

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

TRAFFIC OFFENCES (PENALTIES) AMENDMENT ACT 2011

WHEREAS it is expedient to amend the Traffic Offences (Penalties) Act 1976;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Traffic Offences (Penalties) Act 1976 may be cited as the Traffic Offences (Penalties) Amendment Act 2011.

Amends Schedule 1

2 Schedule 1 of the Traffic Offences (Penalties) Act 1976 is amended—

(a) by inserting the following next after the item on section 45 of the Auxiliary Bicycles Act 1954—

- “ Head 1: Auxiliary Bicycles (Construction, Equipment and Use) Regulations 1955
- Head 2: regulation 12
- Head 3: Driving or causing or allowing another person to drive an auxiliary bicycle while using a hand-held mobile telephone, a hand-held device or a hand-held electronic entertainment device
- Head 4: summary
- Head 5: if first offence- \$500
if second offence committed within 2 years of date of conviction of first offence- \$750
if third or subsequent offence committed within 2 years of date of conviction of first offence- \$1000 or 6 months, or both
- Head 6: if first offence- discretionary - 6 months

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if second offence committed within 2 years of date of conviction of first offence- discretionary - 6 months

if third or subsequent offence committed within 2 years of date of conviction of first offence- discretionary - 18 months

Head 7: if first offence- 5 to 7 points
if second offence committed within 2 years of date of conviction of first offence- 5 to 7 points
if third or subsequent offence committed within 2 years of date of conviction of first offence- 7 to 10 points

”;

(b) by inserting the following next after the item on section 123 of the Motor Car Act 1951—

“ Head 1: Motor Car (Construction, Equipment and Use) Regulations 1952

Head 2: regulation 20A

Head 3: Tinted film, sunshading material or other coloured material affixed to windscreen or window

Head 4: summary

Head 5: \$500

Head 6: discretionary- 6 months

Head 7: 5 to 7 points

Head 1: Motor Car (Construction, Equipment and Use) Regulations 1952

Head 2: regulation 44

Head 3: Driving or causing or allowing another person to drive a motor car while using a hand-held mobile telephone, a hand-held device or a hand-held electronic entertainment device

Head 4: summary

Head 5: if first offence- \$500

if second offence committed within 2 years of date of conviction of first offence- \$750

if third or subsequent offence committed within 2 years of date of conviction of first offence- \$1000 or 6 months, or both

Head 6: if first offence- discretionary - 6 months

if second offence committed within 2 years of date of conviction of first offence- discretionary - 6 months

if third or subsequent offence committed within 2 years of date of conviction of first offence- discretionary - 18 months

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Head 7: if first offence- 5 to 7 points
if second offence committed within 2 years of date of conviction of first offence- 5 to 7 points
if third or subsequent offence committed within 2 years of date of conviction of first offence- 7 to 10 points

Head 1: Motor Car (Construction, Equipment and Use) Regulations 1952

Head 2: regulation 45

Head 3: Driving or causing or allowing another person to drive a motor car equipped with a television, computer or other device with a display screen visible to the driver

Head 4: summary

Head 5: if first offence- \$500
if second offence committed within 2 years of date of conviction of first offence- \$750
if third or subsequent offence committed within 2 years of date of conviction of first offence- \$1000 or 6 months, or both

Head 6: if first offence- discretionary - 6 months
if second offence committed within 2 years of date of conviction of first offence- discretionary - 6 months
if third or subsequent offence committed within 2 years of date of conviction of first offence- discretionary - 18 months

Head 7: if first offence- 5 to 7 points
if second offence committed within 2 years of date of conviction of first offence- 5 to 7 points
if third or subsequent offence committed within 2 years of date of conviction of first offence- 7 to 10 points

”.

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EXPLANATORY MEMORANDUM

This Bill seeks to amend the Traffic Offences (Penalties) Act 1976 (the “Act”) by adding the penalties for the distracted driving offences created by the amendments to the Motor Car (Construction, Equipment and Use) Regulations 1952 and the Auxiliary Bicycles (Construction, Equipment and Use) Regulations 1955.

Clause 1 states the short title of the Bill.

Clause 2 provides the following—

(a) paragraph (a) inserts the penalties for a person who rides or causes or allows another person to ride an auxiliary bicycle while using any hand-held device; and

(b) paragraph (b) inserts the following in the Act—

(i) a minor amendment which inserts the penalties for the offence under section 20A of the Motor Car (Construction, Equipment and Use) Regulations 1952: driving a motor car with a grade of tint film that is prohibited by regulations;

(ii) the penalties for a person driving or causing or allowing another person to drive a motor car while using any hand-held device; and

(iii) the penalties for a person driving or causing or allowing another person to drive while a television or other type of display screen is visible to the driver.