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Third 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 provide for the
implementation of spot speed camera devices for
the purpose of detecting speeding violations

THE MOTOR VEHICLES AND ROAD TRAFFIC (SPOT
SPEED CAMERA ENFORCEMENT) (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 this Bill is to provide for the implementation of a spotspeed camera enforcement system that would capture and produce photographic images or video recordings of speeding violations.

Clause 1 would cite the short title of the Bill.

Clause 2 of the Bill would allow for the Bill when enacted to come into operation on a day to be fixed by the President by Proclamation.

Clause 3 would define the words “the Act” to mean the Motor Vehicles and Road Traffic Act.

Clause 4 would amend section 62(8), by deleting and substituting specific words and inserting the definition of words “radar detector or jammer”.

Clause 5 would amend section 62A(1), by deleting the words “by a constable”.

Clause 6 of the Bill would insert a new Part VB which would provide for the introduction of a Spot Speed Camera Enforcement System.

BILL

AN ACT to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 to provide for the implementation of spot speed camera devices for the purpose of detecting speeding violations

[, 2017]

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

1. This Act may be cited as the Motor Vehicles and Short title Road Traffic (Spot Speed Camera Enforcement) (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 62(8)
amended **4.** Section 62(8) of the Act is amended by—
 (a) deleting the words “In this section and section 62A” and substituting the words “this Part and Part VB”; and
 (b) inserting after the definition of “constable”, the following definition:
 ““radar detector or jammer” means any device that is designed, or apparently designed, for the purpose of detecting, interfering with, or preventing the effective use of a speed measuring device;”.

Section 62A(1)
amended **5.** Section 62A(1) of the Act is amended by deleting the words “by a constable”.

New Part VB
inserted **6.** The Act is amended by inserting after Part VA, the following new Part:

“PART VB
SPOT SPEED CAMERA ENFORCEMENT

Interpretation **79U.** For the purposes of this Part—
 “Citation Notice” means a notice in the form approved by the Licensing Authority under section 79AA;
 “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 referred to under section 84;

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

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

“spot speed camera” means an electronic device—

- (a) designed for the purpose of measuring the speed at which a person is driving a motor vehicle;
- (b) approved by the Minister under section 79V; and
- (c) that captures and produces photographic images or video recordings of speeding violations committed under section 62.

Installation of speed spot camera 79V. (1) The Licensing Authority may cause or permit a spot speed camera to be installed on, or near any road.

(2) The Minister may, by Order, approve the spot speed cameras for the purposes of this Part.

Unlawful
interference

79W. A person who unlawfully interferes with a spot speed camera or its proper functioning, commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Owner
deemed
responsible
for traffic
violation

79X. (1) For the purposes of this Part, where a spot speed camera captures a photographic image or video recording of a motor vehicle that is involved in a traffic violation under section 62(1), the owner of the motor vehicle shall be responsible for ensuring the payment of the fixed penalty for that traffic violation.

(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 sum paid by him from the person who was driving the motor vehicle at the time the photographic image or video recording was captured.

Photographic
image or
video
recording
captured by
spot speed
camera

79Y. A photographic image or video recording of a motor vehicle captured by a spot speed camera shall be evidence that the—

(a) motor vehicle was used in the commission of a traffic violation under section 62(1); and

- (b) 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

79Z. (1) Where a spot speed camera captures a photographic image or video recording of the commission of a traffic violation under section 62(1), an Inspection Officer shall, within thirty days of the commission of the traffic violation, prepare a Citation Notice to be served on the owner of the motor vehicle involved in the commission of the traffic violation.

(2) A Citation Notice under subsection (1) shall allow the owner of the motor vehicle that was involved in the commission of the traffic violation to either—

- (a) pay the fixed penalty for the traffic violation, within the time specified in the Citation Notice; or
- (b) file a Notice to Contest within the time specified in the Citation Notice in accordance with section 79AC.

(3) An Inspection Officer shall not prepare a Citation Notice unless he is certified by the Commissioner of Police as trained to analyze and certify the authenticity of photographic images or video recordings obtained with a spot speed camera.

Form of
Citation
Notice

79AA. A Citation Notice prepared under section 79Z shall be in the form approved by the Licensing Authority and 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 number of the motor 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;
- (h) specify that the owner may file a Notice to Contest in accordance with section 79AD; and
- (i) specify 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 79AD.

Service of
Citation
Notice

79AB. (1) A Citation Notice shall be served on each owner of a motor vehicle involved in a traffic violation under section 62(1) by—

- (a) delivering it to each owner or some adult at his usual or last known place of residence;
- (b) leaving it or affixing it at the usual or last known place of residence or place of business of the owner; or
- (c) 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 Citation Notice is delivered, left, affixed, published, or electronically transmitted, as the case may be.

Payment of
fixed penalty

79AC. (1) Where service of a Citation Notice has been effected in accordance with section 79AB, the owner of the motor vehicle shall, unless he files a Notice to

Contest, pay the fixed penalty within forty-five days from the deemed date of service under section 79AB(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 79AB; 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

79AD. (1) Where an owner of a motor vehicle is served with a Citation Notice under section 79AB for a traffic violation and the owner is desirous of contesting the traffic violation, 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 79AC and the matter shall, thereafter, be removed from the list of hearing at the Court.

Proceedings
for traffic
violation
under
section 66A

79AE. Proceedings in respect of a traffic violation under section 62(1) for which a Citation Notice was served, shall not be listed for hearing 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 79AB; 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 79AC.

Transmission
of documents
to Court

79AF. Where an owner has filed a Notice to Contest, an 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 spot speed camera in relation to the traffic violation; and
- (d) proof of service of the Citation Notice.

Certificate of
Inspection
Officer

79AG. Proceedings in respect of a traffic violation under this Part, a certificate on the Citation Notice signed by an Inspection Officer which states that—

- (a) the Inspection Officer is certified by the Commissioner of Police in accordance with section 79Z(3);
- (b) the spot speed 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 spot speed camera was obtained on the date and time stated therein;
- (d) the spot speed 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

79AH. In proceedings for a traffic violation under this Part, where the credential of an Inspection Officer is reasonably brought into question, the Court may authorize 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 analyze a spot speed camera, and the certificate shall be *prima facie* evidence of the particulars specified therein.

Evidence of
condition of
spot speed
camera

79AI. In proceedings for a traffic violation under this Part, evidence of the condition of the spot speed camera or the manner in which it was operated, shall not be required unless evidence that it was not in proper working condition or that it was not properly operated at the time of the traffic violation has been adduced.

No
complainant
in
proceedings

79AJ. (1) In proceedings for a traffic violation under this Part, the information that is sent to the Court under section 79AF 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

79AK. Notwithstanding section 44 of the Summary Courts Act, where an owner files a Notice to Contest but 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 shall 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

79AL. (1) Where an owner does not pay the fixed penalty as specified in the Citation Notice and does not file a Notice to Contest in accordance with section 79AD, 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 does not pay the required sums under subsection (2) within fourteen days from the date it becomes payable, 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 motor vehicle.

Notice to
owner of
possible
sanctions

79AM. Where an owner does not pay the required sums under section 79AL(2) and does not file a Notice to Contest in accordance with section 79AD, 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 79AL(1) was not paid;
- (d) the sum stated in section 79AL(2) has become due for payment;
- (e) it intends to impose the sanction in accordance with section 79AL(3); 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

79AN. (1) An owner may, as stated in section 79AM, show cause why the Licensing Authority should not impose the sanctions specified in section 79AL(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 79AL(3), or decline to impose any sanctions and require the owner to pay the sum as specified under section 79AL(2).

(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 sum as specified in section 79AL(2).”.

Passed in the Senate this day of ,
2017.

Clerk of the Senate

I confirm the above.

President of the Senate

No. 3 of 2017

THIRD SESSION
ELEVENTH PARLIAMENT

REPUBLIC OF

TRINIDAD AND TOBAGO

BILL

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Vehicles and Road Traffic
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Received and read the

First time

Second time

Third time
