	2
63.	Parking within three metres of the front of a fire station	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 5(13)	1,000.00	2
64.	Negligently or wilfully interrupting the free passage or causing an unnecessary obstruction	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 6	600.00	3

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
65.	Failing to draw up as close as possible to the side of the road	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 11	300.00	
66.	Vehicle without horn	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 12(1)	300.00	3
67.	Permitting excess sparks, smoke or visible vapour to come from vehicle	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 13	1,000.00	2
68.	Vehicle carrying excessive projection	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 15	750.00	6
69.	Overcrowded vehicle	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 16	750.00	3
70.	Carrying persons in a dangerous manner	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 17	750.00	3
71.	Leaving broken-down vehicle on road unattended	Motor Vehicles and Road Traffic Act, Chap.48:50, Regulation 38, Rule 18	1,000.00	

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
72.	Failing to draw up vehicle for passage of any engine or other apparatus of the Fire Service, Police Vehicles, Defence Force Vehicles or Ambulances.	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 19	1,000.00	6
73.	Towing other than a motor vehicle without written permission of the Licensing Authority	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 38, Rule 20	600.00	2
74.	Length of tow rope exceeding five metres	Motor Vehicles and Road Traffic Act, Chap.48:50, Regulation 38, Rule 21	450.00	
75.	Vehicle without reflecting mirror	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 40	750.00	3
76.	Vehicle carrying unsecured load	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 42	750.00	3
77.	Use of noisy vehicle	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 43	300.00	2

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
78.	Use of vehicle with defective tyres	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 44	1,000.00	3
79.	Use of vehicle with no windshield wiper or defective wiper	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 46	300.00	3
80.	Playing a musical or noisy instrument in a vehicle without permission of the Licensing Authority	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 49	1,000.00	
81.	Driving vehicle on footpath or pavement	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 57	1,000.00	3
82.	Public Service vehicle without spare tyre	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 76(J)	750.00	
83.	Public Service vehicle importuning of passenger	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 78	750.00	
84.	Taxi Driver unsuitably attired	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 79	750.00	
85.	Placing of advertisement on side of window of taxi	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 80	300.00	

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
86.	Taxi unattended at head of taxi stand	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 81(2)	600.00	
87.	Statement of fares undisplayed in taxi	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 83(1)	300.00	
88.	Failing to occupy vacant space in taxi stand	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 94(2)	750.00	
89.	Parking in a public stand appointed for taxi	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 95	750.00	
90.	Stopping or parking or driving a motor vehicle on a surveillance bay	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 110A(2)	1,000.00	6
91.	Failing to preserve taxi driver's badge against loss, destruction or defacement	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 115	300.00	
92.	Failing to produce taxi driver's badge and licence on demand	Motor Vehicles and Road Traffic Act, Chap. 48:50, Regulation 115	450.00	4
93.	Use of Priority Bus Route by unauthorised vehicle	Special Roads (Traffic) Regulations Chap. 48:01, Regulation 2	2,000.00	6

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
94.	Using or causing to be used or permitting a person to use a motor vehicle or licenced trailer on a public road without a valid policy of insurance	Motor Vehicles Insurance (Third-Party Risks) Act, Chap. 48:51 section 3	1,000.00	6
95.	Unauthorised driving or parking within Queen's Park Savannah	Queen's Park Act, Chap. 41:04, Regulation 1A	1,000.00	4
96.	Operation of maxi-taxis outside specified route	Maxi-Taxi Act, Chap. 48:53, Regulation 7(1)	1,000.00	4
97.	Vehicle painted in such a manner as to be mistaken for a maxi-taxi	Maxi-Taxi Act, Chap. 48:53 section 12(1)	1,000.00	4
98.	Driving while holding or using a hand held mobile device	Motor Vehicles and Road Traffic (Mobile Devices) Regulations, Chap. 48:50 Regulation 4	1,000.00	6
99.	Holding or using a hand held mobile device while supervising the holder of a provisional permit	Motor Vehicles and Road Traffic (Mobile Devices) Regulations, Chap. 48:50, Regulation 5	1,000.00	

NINTH SCHEDULE—CONTINUED

	First Column	Second Column	Third Column	Fourth Column
	<i>Description of Traffic violation or Offence</i>	<i>Relevant Section/Regulation</i>	<i>Fixed Penalty \$</i>	<i>Demerit Points</i>
100.	Using a wireless communication device to view, send or compose an electronic message while driving or having charge of a vehicle	Motor Vehicles and Road Traffic (Mobile Devices) Regulations, Chap. 48:50, Regulation 7	1,000.00	6

48. The Motor Vehicles and Road Traffic (Enforcement and Administration) Act is repealed. Chap. 48:52 repealed

49. The subsidiary legislation made under the Act, as set out in the First Column of the Schedule, are amended to the extent set out in the Second Column of that Schedule. Subsidiary legislation amended Schedule

SCHEDULE 1

(Section 49)

AMENDMENTS TO SUBSIDIARY LEGISLATION UNDER THE MOTOR VEHICLES AND ROAD TRAFFIC ACT

Subsidiary Legislation	Amendment
Motor Vehicles and Road Traffic Regulations G 1.6.44	<ol style="list-style-type: none"> 1. In regulation 21(6), delete the words “guilty of an offence” and substitute the word “liable”. 2. In regulation 27(9), delete the words “is guilty of an offence” and substitute the words “would be liable”. 3. In regulation 27(10), delete the words “on summary conviction” and the words “or imprisonment for one year”.

SCHEDULE 1—CONTINUED

Subsidiary Legislation	Amendment
	<p>4. In regulation 27(11), delete the words “commits an offence and is liable on summary conviction,” and substitute the words “is liable”.</p> <p>5. In regulation 27(12), delete the words “commits an offence and is liable on summary conviction to imprisonment for one year and” and substitute the words “is liable to”.</p> <p>6. In regulation 27B(5), delete the words “commits an offence and”.</p> <p>7. In regulation 27B(6), delete the words “commits an offence and is liable on summary conviction to imprisonment for one year and” and substitute the words “is liable to”.</p> <p>8. In regulation 39, delete the words “guilty of an offence” and substitute the words “liable under these Regulations”.</p> <p>9. In regulation 43, delete the words “guilty of an offence” and substitute the word “liable”.</p> <p>10. Repeal regulation 49 and substitute the following regulation:</p> <p>“Prohibition on playing of musical or noisy instruments in a motor vehicle 49. A person who plays or operates any instrument, television, video, radio, tape deck, compact disc player, amplifier, equaliser, or speaker or other electrical or electronic equipment for the purpose of playing music or other electrically or electronically transmitted sounds, in a motor vehicle, to the annoyance of any resident or person in a street or of any person in a place to which the public is admitted or has access, without the written permission of the Licensing</p>

SCHEDULE 1—CONTINUED

Subsidiary Legislation	Amendment
	<p data-bbox="808 464 1221 657">Authority, is liable under these Regulations and the driver of a motor vehicle who permits a person to contravene this regulation shall also be liable under these Regulations.”.</p> <p data-bbox="613 678 1221 768">11. In regulation 84(2), delete the words “on summary conviction to a penalty” and substitute the words “to a fine”.</p> <p data-bbox="613 789 1221 879">12. In regulation 85(2), delete the words “shall be guilty of an offence” and substitute the words “is liable under these Regulations”.</p> <p data-bbox="613 900 1221 1052">13. In regulation 110A(4), delete the words “on summary conviction to a fine of fifteen hundred dollars and imprisonment for three months” and substitute the words “to a fine of fifteen hundred dollars”.</p> <p data-bbox="613 1073 1221 1163">14. In regulation 123(2), delete the words “guilty of an offence against” and substitute the words “liable under”.</p> <p data-bbox="613 1184 1221 1308">15. In Form 1 of the First Schedule, delete the words “N.B. – It is an offence under the Act to give any particulars which are not correct and you will be liable to prosecution if you do so.”.</p> <p data-bbox="613 1329 1221 1480">16. In Form 4 of the First Schedule, delete the words “It is an offence under the Act to give any particulars which are false or in any material respect misleading and you will be liable to prosecution if you do so.”.</p> <p data-bbox="613 1501 1221 1751">17. In Form 12 of the First Schedule, delete the words “It is an offence under section 94 of the Motor Vehicles and Road Traffic Act, Ch. 48:50, for any person to “make any statement which to his knowledge is false, or in any material respect misleading”, and the penalty on conviction is \$240 or six months hard labour or to both such fine and imprisonment.”.</p>

SCHEDULE 1—CONTINUED

Subsidiary Legislation	Amendment
Road Traffic (Prohibited Parking) Order GN 206/1979	In clause 3, delete the words “on summary conviction to a fine of five hundred dollars or to imprisonment for three months” and substitute the words “to a fine of five hundred dollars”.
Miscellaneous Roads (Unilateral Parking) Order GN 207/1979	In clause 3, delete the words “on summary conviction to a fine of five hundred dollars or to imprisonment for three months” and substitute the words “to a fine of five hundred dollars”.
Miscellaneous Roads (Unilateral Alternate Parking) Order GN 208/1979	In clause 4, delete the words “on summary conviction to a fine of five hundred dollars or to imprisonment for three months” and substitute the words “to a fine of five hundred dollars”.
Private Motor Cars (Parking Places) Order GN 214/1979	In clause 7, delete the words “on summary conviction to a fine of five hundred dollars or to imprisonment for three months” and substitute the words “to a fine of five hundred dollars”.
Public Stands (Taxis) Parking Order GN 212/1979	In clause 7, delete the words “on summary conviction to a fine of five hundred dollars or to imprisonment for three months” and substitute the words “to a fine of five hundred dollars”.
Public Stands (Motor Omnibuses) Parking Order GN 213/1979	In clause 5, delete the words “on summary conviction to a fine of five hundred dollars or to imprisonment for three months” and substitute the words “to a fine of five hundred dollars”.
Goods Vehicles Stands Parking Order GN 215/1979	In clause 4, delete the words “on summary conviction to a fine of five hundred dollars or to imprisonment for three months” and substitute the words “to a fine of five hundred dollars”.
Parking on Dual Carriage-ways Order GN 216/1979	In clause 3, delete the words “on summary conviction to a fine of five hundred dollars or to imprisonment for three months” and substitute the words “to a fine of five hundred dollars”.

SCHEDULE 1—CONTINUED

Subsidiary Legislation	Amendment
Queen's Park Savannah Parking Order GN 73/1966	In clause 3, delete the words "on summary conviction to a fine of five hundred dollars or to imprisonment for three months" and substitute the words "to a fine of five hundred dollars".
Independence Square (Parking of Vehicles) Order GN 220/1979	In clause 3, delete the words "on summary conviction to a fine of five hundred dollars or to imprisonment for three months" and substitute the words "to a fine of five hundred dollars".
South Quay (Parking of Vehicles) Order GN 219/1979	In clause 5, delete the words "on summary conviction to a fine of five hundred dollars or to imprisonment for three months" and substitute the words "to a fine of five hundred dollars".
Broadway (Parking of Vehicles) Order GN 218/1979	In clause 3, delete the words "on summary conviction to a fine of five hundred dollars or to imprisonment for three months" and substitute the words "to a fine of five hundred dollars".
One-way Traffic Order GN 211/1979	In clause 3, delete the words "on summary conviction to a fine of five hundred dollars or to imprisonment for three months" and substitute the words "to a fine of five hundred dollars".
Eastern Main Road Traffic Order GN 58/1976	In clause 9, delete the words "on summary conviction to a fine of five hundred dollars or to imprisonment for three months" and substitute the words "to a fine of five hundred dollars".
Beetham Highway Order GN 60/1976	In clause 3, delete the words "on summary conviction to a fine of five hundred dollars or to imprisonment for three months" and substitute the words "to a fine of five hundred dollars".
Public Stand (Maxi-Taxi) Parking Order LN 141/1981	In clause 5, delete the words "on summary conviction to a fine of one hundred dollars or to imprisonment for three months" and substitute the words "to a fine of one hundred dollars".

SCHEDULE 1—CONTINUED

Subsidiary Legislation	Amendment
Traffic Control Taxi Stand Location Order LN 113/1988	In clause 10, delete the words “guilty of an offence and is liable on summary conviction to a fine of five hundred dollars or to imprisonment for three months” and substitute the words “liable to a fine of five hundred dollars”.
Port-of-Spain Transit Centre (Taxi Stand) Order LN 226/1997	In clause 7, delete the words “on summary conviction to a fine of five hundred dollars or to imprisonment for three months” and substitute the words “to a fine of five hundred dollars”.
Port-of-Spain Transit Centre (Public Service Vehicle Station) Regulations LN 227/1997	<p>1. In regulation 14, delete the words “shall be guilty of an offence and liable on summary conviction to a fine of five hundred dollars for a first offence and one thousand dollars for each subsequent offence” and substitute the words “is liable to a fine of five hundred dollars for a first traffic violation and to a fine of one thousand dollars for each subsequent violation”.</p> <p>2. In Form 1 of the Schedule, delete the words “N.B.—It is an offence under the Motor Vehicles and Road Traffic Act, Ch. 48:50 to give any particulars which are not correct and you will be liable to prosecution if you do so.”.</p> <p>3. In Form 3 of the Schedule, delete the words “N.B.: It is an offence under the Motor Vehicles and Road Traffic Act, Ch. 48:50 to give any particulars which are false or in any material respect misleading and you will be liable to prosecution if you do so.”.</p> <p>4. In Form 4 of the Schedule, delete the words “N.B.: It is an offence under the Motor Vehicles and Road Traffic Act, Ch. 48:50 to give any particulars which are not correct and you will be liable to prosecution if you do so.”.</p>

SCHEDULE 1—CONTINUED

Subsidiary Legislation	Amendment
Priority Bus Route (Traffic Control) Order LN 99/1988	In clause 8, delete the words “is guilty of an offence and is liable on summary conviction to a fine of five hundred dollars or to imprisonment for three months” and substitute the words “is liable to a fine of five hundred dollars”.
Priority Bus Route (Special Roads Toll) Regulations LN 75/1988	In regulation 8, delete the words “is guilty of an offence and liable on summary conviction to a fine of two hundred and fifty dollars” and substitute the words “is liable to a fine of two hundred and fifty dollars”.
Motor Vehicles and Road Traffic (Mobile Devices) Regulations LN 281/2010	<p>1. In regulation 4(2), delete the words “commits an offence and is liable on summary conviction to a fine of one thousand, five hundred dollars or to imprisonment for three months” and substitute the words “is liable to a fine of one thousand, five hundred dollars”.</p> <p>2. In regulation 5(2), delete the words “commits an offence and is liable on summary conviction to a fine of one thousand, five hundred dollars or to imprisonment for three months” and substitute the words “is liable to a fine of one thousand, five hundred dollars”.</p> <p>3. In regulation 7(2), delete the words “commits an offence and is liable on summary conviction to a fine of one thousand, five hundred dollars or to imprisonment for three months” and substitute the words “is liable to a fine of one thousand, five hundred dollars”.</p>

Passed in the Senate this day of ,
2017.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day
of , 2017.

Clerk of the House

I confirm the above.

Speaker

No. 1 of 2017

SECOND SESSION
ELEVENTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

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 red-light camera system, a demerit points system and the reform of the fixed penalty system and related legal proceedings and other related matters

Received and read the

First time

Second time

Third time
