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THE TRAFFIC (AMENDMENT) BILL, 2018
MEMORANDUM OF OBJECTS AND REASONS

The Bill seeks to make a series of administrative reforms respecting the licensing and registration of vehicles, to improve the administration of the Traffic Law, 2011 and to simplify the wording and order of certain provisions of the Law.

Clause 1 provides for the short title and coming into force of the legislation.

Clause 2 adds new definitions for “amphibious ATV”, “camera”, “electronic reading device”, “electronic tag”, “new resident” and “special purpose vehicle”. The clause amends the definitions of “resident” and “visitor” and expands the definition of “pedal cycle”.

Clause 3 replaces references to the “Governor in Cabinet” throughout the Law with references to “Cabinet”, in line with the 2009 Constitution.

Clause 4 amends section 6 to permit the Director to enter into agreements with insurers for assistance in updating of the Register in respect to insurance coverage provided by them.

Clause 5 amends section 8 to correct an erroneous reference.

Clause 6 amends section 9 to prevent owners who are liable to pay arrears of fees or fines imposed under the Law from transferring their vehicles until the fees or fines are paid.

Clause 7 amends section 10 to give the Director the discretion to consider the licence of a vehicle that has not been licensed for a year to be expired so that licence fees cease to accrue.

Clause 8 amends section 11 to allow the importation of mokes and mini mokes and prevent the registration of passenger vehicles imported contrary to the Prohibited Goods Order.

Clause 9 amends section 13 to incorporate section 15(1) respecting liability to pay fees into the section. The clause adds an exemption from payment for persons who have been granted a suspension under section 15 and incorporates section 15(7) which provides for the payment of fees by a person who has been granted a suspension.

Clause 10 amends section 14 to permit the issuance of vehicle licences for five years and to clarify the maximum periods for licences for various vehicles. The

clause exempts disabled persons and institutions supporting them from fees for the registration and licensing of one vehicle. Finally the clause provides that fees may be backdated when a licence is renewed to cover any period between the expiry of the licence and renewal.

Clause 11 amends section 15 by deleting the provisions on fees that were incorporated by clause 10 into section 13 and by setting the maximum period for suspension of a vehicle licence at ten years, subject to application to the Director for further extensions.

Clause 12 amends section 18(2) to correct an erroneous cross-reference.

Clause 13 amends section 21 to limit the issuance of trade plates to one year and to correct a mistaken reference in subsection (4). The clause also adds a new subsection empowering the Director to request the holder of trade plates to surrender or renew them and makes it an offence to fail to comply with the Director's request.

Clause 14 amends section 22 to correct a mistaken cross-reference in paragraph (j) and to allow regulations to be made for charging fees for duplicate receipts.

Clause 15 adds a new Part 2A to the Law providing for Electronic Vehicle-Registration. Part 2A contains the following new sections -

Section 22A provides for the issue of electronic tags for registered vehicles and for affixing them to vehicles.

Section 22B authorises the Panel to install electronic reading devices at such locations as it determines necessary and for the Commissioner of Police to authorise constables to carry mobile reading devices.

Section 22C provides for the gathering of evidence by camera and the recording, conversion and transmission of data from images captured by the camera.

Section 22D provides for the admission of evidence gathered by a camera or electronic reading device in criminal proceedings and for its presentation in court. The section presumes records or certificates signed by the Director to be validly signed, but allows the person against whom they are produced to cross-examine the signing official. The section allows admission of such records or certificates in court only if a copy has been served before trial on the person charged.

Section 22E sets out certain rules in respect of certificates or records referred to in section 22D and of certified extracts from the register.

Section 22F presumes the owner of a vehicle to be guilty of an offence in respect of the vehicle where evidence of the offence is gathered by an electronic reading device or a camera and admitted in court and no evidence to the contrary is introduced by the owner. The presumption may be rebutted where the owner proves that he was not in possession of the vehicle at the time of the offence, did not know of or consent to possession of the vehicle by another person and could not have prevented it.

Section 22G empowers the Cabinet to make regulations concerning the types of cameras, electronic reading devices and electronic tags that can be used and the places on vehicles where electronic tags must be affixed.

Section 22H sets out a number of offences concerning interfering with electronic tags, cameras or reading devices and using a vehicle that does not have an electronic tag affixed to it. The section provides for a \$10,000 penalty for persons convicted on summary conviction of such offences.

Clause 16 amends section 25(b)(i) as a consequence of the renumbering of section 29 by clause 18.

Clause 17 amends section 28 by renumbering it as section 29 and removing the requirements in subsections (2) to (7) for persons visiting the Islands to have visitors driving permits. The new section 29 authorises a person from a non-Convention country to drive a motor car, a truck not exceeding 8500 pounds or a motor cycle under 125cc in the Islands for a maximum period of one month.

The provisions in subsections (8) to (14) respecting international driver's permits are deleted and moved to the new section 29A.

Clause 18 amends section 29 by renumbering it as section 28. The clause amends the section to permit visitors or new residents to drive in the Islands for a period not exceeding six months on their international driving permit, or if they are from a Convention country, on their domestic driver's licence.

Clause 19 inserts into the new section 29A and renumbers the provisions respecting international driver's permits formerly contained in sections 28(8) to (14). The clause also broadens the reference in the former section 28(14) to the Convention on Road Traffic concluded in Geneva in 1949 to include the Conventions on Road Traffic concluded in Paris in 1926 and in Vienna in 1968.

Clause 20 amends section 30 to extend the category of persons who may apply for renewals without taking driving tests to include those who hold a driver's licence that has expired within the preceding ten years, provided that they have held a licence from a Convention country during the period commencing five years after the expiry of their licence .

Clause 21 amends section 41 by renumbering it as section 30A and providing that a driver's licence remains in force for 3, 5 or 10 years. Section 30A provides for renewal during the 6 months before expiry of the licence and permits a person seeking renewal to have their renewed licence expire on their birthday.

Clause 22 amends section 45(2) to change the membership of the Public Transport Board by substituting for the Director of the Civil Aviation Authority a representative of the Cayman Islands Airport Authority.

Clause 23 amends section 47(1) in order to clarify that the prohibition against driving public passenger vehicles without a permit only applies to public passenger vehicles for hire.

Clause 24 amends the heading to Part 5 to make the Part applicable to special purpose vehicles, as defined in the definition added by clause 2.

Clause 25 amends section 53 to provide that special electric vehicles may be driven wherever the designated speed is thirty miles per hour or less and not just in a school zone. The clause adds a new subsection to section 53 to restrict the driving of amphibious ATVs to routes designated by the Director and speeds of thirty-five miles per hour or less. The clause also enlarges the offence provision in the subsection (2) so that it applies to a contravention of this new subsection.

Clause 26 amends section 54 to make the provisions that formerly applied to special electric vehicles applicable to special purpose vehicles.

Clause 27 amends section 55 to make the provisions that formerly applied to special electric vehicles applicable to special purpose vehicles.

Clause 28 amends section 62 to set limits on the periods for which an inspector may issue a certificate of roadworthiness, depending on the age of the vehicle.

Clause 29 amends section 63 to allow the owner of vehicle to submit it for inspection at any time in the month before the due date for renewal of the licence.

Clause 30 inserts new section 77A into the Law to empower a constable to stop, seize or enter premises to search for a motorcycle or moped that is or was used in

a manner that is likely to cause alarm, distress or annoyance to members of the public. These powers would also apply where a motorcycle or moped is or was driven carelessly, dangerously or recklessly contrary to sections 76 or 77 of the Law. The new section makes it an offence for a person who has been ordered to stop their motorcycle or moped not to comply with the order.

Clause 31 amends section 94 to make the use of a special purpose vehicle in contravention of section 53 a ticketable offence. The clause amends subsection (2) to require persons who wish to plead guilty and pay a ticket to do so before the date and time for the hearing of the charges.

Clause 32 amends section 106 to give Cabinet the power to make regulations governing the removal, retention, release and disposal of motorcycles or mopeds seized under the new section 77A added by Clause 30.

Clause 33 amends section 113 respecting removal of vehicles to the pound by broadening its scope to cover motorcycles and mopeds seized by a constable under the new section 77A added by Clause 30.

Clause 34 amends section 123(2) to change a cross-reference in consequence of the renumbering of section 28 by clause 17.

Clause 35 is a transitional provision providing a temporary amnesty for arrears of fees due in respect of vehicles whose registration is terminated before the coming into force of the Law or within six months after it comes into force.

THE TRAFFIC (AMENDMENT) BILL, 2018

ARRANGEMENT OF CLAUSES

1. Short title and commencement
2. Amendment of section 2 of the Traffic Law, 2011 (Law 26 of 2011) - interpretation
3. General amendment
4. Amendment of section 6 - registration of vehicles and third party risks
5. Amendment of section 8 - registration plates
6. Amendment of section 9 - alteration of particulars to be recorded in the register and certificate of registration
7. Amendment of section 10 - termination of vehicle registration
8. Amendment of section 11 - importation and use of certain vehicles restricted
9. Repeal and substitution of section 13 - liability to pay fees and exemption from payment
10. Amendment of section 14 - commencement and duration of licences: rate of fees
11. Amendment of section 15 - continuous liability for suspension of vehicle licence
12. Amendment of section 18 - special permit
13. Amendment of section 21 - trade plates
14. Amendment of section 22 - regulations under this Part
15. Insertion of Part 2A - Electronic Vehicle-Registration
16. Amendment of section 25 - qualification to drive
17. Amendment of section 28 - new residents and certain visitors may be authorised to drive: international driver's licence
18. Amendment of section 29 - driving tests for new residents
19. Insertion of new section 29A - international driver's permits
20. Amendment of section 30 - saving of licences and tests under the repealed Law
21. Amendment of section 41 - duration of driver's licence
22. Amendment of section 45 - establishment of Public Transport Board
23. Amendment of section 47 - permits for omnibus and taxi drivers
24. Amendment of heading to Part 5 - Special Electric Vehicles
25. Amendment of section 53 - restrictions on use of special electric vehicles
26. Amendment of section 54 - special permit for use of special electric vehicles
27. Amendment of section 55 - requirements for registration of special electric vehicles
28. Amendment of section 62 - issue of certificate of roadworthiness
29. Amendment of section 63 - annual inspection of vehicles

30. Insertion of new section 77A - dangerous, careless, reckless or anti-social driving of motorcycle or moped
31. Amendment of section 94 - ticket procedure
32. Amendment of section 106 - regulations under this Part
33. Amendment of section 113 - removal of vehicles to pound, etc.
34. Amendment of section 123 - registration of driving instructors
35. Transitional provision

CAYMAN ISLANDS

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ENACTED by the Legislature of the Cayman Islands.

1. (1) This Law may be cited as the Traffic (Amendment) Law, 2018.

Short title and
commencement

(2) This Law shall come into force on such date as may be appointed by Order made by the Cabinet and different dates may be appointed for different provisions and in relation to different matters.

Amendment of section 2 of the Traffic Law, 2011 (Law 26 of 2011) - interpretation

2. The Traffic Law, 2011 (Law 26 of 2011), in this Law referred to as the “principal Law”, is amended in section 2 as follows -

(a) by inserting in the appropriate alphabetical sequence the following definitions -

“amphibious ATV” means an all-terrain vehicle -

(a) which travels under its own power on land or water; and

(b) the use of which is restricted on land to the speed and routes set out in section 53(1A);

“camera” means a camera of a prescribed type that can be linked to an electronic reading device;

“electronic reading device” means an electronic reading device of a prescribed type that is capable of reading an electronic tag;

“electronic tag” means an electronic tag of a prescribed type that - is affixed to a vehicle and -

(a) is unique to that vehicle;

(b) provides a link to the information in the register pertaining to that vehicle; and

(c) is capable of producing an electronic record of the information in the register pertaining to that vehicle when the electronic tag is read by an electronic reading device;

“new resident” means a person who has been granted permission to stay in the Islands for a period exceeding six months and is still in the person’s initial six month period of residence;

“special purpose vehicle” means an amphibious ATV or a special electric vehicle;”;

(b) in the definition of “pedal cycle” -

(i) in paragraph (a) by deleting the word “and”;

(ii) in paragraph (b) by deleting the word “includes” and inserting after the semicolon the word “and”;

(iii) by inserting after paragraph (b) the following paragraph -

“(c) a motorized bicycle or cycle propelled by means of pedals capable of being driven in excess of 15 miles per hour.”;

- (c) in the definition of “resident” by deleting the word “lived” and substituting the words “been given permission to stay”; and
 - (d) by deleting the definition of “visitor” and substituting the following definition -
 - “ “visitor” means a person who -
 - (a) has been granted permission to stay in the Islands for a period not exceeding six months; or
 - (b) does not reside in the Islands but has been granted permission to stay for a period of more than six months.”.
3. (1) The principal Law is amended by deleting the words “Governor in Cabinet” wherever they appear and substituting the word “Cabinet”. General amendment
- (2) The principal Law is amended in section 128 by deleting the word “Governor” and substituting the word “Cabinet”.
4. The principal Law is amended in section 6 by inserting after subsection (4) the following subsection - Amendment of section 6
- registration of vehicles
and third party risks
- “(4A) For the purpose of assessing compliance with the Motor Vehicle Insurance (Third Party Risks) Law (2012 Revision) and regulations, the Director may enter into an agreement with an “insurer”, as defined in that Law, governing the updating of the register for any alteration of insurance coverage of registered vehicles for which the insurer provides insurance.”. (2012 Revision)
5. The principal Law is amended in section 8(4) as follows - Amendment of section 8
- registration plates
- (a) by deleting the words “permanent licence plates” and substituting the words “permanent registration plates”; and
 - (b) by deleting the words “temporary licence plates” and substituting the words “temporary registration plates”.
6. The principal Law is amended in section 9 by inserting after subsection (1) the following subsections - Amendment of section 9
- alteration of particulars
to be recorded in the
register and certificate of
registration
- “(1A) Subject to subsection (1B), the Director shall not record the change in ownership or issue a new certificate of registration if the registered owner of the vehicle is liable for and has failed to pay arrears of fees in respect of the vehicle or a fine imposed for an offence under this Law.
- (1B) The registered owner of a vehicle may apply to the court for an order approving the change of ownership or alteration in the particulars of

the vehicle, notwithstanding the owner's failure to pay arrears of fees or a fine, and on receiving such order from the court, the Director shall record the change and issue a new certificate of registration to the new owner of the vehicle.”.

Amendment of section 10 - termination of vehicle registration

7. The principal Law is amended in section 10 as follows -

- (a) in subsection (1)(b) -
 - (i) in subparagraph (i) by inserting after the semicolon the word “and”;
 - (ii) in subparagraph (ii) by deleting the words “; and” and substituting a full stop; and
 - (iii) by deleting subparagraph (iii);
- (b) in subsection (4) by deleting the words “and the fees shall cease to accrue as at the date of termination”; and
- (c) by inserting after subsection (4) the following subsection -

“(4A) Subject to subsection (5), the Director may, if a vehicle has not been licenced for a continuous period of one year, consider the licence of that vehicle to be expired as of a particular date, and licence fees shall cease to accrue as of that date.”.

Amendment of section 11 - importation and use of certain vehicles restricted

8. The principal Law is amended in section 11 as follows -

- (a) in subsection (1) -
 - (i) by deleting paragraph (a);
 - (ii) by renumbering paragraphs (b) to (e) as paragraphs (a) to (d); and
 - (iii) in paragraph (c) as renumbered, by deleting the words “to (c)” and substituting the words “and (b)”;
- (b) in subsection (2) by inserting before the full stop the words “or to paragraph 4(1) of the Customs (Prohibited Goods) Order (2017 Revision)”.

(2017 Revision)

Repeal and substitution of section 13 - liability to pay fees and exemption from payment

9. The principal Law is amended by repealing section 13 and substituting the following section -

“Liability to pay fees and exemption from payment

13. (1) A registered owner who for any period uses or keeps, or causes to be used or kept, a vehicle in respect of which a fee under this Law has at any time become chargeable is liable to pay the fee in respect of that vehicle for that period.

(2) No vehicle licence fee may be charged for -

- (a) vehicles in the possession of persons licensed under the Trade and Business Licensing Law (2007 Revision) as motor vehicle dealers, agents, repairers or traders solely for the purpose of sale, repair or testing in the course of that business;
- (b) oversize vehicles, subject to provisions relating to special permits; or
- (c) a vehicle in respect of which the Director has granted a person’s application under section 15 for the suspension of the vehicle licence.

(3) Notwithstanding subsection (2)(c), a person who has been granted a suspension under section 15 does not escape liability to pay a fee if, at any time during the period of suspension the person uses or keeps, or causes to be used or kept, the vehicle on a road and no vehicle licence is in force for the vehicle at that time.”.

10. The principal Law is amended in section 14 as follows -

Amendment of section 14 - commencement and duration of licences: rate of fees

- (a) in subsection (1) by deleting the words “or thirty-six” and substituting the words “, thirty-six months or sixty”;
- (b) by deleting subsection (2) and substituting the following subsections -

“(2) A licence may be issued for the following maximum periods in respect of the following vehicles -

- (a) five years, for a new vehicle being registered for the first time in the Islands that has not been registered anywhere before;
- (b) three years, for a vehicle that is less than ten years old, if the vehicle was registered before; and

- (c) one year, for a vehicle that is more than ten years old, whether or not the vehicle was registered before.

(2A) Where a licence is issued for five years under subsection (2), the licence fee may be paid annually in increments of twenty per cent of the total fee for the five year period.”;

- (c) in subsection (5) by inserting -
 - (i) after the word “register” the words “and license”; and
 - (ii) after the word “registered” the words “and licensed”; and
- (d) by inserting after subsection (5) the following subsections -

“(6) Where the licence for a vehicle has expired, the amount of the fee for renewal shall be increased to take into account the period between the expiry of the licence and the date of renewal.

(7) The fee referred to in subsection (6) may be paid over a three-month period if the vehicle licence is renewed for a maximum period of three months.”.

Amendment of section
15 - continuous liability
for suspension of
vehicle licence

11. The principal Law is amended in section 15 -

- (a) by deleting the words in the marginal note and substituting the words “Suspension of vehicle licence”;
- (b) by repealing subsections (1) and (2);
- (c) in subsection (3) by deleting the word “that” and substituting the word “the”;
- (d) by renumbering subsections (3) to (6) as subsections (1) to (4);
- (e) by repealing subsection (7); and
- (f) by inserting after subsection (4), as renumbered, the following subsections -

“(5) Subject to subsection (6), the maximum period for suspension of a vehicle licence is ten years.

(6) If the registered owner wishes to extend the period beyond the date of expiry of the suspension, he shall, during the three months before that date, make a further application to the Director.

(7) There is no limit on the number of applications that may be made under subsection (6).”.

12. The principal Law is amended in section 18(2)(a) by deleting the words “section 112” and substituting the words “section 111”. Amendment of section 18 - special permit
13. The principal Law is amended in section 21 - Amendment of section 21 - trade plates
- (a) in subsection (3) by inserting after the word “for” the words “a maximum of”;
 - (b) in subsection (4) by deleting the word “business” and substituting the word “person”;
 - (c) by inserting after subsection (4) the following subsection -
 - “(4A) The Director may request the holder of trade plates to surrender or renew them.”; and
 - (d) in subsection (5) by inserting after the words “subsection (1)” the words “or does not comply with a request of the Director under subsection (4A)”.
14. The principal Law is amended in section 22 - Amendment of section 22 - regulations under this Part
- (a) in paragraph (j) by deleting the words “15(3)” and substituting the words “15(1)”
 - (b) in paragraph (m) by deleting the word “and”;
 - (c) in paragraph (n) by inserting the word “and” after the semi-colon; and
 - (d) by inserting the following paragraph after paragraph (n) -
 - “(o) the fees to be paid for the issue of duplicate receipts”.
15. The principal Law is amended by inserting after Part 2 the following Part - Insertion of Part 2A - electronic vehicle-registration
- “PART 2A - Electronic Vehicle-Registration
- Electronic tag 22A. (1) The Director shall issue an electronic tag in respect of every registered vehicle.
- (2) The electronic tag issued in respect of a vehicle shall be affixed to vehicle by the registered owner or a person authorised by the Director in a prescribed place on the vehicle that is both readable by an electronic reading device and visible from outside the vehicle.
- Installation of cameras and electronic reading devices 22B. (1) The Panel may install electronic reading devices of a fixed type at such locations as it determines necessary for the purposes of this Part.

(2) The Commissioner may authorise a constable to carry an electronic reading device of a mobile type.

Gathering
evidence and
recording data

22C. (1) Evidence that is gathered by a camera may be gathered by any method that captures the image of a vehicle, its registration or electronic tag and allows the image to be reproduced by any means, including by film, printing or electronic means.

(2) Data, which may be in an encoded form, may be electronically and simultaneously recorded on the captured image under subsection (1).

(3) The recorded image under subsection (2) may be converted from one format to another, transmitted, stored or reproduced by electronic or other means that allows the recorded image to be reproduced in intelligible form including, without limitation, electronically.

(4) For the purposes of subsection (3), a recorded image may include an enlargement of the area of the recorded image depicting the registration of the vehicle.

Evidence of
offence

22D. (1) Evidence that is gathered through the use of an electronic reading device or camera, including data and images referred to in section 22C, is admissible as evidence in any proceedings with respect to any offence under this Law.

(2) Evidence of a fact relevant to the proceedings may be given by the production of -

- (a) a record produced by an electronic reading device or a camera; and
- (b) in the same or another document, a certificate signed by the Director as to the circumstances in which the record was produced.

(3) Unless the contrary is proved, a document purporting to be a record under subsection (2)(a) or to be a certificate signed by the Director under subsection (2)(b) is presumed to be such a record or to be so signed, as the case

may be.

(4) Nothing in this section makes a record or a certificate admissible in any proceedings unless a copy of it has, not less than seven days before the trial, been served on the person charged with the offence.

(5) The court may grant leave for a person in respect of whom a record or certificate under this section is produced to require the attendance of the person who signed the certificate, for the purpose of cross-examination.

Certificate in
electronic format

22E. (1) A certified extract of information from the register gathered under section 22C or a record or certificate under section 22D(2) may be created and completed in electronic format by electronic or any other means that allows the extract or certificate to be reproduced in intelligible form including, without limitation, electronically.

(2) A certified extract or a certificate may be signed by the Director by means of an electronic reproduction of the Director's signature that is capable of being assigned to that extract or certificate only by the Director.

(3) The signature referred to in subsection (2) may be made by electronic or any other means that allows the signature to be reproduced in intelligible form including, without limitation, by electronically storing the signature by means of an electronic scanner or an electronic signature pad.

(4) If the certified extract or certificate, including the Director's signature, is in electronic format, it may be converted from electronic format to paper format for all purposes and it may be received, transmitted, stored or sent electronically.

(5) The recorded image referred to in section 22C(3) and any enlargement referred to in section 22C(4) may be included as part of a certificate.

Presumption

22F. (1) Where evidence in respect of a vehicle gathered

through the use of an electronic reading device or a camera is admitted in court and establishes that an offence under this Law has been committed, the owner of the vehicle is presumed, in the absence of evidence to the contrary, to be guilty of the offence unless the owner proves that -

- (a) the owner was not in possession of the vehicle at the time of the offence; and
- (b) the owner did not know that the vehicle was in the possession of another person, had not consented to it being in the possession of another person and could not, by taking reasonable steps, have prevented it from being in the possession of another person.

(2) In this section, “owner” means the person in whose name the vehicle is registered in the register, or if the vehicle is not registered, any other person who is proved to be the owner.

Regulations

22G. The Cabinet may make regulations prescribing -

- (a) the types of cameras, electronic reading devices and electronic tags for the purposes of this Part; and
- (b) the places on vehicles where electronic tags must be affixed.

Offences

22H. (1) A person shall not remove, destroy or interfere with an electronic tag, or its operation, except as authorised by the Director or the Commissioner.

(2) A person shall not use, or cause or allow any other person to use, a vehicle that does not have the electronic tag for that vehicle affixed to it in accordance with section 22A(2).

(3) A person shall not remove, destroy or interfere with an electronic reading device, or its operation, except as authorised by the Director or the Commissioner.

(4) A person, other than a constable or a vehicle inspector, shall not use an electronic reading device of a mobile type.

(5) A person shall not remove, destroy or interfere with a camera, or its operation, except as authorised by the Director or Commissioner.

(6) A person who contravenes any of subsections (1) to (5) commits an offence punishable on summary conviction by a fine of ten thousand dollars.”.

16. The principal Law is amended in section 25(b)(i) by deleting the words “section 29” and substituting the words “section 28”. Amendment of section 25 - qualification to drive

17. The principal Law is amended by repealing section 28 and substituting the following section - Amendment of section 28 - new residents and certain visitors may be authorised to drive: international driver’s licence

“Authorisation to drive: persons from non-Convention countries” 29. A person lawfully visiting the Islands or a new resident from a country that is not a “Convention country” as defined in section 28(1) who -

- (a) is qualified to drive a group of vehicles for the purposes of section 25(a)(i) to (v); and
- (b) is the holder of a current driver’s licence issued in the person’s country of residence in respect of that group of vehicles,

may drive a motor car, a truck not exceeding 8,500 pounds or a motor cycle under 125cc in the Islands for a maximum period of one month.”.

18. The principal Law is amended in section 29 as follows - Amendment of section 29 - driving tests for new residents

- (a) by renumbering it as section 28;
- (b) in the marginal note by inserting after the word “residents” the words “and visitors”;
- (c) in subsection (2) -
 - (i) by inserting after the word “visitor” the words “or new resident”; and
 - (ii) by inserting after the word “that” the words “licence or”;
- (d) in subsection (3) by inserting after the word “visitor” the words “or new resident”; and
- (e) in subsection (4) by deleting the word “written” and substituting the word “road”.

19. The principal Law is amended by inserting after section 29, as renumbered, the following new section - Insertion of new section 29A - international driver’s permits

“International
driver’s
permits

29A. (1) The holder of an international driver’s permit issued outside the Islands and in accordance with an International Convention with respect to the international circulation of vehicles to which the Islands have adhered shall, while the international driver’s permit remains valid, be exempted from a requirement to hold a driver’s licence under this Law to drive in the Islands a vehicle of the group for which the person holds an authorisation to drive in the country in which the international driver’s permit was issued.

(2) Where a person who is at least twenty years old wishes to drive a vehicle in any other country which has adhered to an International Convention described in subsection (1), the person may apply to the Director in the prescribed manner for an international driver’s permit.

(3) The applicant referred to in subsection (2) shall comply with the requirements of the Convention referred to in that subsection and shall, in addition to any other particulars as may be required by the Director, satisfy the Director that the applicant holds a valid driver’s licence issued in the Islands and that the applicant is ordinarily resident in the Islands.

(4) Where the Director is satisfied as to the requirements of subsection (3) the Director shall, upon payment of the prescribed fee, issue an international driver’s permit in accordance with the International Convention concerned.

(5) An international driver’s permit shall, unless suspended by a court, remain in effect for twelve months from the date of issue.

(6) The Director shall keep a register of -

- (a) holders of valid international driver’s permits issued outside the Islands who are exempted from holding a driver’s licence under subsection (1); and
- (b) holders of international driver’s permit issued by the Director.

(7) Except as otherwise specifically stated or

contradicted in this Law, this Law does not derogate from any privilege or obligation accorded to any person by virtue of a Convention referred to in section 28(1).”.

20. The principal Law is amended in section 30(1) -

Amendment of section 30 - saving of licences and tests under the repealed Law

- (a) in paragraph (a) by deleting the word “or”;
- (b) in paragraph (b) by deleting the comma and substituting the words “; or”; and
- (c) by inserting after paragraph (b) the following paragraph -
 - “(c) that has expired but who has -
 - (i) within the preceding ten years held a licence; and
 - (ii) since the period beginning five years after the expiry of the licence continuously held a licence from a Convention country, as defined in section 28(1).”.

21. The principal Law is amended in section 41 as follows -

Amendment of section 41 - duration of driver’s licence

- (a) by renumbering it as section 30A;
- (b) in subsection (1) -
 - (i) by deleting the words “years or five” wherever they appear and substituting the words “, five or ten”;
 - (ii) by inserting after the words “the driver’s licence” the words “according to the period for which the prescribed fee is paid”; and
 - (iii) by deleting the words “without the applicant for the renewal being required to pass a further test”; and
- (c) by inserting after subsection (2) the following subsections -

“(3) Notwithstanding subsection (1), a driver’s licence shall not be issued to a visitor or renewed in respect of a visitor for a period longer than six months.

(4) A driver’s licence may be renewed at any time during the six months before the date of expiration of the licence, but the renewal only takes effect on the date of expiry of the licence.

(5) If an applicant elects to have the applicant’s renewed driver’s licence expire on the anniversary of the applicant’s birth immediately preceding the expiry of the three, five or ten year period for which the prescribed fee is paid, the fee shall be reduced on a pro rata basis, taking into account the number of days between his birthday and the expiry of the period for which the prescribed fee is paid.”.

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- Amendment of section 45 - establishment of Public Transport Board
22. The principal Law is amended in section 45(2) by repealing paragraph (d) and substituting the following paragraph -
- “(d) a representative of the Cayman Islands Airport Authority;”.
- Amendment of section 47 - permits for omnibus and taxi drivers
23. The principal Law is amended in section 47(1) by inserting after the word “vehicle” the words “for hire”.
- Amendment of heading to Part 5 - Special Electric Vehicles
24. The principal Law is amended in the heading to Part 5 by deleting the word “Electric” and substituting the word “Purpose”.
- Amendment of section 53 - restrictions on use of special electric vehicles
25. The principal Law is amended in section 53 as follows -
- (a) in subsection (1) by deleting the words “, in exercise of the power contained in section 120(1), there is a school zone and”;
- (b) by inserting after subsection (1) the following subsection -
- “(1A) An amphibious ATV may only be used on a route designated by the Director and driven, while on land, at a speed of thirty-five miles per hour or less.”;
- (c) in subsection (2) -
- (i) by deleting the dash and paragraphs (a) and (b) and substituting the words “uses a special purpose vehicle in a manner that contravenes subsection (1) or (1A)”;
- (ii) deleting the word “month” and substituting the word “months”; and
- (d) by repealing subsection (3).
- Amendment of section 54 - special permit for use of special electric vehicles
26. The principal Law is amended in section 54 by deleting the word “electric” wherever it appears and substituting the word “purpose”.
- Amendment of section 55 - requirements for registration of special electric vehicles
27. The principal Law is amended in section 55 by deleting the word “electric” wherever it appears and substituting the word “purpose”.
- Amendment of section 62 - issue of certificate of roadworthiness
28. The principal Law is amended in section 62 by inserting after subsection (1) the following subsection -
- “(1A) The certificate of roadworthiness may be issued for such period as the inspector believes appropriate, up to a maximum of -
- (a) 62 months, for a new vehicle that has not been registered anywhere before;
- (b) 38 months, for a vehicle that is less than ten years old; and
- (c) 14 months, for a vehicle that is more than ten years old.”.

29. The principal Law is amended in section 63 -

- (a) in the marginal note by deleting the word “annual”; and
- (b) in subsection (1) by inserting after the words “shall,” the words “in the month”.

Amendment of section 63 - annual inspection of vehicles

30. The principal Law is amended by inserting after section 77 the following section -

Insertion of new section 77A - dangerous, careless, reckless or anti-social driving of motorcycle or moped

“Dangerous, careless or anti-social, driving of motorcycles and mopeds

77A. (1) A constable shall have the powers set out in subsection (2) where the constable has reasonable grounds for believing that a motorcycle or moped is being used, or was on any occasion used, in a manner that -

- (a) contravenes section 76 or 77; or
- (b) causes or is likely to cause alarm, distress or annoyance to members of the public.

(2) The constable’s powers are -

- (a) power, if the motorcycle or moped is moving, to order the person driving it to stop the motorcycle or moped;
- (b) if the constable is satisfied that it is reasonably necessary to do so in order to prevent the motorcycle or moped from being used again in a manner described in subsection (1)(a) or (b), power to seize the motorcycle or moped; and
- (c) if the constable has reasonable grounds to believe that the motorcycle or moped is located on any premises (other than a private dwelling house), power to enter those premises for the purpose of exercising a power in paragraph (a) or (b).

(3) In the circumstances described in subsection (2)(c), a constable may enter land appurtenant to a private dwelling house or a garage or other structure attached to a private dwelling house for the purposes set out in subsection (2).

(4) A constable may use reasonable force, if necessary, in the exercise of the powers in subsection (2).

(5) A person who does not comply with an order under

subsection (2)(a) to stop a motorcycle or moped commits an offence and is liable, on summary conviction, to a fine of two thousand five hundred dollars.

(6) A constable may, without warrant, arrest a person whom the constable has reasonable grounds to believe has committed an offence under subsection (5).”.

Amendment of section 94 - ticket procedure

31. The principal Law is amended in section 94 as follows -
- (a) in subsection (1) by inserting after the word “section” the words “53(2),”; and
 - (b) in subsection (2) by deleting the words “on or before the date and time prescribed” and substituting the words “before the date and time prescribed for the hearing of the charges”.

Amendment of section 106 - regulations under this Part

32. The principal Law is amended in section 106 -
- (a) by renumbering the section as subsection (1);
 - (b) in subsection (1), as renumbered, by inserting after paragraph (a) the following paragraph -
 - “(aa) the removal, retention, release and disposal of motorcycles or mopeds seized under section 77A;”;
 - and
 - (d) by inserting after subsection (1), as renumbered, the following subsection -
 - “(2) Regulations made under paragraph (1)(aa) -
 - (a) may in particular provide, in respect of a motorcycle or moped seized under section 77A -
 - (i) for the giving of notice of the seizure to a person who is the owner of that motorcycle or moped or who appears to be its owner;
 - (ii) for the procedure by which a person who claims to be the owner of the motorcycle or moped may seek to have it released;
 - (iii) for requiring the production of documents, including documents proving registration of the motorcycle or moped and insurance coverage, by a person who claims to be the owner;
 - (iv) for requiring the payment of fees, charges or costs in relation to the removal and retention of

- the motorcycle or moped and to any application for its release;
- (v) as to the circumstances in which the motorcycle or moped may be disposed of;
 - (vi) as to the destination of any fees or charges payable in accordance with the Regulations and of the proceeds (if any) arising from the disposal of the motorcycle or moped; and
 - (vii) for the delivery of the motorcycle or moped to an authority designated by the Commissioner in circumstances prescribed by or determined in accordance with the Regulations; and
- (b) shall provide that a person who would otherwise be liable to pay any fee or charge under the Regulations shall not be liable to pay it if -
- (i) the use by reference to which the motorcycle or moped was seized was not a use by that person; and
 - (ii) the person did not know of the use of the motorcycle or moped in the manner which led to its seizure, had not consented to its use in that manner and could not, by taking reasonable steps, have prevented its use in that manner.”.

33. The principal Law is amended in section 113(1) as follows -

Amendment of section 113 - removal of vehicles to pound, etc.

- (a) in subsection (1) -
 - (i) in paragraph (c) by deleting the word “or”;
 - (ii) in paragraph (d) by deleting the comma and substituting the words “; or”;
 - (iii) by inserting after paragraph (d) the following paragraph -
“(e) seized under section 77A,”;
 - (iv) by inserting after the word “drive” the words “, remove”;
and
 - (v) by inserting after the word “driven” the words “, removed”;
- (b) in subsection (2) by inserting after the word “driven”, wherever it appears, the words “, removed”; and
- (c) in subsection (4) -
 - (i) by inserting after the word “driven” the words “, removed”;
and
 - (ii) by inserting after the word “driving” the words “, removal”.

34. The principal Law is amended in section 123(2)(c)(ii) by deleting the words “section 28” and substituting the words “section 29A”.

Amendment of section 123 - registration of driving instructor

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- Transitional provision
35. Where a vehicle's registration is terminated by the Director before the coming into force of section 7 of this Law, or within six months after the coming into force of that section, the following fees shall be waived -
- (a) all arrears of fees that the vehicle would have been liable for, had its registration not been terminated; and
 - (b) the application fee to have the vehicle restored to the register.

Passed by the Legislative Assembly the day of , 2018.

Speaker.

Clerk of the Legislative Assembly.