



THE PARLIAMENT OF  
TRINIDAD AND TOBAGO

**BILL ESSENTIALS**

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2019

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Minister: The Attorney General and  
Minister of Legal Affairs

SEN Bill No: 6 of 2019

Links: The links to the Bill, and its  
progress can be found on the Bill's  
home page through the  
Parliament's website,  
[www.ttparliament.org](http://www.ttparliament.org)

# BILL ESSENTIALS

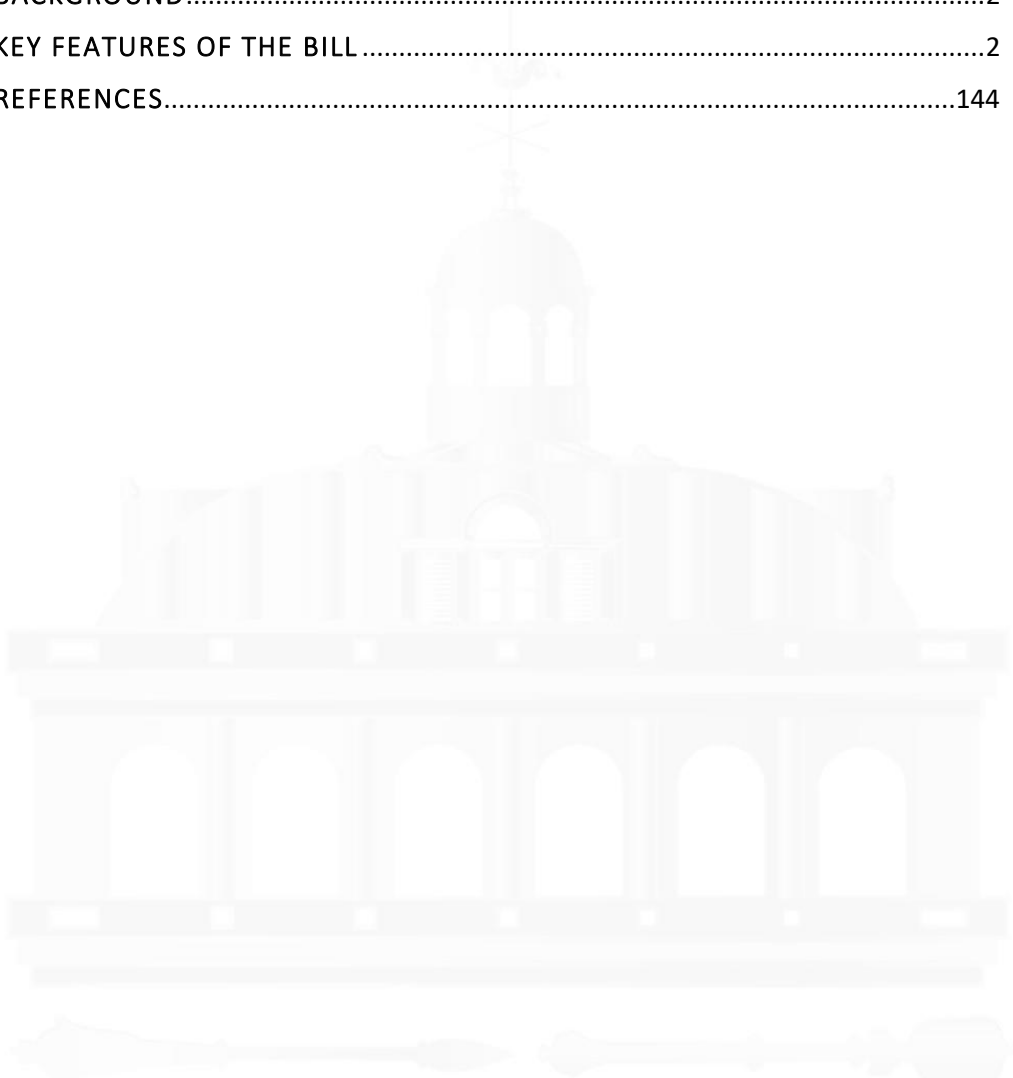
BILL ESSENTIALS NO. 34, 2018–19

September 13 2019

## The Motor Vehicles and Road Traffic (Amendment) Bill, 2019

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## BACKGROUND

1. **The Motor Vehicles and Road Traffic (Amendment) Bill, 2019<sup>1</sup>** (hereinafter referred to as “the Bill”) seeks to amend the **Motor Vehicles and Road Traffic Act Chap. 48:50<sup>2</sup>** by providing for the implementation of an electronic registration system for all motor vehicles, as well as a speed-control enforcement system through the use of spot speed cameras.
2. The Bill was introduced in the Senate by the Attorney General and Minister of Legal Affairs on Wednesday 11<sup>th</sup> September, 2019.
3. The Bill contains 27 clauses and requires a simple majority vote.

## KEY FEATURES OF THE BILL

4. **Clause 4** of the Bill extensively amends **Section 12** of the Act which provides for the registration of motor vehicles. **Section 12 subsection 3** is repealed and substituted by a new **subsection 2A** which delineates the process for registration or renewal of registration for all classes of motor vehicles. In order to register or renew the registration of their vehicles, owners must:
  - a. apply to the Licensing Authority in the prescribed form
  - b. pay the fee as stipulated in the First Schedule to the Act
  - c. provide proof of payment of motor vehicle tax
  - d. provide proof that an insurance policy is in force under the **Motor Vehicles Insurance (Third-Party Risks) Act Chapter 48:51<sup>3</sup>**.

<sup>1</sup> <http://tpparliament.org/legislations/b2019s06.pdf>

<sup>2</sup> [https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/48.50.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/48.50.pdf)

<sup>3</sup> [http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/48.51.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/48.51.pdf)

5. Clause 4 also introduces a new **subsection 3** to Section 12 which grants the Licensing Authority the ability to assign a unique identification mark to be carried on the registration plates of a vehicle, once satisfied that there is compliance with the provisions of both this Act and the Motor Vehicles Insurance (Third-Party Risks) Act Chapter 48:51.
6. Clause 4 further amends section 12 by inserting a new **subsection 4A** which provides that the registration plates of a vehicle shall bear the unique identification mark assigned to that vehicle by the Licensing Authority.
7. Under Clause 4, **subsections 5A** and **5B** have been added to section 12 of the Act. Subsection 5A emphasises that the registration plates issued under the Act are the property of the Licensing Authority and outlines the procedure to be followed by the Licensing Authority in order to compel the owner to surrender them. Licensing Plates shall be surrendered to the Licensing Authority where:
  - a. The Licensing Authority has published a notice, in the Gazette and in at least two (2) newspapers in daily circulation in Trinidad and Tobago, requiring the owner to return his registration plates; OR
  - b. The Licensing Authority cancels the registration of the vehicle to which the plates have been issued.
8. Subsection 5B creates an offence for persons who, produces or issues registration plates for a vehicle without the written authorisation of the Licensing Authority. Such persons would be liable on summary conviction to a fine of twenty-five thousand dollars (TTD \$25,000.00) and to imprisonment for three (3) years.
9. Clause 4 introduces four (4) new subsections to section 12 of the Act to deal with the re-registration of vehicles. Pursuant to **subsection 11**, vehicles which have been validly registered will be re-registered according to the requirements laid out in section 12 of the Act and **Part IIB** which was also introduced in this Bill. **Subsection 12** states that the Licensing Authority will publish a notice requiring an owner of a vehicle to attend a designated location to re-register the vehicle, in the Gazette and at least two (2) newspapers in daily circulation in Trinidad and Tobago. **Subsection 13** makes it an offence to fail to comply with the notice for re-registration and such failure can result in a fine of ten thousand dollars. (TTD \$10,000.00). Subsection 14 merely makes it clear that “registration” in this section, includes re-registration or renewal of registration.
10. **Clause 5** amends **section 15** of the Act. Pursuant to **Clause 5 (a)** which amends section 15 (1), the registration of a motor vehicle shall be valid for a period of five (5) years after the date of registration. This is a significant departure from the current law which states that the registration of a vehicle shall remain valid so long as the vehicle is kept in use.

11. **Clause 5, subclauses (b) and (c)** allow for the insertion of two (2) new grounds in Section 15 (1) upon which the Licensing Authority can cancel the registration of a vehicle. These additional grounds for cancelling the registration of a vehicle are in instances where the owner fails to comply with the notice for re-registration under section 12 (12) and where the registration of the vehicle has expired but has not been renewed after thirty (30) days.
12. **Clause 5** also adds to section 15 of the Act **subsections 6, 7** and **8**, all dealing with the renewal of registration. **Subsection 7** provides that the application for renewal of registration shall be made not more than six (6) months before and not more than thirty (30) days after the expiry date of the registration of a vehicle. **Subsection 8** provides that beyond 30 days after the expiration of registration, the owner will have to re-register the vehicle pursuant to section 12 and Part IIB of the Act.
13. **Clause 6** introduces **Part IIB** to the Act which concerns Electronic Registration of Motor Vehicles and Tagging. **Section 20D** aids in the interpretation of Part IIB by providing definitions for the terms utilised. an “electronic reading device” means an electronic device-
  - a. that is capable of reading an electronic tag or is adapted for the purpose of capturing and producing data; and
  - b. approved by the Transport Commissioner under section 20C.
14. Further an “electronic tag” which means an encrypted tag with an electronic security code that
  - a. is unique to the vehicle;
  - b. provides a link to the registration information contained in the registers under section 11(1) in respect of that vehicle; and
  - c. is capable of producing an electronic record of the information in the registers when the electronic tag is read by an electronic device.
15. Consideration should be given to the definition of “constable” which is expansive and includes a police officer as defined in the Police Service Act; a Transport Officer; a Traffic Warden appointed under section 10A; and an estate constable employed under the Supplemental Police Act.
16. **Section 20E subsections (1)** and **(2)** relate to the issuance of electronic tags by the Licensing Authority to each registered vehicle in a place where it is visible from the outside and can be read by an electronic device.
17. **Section 20E subsection (3)** stipulates that a person shall not:

- a. Use, cause or allow another person to use a vehicle which does not have an electronic tag;
- b. Remove or destroy an electronic tag without authorisation by the Licensing Authority; or
- c. Tamper or interfere with the proper functioning of an electronic tag.

18. **Section 20E subsection (4)** provides that anyone who breaches subsection 3 is liable on summary conviction to a fine of twenty-five thousand dollars (TTD \$25,000.00) and a prison sentence of three (3) years.

19. **Section 20E subsections (5) and (6)** require the Licensing Authority to publish, in the Gazette or at least two (2) daily newspapers, a notice requiring vehicle owners to present their vehicle to the Licensing Authority to have the electronic tax affixed to it. Failure to comply with the notice is an offence punishable by a fine of five thousand dollars (TTD \$5,000.00).

20. **Section 20F** governs the installation of electronic reading devices and cameras. This section would allow electronic reading devices and cameras to be installed at locations determined by the Licensing Authority. The Licensing Authority may also authorise a constable to carry and operate an electronic reading device in order to determine the registration status of the vehicle. A person who tampers or interferes with the proper functioning of an electronic reading device or camera commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars (TTD \$25,000.00) and imprisonment for three (3) years. The Minister may by Order, on the recommendation of the Licensing Authority, approve the electronic reading devices and cameras for use under Part IIB.

21. **Section 20H** provides that any image, record or information obtained through the use of a camera or an electronic reading device is admissible as evidence in any proceedings with respect to any offence listed in Tenth Schedule. The evidence may be given by a constable producing the image, record or information captured on the electronic reading device or camera; and the presentation of a certificate or document signed by the Transport Commissioner giving particulars on how the image, record or information was obtained and produced.

22. Pursuant to **Section 20I** the registered owner of a vehicle is deemed liable for a traffic violation committed under Part IIB unless the owner can prove that

- a. He was not in possession of the vehicle when said violation was committed
- b. He did not
  - Know that the vehicle was in the possession of another person

- Consent to the vehicle being in the possession of another person and could not, by taking reasonable steps, have prevented the vehicle from being in the possession of that person.
23. “Owner” under this section refers to the registered owner, and, in the case of an unregistered vehicle, the person who is proven to be the owner.
  24. **Clause 7** deletes **section 23 (1)(g)** of the Act which prohibits vehicles with windscreens or windows that obscure the view of inside the vehicle from the outside from being used on the road.
  25. **Clause 14** deletes **paragraphs (a) and (b)** from **section 79K** of the Act. This would mean that court proceedings would commence only if a notice to contest has been filed by the owner of the vehicle within thirty (30) days of the deemed date of service of the Citation Notice as required by section 79J of the Act. This amendment removes the requirement for a period of three (3) months to elapse from the last day which the fixed penalty is payable and there is no record of the penalty being paid.
  26. **Clause 17** inserts **Part VB** which introduces Spot Speed Camera Enforcement. **Section 79U** defines speed cameras as an electronic device designed for the purpose of measuring the speed at which a person is driving; approved by the Minister; and that captures photographic images and video recordings of speeding violations. Pursuant to **section 79V** Speed cameras may be installed by or with the permission of the Licensing Authority on or near any road. **Section 79W** makes it an offence to unlawfully interfere with a spot speed camera or its proper functioning which is punishable on summary conviction by a fine of ten thousand dollars (TTD \$10,000.00).
  27. **Section 79X** makes clear that the owner is deemed responsible for a traffic violation. Where a spot speed camera captures a photograph or video of a vehicle involved in a traffic violation under section 62(1), the owner is responsible for ensuring the payment of the fixed penalty. If there are multiple owners, then the owners shall be jointly responsible for the fixed penalty. Where the owner has paid the fixed penalty, he may recover the sum paid from the person who was driving the vehicle at the time the photograph or video was captured.
  28. **Section 79Y** provides for the photograph and video captured by a spot speed capture to be evidence that the vehicle was used in the commission of a traffic violation under section 62(1) ; and that the information shown in the photograph or video is a true and accurate record of the identification mark or registration plate of the vehicle used in the commission of the traffic violation.

29. Pursuant to **section 79Z**, an Inspection Officer has thirty (30) days after the capture of a traffic violation by a spot speed camera to prepare a Citation Notice to be served on the owner of the vehicle. The Citation Notice provides that the owner, within the time specified by said Citation Notice, either pay the fixed penalty for the traffic violation committed or file a Notice to Contest.
30. **Section 79AA** prescribes the form of a Citation Notice. A Citation Notice shall be in the form approved by the Licensing Authority, published in the Gazette and shall:-
- a. specify the date, time and place of the traffic violation;
  - b. specify 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. include the photographic image showing the commission of the traffic violation and the registration plate of the vehicle involved in the commission of the traffic violation;
  - d. include the certificate of the Inspection Officer who prepared the Citation Notice;
  - e. specify the fixed penalty that is to be paid;
  - f. specify the payee to whom the fixed penalty may be paid;
  - g. specify the time within which the fixed penalty may be paid in accordance with section 79AC; and
  - h. specify that the owner may file a Notice to Contest in accordance with section 79AD.
31. Pursuant to **Section 79AB** the Citation Notice shall be served to each owner of the vehicle involved in the traffic violation by delivery to the owner or an adult at his usual or last known place of residence; by post or registered post to his usual or last known place of residence or business; or to any other address furnished by the owner to the Licensing Authority. Where the owner's last place of residence cannot be ascertained with reasonable diligence, service may be effected by publication in at least one (1) daily newspaper or through e-mail. Service is deemed to be effected on the eighth day following delivery, publication or electronic transmission.
32. According to **section 79AC**, the fixed penalty shall be paid by the owner within forty-five (45) days of the deemed date of service or such longer period as prescribed by the Order of the Minister, unless a Notice to Contest was filed.
33. According to **section 79AD**, an owner may, after being served with a Citation Notice, file a Notice to Contest with the District Criminal and Traffic Court within thirty (30) days of the deemed date of service of the Citation Notice. The Notice to Contest may only be filed

if the vehicle was stolen or the vehicle was owned by someone else at the time the traffic violation was committed. An owner may still pay the fixed penalty specified by the Citation Notice, despite filing a Notice to Contest. Upon payment, the matter will be removed from the list of hearing at the District Criminal and Traffic Court.

34. **Sections 79AE – 79AK** of the Act relate to court proceedings. **Section 79AF** requires the Inspection Officer, once a Notice to Contest has been filed, to transmit to the Magistracy Registrar and Clerk of the Court, in the district in which the hearing is to occur, a certified copy of the Citation Notice; the photograph or video captured by the spot speed camera of the traffic violation; and proof of service of the Citation Notice. According to **Section 79AJ** this is sufficient evidence to call upon the person charged to answer and the presence of the complainant is not required.
35. **Section 79AG** provides that a certificate on the Citation Notice signed by an Inspection Officer is prima facie evidence of the matter stated in the certificate. The Certificate states that the Inspection Officer is certified by the Commissioner of Police in accordance with **section 79AZ (3)**; the spot speed camera which captured the photograph or video was approved by the Minister; the photograph or video was captured on the date and time stated therein; the spot speed camera was operating accurately when the photograph or video was captured; and the contents of the information shown on the photograph or video are true and correct.
36. Pursuant to **section 79AH**, where the credentials of an Inspection Officer are reasonably brought into question, the District Criminal and Traffic Court may authorise a certificate signed by the Commissioner of Police stating that the said Inspection Officer is qualified to operate and analyse a spot speed camera.
37. According to **section 79AI**, evidence regarding the manner of operation or condition of the spot speed camera is not required unless evidence has been adduced that it was not in proper working condition or improperly operated at the time of the traffic violation.
38. Where the owner is absent from the proceedings, **section 79AK** allows for the Magistrate may proceed ex parte to the hearing of the matter and shall adjudicate as though the owner had appeared before the Court.
39. **Section 79AL** outlines the consequences for non-payment of the fixed penalty and failure to file Notice to Consent. Non-payment of the fixed penalty stated in the Citation Notice within the specified time would result in the owner having to pay to a payee the fixed penalty plus one-quarter of the amount of the fixed penalty. If this payment is not made within fourteen (14) days of the date on which it becomes payable, the owner will be liable to pay the fixed penalty plus one-half of the amount of the fixed penalty. If this



subsequent payment is not made within fourteen (14) days on which it becomes payable, the Licensing Authority may suspend the owner’s driving permit or cease all transactions in relation to the vehicle involved in the traffic violation or with the owner of the vehicle.

40. Before suspension of the owner’s driving permit or cessation of transactions involving the vehicle or the owner, **section 79AM** prescribes that the Licensing Authority must, before taking issue written notice to the owner indicating among other things, that it intends to impose a sanction and that the owner has fourteen (14) days from the date of receipt of Notice to show cause in writing why the Licensing Authority should not impose the intended sanctions. Pursuant to **section 79AN** the Licensing Authority, has the discretion to impose or to decline the imposition of sanctions on the owner, and require the payment specified in section 79AL (2), after receiving representations by the owner. Sanctions must be immediately lifted by the Licensing Authority upon payment of the sum specified sum in section 79AL (2).
41. **Clause 18** seeks to amend **section 81** of the Act reducing the time allotted for a police officer to transmit a copy of the fixed penalty notice to the Licensing Authority from seven (7) working days to one (1) day.
42. **Clause 24** repeals **section 90** of the Act and substitutes with a new **section 90** relating to fraudulent imitation of identification mark, registration plate and information.

NEW SECTION	OFFENCE	PENALTY
<b>Section 90 (1)</b>	A person shall not, with intent to deceive, imitate, alter, mutilate, destroy, lend or allow to be used by any other person, his certificate of registration or driving permit.	Liable on summary conviction to a fine of twenty-five thousand dollars (TTD \$25,000.00) and to imprisonment for three (3) years, as stated in <b>section 90 (2)</b>
<b>Section 90 (3)</b>	It is an offence for a person, with intent to deceive, to: <ul style="list-style-type: none"> <li>— alter, use, lend or allow to be used a registration plate in respect of a registered vehicle or purporting to be a registration plate for a registered vehicle;</li> <li>— make or possess anything resembling or purporting to be a registration plate; or</li> <li>— make a false statement or withhold information to obtain a registration plate issued or deemed to be issued under this Act.</li> </ul>	Liable on summary conviction to a fine of twenty-five thousand dollars (TTD \$25,000.00) and to imprisonment for three (3) years.

<b>Section 90 (4)</b>	<p>It is an offence for a person to:</p> <ul style="list-style-type: none"> <li>— use or drive a vehicle with an identification mark or registration that is made with reflex-reflecting materials or retro-reflecting characters or any other material which would make it difficult to distinguish the characters of the identification mark or registration plate and impair the making of a true photographic image of said identification mark and registration plate; or</li> <li>— use any fixing device which would make it difficult to distinguish the characters of the identification mark or registration plate impair the making of a true photographic image of said identification mark and registration plate.</li> </ul>	<p>Liable on summary conviction to a fine of twenty-five thousand dollars (TTD \$25,000.00) and to imprisonment for three (3) years.</p>
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Moreover, pursuant to **section 90 (5)**, a police officer of Transport Office may arrest any person who he has reasonable cause to believe is committing an offence under section 90 (3).

43. **Clause 25** seeks to amend **section 100** of the Act by including restrictions on the shades or degrees of tint on the windows and wind screens of vehicles, among the categories in respect of which the Minister may make regulations.

44. **Clause 26** amends the First Schedule of the Act and provides the applicable fees for registration, renewal and re-registration of a vehicle or trailer.

- a. new registration - \$350.00
- b. renewal of registration - \$350.00
- c. re-registration of expired registration - \$450.00

45. **Clause 27** repeals the **Seventh Schedule** of the Act and substitutes with a new Seventh Schedule which is a reformatted and includes a new breach of condition constituting a traffic offence in item **number 3**. The new reformatted schedule is enclosed below:

## “SEVENTH SCHEDULE

(Section 20B)

### BREACH OF CONDITION CONSTITUTING A TRAFFIC VIOLATION

<i>Description of Offence</i>	<i>Relevant Section/Regulation</i>
1. Notification of destroyed or permanently unserviceable vehicles or vehicles that have been removed from Trinidad and Tobago.	15(2)
2. Registration of transfer within fourteen days of change of possession of a vehicle.	19(6)
3. Failure to comply with notice.	12(A5)(a), (12) and 20E(5)
4. Vehicle to be used in compliance with its registration.	21
5. Windscreen or window of vehicle not to obscure view of inside of the vehicle from outside.	23(1B)
6. Vehicle to be fitted with seatbelts.	43B(2)
7. Failure of a driver and any passenger seventeen years and over to wear a seat belt while the vehicle is in motion.	43C(1)
8. Driving a vehicle with a person in the front seat who is not wearing a seat belt.	43C(1A)
9. Children under the age of five years to be properly restrained in vehicle.	43D
10. Instructor to be holder of valid driving permit and give instructions to persons with a valid provisional permit.	46
11. Person to be physically fit to be the holder of a driving permit.	48
12. Person driving to be in possession of his driving permit while driving.	56
13. Holder of driving permit from another country to have his travel document showing date of arrival while driving.	56A
14. Driving within prescribed speed limits.	62

15. Take part in race or trial of speed with written permission of the Commissioner of Police.	63
16. Comply with traffic signs.	64
17. Comply with Orders of the Minister in respect of one-way roads and parking of vehicles.	65
18. Comply with traffic direction.	66
19. Comply with traffic light signal.	66A
20. Comply with experimental traffic schemes.	67
21. Comply with Orders of the Commissioner of Police in respect of the prohibition or restriction of traffic on roads.	68
22. Person on motorcycle not to ride abreast of each other, not to hold on to another moving vehicle and not to carry unauthorized persons.	77
23. Driver not to distribute or allow the distribution of advertisements from a moving vehicle.	78
24. Person not to park in space adjoining or attached to a public building unless granted permission.	107
25. Remove vehicle parked in contravention of Act at the direction of police officer.	108(1)(a)
26. Pay required motor vehicle tax.	Fourth Schedule”;

46. **Clause 27** also amends the **Ninth Schedule** of the Act by inserting a new traffic violation, along with relevant section/ regulation, and corresponding fixed penalty and demerit points, as item **1a**.

“1a. Failure to comply with a notice	Motor Vehicles and Road Traffic Act, Chap. 48:50 Sections 12(A5)(a), 12 and 20E(5)	2,000.00	6”
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47. Additionally, a **Tenth Schedule**, that would list offences for which evidence is admissible in proceedings, will be inserted in the Act.

#### TENTH SCHEDULE

<i>Description of Offence</i>	<i>Relevant Section/Regulation</i>
1. Using or allowing the use of an unregistered vehicle on a road or other public place.	Motor Vehicles and Road Traffic Act, Ch. 48:50, section 12(1)
2. Keeping or allowing for the keeping of an unregistered vehicle on a road or other public place.	
3. Using or causing or allowing to be used by another person, a vehicle that does not have an electronic tag affixed to it.	Motor Vehicles and Road Traffic Act, Ch. 48:50, section 20(b)
4. Removing or destroying an electronic tag unless authorised by the Licensing Authority.	
5. Tampering with or otherwise interfering with the proper functioning of an electronic tag.	
6. Altering, using, lending or allowing to be used a registration plate relating to a registered vehicle or purporting to be a registration plate for a registered vehicle.	Motor Vehicles and Road Traffic Act, Ch. 48:50, section 90(3)
7. Making or having in his possession anything resembling a registration plate, or purporting to be such registration plate.	
8. Making any false statement or withholding information in order to obtain, a registration plate issued or deemed to have been issued under this Act, or purporting to be a registration plate.	

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|--|---|
| 9. Using or causing to be used or permitting a person to use a 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”. |
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## REFERENCES

### KEY LEGISLATION

- **Motor Vehicles and Road Traffic (Amendment) Bill, 2019**  
<http://ttparliament.org/legislations/b2019s06.pdf>
- **Motor Vehicles and Road Traffic Act Chap. 48:50**  
[https://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/48.50.pdf](https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/48.50.pdf)
- **Motor Vehicles Insurance (Third-Party Risks) Act Chapter 48:51**  
[http://rgd.legalaffairs.gov.tt/laws2/alphabetical\\_list/lawspdfs/48.51.pdf](http://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/48.51.pdf)



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