

AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

MOTOR CAR AMENDMENT (NO. 2) ACT 2015

TABLE OF CONTENTS

1	Citation
2	Amends section 2
3	Amends section 43
4	Repeals and replaces section 47
5	Amends Schedule 1
6	Amends Schedule 1A
7	Repeals and replaces Schedule 1C
8	Amends Schedule 2
9	Commencement

WHEREAS it is necessary to amend the Motor Car Act 1951 to provide definitions for the various classes of trailers; to give the Minister responsible for transport statutory authority to grant permits for the use of the different classes of trailers; to restrict the use of those trailers; to provide new classes of trailers, those of dumpster trailer and concession trailer; and for connected purposes to provide permit and licence duty fees for the new classes of trailers;

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 Motor Car Act 1951 ("the principal Act"), may be cited as the Motor Car Amendment (No. 2) Act 2015.

Amends section 2

2 Section 2(1) of the principal Act is amended by deleting the definition of "trailer" and substituting the following—

“trailer” has the meaning given in section 47;”.

MOTOR CAR AMENDMENT (NO. 2) ACT 2015

Amends section 43

3 Section 43 of the principal Act is amended—

- (a) in the heading by inserting “and tractor trailers” after “tractors”;
- (b) in subsection (1) by inserting “or a tractor trailer” after “tractor”;
- (c) in subsection (2)—
 - (i) by inserting “or tractor trailers” after “tractors”;
 - (ii) in paragraph (a) by—
 - (A) deleting “carriage” and substituting “hauling”;
 - (B) deleting the words “within a municipal area to or from docks, warehouses or stores”;
 - (C) inserting “or a tractor trailer” after “tractor”;
 - (iii) by inserting the following after paragraph (a)—
 - “(aa) an application for the grant of a permit shall be made in writing to the Minister and shall contain such particulars as the Minister requires;”;
 - (iv) in paragraph (c) by inserting “or a tractor trailer” after “tractor”;
- (d) by repealing subsection (3);
- (e) by inserting the following after subsection (5)—
 - “(5A) An applicant for a tractor permit shall, on approval of his application, pay the fee set forth in Schedule 1A.”;
- (f) in subsection (6)—
 - (i) in paragraph (a) by deleting the definition of “tractor” and substituting the following—
 - “ “tractor” means a motor car designed to haul trailers which has four or more wheels, and includes a tractor trailer;”;
 - (ii) in paragraph (b) by deleting the definition of “tractor trailer” and substituting the following—
 - “ “tractor trailer” means a motor car consisting of a tractor attached to a trailer designed for hauling loads which may not be safely carried on a truck and which has the specification assigned to a tractor trailer in Schedule 1;”.

Repeals and replaces section 47

4 Section 47 of the principal Act is repealed and replaced with the following—

“Restriction on the use of trailers

47 (1) No person shall use or cause or allow any other person to use a trailer except under the authority and in accordance with the terms and conditions of a permit granted by the Minister.

(2) Except under the authority of a permit granted by the Minister, no person shall use or cause or allow any other person to use a trailer with any motor car other than—

- (a) a truck;
- (b) an emergency vehicle;
- (c) a tractor while it is being used in conformity with section 43.

(3) With respect to permits authorizing persons to use trailers—

- (a) any person engaged in a trade or business involving the hauling of goods, substances or other loads may apply to the Minister for a permit to use a trailer for the purpose of his trade or business;
- (b) an application for the grant of a permit shall be made to the Minister in writing and shall contain such particulars as the Minister requires;
- (c) the Minister shall consider every such application and may in his discretion either grant or refuse to grant a permit;
- (d) if a person who is granted a permit for the use of a trailer ceases to be engaged in the trade or business which necessitated the use of a trailer, the Minister may by notice to that person revoke the permit from the date of cessation of the trade or business.

(4) Notwithstanding subsection (1), no person shall use or cause or allow any other person to use any trailer or boat-trailer the dimensions of which exceed those specified in Schedule 1.

(5) In exceptional circumstances, and subject to such conditions and limitations as the Minister thinks fit to impose, the Minister may grant a permit for the use of a trailer the dimensions of which exceed those specified in Schedule 1.

(6) An applicant for a trailer permit shall, on approval of his application, pay the fee set forth in Schedule 1C.

(7) No person shall use or cause or allow any person to use a trailer on any excepted day without the permission of the Minister.

(8) Provisions may be made by regulations—

- (a) for requiring the holders of permits to notify the Minister upon ceasing to engage in the trade or business which necessitated the use of a trailer;
- (b) for prescribing the maximum gross weight (fully loaded) of trailers;

- (c) for prescribing the design and equipment of trailers and the manner in which such equipment is to be fitted and used;
- (d) for prescribing the design and fitting of couplings and draw bar gear connecting trailers to the motor cars by which they are drawn;
- (e) for prescribing in relation to boat-trailers, the maximum weight and width of boats to be transported thereon and the maximum overhang thereof at the back of the boat-trailer.

(9) In this section—

“concession trailer” means a purpose-built trailer used for the sale of food or beverages, including water, at various locations or venues;

“container chassis” means—

- (a) a single-purpose trailer designed to haul a shipping container that does not exceed 20 feet in length; or
- (b) a trailer chassis consisting of a frame with no floor, sides or roof with locking devices for securing and transporting a bulky or heavy load;

“dumpster trailer” means a purpose-built trailer unit designed to haul loads and that is able to unload by—

- (a) a back dump (where the front of the cargo bucket is raised and the load slides out of the back);
- (b) a side dump (where the cargo bucket tilts to one side allowing the load to slide off); or
- (c) a bottom dump (where the panels open under the cargo bucket to let the load fall beneath),

otherwise than for hire or reward;

“emergency vehicle” has the meaning given in section 1 of the Road Traffic Act 1947;

“excepted day” means Sunday, Christmas Day and Good Friday;

“low boy” means—

- (a) a low platform trailer designed to haul heavy equipment;
- (b) an open flat-bed trailer designed to haul construction equipment or bulky or heavy loads; or
- (c) a gooseneck flat-bed trailer designed to haul heavy equipment or construction equipment;

“trailer” means a vehicle which has no independent motive power of its own, and which is attached by a draw bar or rigid shaft to a motor car

MOTOR CAR AMENDMENT (NO. 2) ACT 2015

and includes a concession trailer, a container chassis, a dumpster trailer and a low boy.”.

Amends Schedule 1

5 Schedule 1 to the principal Act is amended—

(a) by deleting item I TRAILERS and substituting—

“ I TRAILERS		
Dumpster Trailer		
1 Length overall		not exceeding 276 inches
2 Width overall		not exceeding 96 inches
Low Boy Trailer		
1 Length overall		not exceeding 470 inches
2 Width overall		not exceeding 96 inches
Container Chassis		
1 Length overall		not exceeding 280 inches
2 Width overall		not exceeding 96 inches
Special Permit Trailer		
Width overall		not exceeding 96 inches
Heavy Trailer		
1 Length overall		not exceeding 210 inches
2 Width overall		not exceeding 76 inches
Intermediate Trailer		
1 Length overall		not exceeding 180 inches
2 Width overall		not exceeding 71 inches
Light Trailer		
1 Length overall		not exceeding 169 inches
2 Width overall		not exceeding 67 inches
Sports Trailer		
1. Length overall		not exceeding 300 inches
2. Width overall		not exceeding 96 inches

(b) by inserting the following after item “N Funeral Home Limousines”—

“ O CONCESSION TRAILERS		
Light Concession Trailer		
1 Length overall		not exceeding 169 inches
2 Width overall		not exceeding 67 inches
Intermediate Concession Trailer		
1 Length overall		not exceeding 180 inches
2 Width overall		not exceeding 71 inches
Heavy Concession Trailer		

MOTOR CAR AMENDMENT (NO. 2) ACT 2015

1 Length overall	not exceeding 210 inches	
2 Width overall	not exceeding 76 inches	
Special Concession Trailer 1		
1 Length overall	not exceeding 260 inches	
2 Width overall	not exceeding 88 inches	
Special Concession Trailer 2		
1 Length overall	not exceeding 288 inches	
2 Width overall	not exceeding 102 inches	”.

Amends Schedule 1A

6 Schedule 1A to the principal Act is amended—

- (a) in part A by deleting “Boat Trailer” and “Tractor Trailer” and substituting “Boat Hauling Truck” and “Tractor Head” respectively; and
- (b) in part C by deleting the line item “Tractor Head”.

Repeals and replaces Schedule 1C

7 Schedule 1C to the principal Act is repealed and replaced with the following—

“SCHEDULE 1C

(Sections 43(5A) and 47(6))

TRAILER PERMIT FEES

Light Trailer	\$206	
Intermediate Trailer	\$412	
Heavy Trailer	\$618	
Special Permit Trailer	\$824	
Container Chassis	\$1,236	
Low Boy Trailer	\$1,442	
Light Concession Trailer	\$5,150	
Dumpster Trailer	\$9,000	
Intermediate Concession Trailer	\$10,250	
Heavy Concession Trailer	\$15,750	
Special Concession Trailer 1	\$30,000	
Special Concession Trailer 2	\$45,000	”.

Amends Schedule 2

8 Schedule 2 is amended by repealing part H TRAILERS and replacing it with the following—

“H TRAILERS

MOTOR CAR AMENDMENT (NO. 2) ACT 2015

where the dimensions—

Container Chassis	do not exceed 7112 mm (280 in.) in length and 2438 mm (96 in.) in width	\$25.55
Sports Trailer	do not exceed 7620 mm (300 in.) in length and 2438 mm (96 in.) in width	\$94.90
Light Trailer	do not exceed 4293 mm (169 in.) in length and 1702 mm (67 in.) in width	\$109.50
Intermediate Trailer	do not exceed 4572 mm (180 in.) in length and 1801 mm (71 in.) in width	\$226.30
Heavy Trailer	do not exceed 5331 mm (210 in.) in length and 1931 mm (76 in.) in width	\$456.25
Special Permit Trailer	do not exceed 2438 mm (96 in.) in width	\$470.85
Lowboy Trailer	do not exceed 11,938 mm (470 in.) in length and 2438 mm (96 in.) in width	\$624.00
Light Concession Trailer	do not exceed 4293 mm (169 in.) in length and 1702 mm (67 in.) in width	\$624.00
Intermediate Concession Trailer	do not exceed 4572 mm (180 in.) in length and 1801 mm (71 in.) in width	\$883.30
Heavy Concession Trailer	do not exceed 5331 mm (210 in.) in length and 1931 mm (76 in.) in width	\$1,175.30
Special Concession Trailer 1	do not exceed 6605 mm (260 in.) in length and 2235 mm (80 in.) in width	\$1,569.50
Special Concession Trailer 2	do not exceed 7315 mm (288 in.) in length and 2591 mm (102 in.) in width	\$1,865.16
Dumpster Trailer	do not exceed 7010 mm (276 in.) in length and 2438 mm (96 in.) in width	\$2,571.50

Commencement

9 This Act shall come into operation on such date as the Minister may appoint by notice in the Gazette.

MOTOR CAR AMENDMENT (NO. 2) BILL 2015

EXPLANATORY MEMORANDUM

This Bill amends the Motor Car Act 1951 (“the principal Act”) to provide definitions for the various classes of trailers used on Bermuda’s roads; to give the Minister responsible for transport statutory authority to grant permits for the use of the various classes of trailers; to provide new classes of trailers; to restrict the use of trailers; and to provide permit and licence duty fees for the new classes of trailers.

Clause 1 is the title of the Bill.

Clause 2 amends the definition of “trailer” in the principal Act to reference the new definition added to section 47.

Clause 3 amends section 43 of the principal Act:

- i) by adding tractor trailers to the heading of the section to make it clear that the section applies to both tractors and tractor trailers;
- ii) by changing the word “carriage” to “hauling” to distinguish between loads carried on a truck and loads hauled in a trailer;
- iii) by removing wording which limits the use of tractors and trailers to municipal areas;
- iv) to provide how a person may apply for a permit to use a tractor or trailer;
- v) to advise of the fee payable for a permit to use a trailer, as provided in the Schedule 1C;
- vi) to provide the new definitions of “tractor” and “tractor trailer”.

Clause 4 repeals and replaces section 47 of the principal Act to provide how an application for a permit to use a trailer is made and how the trailer can be used. It also provides definitions for the various types of trailers used on Bermuda’s roads and provides a clearer definition of a trailer.

Clause 5 amends Schedule 1 to the principal Act by inserting a category for the dimensions of the different classes of trailers and concession trailers.

Clause 6 amends Part A of Schedule 1A to the principal Act to provide the correct name reference to a “boat hauling truck” and a “tractor head”.

Clause 7 repeals and replaces Schedule 1C to the principal Act to include permit fees for a dumpster trailer and concession trailers.

Clause 8 amends Schedule 2 to the principal Act to provide the licence duty payable for the various classes of trailers.

Clause 9 provides the commencement of the Bill.