

# AS TABLED IN THE HOUSE OF ASSEMBLY

A BILL

entitled

MOTOR CAR AMENDMENT (NO. 2) ACT 2016

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WHEREAS it is expedient to amend the Motor Car Act 1951 to include provisions for a motor car livery scheme including the types of motor cars that are available as a rental, the specifications of those motor cars, the licence fee applicable for the operation of a motor car livery and for connected purposes;

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 2016.

### Amends section 2

2 Section 2 of the principal Act is amended by inserting the following in proper alphabetical place—

“livery motor car” means a motor car owned by and ordinarily available for hire from a motor car livery;

“motor car livery” means a person or body of persons by whom motor cars are let on hire for use by other persons;”.

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Inserts Part VIA

3 The Motor Car Act 1951 is amended by inserting the following after Part VI (section 101)—

“PART VIA  
MOTOR CAR LIVERIES

Prohibition on operation of liveries

101A No person shall operate a motor car livery (hereinafter referred to as a “livery”) unless that person has applied for and has been granted a licence by the Minister.

Application to operate a livery

101B (1) The Minister may, on written application made to him, grant a licence to operate a livery.

(2) The Minister may grant or refuse a licence to operate a livery, or may grant a licence to operate a livery subject to any terms and conditions the Minister finds appropriate, and the Minister may at any time vary the conditions attached to a licence.

(3) In considering an application under subsection (1), the Minister shall, in particular, without prejudice to his power, have regard to the suitability of the premises from which it is intended to operate a livery, the suitability of the equipment in such premises and the qualifications of the staff which it is proposed to employ in the operation of the livery.

(4) The Minister shall have the power to revoke a licence granted under this section if it appears to him—

- (a) that there has been a material change in the suitability of the premises, equipment or staff connected with the livery since the licence was granted; or
- (b) that the licensee has not complied with any of the conditions attached to his licence.

(5) Any officer of the Department or any person duly authorized by the Minister may enter the premises which are being used for the operation of a livery for the purpose of inspecting and examining the premises, equipment and staff connected with the livery.

(6) No livery shall hire or have available for hire any motor car other than a motor car with three or four wheels of such class, make or model as the Minister may approve by notice published in the Gazette.

(7) No livery shall hire a livery motor car to a person—

- (a) under the age of eighteen years; or

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(b) who does not hold a valid driver's licence.

(8) A valid driver's licence for the purpose of subsection (7)(b) shall be as prescribed.

(9) A licence issued for the purposes of this section shall expire one calendar year after the date of issue.

(10) A person who contravenes any provision of this section commits an offence and is liable on summary conviction to a fine of \$4,200 or to imprisonment for 3 months or both, and in the case of a continuing offence a fine of \$500 for each day on which the offence continues.

Minister may by order regulate design or build

101C (1) The design or build of the body of a livery motor car shall be regulated and controlled by order of the Minister—

(a) so as to be conducive to road safety; and

(b) so as to preserve as far as possible the amenities of Bermuda.

(2) Where the design or build of the body of a livery motor car is in the opinion of the Minister unsuitable having regard to subsections (1)(a) or (b), the Minister may by order prohibit the use of such livery motor car on any road.

(3) Orders made under this section are subject to the negative resolution procedure.

Regulations under Part VIA

101D The Minister may make regulations subject to the negative resolution procedure—

(a) concerning the licensing and registration of livery motor cars;

(b) prescribing identification marks and plates and position and dimensions, and for prescribing the charges that may be made for the issue and replacement of plates;

(c) generally for carrying out the purposes and provisions of this Act.”.

Amends Schedule 1

4 Schedule 1 to the principal Act is amended by inserting the following after line item J PRIVATE MOTOR CARS, INSTRUCTIONAL VEHICLES—

“ JA LIVERY MOTOR CARS

1 Engine Capacity	not exceeding 150 c.c.'s
2 Length overall	not exceeding 3505mm (138 in.)
3 Width overall	not exceeding 1803mm (71 in.)

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4 Horsepower	not exceeding 15 hp or 11.25 kilowatts	
5 Number of wheels on which supported	3 or 4	”.

Amends Schedule 2

5 Schedule 2 of the principal Act is amended by inserting the following after line item *B PRIVATE MOTOR CARS AND INSTRUCTIONAL VEHICLES*—

“	<i>BA LIVERY MOTOR CARS</i>	
Any livery motor car	\$167.90	”.

Consequential amendments

6 (1) The Government Fees Regulations 1976 are amended in Head 42 by inserting the following after paragraph (20)—

“ (21) Issuing an annual licence to operate a motor car livery under section 101B (fee is per 25 livery motor cars registered or part thereof)	\$500	”.
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(2) The Public Holidays Act 1947 is amended in section 11(c) by inserting “motor car livery,” after “cycle livery.”.

(3) The Traffic Offences Procedure Act 1974 is amended in section 14 by—

- (a) by deleting “or auxiliary bicycle” and substituting “, auxiliary bicycle or motor car”;
- (b) deleting the “or” at the end of paragraph (a);
- (c) deleting “,” at the end of paragraph (b) and inserting “; or”;
- (d) by inserting the following after paragraph (b)—

“(c) in respect of a motor car owned by a motor car livery licensed under section 101B of the Motor Car Act 1951,”.

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### EXPLANATORY MEMORANDUM

This Bill seeks to amend to amend the Motor Car Act 1951 (the “principal Act”) to include provisions for a motor car livery scheme including the types of motor cars that are available as a rental, the specifications of and licence duty for those motor cars, the licence fee applicable for the operation of a motor car livery, and for connected purposes.

Clause 1 is the title of the Bill.

Clause 2 amends section 2 of the principal Act to insert the definitions of livery motor car and motor car livery.

Clause 3 inserts Part VIA into the principal Act providing—

(a) in sections 101A and 101B that—

(i) a person must have a licence to operate a motor car livery, which can be obtained on application to the Minister;

(ii) the Minister has the power to grant or refuse a licence, or grant a licence with such conditions as the Minister deems fit, or revoke a licence in specified circumstances;

(iii) the make or model of a livery motor car may be approved by the Minister by notice in the Gazette;

(iv) no livery motor car shall be rented to a person under the age of 18 years or a person who does not hold a valid driver’s licence;

(v) it is an offence to operate a motor car livery without a licence;

(b) in section 101C that the Minister has the power to regulate by order the design or build of a livery motor car;

(c) in section 101D that the Minister has regulation making powers.

Clause 4 amends Schedule 1 to the principal Act to provide the specifications for a livery motor car.

Clause 5 amends Schedule 2 to the principal Act to provide the licence duty for a livery motor car.

Clause 6 provides consequential amendments to—

(a) the Government Fees Regulations 1976 to insert the annual licence fee for the operation of a motor car livery;

(b) the Public Holidays Act 1947 to include a motor car livery in the specified categories of retail shops that can conduct business on a public holiday;

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(c) the Traffic Offences Procedure Act 1974 to provide where a parking offence is committed in relation to a livery motor car, the driver of the livery motor car, not the owner, is guilty of the parking offence.