

EXCEPTION TO THE RULE ON CHILD SAFETY SEATS

- A taxicab while the taxicab is carrying a passenger for compensation or hire
- An emergency vehicle
- A person with a medical exemption



LOADS ON VEHICLES

Offences:

- Driving, or causing or permitting any other person to drive, a vehicle where the load is likely to shift, leak, spill, blow off, fall from, fall through or otherwise be dislodged, unless the load is fully contained, immobilized or secured
- Carrying any load in such a manner that the load projects laterally beyond the side of the vehicle
- Any load that projects more than 3 feet must have a red cloth attached to it

Carrying any load in such manner that the load projects—

- more than 4 feet in front of or behind the vehicle, in the case of a private motor car or public service vehicle
- more than 4 feet in front of or 10 feet behind the vehicle, in the case of an animal-drawn vehicle, a motor truck or a heavy vehicle
- more than 4 feet in front of or behind the vehicle, in the case of a motorcycle, all terrain vehicle or pedal bicycle
- at the highest point, more than 13 feet above the surface of the road

Penalty:

- \$2,000 or to imprisonment for 6 months or both



SAFETY HELMETS

Offences:

- Riding on a motorcycle, all terrain vehicle *or pedal bicycle* without wearing a helmet
- Allowing a passenger on a motorcycle, all terrain vehicle *or pedal bicycle* to ride without wearing a helmet

Penalty:

- \$800 for a first offence and \$2,000 for a second or subsequent offence

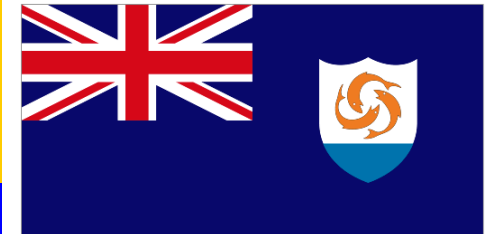
**Please address concerns or comments
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**THE ROYAL ANGUILLA
POLICE FORCE**

BILL FOR THE VEHICLE AND ROAD TRAFFIC (AMENDMENT) ACT, 2010

**Mobile Phones, Seat Belts,
Child Safety & Loads on
Vehicles**



***We Welcome
Your Comments***



MOBILE PHONES

- Illegal to use any hand-held device, including hand-held mobile phones, for *any purpose* while driving
- Prohibition extends to a person who is supervising the holder of a learner's permit
- Device is "hand-held" if it is or must be held in the hand while making or receiving a call or performing any interactive communication function. Includes any device capable of sending or receiving oral or written messages, facsimile documents, still or moving images, or accessing the Internet

Maximum Penalty

- **\$2,000** or to imprisonment for 6 months or to both.

Exceptions—

- Calling the police, fire service, ambulance or other emergency services in the event of a genuine emergency, but only if it is unsafe or impracticable to stop driving to make the call
- Certain specified two-way radios

SEAT BELT



- Private cars, public service vehicles, trucks and trailer tractors must be fitted with seat belts
- Driver and all front seat passengers must wear a seat belt
- Driver liable for any front seat passenger 12 or older but under the age of 18 who is not wearing a seat belt
- No person shall drive, or cause another person to drive, a motor vehicle required to have seatbelts if the seat belt has been removed, rendered partly or wholly inoperative or modified to reduce its effectiveness

Maximum Penalties

- First offence: **\$2,000** fine or imprisonment for 6 months or both
- Second or subsequent offence: **\$4,000** fine or imprisonment for 12 months or to both

Exceptions to Seat Belt Rules

- A motor vehicle while driven in reverse
- A motor vehicle driven in a parade authorized by the Traffic Commissioner
- A motor vehicle driven by a police or prison officer carrying a person in custody
- A person with a medical exemption
- An ambulance driver carrying a patient

CHILD SAFETY



- No child under the age of 4 years is to be carried in a motor vehicle unless that child is properly secured in a child safety seat which is properly installed and meets the prescribed safety standards
- Children 4 or more years old but under the age of 12 years must be seated in the back seat and wear a seatbelt that is securely fastened and properly adjusted
- In vehicles that do not have back seats, children under 4 may be carried in a child safety seat or over 4 wearing a seatbelt; *however*, any front airbag on the passenger side must be disengaged

Maximum Penalties

- First offence: **\$2,000** fine or imprisonment for 6 months or both
- Second or subsequent offence: **\$4,000** fine or imprisonment for 12 months or to both

No person shall operate a motorcycle or an all terrain vehicle on which a child under the age of 10 years is a passenger

- First offence: **\$800** fine
- Second or subsequent offence: **\$2,000** fine

MISCELLANEOUS INCREASED PENALTIES CONT'D

- Failure to stop or report to the police within 24 hours in connection with an accident where a person is injured or property is damaged to a fine of \$20,000 or imprisonment for 2 years or both (from a fine of \$500 or imprisonment for 3 months or both)
- Obstruction of any inquiry into the cause of an accident where a person, property or animal is injured to fine or 6 months imprisonment or both (from \$1,000 fine only)
- Fraudulently imitating, altering, mutilating, destroying or using any identification mark, motor vehicle licence, certificate of registration or driving permit to include marks, licences, certificates and permits, whether or not issued in Anguilla to \$5,000 fine or 6 months imprisonment or both (from \$1,000 fine only)
- Use of a vehicle without consent to \$2,000 (from \$1,000)

MISCELLANEOUS INCREASED PENALTIES CONT'D

- Applying for or obtaining a drivers licence without disclosing the particulars of the order under which the endorsements were made to 12 months (from 6 months)
- Failure to stop when required under section 85 to \$2,000 (from \$1,000)

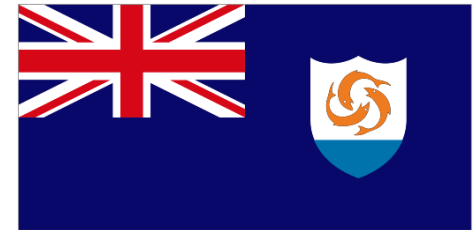
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PENALTIES



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FIXED PENALTIES

- Must be paid within 21 days after the notice is given
- Fixed penalties assessed against persons not ordinarily resident in Anguilla must be paid within 7 days or by the day on which the person leaves the island, whichever is sooner.
- Notice of a fixed penalty may be given to a person by—
 - personally giving it to the individual
 - affixing it to the vehicle in respect of which the alleged offence is being or was committed
 - mail, addressed to the individual at his or her last known address and the individual has acknowledged receipt in writing
- Maximum amount of fixed penalty increased from \$200 to \$1,000
- Wrongful removal or interference with a notice affixed to a vehicle is an offence punishable by a fine of \$1,000 or to imprisonment for 3 months or both

GENERAL PENALTIES WHERE NO EXPRESS PENALTY IS OTHERWISE PROVIDED

- \$2,000 fine or imprisonment for a term of 6 months or both
- Where a person, by reason of any offence for which no express penalty is provided in respect of causing death, causes the death of another person, imprisonment for 7 years or a fine of \$40,000 or both
- Where a person, by reason of any offence for which no express penalty is provided in respect of causing grievous bodily harm, causes grievous bodily harm to another person, imprisonment for 3 years or a fine of \$20,000 or both

MISCELLANEOUS INCREASED PENALTIES

- Driving an unregistered vehicle to \$1,500 (from \$1,000)
- Use of an unlicensed vehicle, use of a vehicle for a purpose for which it is not licensed, or overloading a truck, omnibus or trailer to \$3,000 (from \$2,000)

- Driving without a driver's licence to \$3,000 (from \$1,000)
- Driving, or employing a person to drive, a particular category of vehicle without a driver's licence for that category of vehicle to \$2,000 (from \$250)
- Causing the death of another person by reckless or dangerous driving to 10 years imprisonment or \$50,000 fine or both (from 5 years or \$5,000 or both)
- Permanently disqualified from holding or obtaining a driver's licence upon the second conviction for reckless or dangerous driving (instead of the third)
- Careless driving to \$6,000 (from \$4,800)
- Racing or speed trials to 12 months imprisonment (from 4 months) *and* an arrestable offence
- Failure to stop or to move a motor vehicle to a place specified by a police officer to \$2,000 (from \$1,000)



FEES: DRIVER'S LICENCES

Class A 1 year:	\$90 (from \$80)
3 years:	\$220 (from \$200)
Class B 1 year:	\$100 (from \$80)
3 years:	\$250 (from \$200)
Class C 1 year:	\$120 (from \$80)
3 years:	\$300 (from \$200)
Class D 1 year:	\$150
3 years:	\$400
Class E 1 year:	\$200
3 years:	\$500

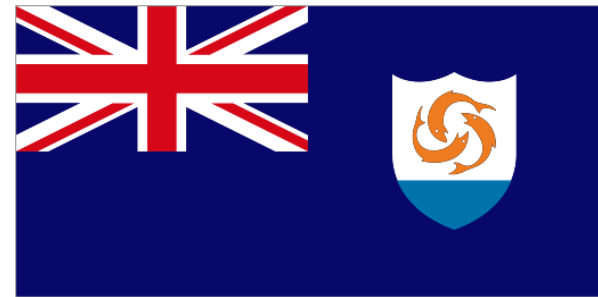
FEES: OTHER

- Visitor's Temporary License \$54
- Learner's Permit \$50
- Duplicate Driver's Licence \$50
- Written exam \$50
- Driving test \$90 (from \$75)
- Personalised licence plates \$1,000



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BILL FOR THE VEHICLE AND ROAD TRAFFIC (AMENDMENT) ACT, 2010 LICENCES AND PERMITS



*We Welcome
Your Comments*

LEARNER'S PERMIT

- Must pass examination covering the Highway Code (“written exam”) before learner’s permit will be issued
- Learners’ permits expire after 6 months (no change)
- A learner’s permit issued to a person who is 18 years of age or older may only be renewed once without re-taking and passing the written exam
- Every person riding in a vehicle driven by a learner must wear a seat belt

DRIVER'S LICENCES



New Categories

- Class A, a “motorcycle driver’s licence” (includes ATVs)
- Class B, a “private driver’s licence”
- Class C, a “chauffeur’s licence” (any person who drives passengers for hire)
- Class D, a “truck driver’s licence”
- Class E, a “heavy vehicle driver’s licence”
- Class E, a “heavy vehicle driver’s licence”

A 1-year driver’s licence remains valid for a full 12 months, regardless of when it is obtained

A person could become disqualified from obtaining or continuing to hold a driver’s licence if he or she has a disease or other disability that is likely to cause his or her driving to be a source of danger to the public

Before a person’s driver’s licence is cancelled based on a disease or disability, the person shall be given an opportunity to be heard and produce medical information

Restrictions on renewal of driver’s licences

- Failure to pass an eyesight test or, if so required, to pass a further driving test
- A person of the age of 75 years or more must pass a driving test to renew
- A person of the age of 80 or more must pass a driving test to renew and must renew annually

PROVISIONAL DRIVER'S LICENCES

Applicant for a provisional driver’s licence must—

- Be at least 18 years of age
- Have held a foreign driver’s licence for at least 1 year
- Produce a certificate of validity issued by the Driver Examining Officer
- Valid for 6 months, after which time, if the holder has committed no serious traffic offence, a permanent driver’s licence will be issued

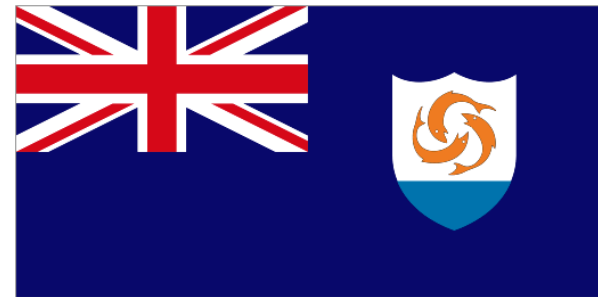
VISITOR'S TEMPORARY LICENCES

Permit required to issue visitor’s driver’s licence

To obtain a permit, applicant must—

- Operate a motor vehicle rental business
- Be at least 21 years of age
- Not have been convicted of an offence involving dishonesty within 3 years preceding his application
- Nominal fee (\$75) to cover administrative costs
- Maximum penalties are \$5,000 fine or 3 months in prison or both and, in the case of a permit holder, revocation of the permit for no more than 1 year on first offence and indefinitely on a second or subsequent offence

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New Offences



- Causing death or grievous bodily harm by careless or inconsiderate driving (as opposed to reckless or dangerous driving). See “Penalties” brochure for further information.
- Causing death or grievous bodily harm by careless or inconsiderate driving when under influence of alcohol or drugs. See “Penalties” brochure for further information.
- Range of offences related to driving under the influence of alcohol or drugs. See “DUI” brochure for further information.
- Driving, or causing or permitting any other person to drive, a vehicle where the load is unsafe. See “Load On Vehicles” brochure for further information.
- Using any hand-held device, including hand-held mobile phones, for any purpose while driving or supervising a learner. See “Mobile Phones” brochure for further information.
- Driving without a seat belt or in a vehicle in which seatbelts have been disabled or modified; failure to have seatbelts installed in a vehicle required to have seatbelts See “Seat Belt” brochure for further information.
- Driving a vehicle in which a child under the age of 4 is not secured in a child safety seat or in which a child between the ages of 4 and 12 is not seated in the back seat and wearing a seat belt. See “Child Safety” brochure for further information.

New Offences Cont’d

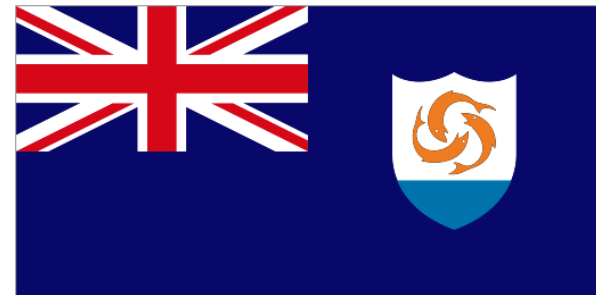
- Driving an ATV without a Class A driver’s license. See “Licences and Permits” brochure for further information.
- Riding, or allowing a passenger to ride, a pedal bicycle or an ATV without a safety helmet. See “Safety Helmets” brochure for further information.

Miscellaneous New Offences



- Using a vehicle for more than 7 days after a change of possession without making an application to transfer the registration into the name of the new owner. Both registered owner and new owner are liable to a \$1,000 fine
- Displaying marks identifying a motor vehicle as a vehicle in which a person is learning to drive at any time other than during the time of instruction. Driver of the vehicle is liable to a maximum penalty of \$500 (\$200 if paid as a fixed penalty)
- Use of a siren on a vehicle without lawful authority. Maximum penalty \$2,000 or imprisonment for 6 months or both
- Causing the front wheel of a motorcycle or bicycle (or wheels, in the case of an ATV) to be suspended in the air.
 - First offence \$800
 - Second or subsequent offence \$2,000

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Driving Under the Influence of Alcohol and Drugs (DUI)



Causing death or grievous bodily harm by careless or inconsiderate driving when under influence of alcohol or drugs

Penalties

- Maximum penalty: 10 years imprisonment, \$50,000 fine or both
- Licence suspended for 1 year on first conviction, permanently on second conviction

Other Offences:

- Driving or being in charge of motor vehicle when unfit to drive through alcohol or drugs
- Driving or being in charge of motor vehicle with alcohol concentration above prescribed limit
- Failure or refusal to provide a sample of breath or specimen of breath, blood or urine
- Failure to give consent to testing of a specimen

First Offence:

- Imprisonment for 1 year or to a fine of \$10,000 or both
- Suspension of the person's driver's licence for no less than 12 months

Second offence:

- Imprisonment for 2 years or to a fine of \$20,000 or both
- Suspension of the person's driver's licence for no less than 5 years

Third or subsequent offence:

- Imprisonment for 3 years or to a fine of \$30,000 or both
- Permanent suspension of the person's driver's licence