

ROAD TRAFFIC (AMENDMENT) BILL, 2022

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ROAD TRAFFIC (AMENDMENT) BILL, 2022

A BILL FOR AN ACT TO AMEND THE ROAD TRAFFIC ACT

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act, which amends the Road Traffic Act (*Ch. 220*), may be cited as the Road Traffic (Amendment) Act, 2022.
- (2) This Act shall come into force on the 1st day of January, 2023.

2. Amendment of section 2 of the principal Act.

Subsection (1) of section 2 of the principal Act is amended by the insertion in the proper alphabetical order, of the following new definition —

““**commercial driver's licence**” means a licence issued under section 35A;”.

3. Amendment of section 5 of the principal Act.

Section 5 of the principal Act is amended —

- (a) in subsection (4), by deleting the word “Upon” and substituting therefor the words “Subject to subsection (6), and upon”; and
- (b) by inserting immediately following subsection (5), the following new subsection —
 - “(6) Notwithstanding subsection (2), there shall be payable in respect of a record referred to in subsection (2)(d), the appropriate fee specified in the *Schedule* to this Act.”.

4. Amendment of section 31 of the principal Act.

Subsection (2) of section 31 of the principal Act is amended by the insertion immediately following paragraph (a) of the following new paragraph —

“(aa) in the case of a commercial vehicle, the appropriate commercial driver’s licence.”.

5. Amendment of section 34 of the principal Act.

Section 34 of the principal Act is amended —

- (a) in paragraph (a) of subsection (7), by the deletion of the words “or three years” and the substitution of the words “, three years, or five years”;
- (b) by the deletion and substitution of subsection (11) as follows —

“(11) The Controller may, upon payment of the appropriate fee specified in the *Schedule*, issue a duplicate licence to drive a motor vehicle—

 - (a) if satisfied that the licence has been lost, destroyed or stolen; or
 - (b) upon application by the holder of the licence to change the photograph on the licence.”.

6. Insertion of new section 35A into the principal Act.

The principal Act is amended by the insertion immediately after section 35 of the following new section —

“35A. Commercial driver’s licence.

- (1) A person shall not drive a vehicle described in subsection (2) unless he is the holder of a commercial driver’s licence.
- (2) For the purposes of subsection (1), a commercial driver’s licence is —
 - (a) a Class A commercial driver’s licence, to drive —
 - (i) any combination of vehicles with a combination gross vehicle weight rating of 26,001 pounds or more; or
 - (ii) a single vehicle used to tow another vehicle, where the vehicles have a combination gross vehicle weight rating of 26,001 pounds or more and the vehicle being towed has a gross vehicle weight rating of more than 10,000 pounds;
 - (b) a Class B commercial driver’s licence, to drive —
 - (i) a single vehicle with a gross vehicle weight rating of 26,001 pounds or more; or
 - (ii) a single vehicle with a gross vehicle weight rating of 26,001 pounds or more used to tow another vehicle and the vehicle being towed has a gross vehicle weight rating of 10,000 pounds or less;
 - (c) a Class C commercial driver’s licence, to drive —

- (i) a single vehicle with a gross vehicle weight rating of more than 10,000 pounds but less than 26,001 pounds;
 - (ii) a single vehicle of any gross vehicle weight rating used to pull multiple trailers;
 - (iii) a single vehicle used to pull a single trailer, where the vehicles have a combination gross vehicle weight rating of more than 10,000 pounds but less than 26,001 pounds; or
 - (iv) a single vehicle with a gross vehicle weight rating of 10,000 pounds or less that requires an endorsement issued by the Controller pursuant to subsection (3).
- (3) The Controller may issue an endorsement in respect of any vehicle with a gross vehicle weight rating of 10,000 pounds or less for —
 - (a) a passenger vehicle that carries more than ten passengers including the driver;
 - (b) a vehicle used to haul hazardous material that requires the vehicle to be placarded in accordance with international standards for the transporting of hazardous materials.
- (4) Notwithstanding subsection (2), the holder of —
 - (a) a Class A commercial driver's licence, may drive a vehicle for which a Class B or Class C commercial driver's licence is ordinarily required;
 - (b) a Class B commercial driver's licence, may drive a vehicle for which a Class C commercial driver's licence is ordinarily required.
- (5) A person shall not be granted a commercial driver's licence if —
 - (a) he does not hold a driver's licence; or
 - (b) he is not entitled to drive a motor vehicle.
- (6) A commercial driver's licence shall be granted for such period, not exceeding three years from its commencement, as the applicant's driving licence shall remain valid.
- (7) A commercial driver's licence shall only be granted on payment of the appropriate fee specified in the *Schedule* to this Act.
- (8) Upon his being satisfied that a commercial driver's licence has been lost, damaged or stolen the Controller may issue a duplicate licence upon payment of the appropriate fee specified in the *Schedule* to this Act.
- (9) Any person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine of two hundred and fifty dollars in respect of a first offence, or to a fine of five hundred

dollars or to imprisonment for a term of six months in respect of a second or subsequent offence.

- (10) The Minister may, by regulations require every applicant for a commercial driver's licence to satisfy an examiner as to his physical fitness and competence to drive a commercial vehicle of the appropriate Class before being granted a commercial driver's licence; and until such regulations are made the issue of all commercial driver's licences shall be subject to such requirements as the Controller may impose."

7. Repeal and replacement of section 102 of the principal Act.

Section 102 of the principal Act is repealed and replaced as follows—

" 102. Fees.

- (1) The Minister may by regulations prescribe such fees as may be necessary for the efficient administration of this Act.
- (2) All fees received by the Controller under this Act, or under any regulations made thereunder, shall be paid into the Consolidated Fund to the credit of general revenue."

8. Amendment of Schedule to principal Act.

The Schedule to the principal Act is amended —

- (a) under the heading "A. In the whole of The Bahamas" —
- (i) by the insertion immediately following paragraph (1) of the following new paragraph —
- "(1A) Where multiple licences are issued in the name of the same individual, the fees set out in paragraph (1) shall only apply in respect of the first four motor vehicle licences issued to that individual and for each additional licence issued to that individual there shall be an additional fee of \$30.";
- (ii) in paragraph 6, by the insertion immediately after subparagraph (b), of the following new subparagraph —
- "(c) for five years\$125.00";
- (iii) by the deletion and substitution of paragraph 8 as follows—
- "For the issue of a duplicate driver's licence —
- to replace one lost, destroyed or stolen..... \$25.00
- to change the photograph on the licence..... \$25.00";

- (iv) in paragraph 9, by the deletion of the words “\$50.00” and the substitution of the words “\$100.00”;
- (v) by the insertion immediately after paragraph 9, of the following new paragraphs —
 - “10. For the issue of a driver's licence history record..... \$15.00
 - 11. To reprint a receipt issued for any payment made under this Act..... \$10.00”;
- (b) under the heading “B. In the whole of The Bahamas” —
 - (i) in paragraph 2, by the deletion of the words “\$15.00” and the substitution of the words “\$25.00”;
 - (ii) in paragraph 4, by the deletion of the words “\$15.00” and the substitution of the words “\$25.00”;
 - (iii) by the deletion and substitution of paragraph 5 as follows —
 - 5. For the issue of a trade licence plates, per set —
 - for the first year \$200.00
 - for every subsequent year \$175.00”;
 - (iv) in paragraph 7, by the deletion of the words “\$20.00” and the substitution of the words “\$25.00”;
 - (v) in paragraph 15, by the deletion of the words “\$30.00” and the substitution of the words “\$50.00”;
 - (vi) in paragraph 18, by the insertion immediately after subparagraph (b), of the following new subparagraph (c) —
 - “(c) a commercial vehicle\$75.00”;
 - (vii) by the insertion immediately after paragraph 17, of the following new paragraphs —
 - “17A. For the issue of a commercial driver’s licence —
 - Class A \$75.00
 - Class B \$75.00
 - Class C \$50.00
 - 17B. To replace a commercial driver’s licence damaged or lost..... \$25.00;”;
 - (viii) by the insertion immediately after paragraph 18, of the following new paragraphs —
 - “18A. To retake a theory test as to competence to drive —
 - a private vehicle..... \$25.00

a public service vehicle..... \$25.00

18B. To retake a practical test as to competence to drive —

a private vehicle..... \$25.00

a public service vehicle..... \$25.00”;
and

- (ix) in paragraph 20, by the deletion of the words “\$50.00” and the substitution of the words “\$100.00”.

OBJECTS AND REASONS

Clause 1 of the Bill sets out the Short title and commencement. Clause 2 of the Bill seeks to introduce a definition of commercial driver’s licence.

Clause 3 of the Bill seeks to amend the Act to enable a fee greater than \$1.00 per page to be charged to obtain any record kept by the Controller.

Clause 4 of the Bill seeks to provide for the requirement of a commercial driver’s licence to drive certain types of vehicles.

Clause 5 of the Bill seeks to enable a driver’s licence to also be granted for five years. Clause 5 also seeks to enable the Controller to issue a duplicate licence if the licence was lost, destroyed or stolen or if the holder of the licence wants to change the photograph on it.

Clause 6 of the Bill seeks to introduce three categories of a commercial driver’s licence. Clause 6 also seeks to set out the requirements for the issuance of a commercial driver’s licence and creates an offence for non-compliance.

Clause 7 of the Bill enables the Minister to prescribe fees as may be necessary for the efficient administration of the Act.

Clause 8 of the Bill seeks to amend the Schedule to the Act —

- (a) to increase some of the fees set out therein;
- (b) to introduce new fees; and
- (c) to provide for the payment of an additional fee where an individual is seeking to have more than four motor vehicle licences registered in his name.

