



An Bille um Thrácht ar Bhóithre (Uimh. 2), 2013
Road Traffic (No. 2) Bill 2013

Mar a ritheadh ag Dáil Éireann

As passed by Dáil Éireann



**AN BILLE UM THRÁCHT AR BHÓITHRE (UIMH. 2), 2013
ROAD TRAFFIC (NO. 2) BILL 2013**

*Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann*

CONTENTS

PART 1

PRELIMINARY AND GENERAL

SECTION

1. Short title, commencement, collective citation and construction
2. Definitions

PART 2

DRIVER LICENSING

3. Novice driver
4. Display of N-plate or tabard by novice driver
5. Access to endorsements by approved vehicle insurers
6. Amendment of Principal Act

PART 3

PENALTY POINTS

7. Repeal of section 53 of Act of 2010
8. Amendment of Act of 2002 — endorsement of penalty points
9. Amendment of section 54 of Act of 2010
10. Amendment of First Schedule to Act of 2002

PART 4

INTOXICATED DRIVING OFFENCES

11. Obligation to perform impairment tests
12. Amendment of Act of 2010 — taking of blood from unconscious driver
13. Amendment of Principal Act — consequential disqualification order

PART 5

MISCELLANEOUS

14. Interference with odometer of mechanically propelled vehicle
15. Amendment of section 3 of Principal Act
16. Recovery of sums paid by Motor Insurers' Bureau of Ireland
17. Amendment of section 106 of Principal Act
18. Amendment of section 20 of Road Safety Authority Act 2006 — superannuation of RSA staff
19. Amendment of section 2 of Public Transport Regulation Act 2009
20. Amendment of section 29 of Act of 2010 — fixed penalty notice
21. Amendment of section 38 of Act of 2010 — presumptions
22. Amendment of section 81 of Act of 2010 — evidence in relation to speeding, etc.
23. Amendment of section 87 of Act of 2010 — exemptions for emergency vehicles
24. Amendment of Act of 2012
25. Amendment of section 13 of Road Transport Act 2011 — fees
26. Repeals

ACTS REFERRED TO

Probation of Offenders Act 1907 (7 Edw. 7, c. 17)
Public Transport Regulation Act 2009 (No. 37)
Railway Safety Act 2005 (No. 31)
Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 (No. 16)
Road Safety Authority Act 2006 (No. 14)
Road Traffic (No. 2) Act 2011 (No. 28)
Road Traffic Act 1961 (No. 24)
Road Traffic Act 2002 (No. 12)
Road Traffic Act 2006 (No. 23)
Road Traffic Act 2010 (No. 25)
Road Traffic Acts 1961 to 2011
Road Transport Act 2011 (No. 31)



AN BILLE UM THRÁCHT AR BHÓITHRE (UIMH. 2), 2013
ROAD TRAFFIC (NO. 2) BILL 2013

Bill

entitled

An Act to amend and extend the Road Traffic Acts 1961 to 2011, to amend section 20 of the Road Safety Authority Act 2006, section 16 of the Road Transport Act 2011 and the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

PART 1

10

PRELIMINARY AND GENERAL

Short title, commencement, collective citation and construction

1. (1) This Act may be cited as the Road Traffic Act 2014.
- (2) This Act comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. 15
- (3) This Act and the Road Traffic Acts 1961 to 2011 may be cited together as the Road Traffic Acts 1961 to 2014 and shall be read together as one.

Definitions

20

2. In this Act—
 - “Act of 2002” means Road Traffic Act 2002;
 - “Act of 2006” means Road Traffic Act 2006;
 - “Act of 2010” means Road Traffic Act 2010;
 - “Act of 2012” means Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012; 25
 - “first driving licence” means a driving licence issued by a licensing authority to a person who has not previously held a driving licence;

“learner driver” means the holder of a learner permit (within the meaning of section 35(1) (inserted by section 11 of the Act of 2006)) of the Principal Act who does not hold a driving licence;

“Minister” means Minister for Transport, Tourism and Sport;

“Principal Act” means Road Traffic Act 1961. 5

PART 2

DRIVER LICENSING

Novice driver

3. (1) For the purposes of this Act, a person who is the holder of a first driving licence is a novice driver for the period of 2 years from the date of its issue. 10
- (2) Where, during the period of 2 years referred to in *subsection (1)* the person—
- (a) becomes disqualified pursuant to Part III of the Principal Act or section 9 of the Act of 2002, or
 - (b) ceases to be the holder of a licence,
- no part of the period of the disqualification referred to in *paragraph (a)* or the cesser referred to in *paragraph (b)*, as the case may be, shall be reckoned as part of the period of 2 years and the date of the ending of that period shall be determined accordingly. 15

Display of N-plate or tabard by novice driver

4. (1) A novice driver shall not drive a mechanically propelled vehicle in a public place unless— 20
- (a) in the case of a motorcycle, there is displayed on a yellow fluorescent tabard worn over the person’s outside clothing the letter “N”, not less than 15 centimetres high in red on a white ground, in clearly visible vertical positions to the front and rear of the person’s torso, or 25
 - (b) in the case of a mechanically propelled vehicle other than a motorcycle, there are displayed on the vehicle rectangular plates or signs bearing the letter “N”, not less than 15 centimetres high in red on a white ground, in clearly visible vertical positions to the front and rear of the vehicle.
- (2) A person who contravenes *subsection (1)* commits an offence. 30

Access to endorsements by approved vehicle insurers

5. (1) The Minister may, subject to such conditions as he or she may determine, allow a vehicle insurer, for the purpose of renewing approved policies of insurance, to—
- (a) have access to, inspect and examine endorsements on the entry (within the meaning of section 1(1) of the Act of 2002) relating to a person, and 35

(b) be supplied with such copies of an entry or extracts from an entry as the vehicle insurer may reasonably require.

(2) Section 2(10) of the Act of 2002 is repealed.

Amendment of Principal Act

6. The Principal Act is amended— 5
- (a) in section 33, by inserting after subsection (3C) (inserted by section 92 of the Act of 2010) the following: 10
- “(3D) An issuing authority shall not carry out nor cause to be carried out a test for a certificate of competency unless the person to be tested, when presenting for the test, produces a record of having completed any minimum period of driving experience prescribed under section 42(3)(h). 10
- (3E) If a record referred to in subsection (3D) is not produced in accordance with that subsection, the application for a certificate of competency is refused and any fee paid in respect of the application is forfeited.” 15
- (b) in section 36(3)—
- (i) in paragraph (a), by deleting “the conviction and”, and
- (ii) in paragraph (c)(iv), by deleting “of the conviction and”,
- (c) in section 38, by inserting after subsection (7) the following: 20
- “(8) A member of the Garda Síochána may arrest without warrant a person who in the member’s opinion—
- (a) is committing, or has committed, an offence under subsection (1), and
- (b) is disqualified from holding a driving licence.” 25
- and
- (d) in section 42(3) (inserted by section 10 of the Act of 2006), by substituting for paragraph (h) the following: 30
- “(h) the nature of and manner of conducting tests and the minimum period of driving experience to be completed and recorded by a person before he or she may undergo a test;”.

PART 3

PENALTY POINTS

Repeal of section 53 of Act of 2010

7. Section 53 of the Act of 2010 is repealed. 35

Amendment of Act of 2002 — endorsement of penalty points

8. The Act of 2002 is amended—

(a) in section 1(1)—

(i) by inserting after the definition of “entry” the following:

“ ‘Irish licence’ means an Irish driving licence or a learner permit granted under Part III of the Principal Act;” 5

and

(ii) by substituting for the definition of “licence” the following:

“ ‘licence’ means an Irish licence or a foreign driving licence, as the case may be;” 10

(b) in section 2—

(i) in subsection (1), by substituting “under section 37 or 44 of the Road Traffic Act 2010” for “under section 103 (as inserted by this Act) of the Principal Act”, and

(ii) by substituting for subsection (7) the following: 15

“(7) If an entry in relation to a person cannot be identified or does not exist at a time when, if there were such an entry, penalty points would fall to be endorsed on it pursuant to subsection (5) or (6)(c), and subsequently such an entry is identified or made, thereupon, the points shall be so endorsed.” 20

(c) in section 3, by substituting for subsection (1) the following:

“(1) Where penalty points are endorsed on the entry of a person and, in consequence, the total number of penalty points standing so endorsed—

(a) equals or exceeds 12, or 25

(b) in the case of a person who at the time such points are endorsed is a learner driver or a novice driver, equals or exceeds 7,

the person shall stand disqualified for a period of 6 months beginning on the appropriate date for holding a licence and a licence held by him or her at the beginning of the period shall stand suspended accordingly.” 30

and

(d) in section 5(1), by substituting for paragraph (b) the following:

“(b) specifying the total number of penalty points that, following the endorsement aforesaid, stand so endorsed and, if that number— 35

(i) equals or exceeds 12, or

(ii) in the case of a person who at the time such points are endorsed is a learner driver or a novice driver, equals or exceeds 7,

specifying that the person will be disqualified under section 3 for holding a licence for a period of 6 months beginning on the appropriate date and directing him or her to submit the licence held by him or her to the licensing authority not later than 14 days from that date.”.

5

Amendment of section 54 of Act of 2010

9. Section 54 of the Act of 2010 is amended by deleting paragraph (c).

Amendment of First Schedule to Act of 2002

10. The First Schedule to the Act of 2002 is amended—

(a) in Part 1— 10

(i) in column (4)—

(I) by inserting “3” at reference number 2,

(II) by substituting “3” for each entry at reference numbers 7 and 18,

(III) by inserting “3” at reference number 11, and

(IV) by substituting “2” for the entry at reference number 13, 15

(ii) in column (5), by substituting “5” for each entry at reference numbers 7, 13 and 18,

(b) by inserting after Part 1 the following:

“Part 1A

| Reference Number | Offence | General Description of Offence | Penalty Points on Payment of Fixed Charge | Penalty Points on Conviction |
|------------------|---|--------------------------------------|---|------------------------------|
| (1) | (2) | (3) | (4) | (5) |
| 1 | Offence under <i>section 4 of the Road Traffic Act 2014</i> | Failure to display N-Plate or tabard | 2 | 4 |

20

25

”, 30

(c) in Part 4—

(i) in column (2) at reference number 8, by substituting “Offence consisting of contravention of sub-article (5)(a) or (7)(d) of article 14” for “Offence consisting of contravention of article 14(5)”,

(ii) in column (3)— 35

(I) at reference number 2, by inserting “driver of” before “vehicle”,

(II) at reference number 22, by substituting “Failure by driver of vehicle to obey traffic lights at railway level crossing, swing bridge or lifting

bridge or to halt at traffic sign adjacent to such lights” for “Failure by vehicle to obey traffic lights at railway level crossing or to halt at traffic sign adjacent to such lights”, and

- (III) at reference number 25, by substituting “90 km/h” for “50 mph”,
- (iii) in column (4) by substituting— 5
 - (I) “3” for each entry at reference numbers 1, 4, 12, 13, 17 and 21, and
 - (II) “2” for each entry at reference numbers 3, 10 and 14,
- (iv) in column (5) by substituting—
 - (I) “5” for each entry at reference numbers 1, 12, 13, and 17, and
 - (II) “4” for each entry at reference numbers 3, 10 and 14, 10
- (v) by inserting after reference number 26 (as amended by section 138(7) of the Railway Safety Act 2005) the following:

“

| | | | | |
|----|---|---------------------------------|---|---|
| 27 | Offence consisting of contravention of article 35 | Contravention of ban on U-turns | 2 | 4 |
|----|---|---------------------------------|---|---|

15

”

- (d) by substituting for Part 5 the following:

“Part 5

CONTRAVENTION OF ARTICLE 17 OF ROAD TRAFFIC (LICENSING OF DRIVERS) REGULATIONS 2006 (S.I. No. 537 OF 2006) 20

In this Part, a reference to Regulation 17 is a reference to Regulation 17 (as amended by Regulation 2(b) of the Road Traffic (Licensing of Learner Drivers) Regulations 2007 (S.I. No. 719 of 2007)) of the Road Traffic (Licensing of Drivers) Regulations 2006 (S.I. No. 537 of 2006). 25

| Reference Number | Offence | General Description of Offence | Penalty Points on Payment of Fixed Charge | Penalty Points on Conviction |
|------------------|---|---|---|------------------------------|
| (1) | (2) | (3) | (4) | (5) |
| 1 | Offence under section 42 of the Road Traffic Act 1961 consisting of a contravention of Regulation 17(6)(b)(iii) | Failure to display L-Plate or tabard | 2 | 4 |
| 2 | Offence under section 42 of the Road Traffic Act 1961 consisting of a contravention of Regulation 17(6)(b)(iv) | Learner permit holder driving unaccompanied by qualified person | 2 | 4 |

5

10

15

20

”

25

(e) in Part 6 (inserted by section 16(2)(e) of the Act of 2006), at reference number 1—

(i) in column (4), by substituting “3” for “2”, and

(ii) in column (5), by substituting “5” for “4”,

(f) in Part 7 (inserted by section 16(2)(e) of the Act of 2006)—

30

(i) in column (4), by substituting “3” for “2”, and

(ii) in column (5), by substituting “5” for “4”,

in each place where it occurs,

(g) in Part 8 at reference number 1, in column (4), by inserting “3”, and

(h) by inserting after Part 9 (inserted by section 54(d) of the Act of 2010) the following:

35

“Part 10

CONTRAVENTION OF CERTAIN PROVISIONS OF ROAD TRAFFIC (TRAFFIC AND PARKING) (AMENDMENT) (NO. 2) REGULATIONS 2012 (S.I. NO. 332 OF 2012)

In this Part, a reference to an Article is a reference to an Article of the Road Traffic (Traffic and Parking) (Amendment) (No. 2) Regulations 2012 (S.I. No. 332 of 2012).

40

| Reference Number | Offence | General Description of Offence | Penalty Points on Payment of Fixed Charge | Penalty Points on Conviction | |
|------------------|---|---|---|------------------------------|----|
| (1) | (2) | (3) | (4) | (5) | |
| 1 | Offence consisting of contravention of Article 5 | Contravention of rules for use of mini-roundabouts | 1 | 3 | 5 |
| 2 | Offence consisting of contravention of Article 6 | Proceeding beyond no entry to vehicles sign | 1 | 3 | 10 |
| 3 | Offence consisting of contravention of Article 7 | Proceeding beyond maximum vehicle length sign where length exceeds maximum displayed | 1 | 3 | 15 |
| 4 | Offence consisting of contravention of Article 8 | Proceeding beyond maximum vehicle width sign where width exceeds maximum displayed | 1 | 3 | 20 |
| 5 | Offence consisting of contravention of Article 9 | Proceeding beyond maximum design gross vehicle weight (safety) sign where design gross vehicle weight exceeds maximum displayed | 1 | 3 | 25 |
| 6 | Offence consisting of contravention of Article 10 | Proceeding beyond maximum vehicle axle loading weight sign where vehicle axle loading weight exceeds maximum specified | 1 | 3 | 30 |
| 7 | Offence consisting of contravention of Article 15 | Proceeding beyond a traffic lane control sign other than in accordance with such sign or without yielding | 1 | 3 | 35 |
| | | | | | 40 |

Part 11

CONTRAVENTION OF REGULATION 3 OF ROAD TRAFFIC (CONSTRUCTION, EQUIPMENT AND USE OF VEHICLES) (AMENDMENT) REGULATIONS 2000 (S.I. No. 224 OF 2000)

In this Part—

- (a) 'offence' means an offence under section 11 of the Principal Act,
- (b) a reference to a Regulation is a reference to a Regulation of the Road Traffic (Construction, Equipment and Use of Vehicles) (Amendment) Regulations 2000 (S.I. No. 224 of 2000).

| Reference Number | Offence | General Description of Offence | Penalty Points on Payment of Fixed Charge | Penalty Points on Conviction | |
|------------------|--|---|---|------------------------------|----|
| (1) | (2) | (3) | (4) | (5) | |
| 1 | Offence consisting of a contravention of Regulation 3(2) | Using vehicle in a public place without an authorisation plate | 3 | 5 | 5 |
| 2 | Offence consisting of a contravention of Regulation 3(3) | Using vehicle in a public place that has been modified or altered such that authorisation plate is inaccurate | 3 | 5 | 10 |
| | | | | | 15 |

PART 4

INTOXICATED DRIVING OFFENCES

Obligation to perform impairment tests

11. The Act of 2010 is amended by substituting for section 11 the following:

- “11. (1) Where a member of the Garda Síochána is of opinion that a person driving or attempting to drive a mechanically propelled vehicle, or in charge of a mechanically propelled vehicle with intent to drive or attempt to drive, in a public place is under the influence of an intoxicant, he or she may require the person to perform tests (‘impairment tests’), in accordance with regulations made under this section, in his or her presence or in the presence of another member and in the manner indicated by him or her, or that other member, for the purpose of assessing whether or not the person’s ability to drive is impaired. 25
- (2) Evidence obtained under this section that a person’s ability to drive is impaired shall be evidence for the purposes of sections 4 and 5 that the person is incapable of having proper control of the vehicle referred to in subsection (1). 30
- (3) For the purposes of subsection (1) the Minister may prescribe— 35
- (a) the kinds of impairment tests that may be required to be performed,
 - (b) the manner in which such a test may be administered, 40
 - (c) instructions to be given to a person performing such a test,
 - (d) the kind of observation of physical state that may be made in the course of such a test,

(e) the inferences that may be drawn from observations made in the course of such a test, and

(f) a form on which the observations made and inferences drawn in the course of such a test may be recorded and by which impairment may be assessed.

5

(4) A person who, without reasonable excuse, fails to comply with a requirement under subsection (1) commits an offence and is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months, or to both.

(5) A member of the Garda Síochána may arrest without warrant a person who in the member's opinion is committing or has committed an offence under this section.

10

(6) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section."

Amendment of Act of 2010 — taking of blood from unconscious driver

15

12. The Act of 2010 is amended—

(a) in section 14 (inserted by section 8 of the Road Traffic (No. 2) Act 2011)—

(i) in subsection (1), by inserting “, or following,” after “in consequence of”,

(ii) by inserting after subsection (3) the following:

“(3A) Where it appears to the member of the Garda Síochána concerned that, for medical reasons, a person referred to in subsection (1) cannot be the subject of, or is incapable of complying with, a requirement under that subsection the member shall direct a designated doctor or designated nurse to take from the person a specimen of his or her blood.”,

20

25

(iii) by substituting for subsection (4) the following:

“(4) Before making a requirement of a person under subsection (1) or a direction under subsection (3A) the member of the Garda Síochána concerned shall consult with a doctor treating the person, and if a doctor treating the person advises the member that such a requirement or direction would be prejudicial to the health of the person the member shall not make such requirement or direction.”,

30

(iv) in subsection (5), by inserting “or a direction under subsection (3A)” after “under subsection (1)”,

(v) in subsection (6), by inserting “or of taking a specimen of his or her blood as directed under subsection (3A)” after “under subsection (1)” and

35

(vi) by inserting after subsection (9) the following:

“(10) It shall be lawful for a designated doctor or nurse to take from the person a specimen of his or her blood as directed under subsection (3A).”,

40

- (b) in section 15—
- (i) in subsection (2), by inserting “(other than a specimen taken under section 14(3A))” after “of blood”, and
 - (ii) by substituting for subsection (3) the following:
 - “(3) As soon as practicable after— 5
 - (a) in the case of a specimen of blood taken under section 14(3A), subsection (1) has been complied with, or
 - (b) in the case of any other specimen, subsection (2) has been complied with,
 - a member of the Garda Síochána shall cause to be forwarded to the Bureau— 10
 - (i) the completed form referred to in subsection (1),
 - (ii) where the specimen of blood was taken from the person concerned under section 14(3A), a label, notice or statement in writing to that effect, 15
 - (iii) where the person chooses to retain one of the sealed containers offered under subsection (2), the other sealed container, and
 - (iv) where the person declines to retain, or in the case of a specimen of blood taken under section 14(3A) has not been offered, one of the sealed containers, both sealed containers.”, 20
 - (c) in section 17(3), by inserting “, subject to section 17A(3),” after “the Bureau shall”,
 - (d) by inserting after section 17 the following:
 - “Permission following taking of blood sample from unconscious driver**
 - 17A. (1) Where a specimen of blood has been taken from a person under section 14(3A) a member of the Garda Síochána shall, as soon as practicable but in any event no later than 6 months after the date of the event referred to in section 14(1), require that person to give his or her permission for a completed certificate to be forwarded under section 17. 25 30
 - (2) A member of the Garda Síochána shall notify the Bureau as soon as practicable after he or she has been given the permission of a person following a requirement under subsection (1).
 - (3) Where the Bureau receives a specimen under section 17 taken from a person under section 14(3A) the Bureau shall not forward a completed certificate under section 17(3) unless the Bureau has received a notification under subsection (2) in relation to that specimen. 35
 - (4) The Minister may prescribe forms for the purposes of this section.
 - (5) A person who, following a requirement under subsection (1), without reasonable excuse, refuses or fails to give his or her permission for a 40

completed certificate to be forwarded under section 17 commits an offence and is liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months, or to both.

- (6) In a prosecution for an offence under subsection (5) for refusing or failing to give permission for a completed certificate to be forwarded under section 17, it is a defence for the defendant to satisfy the court that there was a special and substantial reason for his or her refusal or failure and that, as soon as practicable after the refusal or failure concerned, he or she complied (or offered, but was not called upon, to comply) with a requirement under subsection (1). 5 10
- (7) Section 1(1) of the Probation of Offenders Act 1907 does not apply to an offence under this section.”,
- (e) in section 19, by inserting “or (3A)” after “or 14(1)” in both places where it occurs, and
- (f) in section 21, by substituting “, 14 or 17A” for “or 14”. 15

Amendment of Principal Act — consequential disqualification order

13. The Principal Act is amended—

- (a) in section 26(4)(a)(v), by substituting “, 14 or 17A” for “or 14”, and
- (b) in the Second Schedule (as amended by section 43 of the Act of 2012)—
- (i) by inserting after paragraph 5 the following: 20
- “Failure to comply with requirement to perform impairment test**
5A. An offence under section 11 of the Road Traffic Act 2010.”,
and
- (ii) by inserting after paragraph 6 the following:
- “Failure to give permission to forward specimen test certificate** 25
6A. An offence under section 17A of the Road Traffic Act 2010.”.

PART 5

MISCELLANEOUS

Interference with odometer of mechanically propelled vehicle

- 14. (1)** A person shall not interfere or attempt to interfere with the odometer of a mechanically propelled vehicle. 30
- (2) A person who contravenes, or who procures another person to contravene, *subsection (1)* commits an offence and is liable on summary conviction to a class C fine or to imprisonment for a term not exceeding 3 months, or to both.
- (3) Where a member of the Garda Síochána has reasonable grounds for believing that a person is committing or has committed an offence under this section he or she may 35

arrest the person without warrant.

- (4) Where a person is charged with an offence under this section it shall be a defence to show that at the time of the alleged offence the person was acting in good faith in order to test, repair or replace the odometer of the mechanically propelled vehicle.
- (5) In this section “odometer”, in relation to a mechanically propelled vehicle, means the device that measures and records the distance travelled by the vehicle but does not include an auxiliary device capable of being reset to measure and record individual journeys. 5

Amendment of section 3 of Principal Act

15. Section 3(1) of the Principal Act is amended in the definition of “public service vehicle” by inserting “or combination of vehicles” after “mechanically propelled vehicle”. 10

Recovery of sums paid by Motor Insurers’ Bureau of Ireland

16. The Principal Act is amended by inserting after section 78A (inserted by section 77 of the Act of 2010) the following:
- “78B.(1) Any proceedings initiated by or on behalf of the Motor Insurers’ Bureau of Ireland seeking recovery of liquidated sums paid by the Bureau pursuant to the MIBI Agreement may be brought under Order 2, rule 1 of the Rules of the Superior Courts (S.I. No. 15 of 1986). 15
- (2) In this section “MIBI Agreement” means the Agreement on the Compensation of Uninsured Road Accident Victims dated 29 January 2009 between the Minister for Transport and the Motor Insurers’ Bureau of Ireland and includes any subsequent agreement which amends or replaces that Agreement.”. 20

Amendment of section 106 of Principal Act

17. Section 106 of the Principal Act is amended— 25
- (a) in subsection (1), by inserting after paragraph (a) the following:
- “(aa) if injury has been caused to any person, or any person appears to require assistance, the driver of the vehicle shall offer assistance;”
- (b) in subsection (3), by inserting after paragraph (a) the following:
- “(aa) in a case in which injury is caused to person, and the person who contravenes subsection (1) or subsection (2)— 30
- (i) does so with intent to escape civil or criminal liability, and
- (ii) knows that injury has been caused to a person of such nature as to require medical assistance for the person at that place or that the person be brought to a hospital for medical assistance, 35
- on conviction on indictment to a fine not exceeding €10,000 or, at the discretion of the court, to imprisonment for any term not exceeding 7 years or to both such fine and such imprisonment,

(ab) in a case where injury is caused to person, and the person who contravenes subsection (1) or subsection (2) does so with intent to escape civil or criminal liability, and

(i) knows that the person to whom injury has been caused is dead, or,

(ii) knows that injury has been caused to a person and is reckless as to whether the death of the person injured so results, and the death of the person injured so results,

on conviction on indictment to a fine not exceeding €20,000 or, at the discretion of the court, to imprisonment for any term not exceeding 10 years or to both such fine and such imprisonment,”,

and

(c) by inserting after subsection (3A) the following:

“(3B) In a prosecution under subsection 3(aa) or (ab) evidence that an accused failed to stop his or her vehicle, offer assistance, keep the vehicle at or near the place for a reasonable period, or give the appropriate information is, in the absence of evidence to the contrary, proof of an intent to escape civil or criminal liability.”.

Amendment of section 20 of Road Safety Authority Act 2006 — superannuation of RSA staff

18. Section 20 of the Road Safety Authority Act 2006 is amended by substituting for subsection (5) the following:

“(5) A scheme under this section shall include a provision for appeals from a decision relating to a superannuation benefit under the scheme.”.

Amendment of section 2 of Public Transport Regulation Act 2009

19. Section 2 of the Public Transport Regulation Act 2009 is amended in the definition of “bus” by inserting “or combination of vehicles” after “mechanically propelled vehicle”.

Amendment of section 29 of Act of 2010 — fixed penalty notice

20. Section 29 of the Act of 2010 is amended—

(a) in subsection (11)(e), by deleting “(not being a specified person)”, and

(b) in subsection (18A) (inserted by section 9 of the Road Traffic (No. 2) Act 2011), by inserting “or on behalf of” after “issued by”.

Amendment of section 38 of Act of 2010 — presumptions

21. Section 38(2) of the Act of 2010 is amended—

(a) by inserting “or on behalf of” after “issued by”, and

(b) by deleting “, until the contrary is shown”.

Amendment of section 81 of Act of 2010 — evidence in relation to speeding, etc.

22. The Act of 2010 is amended in section 81—

(a) by substituting for subsection (6) the following:

“(6) In proceedings for an offence referred to in subsection (1) it shall be presumed, until the contrary is shown, that— 5

(a) the electronic or other apparatus used for tendering of evidence was provided, maintained and operated by a member of the Garda Síochána, or a person authorised under an agreement under subsection (7),

(b) the development, production and viewing of records produced by such apparatus was carried out by a member of the Garda Síochána, or a person authorised under an agreement under subsection (7), and 10

(c) subsection (3) has been complied with.”,

and 15

(b) in subsection (9) in the definition of “member of the Garda Síochána”, by substituting “subsections (4) and (7)” for “subsection (3) or (7)”.

Amendment of section 87 of Act of 2010 — exemptions for emergency vehicles

23. Section 87 of the Act of 2010 is amended by substituting for subsection (1) the following: 20

“(1) Requirements under the Road Traffic Acts 1961 to 2010 relating to vehicles and requirements, restrictions and prohibitions relating to the driving and use of vehicles, other than those provided under sections 49, 50, 51A, 52 and 53 of the Principal Act, sections 12, 13 and 15 of the Act of 1994 and sections 4, 5, 11, 12 and 14 of this Act, do not apply to— 25

(a) the driving or use by a member of the Garda Síochána, an ambulance service (provided by a pre-hospital emergency care service provider recognised by the Pre-Hospital Emergency Care Council established by the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000)) or a fire brigade of a fire authority (within the meaning of the Fire Services Act 1981) of a vehicle in the performance of the duties of that member, or 30

(b) a person driving or using a vehicle under the direction of a member of the Garda Síochána, 35

where such use does not endanger the safety of road users.”.

Amendment of Act of 2012

24. The Act of 2012 is amended—

- (a) in section 12(2)(b)(i) by substituting “from the commencement of this section” for “of the passing of this Act”,
- (b) in section 17(1), by inserting “and subject to such conditions as he or she considers appropriate” after “on an application to him or her”,
- (c) in section 19(b) by inserting “or, notwithstanding that the non-compliance has been rectified, the notification is a third or subsequent notification in respect of the same authorisation,” after “situation”, 5
- (d) by inserting after section 19 the following:
 - “**Provision of false information in application**
 - 19A. (1) Where the Minister determines that, in an application for— 10
 - (a) an authorisation under section 9,
 - (b) an amendment to an authorisation under section 14,
 - (c) a renewal of an authorisation under section 15, or
 - (d) an authorisation under section 17,

a person provided information which was false or misleading, and which at the time of the application the person ought to have known was false or misleading, the Minister may revoke the authorisation to which the application relates. 15

 - (2) A person who in an application referred to in subsection (1) provides information which at the time of the application he or she knows, or ought reasonably to know, is false or misleading commits an offence and is liable on summary conviction to a class A fine.”. 20
- (e) in section 25(5)—
 - (i) by inserting “, or another authorised officer acting on his or her behalf” after “he or she”, and 25
 - (ii) in paragraph (b), by inserting “or CVR tester” after “CVR test operator”,
 - (f) in section 34(1)(a), by inserting “or a member of Customs and Excise” after “a member of the Garda Síochána”, and
 - (g) in section 41(4)(b) by substituting “authorised officers, CVR inspectors, consultants and advisors” for “enforcement officers, consultations or advisors.”. 30

Amendment of section 13 of Road Transport Act 2011 — fees

25. Section 13(1) of the Road Transport Act 2011 is amended by inserting “and based on the manner of an application for such documents” after “for different documents”.

Repeals

26. The following are repealed: 35
- (a) section 5 of the Act of 2006;
 - (b) section 32 of the Act of 2010;

(c) section 53 of the Act of 2012.

An Bille um Thrácht ar Bhóithre (Uimh. 2),
2013

BILLE

(mar a ritheadh ag Dáil Éireann)

dá ngairtear

Acht do leasú agus do leathnú na nAchtanna um Thrácht ar Bhóithre, 1961 go 2011, do leasú alt 20 den Acht fán Údarás um Shábháilteacht ar Bhóithre, 2006, alt 16 den Acht um Iompar ar Bhóithre, 2011 agus an Achta fán Údarás um Shábháilteacht ar Bhóithre (Ródacmhainneacht Feithiclí Tráchtála), 2012 agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Ritheadh ag Dáil Éireann,

15 Eanáir, 2014

Road Traffic (No. 2) Bill 2013

BILL

(as passed by Dáil Éireann)

entitled

An Act to amend and extend the Road Traffic Acts 1961 to 2011, to amend section 20 of the Road Safety Authority Act 2006, section 16 of the Road Transport Act 2011 and the Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012 and to provide for related matters.

Passed by Dáil Éireann,

15th January, 2014

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.
(Tel: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
no trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€3.05

ISBN 978-1-4468-0614-2



9 781446 806142