

No. of 2008. Vehicles and Road Traffic (Amendment) (No. 2) Bill, 2008. Saint Christopher and Nevis.

SAINT CHRISTOPHER AND NEVIS

No. of 2008

A **BILL** to amend the Vehicles and Road Traffic Act, Chapter 270.

[Published ]

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the National Assembly of Saint Christopher and Nevis and by the authority of the same as follows:

Short title. 1. This Act may be cited as the Vehicles and Road Traffic (Amendment) (No. 2) Act, 2008.

Interpretation. 2. In this Act, a reference to "the Act" shall mean the Vehicles and Road Traffic Act, Chapter 270.

Amendment of Section 8. 3. Section 8 of the Act is amended by inserting immediately after subsection (3) the following new subsections

" (4) A person shall only register a public service vehicle, other than a self-drive vehicle, with the approval of

(i) the Minister, in the case of a motor omnibus; or

(ii) the Tourism Authority, in the case of a taxi or tour bus.

(5) A person who seeks to register a public service vehicle other than a self-drive vehicle shall,

(i) in the case of a taxi or tour bus, make application in writing to the Tourism Authority;

(ii) in the case of a motor omnibus, to the Traffic Safety and Public Service Drivers Board

(6) A person shall not transfer the registration number of a taxi or tour bus to another person without the prior written approval of the Tourism Authority.”

Amendment of section 14.

4. The Act is amended in section 14(1) by replacing the expression “5” with the word “twenty”.

Amendment of section 27.

5. The Act is amended in section 27 by

(a) replacing the first proviso in subsection (1) as follows:

“ Provided that any person found driving in contravention of this section commits an offence and may be arrested forthwith without warrant, and shall on summary conviction be liable to a fine not exceeding two thousand dollars.”

(b) inserting immediately after subsection (1) the following new subsection:

“(1) A. (a) No person shall drive or employ any other person to drive a public service vehicle, unless the provisions of section 7 of the Public Service Vehicle Drivers (Special Provisions) Act, No. 8 of

1977, are complied with;  
and

(b) any person who  
contravenes paragraph (a)  
commits an offence and  
shall be liable on  
summary conviction to a  
fine of two hundred and  
fifty dollars for the first  
offence and five hundred  
dollars as well as  
suspension or revocation  
of the person's licence,  
for a second or  
subsequent offence."

(c) by inserting in subsection (2) (b)  
immediately before the word  
"driver's", the expression "**Class  
I**".

Amendment of  
section 28.

6. Section 28 of the Act is amended as follows:

- (a) in subsection (1) by
- (i) replacing the word "two"  
occurring in paragraph (a)  
thereof with the word  
"**four**";
  - (ii) by replacing in paragraph (b) the  
word "four" with the word  
"**eight**";
  - (iii) replacing the word "four" in  
paragraph (c) with the word  
"**eight**".
- (b) in subsection (2) by inserting  
immediately after the word  
"description", the following expression  
"**and any person found driving in  
contravention of this section may be  
arrested forthwith without a**

**warrant.”.**

(c) by inserting immediately after subsection 5, the following new subsections

“ (6) (a) A person who gives instruction in the driving of a motor vehicle shall be the holder of a valid Class I driver’s licence and be duly authorised by the Licensing Authority as a driving instructor;

(b) If any instruction in driving is given in contravention of paragraph (a), the person by whom it is given and if he is employed by a principal to give that instruction, the principal as well, commits an offence and shall be liable on conviction to a fine not exceeding two thousand dollars or to imprisonment for six months or to both such fine and imprisonment.

(7) A person shall not be granted a Class I driver’s licence unless he:

(a) has passed an examination of competency and fitness to give instructions in the driving of a motor vehicle as may be prescribed by the Licensing Authority;

(b) is the holder of a driver’s licence for a period of not less than four years;

(c) has not during any part of the said four years been disqualified from driving under the provisions of any law;

(d) has not been convicted of any of the offences of reckless, or dangerous driving within the last twelve months;

(8) A person who is the holder of a Class I driver's licence shall not be entitled to give driving instructions if his substantive driver's licence has been suspended by a court or other competent authority.

(9) A Class I driver's licence shall be in the form prescribed by the Licensing Authority.”.

7. Section 33 of the Act is amended by inserting immediately after subsection (2) thereof the following new section

Amendment of section 33.

“ (3) No person who is under the age of seventeen years shall be granted a Class L driver's licence to drive a motor vehicle other than a motor cycle, and in any event shall not be granted any other class of driver's licence before attaining the age of eighteen years.”.

8. Section 50 of the Act is amended by replacing the word “one” with the word “two”.

Amendment of section 50.

9. Section 51G(4) is amended by inserting immediately after the expression “100 millilitres of urine” the words “and 35 micrograms of breath in 100 milliliters of blood,”.

Amendment of section 51G.

10. The Act is amended by inserting immediately after section 53A (3) the following new subsection:

Amendment of section 53A.

“ (4) A person who causes the death of another person by the driving of a motor vehicle on a road, without due care and attention, or without reasonable consideration for other persons using the

**road, commits an offence and shall be liable upon conviction on indictment to imprisonment for three years.”.**

11. The Act is amended in section 58 by

Amendment of  
section 58.

- (a) deleting in subsection (2) immediately after the word “road”, the expression **“unless the driver either gives his name and address or produces his driver’s licence for examination.”;**
- (b) deleting the expression “twenty-five” and replacing it with the expression **“one thousand”;** and
- (c) inserting a new subsection (4) as follows:

**“ (4) The expression “stop” in subsection (4) means “to remain stationary for as long as is reasonably necessary for the police to complete the purpose of the stop.”.**

12. Section 62 of the Act is amended by

Amendment of  
section 62.

- (a) deleting paragraph (o); and
- (b) inserting the following new sections immediately after:
  - “Tinting. 62A (1) In this section “restricted motor vehicle” means any motor vehicle other than a motorcycle, where the whole or part of the glass of the windscreen, side or rear windows of the vehicle is so obscured by either

(a) the application of any film, tint or other device; or

- (b) is custom-tinted by the manufacturer, that less than sixty five percent of light transmission is possible.
- (2) In this section the expression "custom-tinted by the manufacturer" means that the glass of the windshield, side or rear windows of a vehicle has been obscured by a process other than by the application of any film, tint or other obscuring device.
- (3) Subject to the provisions of this Act, no person shall import a restricted motor vehicle into the Federation.
- (4) The provisions of this part shall not apply to a restricted motor vehicle
- (a) that has been custom-tinted by the manufacturer on or before the date of the coming into force of this Act;
  - (b) ambulances;
  - (c) hearses;
  - (d) such other classes of motor vehicles as the Minister of National

Security may designate by notice published in the Gazette.”.

“ (5) (a) Every motor vehicle other than a motor cycle or agricultural tractor shall be fitted with a windscreen that provides ample protection to the driver of a motor vehicle and it shall be kept in such condition as to allow an unobstructed view of the road at the front of the vehicle.

(b)(i) The windcreens, side or rear windows of a motor vehicle shall, if tinted, allow a minimum of sixty five percent of light transmission whether the glass has been custom-tinted by the manufacturer itself or applied by any other person;

(ii) The degree of light transmission shall be determined by a measuring device known as the Mars Window Transmeter or any other device which is approved by the Licensing Authority for the measurement of light passing through the glass windows of motor vehicles.

(c) Notwithstanding the light transmittance, the interior of a vehicle shall be reasonably visible from the exterior

(d) No person shall drive or being the owner permit any other person to drive a motor vehicle with any sign, poster, or other reflective or sun-screening material upon the windshield, side or rear windows of such vehicle other than the licence or other label required to be displayed by law.

(e) no motor vehicle registered as a self-drive vehicle shall be used on a road if the windows or windcreens are tinted, whether the glass has been custom-tinted by the manufacturer, or applied by any other person.

(f) A person who acts in contravention of the provisions of this section commits an offence, and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for a term of six months or to both such fine and imprisonment.”

(6) Notwithstanding the provisions of subsections (2) and (3), no person

shall be prosecuted for driving a restricted motor vehicle during the sixty day period after the coming into force of this Act.

““Safety belt.

62B. (1) No person shall operate a motor vehicle unless the driver and any passenger in the front seat of the vehicle are adequately restrained by a seat belt.

(2) For the purpose of this section,

(a) “motor vehicles” excludes motor vehicles manufactured before January 1 1990, buses, authorised emergency vehicles and trucks with a maximum gross weight of eighteen thousand pounds or more.

(b) “seat belt” means a safety belt used to secure a person in a motor vehicle.

(3) A passenger who is under the age of five years or weighing less than forty pounds shall be restrained in a specially designed detachable or removable seat in such conditions as are prescribed by the

Minister.

(4) This subsection not apply to a driver or passenger with a physically disabling condition whose physical disability would prevent appropriate restraint by safety or safety seat, once this condition is certified by a medical practitioner.

(5) A person who acts in a manner contrary to this subsection commits an offence and is liable upon summary conviction to

(a) be fined one hundred dollars in the case of a first offence;

(b) be fined two hundred dollars in the case of a second or subsequent offence; and

(c) where a person is convicted of three or more violations of this subsection within a three year period, the Court may order a suspension of that person's driver's licence for a period of six months."

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CURTIS A MARTIN  
*Speaker*

Passed by the National Assembly this      day of  
, 2008.

JOSÉ LLOYD  
*Clerk of the National Assembly*