

SAINT LUCIA

No. 10 of 2006

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I ASSENT

[L.S.]

PEARLETTE LOUISY,
Governor-General.

30th January, 2006.

SAINT LUCIA

No. 10 of 2006

AN ACT to amend the Motor Vehicle and Road Traffic Act to amend penalties for traffic offences and for related matters.

[6th February, 2006]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the House of Assembly and the Senate of Saint Lucia, and by the authority of the same as follows:

No. 10] *Motor Vehicle and Road Traffic (Amendment) Act* [2006.

Short title and commencement

1.— (1) This Act may be cited as the Motor Vehicle and Road Traffic (Amendment) Act 2006.

(2) This Act shall be deemed to have come into force on the 1st day of February 2004.

Interpretation

2. In this Act “principal Act” means the Motor Vehicle and Road Traffic Act 2003, No.10 of 2003.

Amendment of section 2

3. Section 2 of the principal Act is amended by :

(a) inserting the following definitions in their correct alphabetical sequence:

“Agent’s Licence” means an Agent’s Licence issued pursuant to section 36;

“certificate” means a certificate issued pursuant to this Act;

“conduct trade as a motor dealer” means —

(a) engaging or advertising as engaging in the sale or exchange of motor vehicles or trailers; or

(b) advertising , exhibiting or offering motor vehicles or trailers for sale or exchange;

in the course of business or in respect of at least five motor vehicles within a twelve month period;

“driver’s licence” means a driver’s licence issued pursuant to section 28;

“hire out motor vehicles or trailers” does not include the provision of a motor vehicle or trailer or any other hire of a motor vehicle or trailer with its driver and “hiring out a motor vehicle or trailer” shall be construed accordingly;

“industrial machinery” means any plant, equipment or motor vehicle that is not fitted with pneumatic tires or weighs in excess of 8 1/2 tons;

“inspection report” means an inspection report referred to in section 16;

“Instructor’s Licence” means an Instructor’s Licence issued pursuant to section 34;

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“intoxication test” means an intoxication test prescribed pursuant to section 75;

“motor vehicle or trailer licence” means a motor vehicle or trailer licence issued pursuant to section 26;

“motor vehicle rental licence” means a motor vehicle rental licence issued pursuant to section 37;

“Parking Authority detention fees” means the Parking Authority detention fees set pursuant to section 165;

“police detention fees” means police detention fees set pursuant to section 112;

“permit “ means a permit issued pursuant to this Act;

“public omnibus route permit” means a public omnibus route permit issued pursuant to section 54;

“public omnibus stand” means a public omnibus stand designated pursuant to section 53;

“reserved parking permit” means a reserved parking permit issued pursuant to section 137;

“Review Commissioner” means the Review commissioner appointed pursuant to section 175;

“special parking permit” means a special parking permit issued pursuant to section 138;

“taxi permit” means a taxi permit issued pursuant to section 55;

“temporary permit” means a temporary permit issued pursuant to section 31,32 or 33;

“visitor’s driving permit” means a visitor’s day permit issued pursuant to section 30; and

(b) inserting the word “Road” between the words “Lucia” and “Transport” appearing in the definition of the word “Board”;

(c) deleting the word “appointed” appearing in the definition of “inspector” and by substituting the word “designated”;

(d) deleting the word “assigned “ appearing in the definition of “Licence number” and by substituting the word “issued”;

(e) deleting the definition of “Licensing Officer” and by substituting the following:

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““Licensing Officer” means a qualified public officer designated as such under section 6;”;

(f) deleting the definition of “motor dealer” and by substituting the following:

““motor dealer” means a person who is the holder of a valid Motor Dealer’s Licence pursuant to section 35;”;

(g) inserting the words “motor dealer’s” before the word “licence” where it appears for the second time in the definition of “Motor Dealer’s Licence”;

(h) deleting the word “established” appearing in the definition of “no parking zone” and by substituting the word “designated”;

(i) deleting the word “record” appearing in the definition of “Register” and by substituting the word “Register”; and

(j) deleting the definition of “ticketable offences” and by substituting the following: “ticketable offence means an offence designated as a ticketable offence pursuant to section 95 and listed in Schedule III.

Amendment of headnote to section 7

4. The headnote to section 7 of the principal Act is amended by deleting the word “a” appearing in that title.

Amendment of section 16

5. Subsection (2) of section 16 of the principal Act is amended by inserting the words “published in the *Gazette*,” between the words “Order,” and “designate” appearing in that subsection.

Amendment of section 21

6. Subsection (4) of section 21 of the principal Act is amended by inserting the word “each” between the words “are” and “liable” appearing in that subsection.

Amendment of section 25

7. Section 25 of the principal Act is amended by:

(a) inserting the word “motor” before the word “vehicle” appearing in subsection (1);

(b) inserting the words “or trailer” where they do not already appear after the word “motor vehicle “ in that section; and

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- (c) inserting the words “relating to the motor vehicle or trailer” before the semi-colon at the end of paragraph (b) of subsection (3).

Amendment of section 26

8. Section 26 of the principal Act is amended by :

- (a) deleting the words “vehicle licence” wherever it appears in the section and by substituting the words “motor vehicle or trailer licence”;
- (b) deleting the words “no subject to subsection (1)”, appearing in subsection (2).

Amendment of section 28

9. Section 28 of the principal Act is amended by :

- (a) deleting subsection (3) and by substituting the following:
 - “(3) A valid driver’s licence authorizes the holder to drive a motor vehicle of the category that is specified in the driver’s licence,” and
- (b) inserting the word “driver’s” before the word “licence” where it appears in subsection (5) and (6).

Amendment of section 29

10. Section 29 of the principal Act is amended by —

- (a) deleting subsection (2) and by substituting the following:
 - “(2) The Licensing Authority shall require the applicant to provide reports of the applicant’s vision, hearing, mental and physical fitness to determine whether the applicant is able to drive without threatening road safety.”;
- (b) deleting subsection (6) and by substituting the following :
 - “(6) Where a contravention of subsection (3)(b) to (f) occurs the driving instructor shall be deemed to have committed the offence if –
 - (a) the driving instructor was present in the motor vehicle; or
 - (b) the driving instructor was not present in the vehicle but the holder of the learner’s permit was acting under the driving instructor’s directions, authorisation or supervision;

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and the driving instructor is liable to the same penalty as the person who is the holder of the learner's permit driving the vehicle.”.

Amendment of section 30

11. Subsection (2) of section 30 of the principal Act is amended by inserting the word “driving” between the words “visitor’s” and “permit” appearing in that subsection.

Amendment of section 33

12. Section 33 of the principal Act is amended by inserting the word “temporary” before the word “permit” wherever it does not already appear in that section.

Amendment of section 34

13. Section 34 of the principal Act is amended by :

- (a) inserting the words “Instructor’s” where it does not already appear before the word “licence in subsection (2) and (3) and substituting the word “an” for the word “a” where it appears before the word instructions in subsection (2); and;
- (b) deleting subsection (7) and by substituting the following subsections;
 - “(7) No person shall operate as a driving instructor for reward unless that person holds a valid Instructor’s Licence.
 - (8) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both.”.

Amendment of section 35

14. Section 35 of the principal Act is amended by :

- (a) deleting subsection (1) and by substituting the following:
 - “(1) A person who is desirous of conducting trade as a motor dealer shall apply to the Licensing Authority, in the prescribed manner, for a Motor Dealer’s Licence.”;
- (b) deleting the words “carry on a business as a motor or trailer dealer” appearing in subsection (6) and by substituting the words “conduct trade as a motor dealer”;

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- (c) inserting the words “motor dealer’s” before the word “licence” appearing in subsection (4); and
- (d) deleting subsection (9) and by substituting the following:
 - “(9) A person shall not conduct trade as a motor dealer at any location unless that person holds a valid Motor Dealer’s Licence authorizing him or her to conduct trade as a motor dealer at that location.
 - (10) A person who contravenes subsection (9) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.”.

Amendment of section 36

15. Section 36 of the principal Act is amended by deleting subsection (10) and by substituting the following —

- “(10) No person shall act as an Agent unless the person holds a valid Agent’s Licence authorizing him or her to act as such.
- (11) A person who contravenes subsection (10) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.”.

Amendment of section 37

16. Section 37 of the principal Act is amended by :

- (a) deleting subsection (1) and by substituting the following:
 - “(1) A person who is desirous of hiring out a motor vehicle or trailer shall apply to the Licensing Authority in the prescribed manner for a Motor Vehicle Rental Licence”; and
- (b) by deleting subsection (8).

Amendment of section 40

17. Section 40 of the principal Act is amended by deleting subsection (2) and by substituting the following :

- “(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not

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exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.”.

Amendment of section 44

18. Section 44 of the principal Act is amended by deleting subsection (7) and by substituting the following :

“(7) An alternate member shall hold office for a period not exceeding the unexpired portion of the term of the member who the alternate member is replacing.”.

Amendment of section 48

19. Section 48 of the principal Act is amended by renumbering the paragraphs following paragraph (g) in subsection (2) as “(h)” and “(i)” respectively.

Amendment of section 49

20. Section 49 of the principal Act is amended by deleting the words “public omnibuses” appearing in subsection (3) and by substituting the words “public motor vehicles.”.

Amendment of section 54

21. Section 54 of the principal Act is amended by —

(a) inserting the words “public omnibus route” before the word “permit” wherever it does not already appear in that section;

(b) deleting subsection (2) and by substituting the following:

“(2) The public omnibus route permit authorises the operator of the public omnibus identified in it to provide transport to the public for the prescribed omnibus fare determined pursuant to this section.”; and

(c) inserting the following subsections after subsection (4):

“(5) Subject to subsection (6), Cabinet shall appoint a committee to determine public omnibus fares.

(6) A committee appointed pursuant to this section shall —

(a) comprise such number of persons as Cabinet shall determine, having experience and qualifications in anyone or more of the following —

(i) transportation;

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- (ii) finance and accounting;
 - (iii) consumer affairs; and
 - (iv) law;
- (b) subject to this section regulate its own procedure.
- (7) Where the Minister or the operators of public omnibuses wish to seek a new or modified public omnibus fare or an increase in a public omnibus fare, the Minister or the operators of public omnibuses shall submit a proposal regarding the same to the committee appointed pursuant to this section.
- (8) Within fourteen days of receipt of a proposal pursuant to subsection (7), the committee shall published the proposal in the *Gazette* and issue a notice inviting comments in writing from the public within a time period specified in the notice and specifying a date on which it will hold a public hearing with regards to the same.
- (9) After the expiry of the period specified in the notice for receipt of comments and after a public hearing pursuant to subsection (8), the committee shall consider the proposal and shall subject to subsection (10) make recommendations to Cabinet.
- (10) In making the recommendations pursuant to subsection (9), the committee shall consider the cost to operators of public omnibuses of maintaining the public omnibus service, the cost of living in respect of commuters, the nature of the public omnibus route and service and any other circumstances as the committee may consider necessary.
- (11) Cabinet shall consider the recommendations made by the committee pursuant to subsection (9) and shall determine the new, modified or increased public omnibus fare to be imposed, if any, and instruct the Minister accordingly.”.

Amendment to section 55

22. Section 55 of the principal Act is amended by —

- (a) inserting the words “tourism taxi” before the word “permit” wherever it does not already appear in that section; and

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(b) deleting subsection (6) and by substituting the following —

“(6) A tourism taxi permit is unless cancelled by the Minister on the recommendation of the Board valid for two years and is renewable on application made at least three months prior to the expiry of the term of the tourism taxi permit and on payment of the prescribed fee and the provision of this section apply with the necessary modification in respect of an application renewal.”.

Amendment of section 56

23. Subsection (2) of section 56 of the principal Act is amended by inserting the word “traffic” between the words “every” and “warden” appearing in that subsection.

Amendment to section 60

24. Section 60 is deleted and substituted by the following :

“60. A person who assaults, resists, intimidates, obstructs or hinders a traffic warden in the execution of the traffic officer’s duties under this Act commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both.”.

Amendment of section 61

25. Section 61 of the principal Act is amended by deleting subsections (3) and (4) by substituting the following —

“(3) A person who contravenes subsection (1)(a) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.

(4) A person who contravenes subsection (1)(b) commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one month or to both.

(5) A person shall not commit an offence pursuant to subsections (3) and (4) if the person proves that the use of the motor vehicle or trailer on the road is for the purpose of having it registered.

(6) The registered owner of a motor vehicle or trailer who sells or transfers ownership of the motor vehicle or trailer

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to another person shall in writing notify the Licensing Authority of the change in ownership and the motor vehicle or trailer shall upon such notification be an unregistered motor vehicle or trailer until re-registration by the new owner.

- (7) For the avoidance of doubt, the registered owner of a motor vehicle or trailer who fails to comply with subsection (6) shall continue to be the registered owner of the motor vehicle or trailer for the purposes of this Act, until a notification pursuant to subsection (6) is given to the Licensing Authority.”.

Amendment of section 62

26. Section 62 of the principal Act is amended by deleting subsection (2) and by substituting the following :

- “(2) A person who operates industrial machinery on a road contrary to subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both.”.

Amendment of section 63

27. Section 63 of the principal Act is amended by deleting subsection (2) and by substituting the following :

- “(2) A person who operates a motor vehicle or trailer on a road contrary to subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both.”.

Amendment of section 64

28. Section 64 of the principal Act is deleted and substituted by the following —

“Violation of conditions of registration

64. — (1) No person shall —

- (a) subject to sections 32 and 182, operate on a road a motor vehicle or trailer that is loaded in violation of the weight or the maximum number of passengers for which the motor vehicle or trailer is registered pursuant to this Act; or

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- (b) contravene any other condition of registration of a motor vehicle or trailer pursuant to this Act.
- (2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both.
- (3) If an offence is committed under this section by an employee in the course of business of the employer, the employer is guilty of the like offence unless the employer establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.
- (4) If an offence is committed under this section, the registered owner of the motor vehicle or trailer is guilty of the like offence unless he or she establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.”.

Amendment of section 65

29. Section 65 of the principal Act is amended by deleting subsections (1) and (2) and by substituting the following :

- “(1) A person shall not use or authorise the use of a motor vehicle or trailer on a road —
 - (a) without a valid licence number; or
 - (b) with a number other than the licence number assigned on registration pursuant to this Act.
- (2) A person who contravenes —
 - (a) subsection (1) (a) commits an offence and is liable, on summary conviction, to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both; or
 - (b) subsection (1)(b) commits and offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both.

Amendment of section 66

30. Section 66 of the principal Act is amended by :

- (a) deleting subsections (1), (2) and (3) and by substituting the following —
- “(1) A person shall not drive a motor vehicle unless that person is the holder of a valid driver’s licence, visitor’s driving permit or learner’s permit, as the case may be, for the category of motor vehicle driven.
- (2) A person who contravenes subsection (1) in the case where a driver’s licence, visitor’s driving permit or learner’s permit as the case may be has not been issued or has been cancelled or suspended commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months.
- (3) A person who contravenes subsection (1) in the case where the driver’s licence visitor’s driving permit or learner’s permit as the case may be has expired and is not renewed, commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding three months.”;
- (b) inserting the words “or (3)” after the word “(2)” wherever it appears in subsection (4), (5), and (6); and
- (c) inserting the words “motor” before the word “vehicle” appearing in subsection (5).

Amendment of section 67

31. Section 67 of the principal Act is amended by deleting subsection (2) and by substituting the following —

- “(2) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding two thousand dollars or imprisonment for a term not exceeding six months or to both.”.

Amendment of section 68

32. Section 68 of the principal Act is amended by deleting subsection (2) and by substituting the following —

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“(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both.”.

Insertion of section 68A

33. The principal Act is amended by inserting the following after section 68 as 68A:

“Driving Code

68A — (1) Notwithstanding section 193, the Minister may make Regulations prescribing a driving code for the purposes of this Act.

(2) A person who contravenes a provision of a driving code prescribed in Regulations made pursuant to this section commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one month or to both.”.

Amendment of section 69

34. Section 69 of the principal Act is amended by —

- (a) deleting the word “ply” where it appears in paragraph (1) of subsection (1) and by substituting the word “operate”; and
- (b) deleting subsection (2) and (3) and by substituting the following —

“(2) A person who contravenes subsection (1)(a) commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one month or to both.

(3) A person who contravenes subsection (1)(b), (c) or (d) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both and in addition to a fine of one hundred dollars for every day that the offence continues.”.

Amendment of section 70

35. Section 70 of the principal Act is amended by —

- (a) deleting subsection (1) and by replacing it with the following—

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“(1) A person shall not hire out a motor vehicle or trailer unless that person holds a valid Motor Vehicle Rental Licence;”
and

(b) deleting subsection (2) and by substituting the following —

“(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both.”.

Amendment of section 71

36. Section 71 of the principal Act is amended by deleting subsection (2) and by substituting the following —

“(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one month or to both.”.

Amendment of section 72

37. Section 72 of the principal Act is amended by deleting subsections (14) and (15) and by substituting the following —

“(14) In any case where a traffic officer, in uniform, is for the time being engaged in the regulation of traffic on a road or where any traffic sign or device, being a sign or a device for regulating the movement of traffic or indicating the route to be followed by traffic, has been lawfully placed, erected, marked or retained on or near any road, any person driving or propelling any vehicle or any person riding or driving any animal —

(a) who neglects or refuses to follow a direction or signal given to that person by a traffic officer in uniform in the execution of his or her duty; or

(b) who fails to conform to the indication given by the traffic sign or device;

commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both.

(15) A person who —

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- (a) unlawfully places, erects, marks or retains, or causes to be placed, erected, marked or retained, any traffic sign or device on or near any road; or
- (b) removes, defaces, damages, alters, obscures or in any way interferes with any traffic sign lawfully placed, erected, marked or retained on or near any road;

commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both.”.

Amendment of section 73

38. Section 73 of the principal Act is amended by deleting subsections (2), (3) and (4) and by substituting the following:

- “(2) A person who contravenes subsection (1)(a), commits an offence and is liable, on conviction on indictment, as follows —
- (a) to imprisonment for a term not less five years and not exceeding fifteen years; and
 - (b) in addition to the sanction specified in section 106.
- (3) (a) Where a person is charged under subsection 1(a), the licence of the person to drive a motor vehicle is suspended until the charge has been determined.
- (b) A person who contravenes subsection 3(a) commits an offence and is liable on summary conviction to a fine not less than one thousand dollars and not exceeding five thousand dollars or to imprisonment of a term not exceeding one year.
- (4) A person who contravenes subsection (1)(b) commits an offence and is liable —
- (a) on summary conviction to a fine not less than one thousand dollars and not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both and in addition to the sanction specified under section 106; or
 - (b) on conviction on indictment to a fine not exceeding ten thousand dollars or to imprisonment for a term

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not exceeding two years or to both, and in addition to the sanction specified under section 106.”.

Amendment of section 74

39. Section 74 of the principal Act is amended by —

(a) deleting subsection (2) and by substituting the following —

“(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both, and in addition to the sanction specified under section 106.”; and

(b) adding the following words after the word “electronic device” at the end of subsection (3) —

“in such a manner as to impair the driver’s judgement in the safe use of the road.”.

Amendment of section 75

40. Section 75 of the principal Act is amended by —

(a) deleting subsection (3) and by substituting the following —

“(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both, in addition to the sanction specified under section 106.”;

(b) deleting subsection (7) and by substituting the following —

“(7) A person who without reasonable excuse fails or refuses to comply with a demand made under this section commits an offence and is liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.”; and

(c) inserting the words “the intoxication tests to be used and” between the words “prescribe” and “the” appearing in subsection (17).

Amendment of section 76

41. Section 76 of the principal Act is amended by deleting subsection (2) and by substituting the following —

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“(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both.”.

Amendment of section 77

42. Section 77 of the principal Act is amended by :

(a) deleting subsection (1) and by substituting the following :

“(1) A person who takes and drives away a motor vehicle without the consent of its owner or other lawful authority or, knowing a motor vehicle to have been so taken, drives it or allows himself or herself to be carried in or on it without the consent of its owner or other lawful authority commits an offence and is liable —

(a) on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both.

(b) on conviction on indictment to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or to both.”; and

(b) deleting subsection (3).

Amendment of section 78

43. Section 78 of the principal Act is amended by deleting subsection (2) and by substituting the following :

“(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both.”.

Amendment of section 79

44. Section 79 of the principal Act is deleted.

Amendment of section 80

45. Section 80 of the principal Act is amended by deleting subsection (2) and by substituting the following :

“(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not

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exceeding one thousand dollars or to imprisonment for a term not exceeding three months or both.”.

Amendment of section 81

46. Section 81 of the principal Act is amended by :

- (a) deleting the references in subsection (1) to paragraphs 1 and 2 and by substituting references to paragraph (a) and (b) respectively;
- (b) inserting the words “or covered” between the words “secured” and “on” appearing in paragraph (b) of subsection (1); and
- (c) deleting subsection (2) and substituting the following —
 - “(2) A person who commits an offence under this section is liable —
 - (a) on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one month or both; or
 - (b) on conviction on indictment —
 - (i) if the offence was committed by an individual otherwise than in the course of business, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or both; and
 - (ii) in any other case, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year or both.”.

Amendment of section 83

47. Section 83 of the principal Act is amended by deleting subsection (3) and by substituting the following :

“(3) A person who contravenes or fails to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both.”.

Amendment of section 84

48. Section 84 of the principal Act is amended by deleting subsection (2) and by substituting the following —

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“(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both.”.

Amendment of section 85

49. Section 85 of the principal Act is deleted and substituted by the following :

“Failure to produce licence, permit or I.D. for examination

85.— (1) A traffic officer may request a person to produce a licence, permit or other means of identification for examination by the traffic officer in relation to a motor vehicle or trailer or an offence pursuant to this Act.

(2) Where a request is made pursuant to subsection (1), the person to whom the request is made shall produce the licence, permit or identification to the traffic officer or to another traffic officer at a police station designated by the traffic officer within forty-eight hours of the request being made.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or both.”.

Amendment of section 86

50. Section 86 of the principal Act is amended —

(a) deleting the word “person “ appearing in subsection (1) and by substituting the words “Agent or motor dealer”; and

(b) by deleting subsection (2) and by substituting the following :

“(2) An Agent or motor dealer who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both.”; and

(c) inserting the following after subsection (3) as subsection (4) —

“(4) For the purposes of this section “Agent” has the meaning given to it pursuant to section 36.

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Amendment of section 87

51. Section 87 of the principal Act is amended by deleting subsection (2) and by substituting the following —

“(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one month or to both.”.

Amendment of section 95

52. Section 95 of the principal Act is amended by deleting subsection (2) and by substituting the following :

“**95.**— (1) The offences listed in Schedule III are designated as ticketable offences for which proceedings may be commenced by ticket pursuant to this Act.

(2) The fixed penalty in respect of proceedings commenced by a ticket shall be as specified in Schedule III.

(3) The Minister may by Order published in the *Gazette* amend Schedule III.”.

Amendment of section 96

53. Section 96 of the principal Act is amended by deleting the words “seven (7)” appearing in subsection (1) and by substituting the word “fourteen”.

Amendment of section 98

54. Section 98 of the principal Act is amended by :

(a) inserting the words “within the time specified in section 97” at the end of subsection (1);

(b) inserting the words “within the time specified in section 97” between the words “amount” and “constitutes” appearing in subsection (2); and

(c) deleting subsections(3) and (4).

Amendment of section 100

55. Section 100 of the principal Act is deleted and substituted by the following :

“100. Where a person alleged to have committed an offence has been served with a ticket pursuant to this Part and has not

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exercised any of the options referred to in section 97, the court date shall be the date specified in the ticket which shall be no less than fourteen days after the date the ticket was served on the person and the notice of the court date on the ticket served shall be notice to the defendant and the prosecution of the same.”.

Amendment of section 105

56. Section 105 of the principal act is amended by deleting subsection (2) and by substituting the following :

“(2) A person who is convicted for a ticketable offence in proceedings under section 101 is liable to a fine greater than the fixed penalty provided for that ticketable offence pursuant to section 95 but not exceeding the maximum fine provided for that ticketable offence pursuant to Part VII.”.

Amendment of section 108

57. Amendment of section 108 by —

- (a) deleting the word “plying” appearing in subsection (1)(b) and by replacing it with the word “operating”; and
- (b) inserting the word “or” after the semi-colon at the end of paragraph (i) of subsection (1); and
- (c) inserting after paragraph (i) the following paragraph (j):
“(j) driving when disqualified contrary to section 67.”.

Amendment of section 109

58. Section 109 of the principal Act is amended by —

- (a) inserting the words “or cause to be detained or immobilised” between the words “immobilised” and “a” appearing in the chapeau of subsection (1);
- (b) inserting the words “or trailer” after the word “motor vehicle” wherever it appears in subsection (1)(b); and
- (c) deleting subsection (5)(b) and by substituting the following —
“(b) the owner or the driver pays the police detention fees.”.

Amendment of section 110

59. Subsection (1)(b)(iii) of section 110 of the principal Act is amended by inserting the words “in relation to the motor vehicle or trailer” between the words “charge” and “endorsed” appearing in that subsection.

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Amendment of section 111

60. Subsection (1) of section 111 of the principal Act is deleted and substituted by the following:

“(1) The Minister shall by Order published in the *Gazette* after consultation with the Commissioner designate premises upon which a motor vehicle or trailer detained in accordance with this Act may be stored.”.

Amendment of section 112

61. Section 112 of the principal Act is amended by :

(a) deleting subsection (1) and by substituting the following:

“(1) The Minister after consultation with the Commissioner shall, by Order published in the *Gazette*, set reasonable police detention fees for the purposes of this Part.”; and

(b) inserting the words “or trailer” where it does not already appear after the words “motor vehicle” appearing in that section.

Amendment of section 113

62. Section 113 of the principal Act is deleted and substituted by the following :

“Right of Commissioner to sell motor vehicle or trailer detained as security

113.— (1) The Commissioner may sell, in accordance with subsection (2), a motor vehicle or trailer detained or immobilized under this Act, if after the expiration of thirty days after the period of detention —

(a) the release of the motor vehicle or trailer has not been secured;

(b) no application for review has been made under section 121 or no other application in relation to the motor vehicle or trailer is pending before a court; and

(c) the Commissioner applies for a charge in respect of a police detention fee to be endorsed on the Register pursuant to section 8 and the charge is endorsed and has not been settled.

(2) The Commissioner may sell a motor vehicle or trailer detained or immobilized under this section —

(a) by private agreement, if —

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- (i) the value of the police detention fees on the motor vehicle or trailer exceeds the estimated value of the motor vehicle or trailer; and
- (ii) the Commissioner gives to the registered owner at the registered address and to any registered creditor fourteen days notice of his or her intention to dispose of the motor vehicle or trailer if the police detention fees are not paid; or

(b) subject to section 115, by public auction.”.

Amendment of section 117

63. Section 117 of the principal Act is amended by inserting the word “police” between the words “the” and “detention” appearing in paragraph (b).

Amendment of section 119

64. Subsection (1) of section 119 of the principal Act is amended by inserting the words “private” between the words “by” and “agreement” appearing in that subsection.

Amendment of section 120

65. Section 120 of the principal Act is deleted.

Amendment of section 122

66. Section 122 of the principal Act is amended by deleting the word “a” where it appears before the word “Commissioner” in that section and by substituting the word “the”.

Amendment of section 125

67. Section 125 of the principal Act is amended by deleting subsection (2) and by substituting the following —

- “(2) A person who commits an offence pursuant to subsection (1) is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both.”.

Amendment of section 126

68. Section 126 of the principal Act is amended by deleting subsection (2) and by substituting the following —

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“(2) A person who commits an offence pursuant to subsection (1) is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both.”.

Amendment of section 133

69. Section 133 of the principal Act is amended by —

- (a) inserting the words “special parking” between the words “the” and “permit” appearing in paragraph (a) of subsection (2); and
- (b) deleting subsection (3) and by substituting the following —

“(3) In a reserved parking zone, parking is prohibited unless authorized by a reserved parking permit issued under section 137 and such authorized parking is subject to conditions contained in this Act, the Regulations and the reserved parking permit.”.

Amendment of section 138

70. Subsection (3) of section 138 of the principal Act is amended by inserting the word “parking” between the words “special” and “permit” appearing in that “subsection”.

Amendment of section 139

71. Section 139 of the principal Act is deleted and substituted by the following —

“139. The Parking Authority may include in a reserved parking permit or a special parking permit issued pursuant to section 137 or 138 respectively any prescribed conditions.”.

Amendment of section 152

72. Section 152 of the principal Act is deleted and substituted by the following —

“152. For greater certainty a violation is not an offence or a felony.”.

Amendment of section 156

73. Paragraph (a) of section 156 of the principal Act is amended by deleting the word “prescribed” appearing in that paragraph and by substituting the words “Parking Authority”.

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Amendment of section 162

74. Paragraph (a)(i) of subsection (1) of section 162 of the principal Act is amended by inserting the words “Parking Authority” between the words “the” and “detention” appearing in that paragraph.

Amendment of section 163

75. Paragraph (a)(i) of section 163 of the principal Act is amended by deleting the reference to “section 170” appearing in that sub-paragraph and by replacing it with a reference to “section 162”.

Amendment of section 165

76. Section 165 of the principal Act is amended by :

- (a) deleting the words “or immobilisation” appearing in the headnote;
- (b) deleting the words “detention or immobilization fees” appearing in subsection (1) and by substituting the words “Parking Authority detention fees”; and
- (c) inserting the words “Parking Authority detention” between the words “the” and “fees” appearing in subsection (3).

Amendment of section 166

77. Section 166 of the principal Act is deleted and substituted by the following :

“Right of Parking Authority to sell motor vehicle or trailer detained

166.— (1) In accordance with subsection(2), a Parking Authority may sell a motor vehicle or trailer detained as security under section 165, if after the expiration of thirty days of detention in storage —

- (a) the penalty for violation and the Parking Authority detention fees are unpaid and no security has been given for their payment; and
- (b) no request for review has been made under section 162 or no other application in relation to the motor vehicle or trailer is pending before a court;
- (c) the Parking Authority applies for a charge in respect of a Parking Authority detention fee to be endorsed on the Register pursuant to section 8 and the charge is endorsed and has not been settled.

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- (2) A Parking Authority may sell a motor vehicle or trailer detained under this section —
- (a) by private agreement, if :
- (i) the value of the Parking Authority detention fees on the motor vehicle or trailer exceeds the estimated value of the motor vehicle or trailer; and
 - (ii) the Parking Authority gives to the registered owner at the registered address and to any registered creditor fourteen days notice of his or her intention to dispose of the motor vehicle or trailer if the Parking Authority detention fees are not paid; or
- (b) subject to section 168, by public auction.”.

Amendment of section 167

78. Section 167 of the principal Act is amended :

- (a) by inserting the words “Parking Authority detention” between the words “of” and “fees” appearing in that section; and
- (b) in paragraph (a), by inserting the words “Parking Authority” between the words “the” and “detention” appearing in that paragraph;

Amendment of section 168

79. Subsection (1) of section 168 of the principal Act is amended by deleting the word “Island” and by substituting the words “Saint Lucia”.

Amendment of section 173

80. Subsection (2) of section 173 of the Principal Act is deleted.

Amendment of section 179

81. Section 179 of the principal Act is amended by —

- (a) deleting subsection (14) and by substituting the following —
- “(14) A person who drives a motor vehicle while his or her driver’s licence is suspended under this section commits an offence and is liable on summary conviction to a fine not exceeding two thousand dollars or to imprisonment for a term not exceeding six months or to both.”; and

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- (b) deleting the word “driving” wherever it appears before the word “licence” in that section and by substituting the word “driver’s”.

Amendment of section 180

82. Subsection (2) of section 180 of the principal Act is amended by deleting the words “fine of one thousand dollars or to imprisonment for a term not less than six months or both” appearing in that subsection and by substituting the following —

“fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or both.”.

Amendment of section 183

83. Section 183 of the principal Act is amended by deleting subsection (2) and by substituting the following —

“(2) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one month or to both.”.

Amendment of section 184

84. Section 184 of the principal Act is amended by deleting subsection (2) and by substituting the following —

“(2) A person who commits an offence under this section is liable, on summary conviction, to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both.”.

Amendment of section 185

85. Section 185 of the principal Act is amended by deleting subsection (2) and by substituting the following —

“(2) The driver of a motor cycle who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both.”.

Amendment of section 186

86. Section 186 of the principal Act is amended by deleting the words “fine not less than one thousand dollars or to imprisonment for a term not less than six months or both” and by substituting the following —

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“fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both”.

Amendment of section 187

87. Section 187 of the principal Act is amended by deleting the words “fine of not less than one thousand dollars or to imprisonment for not less than three months or both” appearing in that section and by substituting the following —

“fine not exceeding one thousand dollars or to imprisonment for a term not exceeding three months or to both”.

Amendment of section 188

88. Section 188 of the principal Act is amended by deleting subsection (1) and by substituting the following —

“(1) A person who when riding a cycle, not being a motor vehicle, on a road or other public place, is unfit to ride through drink or drugs commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one month or to both.”.

Amendment of section 189

89. Section 189 of the principal Act is amended by deleting subsection (1) and by substituting the following —

“(1) A person who promotes or takes part in a race or a trial of speed on a road between cycles not being motor vehicles commits an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding one month or both unless the race or trial is authorized under subsection (2) and is conducted in accordance with any conditions imposed under this section.”.

Amendment of section 192

90. Section 192 of the principal Act is amended by:

(a) deleting subsection (3) and by replacing it with the following:

“(3) A person shall not drive or be driven in the front seats of a motor vehicle unless the person is wearing a seatbelt.”;

(b) deleting subsection (6) and by substituting the following :

“(6) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding

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one thousand dollars or to imprisonment for a term not exceeding fourteen days or to both.”; and

(c) deleting subsection (7)

Amendment to Schedule 193

91. Section 193 of the principal Act is amended by —

- (a) inserting a comma followed by the word “grade” between the words “degree” and “or” appearing in sub-paragraph (iii) of subsection (1)(a);
- (b) inserting the words “suspended or” between the words “be” and “cancelled” appearing in paragraph (a) (iv) of subsection (1); and
- (c) deleting paragraph (h) of subsection (1) and substituting the following —
 “(h) prescribing the form of the ticket for a ticketable offence;”.

Amendment to Schedule 1

92. Schedule I of the principal Act is amended by deleting the word “thirty” appearing in paragraph (b) and by substituting the word “fourteen”.

Amendment to Schedule II

93. Schedule II of the principal Act is amended by deleting the heading “TRIAL PROCEDURE” and by substituting the following heading “DEMERIT POINTS”.

Addition of Schedule III

94. The following is inserted after Schedule II of the Principal Act as Schedule III —

“SCHEDULE III**(Sections 2 and 95)**

Offence	Section	Fixed Penalty
1. Failing to display the licence number assigned on registration in the prescribed manner	61(1)(b)	\$250.00
2. Operating a motor vehicle in an unroadworthy condition	63	\$500.00
3. Violation of conditions of registration	64	\$500.00
4. Using or permitting the use of a motor vehicle or trailer with a number other than the licence number assigned on registration	65(1)(b)	\$250.00
5. Driving a motor vehicle without a valid driver’s licence or permit	66(3)	\$1000.00
6. Contravention of Driving Code	68A	\$250.00
7. Unlawfully parking a motor vehicle in a public omnibus stand	69(1)(a)	\$250.00
8. Non-compliance with traffic control devices and directions	71	\$250.00
9. Speeding	76	\$250.00
10. Littering	81(2)(a)	\$250.00
11. Improper parking	82	\$200.00
12. Failing to wear headgear when riding motorcycle	192(1)	\$500.00
13. Failing to fit seatbelts in motor vehicle	192(2)	\$150.00
14. Failing to wear seatbelt when riding in front seat of motor vehicle	192(3)	\$250.00

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Passed in the House of Assembly this 20th day of December, 2005.

J. BADEN ALLAIN,
Speaker of the House of Assembly.

Passed in the Senate this 22nd day of December, 2005.

HILFORD DETERVILLE,
President of the Senate.