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ROAD TRAFFIC (AMENDMENT) REGULATIONS, 2017

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S.I. 2017 No.

Road Traffic Act

CAP. 295

ROAD TRAFFIC (AMENDMENT) REGULATIONS, 2017

The Minister, in exercise of the powers conferred on him by section 124 of the *Road Traffic Act*, makes the following Regulations:

Short title

1. These Regulations may be cited as the *Road Traffic (Amendment) Regulations, 2017*.

Insertion of regulation 14A

2. *The Road Traffic Regulations, 1984 (S.I. 1984 No. 141), in these Regulations referred to as the principal Regulations are amended by inserting immediately after regulation 14 the following:*

“Annual inspection of private motor vehicles that are 10 years old or older

14A.(1) On the payment of the prescribed fee, the Licensing Authority shall cause an annual inspection to be made of any motor vehicle that is 10 years or older and that is licensed as a private motor vehicle and where the motor vehicle is found on inspection not to be in a fit and proper condition for the purpose of transporting persons, the Licensing Authority shall by notice in writing inform the owner of the motor vehicle of the defects found and give the owner 14 days to correct the defects.

(2) The Minister may by order designate the garages to be used for the inspection of motor vehicles referred to in paragraph (1).

(3) Where an owner of a motor vehicle referred to in paragraph (1) fails to correct the defects found to the satisfaction of the Authority, the Authority shall refuse to register the motor vehicle.”.

Amendment of regulation 29

3. Regulation 29 of the principal Regulations is amended

(a) *in paragraphs (1) to (4) by deleting the words “Licensing Authority” wherever they appear and substituting the words “Transport Authority”;* and

(b) *by deleting paragraph (7) and substituting the following:*

“(7) A permit granted under this regulation is

(a) renewable annually; and

(b) transferable to another person subject to the approval of the Transport Authority in writing

on payment to the Barbados Revenue Authority of the fee prescribed by virtue of any order made under section 23(4) of the *Transport Authority Act, Cap. 295A.*”.

Amendment of regulation 32

4. Regulation 32 of the principal Regulations is amended by

(a) *deleting paragraph (1) and substituting the following:*

“(1) On the approach of an ambulance, a police vehicle, a unit of the Defence Force, a unit of the Department of Emergency Management,

a unit of the Fire Service or a unit of the Prison Service sounding a bell or siren, or flashing a lamp, every other driver of a motor vehicle shall

- (a) draw up his motor vehicle as close as possible to the left side of the road and stop;
- (b) at night, dim the headlights of his motor vehicle; and
- (c) remain stationary until the ambulance, police vehicle, unit of the Defence Force, unit of the Department of Emergency Management, unit of the Fire Service or unit of the Prison Service has passed.”; and

(b) deleting paragraph (3) and substituting the following:

“(3) In this regulation,

“police vehicle” means any vehicle used for conveying members of the Police Force in the execution of their duties or being driven by any member of the Police Force in the execution of his duty;

“unit of the Defence Force” means any vehicle used for conveying members of the Defence Force in the execution of their duties, an ambulance of the Defence Force or any vehicle being driven by any member of the Defence Force in the execution of his duty;

“unit of the Department of Emergency Management” means any vehicle being driven by any member of the Department, in the execution of his duty;

“unit of the Fire Service” means any engine, pump, trailer or other apparatus of the Fire Service and any vehicle in which a member of the Fire Service is driving or is being conveyed to any fire or suspected fire or other emergency;

“unit of the Prison Service” means any vehicle in which a member of the Prison Service is being conveyed along with or without prisoners, in the execution of his duty.”.

Amendment of regulation 48

5. Regulation 48 of the principal Regulations is amended by deleting paragraphs (5) and (6) and substituting the following:

“(5) The Licensing Authority shall, every 6 months, cause inspections to be made of any licensed motor omnibus, minibus or route-taxi and, if any motor omnibus, minibus or route-taxi is not in compliance with the motor omnibus, minibus or route-taxi specifications, by notice in writing inform the owner thereof of the defects found therein and suspend the permit until the defects have been remedied.

(6) An owner of a motor omnibus, minibus or route-taxi who refuses or fails to submit the motor omnibus, minibus or route-taxi for inspection pursuant to paragraph (5), is guilty of an offence and, in addition to any penalty the court imposes, is liable to have his permit suspended until the vehicle has been submitted for inspection. ”.

Amendment of regulation 69

6. Regulation 69 of the principal Regulations is amended

(a) in paragraphs (5), (6), (8) and (11) by deleting the word “proprietor” wherever it appears and substituting the word “owner”; and

(b) by deleting paragraph 9 and substituting the following:

“(9) Notwithstanding regulation 13, on the payment of the prescribed fee, the Licensing Authority may cause an inspection to be made,

(a) at such times as it thinks fit, of any motor vehicle licensed to carry passengers for hire; or

(b) on a semi-annual basis, in the case of a motor vehicle licensed as a maxi-taxi

and where a motor vehicle is found not to be in a fit and proper condition for the transporting of passengers, the Authority shall, by notice in writing, inform the owner or part owner of the motor vehicle of the defects found and suspend the licence until the defects have been remedied.”.

Amendment of regulation 87

7.*Regulation 87 of the principal Regulations is amended by inserting immediately after paragraph (2) the following:*

“(2A) The maximum speed limit at which a motor vehicle may be driven in an area classified as a construction zone is 25 kilometres per hour, but that limit may be reduced within specified construction zones as indicated by traffic control devices.”.

Insertion of regulations 89A and 89B

8.*The principal Regulations are amended by inserting immediately after regulation 89 the following:*

“Illegal speed trials

89A.(1) No person shall conduct a trial of speed without obtaining the required permission referred to in regulation 89.

(2) A person who promotes, participates in, attends or congregates at a trial of speed that is held in contravention of regulation 88 or 89 is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 3 months or to both.

Stunts

89B.(1) No person shall drive a vehicle on a road or highway, whether participating in a race or otherwise, while performing a stunt.

(2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 3 months or to both.

(3) For the purposes of this regulation,

(a) “race” does not include a rally, navigational rally or similar event that is organised by the

(i) Barbados Rally Club; or

(ii) a club or association approved by the Minister in writing;

(b) “stunt” includes any activity where one or more persons are engaged in any one of the following:

(i) driving a vehicle in a manner that indicates an intention to lift some or all of the vehicle’s tyres from the surface of the road or highway, including driving a motor cycle or bicycle with only one wheel in contact with the ground;

(ii) driving a vehicle in a manner that indicates an intention to cause some or all of its tyres to lose traction with the surface of the road or highway while turning;

(iii) driving a vehicle in a manner that indicates an intention to make the vehicle spin or cause it to circle without maintaining control over it;

(iv) driving two or more vehicles side by side or in proximity to each other, where one of the vehicles occupies a lane of traffic or other portion of the road or

highway intended for use by oncoming traffic for a period of time that is longer than is reasonably required to pass another vehicle;

- (v) driving a vehicle while the driver of that vehicle is not sitting in the driver's seat;
- (vi) driving a vehicle at a rate of speed that is over the speed limit; or
- (vii) driving a vehicle without due care and attention and without reasonable consideration for other persons using the road or highway or in a manner that may endanger any person by
 - (A) driving the vehicle in a manner that indicates an intention to prevent another vehicle from passing the first vehicle;
 - (B) stopping or slowing down the vehicle in a manner that indicates that the driver's sole intention in stopping or slowing down is to interfere with the movement of another vehicle by cutting off its passage on the highway or to cause another vehicle to stop or slow down in circumstances where the other vehicle would not ordinarily do so; or
 - (C) driving the vehicle in a manner that indicates an intention to drive without justification as close as possible to another vehicle, pedestrian or fixed object on or near the road or highway."

Insertion of regulations 117A and 117B

9. *The principal Regulations are amended by inserting immediately after regulation 117 the following:*

“Wearing a bicycle helmet

117A.(1) No person shall ride a bicycle on a road or on a highway unless that person is wearing a bicycle helmet and the chin strap of the helmet is securely fastened under the wearer’s chin.

(2) No parent or guardian of a person under the age of 16 years shall authorise or knowingly permit that person to ride on or operate a bicycle on a road or on a highway unless that person is wearing a bicycle helmet in accordance with paragraph (1).

(3) A person who contravenes this regulation is guilty of an offence and is liable on summary conviction to a fine of \$300.

Sale of bicycles

117B.(1) No person shall sell or offer a bicycle for sale that, at the time of sale, does not comply with the specifications set out in regulations 122, 123, 124 and 125.

(2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$500.”.

Insertion of regulation 118A

10. *The principal Regulations are amended by inserting immediately after regulation 118 the following:*

“Prohibition on cyclist or skater riding and holding on to another moving vehicle

118A.(1) No person shall, while on a road or highway

- (a) ride a motor cycle or bicycle; or
- (b) travel on roller-skates or on a skate board,

while holding on to a moving vehicle for the purpose of being drawn along the road or highway.

(2) No driver of a vehicle on a road or highway shall permit any person

(a) riding a bicycle or motor cycle; or

(b) travelling on roller-skates or on a skate board,

to attach himself to the vehicle for the purposes of being drawn along the road or highway.

(3) A person who contravenes paragraph (1) or (2) of this regulation is guilty of an offence and is liable on summary conviction to a fine of \$500 or to imprisonment for a term of 6 months or to both. ”.

Insertion of regulations 148 and 148A to 148D

11. *The principal Regulations are amended by inserting immediately after regulation 147 the following:*

“Prohibition on driving or operating a vehicle while holding and using a cellular telephone

148.(1) No person shall drive or operate a vehicle on a road or a highway while at the same time holding, manipulating, talking on or using a cellular telephone that is capable of receiving or transmitting telephone communication, electronic data, electronic mail or text messages.

(2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$2 000 or to imprisonment for a term of 18 months or to both.

- (3) For the purposes of this Part,
- (a) “cellular telephone” means a portable telephone which
 - (i) uses wireless cellular technology to send and receive phone signals over an assigned bandwidth to a cell tower that relays the signal to a telephone switching network, connecting the user to the desired party; and
 - (ii) is or must be held at some point during the course of making or receiving a call or performing any other interactive communication function;
 - (b) “interactive communication function” includes
 - (i) sending or receiving oral or written messages;
 - (ii) sending or receiving electronic documents;
 - (iii) sending or receiving still or moving images; and
 - (iv) providing access to the internet;
 - (c) “using ”in relation to a cellular phone means
 - (i) holding the cellular telephone to or near the ear, whether or not engaged in a telephone call;
 - (ii) creating, sending or viewing a text message or video message on the cellular telephone;
 - (iii) turning the cellular telephone on or off; or
 - (iv) operating any other function on the cellular telephone.

Use of hands-free devices permitted

148A.(1) Notwithstanding regulation 148, a person may drive or operate a vehicle on a road or a highway while at the same time talking on a cellular telephone that is in hands-free mode.

(2) A person who is talking on a cellular telephone that is in hands-free mode pursuant to paragraph (1) shall not wear an ear piece or head set while so driving or operating the vehicle.

(3) For the purposes of this regulation,

“hands-free mode” means the use of a cellular telephone which

- (a) is connected to or paired with an electronic device;
- (b) is not held or operated by hand;
- (c) is voice activated or requires one touch in order to initiate, accept or end a call; and
- (d) does not require the wearing of an ear piece or head set.

Using communication devices while driving

148B.(1) No person shall drive or operate a vehicle on a road or a highway while at the same time using, holding, viewing or manipulating a radio communication device, a portable electronic device or a wireless device, which is capable of receiving or transmitting telephone communication, electronic data, electronic mail or text messages.

(2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$2 000 or to imprisonment for a term of 18 months or to both.

(3) For the purposes of this regulation and regulation 148D,

- (a) “portable electronic device” includes
 - (i) a personal digital assistant;
 - (ii) a hand-held device with mobile data access capability;
 - (iii) a laptop computer;
 - (iv) a pager;

- (v) a broadband personal communication device;
 - (vi) a two-way messaging device;
 - (vii) an electronic game; and
 - (viii) a portable computing device;
- (b) “wireless electronic device” means a device used to transfer information over a distance without the use of electrical conductors or wires.

Exception to regulation 148 and 148B

148C.(1) Regulations 148 and 148B do not apply to a person who is driving or operating an emergency vehicle, while that person is acting within the scope of his employment and the use of a communication device is required.

(2) For the purposes of this regulation,

“emergency vehicle” means

- (a) an ambulance;
- (b) a police vehicle;
- (c) a unit of the Barbados Defence Force;
- (d) a unit of the Department of Emergency Management;
- (e) a unit of the Fire Service; or
- (f) a unit of the Prison Service.

Prohibition on using a cellular telephone or a portable electronic device while instructing a learner driver

148D.(1) No person shall instruct the holder of a learner's permit on how to drive a motor vehicle on a road or a highway while

- (a) that person is at the same time talking on or using a cellular telephone or a radio communication device, or using a portable electronic device or a wireless electronic device; and
- (b) the holder of the learner's permit is driving the motor vehicle on a road or a highway.

(2) A person who contravenes paragraph (1) is guilty of an offence and is liable on summary conviction to a fine of \$2 500 or to imprisonment for a term of 2 years or to both.

(3) For the purposes of this regulation,

"using" in relation to a portable electronic device means holding the device while

- (a) viewing, taking or transmitting images;
- (b) playing games; or

- (c) composing, sending, reading, viewing, accessing, browsing, transmitting, saving or retrieving electronic mail, text messages or other electronic data.”.

Made by the Minister this 7th day of November, 2017.

A handwritten signature in black ink, appearing to be 'Michael O'Leary', written over a faint horizontal line.

Minister responsible for Transport