

LIMOUSINE REGULATIONS 2007

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MOTOR CAR ACT 1951

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The Minister responsible for Transport, in exercise of the powers conferred by sections 37, 102 and 103 of the Motor Car Act 1951, makes the following Regulations:

Citation

1 These Regulations may be cited as the Limousine Regulations 2007.

Interpretation

2 In these Regulations —

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“fare” means the charge agreed between a person who hires a limousine and the person who operates a limousine service;

“limousine” has the meaning given in section 2 of the Motor Car Act 1951.

Hire

3 (1) A limousine shall be hired by reservation or appointment only.

(2) A limousine shall not be used for the purposes of standing or plying for hire.

Maximum number of passengers

4 (1) It shall not be lawful to carry more than six passengers in a limousine at one time:

Provided that, in any case where it appears to the Minister that by reason of the construction of a particular limousine it is in the public interest to do so, the Minister may by order limit the number of passengers which may be lawfully carried in that limousine to four.

(2) No more than one passenger shall be carried in the front seat of a limousine.

(3) For the purpose of this regulation, a child in arms shall not be counted as a passenger, and two children under the age of twelve years shall count as one passenger.

Colour and design

5 (1) Exterior paintwork of limousines shall be of a colour to be approved by Minister.

(2) Limousines shall be of a design to be approved by the Minister.

(3) The Minister shall from time to time publish by public advertisement or otherwise the colour and design approved for limousines.

Tinting of windows

6 For greater certainty, the windscreen and all other windows of a limousine shall comply with the requirements of section 20(2) of the Motor Car (Construction, Equipment and Use) Regulations 1952.

Display of notice in limousine

7 (1) There shall be displayed in a prominent place inside every limousine a permanent notice containing the registration number of the limousine.

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(2) A form of the notice may be obtained free of charge from the Minister and the notice shall be displayed in such manner as the Minister may approve.

Dress and conduct

8 The driver of a limousine, while in charge of it, shall —

- (a) be polite and respectful in conduct, be neat and clean in appearance and be correctly dressed in attire of a style, including headgear, that is commonly associated with a chauffeur of a vehicle, as may be determined by the Board;
- (b) wear in a prominent position, or display in a conspicuous place inside the limousine, an identification badge issued by the Minister on payment of a prescribed fee, which badge shall bear a photographic likeness of the driver;
- (c) refrain from smoking while any passenger is in the limousine; and
- (d) ensure that while a passenger is being carried in the limousine any radio other than a radio telephone installed or carried in the limousine is not used without the consent of the passenger.

No advertising matter in or on limousine

9 No advertising matter of any description whatsoever shall be displayed in or on any limousine:

Provided that a limousine hired by a tourist agency for the carriage of passengers disembarking from or re-embarking on a ship calling at Bermuda may, subject to such conditions as the Minister may from time to time impose, have displayed on the windscreen a distinctive sticker of such size, design and colour as the Minister may from time to time approve.

Carriage of animals

10 It shall be in the discretion of the driver of a limousine to refuse to carry any animal, whether or not the animal is carried in a cage, crate or basket.

Lost property

11 (1) Any person who finds property left in a limousine shall immediately hand it in the state in which they find it to the driver of the limousine, who shall deal with it in accordance with this regulation.

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(2) On the completion or termination of any hire, the driver shall search the limousine for any property left in it and shall hand such property together with any property handed to the driver in accordance with paragraph (1) to the police officer in charge of a police station:

Provided that if, before such property is handed to a police officer in charge of a police station, it is claimed by a person who satisfies the driver or the operator of the limousine service that the person is the owner, it shall be returned to that person forthwith, without fee or reward, on that person giving their name and address to the driver or operator who shall, as soon as practicable, report the facts and give the claimant's name and address and a description of the property to the police officer in charge of a police station.

Keeping of records

12 (1) It shall be the duty of —

- (a) the person who operates a limousine service; or
- (b) in the case of a limousine working under the general directions of a dispatching service, the person who operates the dispatching service,

to maintain a record of such particulars and in such form as may be prescribed by the Minister by notice published in the Gazette.

(2) Particulars required to be entered in the record shall be duly entered within twenty-four hours of their occurrence.

(3) Any record so made shall be retained by the operator of the limousine service or of the dispatching service for at least six months.

Inspection of records

13 A limousine service operator or the operator of a dispatching service, as the case may be, shall produce for inspection any record prescribed in regulation 12 whenever requested to do so by any police officer of or above the rank of sergeant or by any person authorized in writing by the Minister in that behalf.

Limousines reserved for hire for particular journeys

14 The Minister from time to time may specify by order the number of limousines which shall be reserved by the operator of a limousine service for hire to the public for particular journeys; and the operator shall not hire limousines for periods of time in such manner as to reduce below the number specified in the order the number of limousines which is available for hire to the public for particular journeys.

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Continuous periods of driving: limits and rest periods

15 (1) No person shall drive a limousine or cause or allow any person employed by them or subject to their orders to drive a limousine —

- (a) for any continuous period of more than five hours; or
- (b) for continuous periods amounting in the aggregate to more than ten hours in any period of twenty-four hours commencing two hours after midnight; or
- (c) so that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours calculated from the commencement of any period of driving:

Provided that it shall be a sufficient compliance with this sub-paragraph if the driver has at least nine consecutive hours of rest in any period of twenty-four hours where he has an interval of at least twelve consecutive hours for rest in the next following period of twenty-four hours.

(2) For the purposes of this regulation —

- (a) any two or more periods of time spent in driving shall be deemed to be a continuous period unless separated by an interval of not less than half an hour in which the driver is able to obtain rest and refreshment.
- (b) there shall be reckoned as time spent in driving any time spent by a driver of a limousine —
 - (i) in or about the limousine during any time the limousine is at the disposal of a hirer; or
 - (ii) on other work in connection with the limousine, including its maintenance and repair.

(3) Notwithstanding anything in the foregoing provisions of this regulation, a person shall not be liable to be convicted under this regulation if they prove to the court before which proceedings under this regulation are taken that the contravention was due to unavoidable delay in the completion of any journey arising out of circumstances which the person could not reasonably have foreseen.

Offences

16 (1) No person shall —

- (a) hire a limousine, knowing or having reason to believe that they cannot pay the fare and with intent to avoid payment of the fare; or

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- (b) fraudulently endeavour to avoid payment of a fare lawfully due; or
- (c) having failed or refused to pay the fare either —
 - (i) refuse to give the driver of the limousine or limousine service operator an address at which they can be found; or
 - (ii) give, with intent to deceive, a false address.

(2) The whole or any part of any fine imposed in respect of the breach of this regulation may be applied in compensation to the driver or operator of a limousine service.

Limousine not to stand on highway more than 30 minutes unattended

17 No person shall cause or allow any limousine to stand on any highway for a period exceeding half an hour unless it has a driver in the limousine.

Made this 23rd day of May, 2007

Premier