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**ROAD TRAFFIC (AMENDMENT)(NO. 2)
ACT, 2020**

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No. 25 of 2020
ROAD TRAFFIC (AMENDMENT)(NO. 2) ACT, 2020

AN ACT TO REFORM THE LAW AS IT RELATES TO DEATH BY RECKLESS OR DANGEROUS DRIVING AND TO ESTABLISH THE OFFENCES OF VEHICULAR MANSLAUGHTER BY RECKLESS DRIVING, DANGEROUS DRIVING AND BY CARELESS DRIVING WHILE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL, AND BY DRIVING WHILE COMMITTING THE OFFENCES OF DRIVING WHILE UNLICENCED, DISQUALIFIED OR UNINSURED AND BY DRIVING WITH UNBELTED CHILDREN OR OTHER PERSONS AS PASSENGERS, TO PROVIDE FOR HIGHER PENALTIES FOR THESE ROAD DEATH OFFENCES, AND FOR CONNECTED PURPOSES

[Date of Assent – 6th August, 2020]

Enacted by the Parliament of The Bahamas

1. Short title and commencement.

- (1) This Act, which amends the Road Traffic Act (*Ch.* 220) may be cited as the Road Traffic (Amendment)(No. 2) Act, 2020.
- (2) This Act shall come into force on such date as the Minister may appoint by notice published in the Gazette.

2. Repeal and replacement of section 44 to the principal Act.

Section 44 of the principal Act is repealed and replaced as follows –

"44. Vehicular Manslaughter by Reckless Driving.

- (1) Any person who causes the death of another person by driving a motor vehicle on a road or in a public place recklessly, commits an offence and is liable on conviction on indictment to imprisonment not exceeding fifteen years.
- (2) For the purpose of subsection (1), a person drives recklessly if—
 - (a) having regard to the nature, condition and use of the road, the amount of traffic which is actually on the road at the time or which might be expected to be on the road, and the speed and manner in which the vehicle is driven, he drives in such a manner as to indicate a willful and wanton disregard for the safety of a person using the road; and
 - (b) it would be obvious to a competent and careful driver that driving in that way would create an obvious and serious risk of harm to any person."

3. Insertion of new sections 44A, 44B and 44C into the principal Act.

The principal Act is amended by inserting immediately after section 44, the following as new sections 44A, 44B and 44C

"44A. Vehicular Manslaughter by dangerous driving.

- (1) Any person who causes the death of another person by driving a motor vehicle on a road or in a public place dangerously, commits an offence and is liable on conviction on indictment to imprisonment not exceeding ten years.
- (2) For the purpose of subsection (1), a person drives dangerously if (and subject to subsection (3), only if), having regard to the nature, condition and use of the road, the amount of traffic which is actually at the time