



DÁIL ÉIREANN

AN BILLE UM THRÁCHT AR BHÓITHRE 2006 ROAD TRAFFIC BILL 2006

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM THRÁCHT AR BHÓITHRE 2006 —AN TUARASCÁIL

ROAD TRAFFIC BILL 2006 —REPORT

Leasuithe Amendments

1. In page 3, between lines 19 and 20, to insert the following:

“Road Traffic
Accident
Investigative Unit.

2.—An annual audit of all serious and fatal road traffic accidents will be carried out annually and a special Road Traffic Accident Investigative Unit will be established, with full statutory authority, to coordinate a full investigation of all serious and fatal road traffic accidents and make recommendations as to ensure the prevention of such accidents in the future.”.

—Jerry Cowley.

2. In page 3, line 21, after “2006” to insert the following:

“/ *Achtanna um Tráchtar Bhóithre 1961 go 2006* ”.

—Seán Crowe.

3. In page 3, line 27, after “phone” to insert the following:

“and any other electronic equipment or general apparatus which may negatively affect a driver’s capacity to drive”.

—Seán Crowe.

4. In page 3, line 28, to delete “the” and substitute “An”.

—Seán Crowe.

5. In page 4, line 6, after “to” to insert “promote driving with due care and attention or to”.

—Róisín Shortall.

6. In page 4, line 15, after “equipment” to insert the following:

“or

(e) any other equipment, apparatus, thing or activity which may impair or interfere with the driving capacity or capabilities of such a driver”.

—Róisín Shortall.

7. In page 4, line 25, to delete “to a mobile” and substitute “to the use of a mobile”.

—An tAire Iompair.

8. In page 4, to delete lines 27 to 29.

—Olivia Mitchell.

9. In page 4, line 27, to delete “the” and substitute “An”.

—Seán Crowe.

10. In page 4, line 30, to delete “a genuine” and substitute “an”.

—Olivia Mitchell.

11. In page 5, between lines 17 and 18, to insert the following:

“Prohibition of non-transparent front windows.

4.—(1) As and from the commencement of *section 3*, a person who drives or attempts to drive a mechanically propelled vehicle in a public place where any of the windscreens or windows to the front or either side of the driver’s seat are non-transparent is guilty of an offence.

(2) A person who commits an offence under *subsection (1)* is liable on summary conviction to a fine of €5000.”.

—Róisín Shortall.

12. In page 5, between lines 17 and 18, to insert the following:

“Prohibition of non-transparent windows.

4.—(1) As and from the commencement of *section 3*, a person who drives or attempts to drive a mechanically propelled vehicle in a public place where any of the windscreens or windows are non-transparent is guilty of an offence.

(2) A person who commits an offence under *subsection (1)* is legally obliged to replace such non-transparent windscreens or windows within one month and on failure to comply will on summary conviction be liable to 2 penalty points.”.

—Seán Crowe.

13. In page 5, line 22, to delete “the” where it firstly occurs and substitute “An”.

—Seán Crowe.

14. In page 5, line 29, to delete “and”.

—Olivia Mitchell.

15. In page 5, line 30, after “operated” to insert the following:

“, and

- (c) the date and time at which the expiration of the authorisation shall occur, such date and time being not more than 8 days after the date referred to in *paragraph (a)*”.

—Olivia Mitchell.

16. In page 5, line 31, to delete “the” and substitute “An”.

—Seán Crowe.

17. In page 5, line 41, to delete “the” and substitute “An”.

—Seán Crowe.

18. In page 6, line 7, to delete “the” where it firstly occurs and substitute “An”.

—Seán Crowe.

19. In page 6, line 13, to delete “the” and substitute “An”.

—Seán Crowe.

20. In page 6, line 18, to delete “the” and substitute “An”.

—Seán Crowe.

21. In page 6, line 22, to delete “the” and substitute “An”.

—Seán Crowe.

22. In page 6, line 28, to delete “the” where it firstly occurs and substitute “An”.

—Seán Crowe.

23. In page 6, between lines 38 and 39, to insert the following:

“Amendment of
section 49 of
Principal Act.

5.—Section 49 of the Principal Act is amended—

(a) in subsection (2) by the substitution of “50” for “80”,

(b) in subsection (3) by the substitution of “67” for “107”,

(c) in subsection (4) by the substitution of “22” for “35”,

(d) by the insertion of the following subsection after subsection (4):

“(4A) Subsections (2) to (4) shall apply to a person who is the holder of a learner permit as if the references therein to 50, 67 and 22 were references to 20, 27 and 9 respectively.”.

—Róisín Shortall.

24. In page 6, between lines 38 and 39, to insert the following:

“Requirement to
take driving test.

5.—Where a person applies to renew a learner permit but has not taken the driving test since the previous occasion on which the person was granted a permit, the licensing authority shall refuse the application if it is satisfied that the person has failed to take reasonable steps to obtain and fulfil an appointment to take the driving test.”.

—Róisín Shortall.

25. In page 6, between lines 38 and 39, to insert the following:

“Requirement for
certain persons to
re-take driving test.

5.—Where a person who holds a full driver’s licence is convicted by a court of an offence under section 49 or 50 of the Principal Act or an offence of driving without due care and attention or careless or dangerous driving or dangerous driving causing death, the person shall (upon the expiry of such, if any, period of disqualification as the court may impose) be required to surrender his or her driving licence to a licensing authority and shall if otherwise eligible and be entitled to apply for a learner permit, and notwithstanding any other provision of the *Road Traffic Acts 1961 to 2006*, the person may drive unaccompanied only during the first year in which he or she holds such a learner permit, unless by the expiry of that year he or she has taken or re-taken as the case may be such driving test and passed such test.”.

—Róisín Shortall.

26. In page 6, between lines 38 and 39, to insert the following:

“Alcohol ignition
interlock.

5.—Where a person has been convicted of an offence under section 49 or 50 of the Principal Act, the court sentencing that person may direct that following the expiry of the period of disqualification imposed on the person, the person may not drive or attempt to drive a mechanically propelled vehicle for such further period, not exceeding 5 years, as may be specified, unless the vehicle is fitted with an alcohol ignition interlock which measures alcohol concentration in the breath prior to ignition.”.

—Róisín Shortall.

27. In page 6, between lines 38 and 39, to insert the following:

“5.—Section 106 of the Principal Act is amended by inserting the following new paragraph after paragraph (d):

“(e) Where a member of the Garda Síochána is present at the scene of an accident, resulting in the death or serious personal injury, he or she shall require where possible the driver(s) of the involved vehicle(s) to—

(i) provide (by exhaling into an apparatus for indicating the presence of alcohol in the breath) a specimen of his or her breath, and

- (ii) accompany him or her or another member of the Garda Síochána to a place (including a vehicle) at or in the vicinity of the scene of the accident and there to provide a specimen of blood or urine for examination for the presence of drugs including illegal drugs and alcohol, and to provide a specimen of his or her breath by exhaling into a special apparatus (if not already provided).”.”.

—Jerry Cowley.

28. In page 6, between lines 38 and 39, to insert the following:

“Mandatory alcohol testing at road accident sites.

5.—(1) A member of the Garda Síochána, present at the scene of a road traffic accident, shall require any person who was in charge of vehicle that was involved in the road traffic accident to—

- (a) (i) provide (by exhaling into an apparatus for indicating the presence of alcohol in the breath) a specimen of his or her breath, or
- (ii) accompany him or her or another member of the Garda Síochána to a place (including a vehicle) at or in the vicinity of the checkpoint and there to provide, by exhaling into such an apparatus, a specimen of his or her breath,

or

- (b) (i) leave the vehicle at the place where it has been stopped, or
- (ii) move it to a safe place in the vicinity of the road traffic accident, and keep or leave it there until the person has complied with a requirement made of him or her under *paragraph (a)*.

(2) A member of the Garda Síochána, for the purposes of making a requirement of a person under *subsection (1)* may indicate the manner in which the person must comply with the requirement.

(3) A person who—

- (a) refuses or fails to comply forthwith with a requirement under *subsection (1)(a)* or *(b)(i)* or such a requirement in a manner indicated by a member of the Garda Síochána under *subsection (2)*, or
- (b) without reasonable excuse, refuses or fails to comply immediately with a requirement under *subsection (1)(b)(ii)* or such a requirement in a manner indicated by a member of the Garda Síochána under *subsection (5)*, is guilty of an offence and is liable on summary conviction—

- (i) to a fine not exceeding €5,000,
- (ii) to imprisonment for a term not exceeding 6 months,
- (iii) to disqualification from driving for a period not exceeding 2 years, or
- (iv) to any combination of (i), (ii) and (iii) of this subsection.

(4) A member of the Garda Síochána may arrest, without warrant, a person who commits, is committing or has committed an offence under this section.

(5) In a prosecution for an offence under—

- (a) this section,
- (b) section 49 or section 50 of the Principal Act, or
- (c) Part III of the Act of 1994,

it shall be presumed, until the contrary is shown, that an apparatus provided by a member of the Garda Síochána for the purpose of enabling a person to provide a specimen of breath pursuant to this section is an apparatus for indicating the presence of alcohol in the breath.

(6) Nothing in this section shall be used to delay in any way, the provision of any medical assistance to a person injured in a road traffic accident.

(7) A person who does not comply with a requirement under *subsection (1)* by availing of protection under *subsection (6)*, shall continue to be obliged to comply with such requirement as soon as may be medically practicable.”.

—Olivia Mitchell.

29. In page 6, between lines 38 and 39, to insert the following:

“Amendment to section 14 of the Act of 1994.

5.—The Act of 1994 is amended in section 14 by the substitution of the following for subsection (1):

“(1) Whenever a member of the Garda Síochána is of opinion that a person in charge of a mechanically propelled vehicle in a public place—

(a) is under the influence of a drug or drugs to such an extent as to be incapable of having proper control of the vehicle, or

(b) has been involved in a road traffic accident,

he may require the person to accompany him to a Garda Síochána station.”.

—Olivia Mitchell.

30. In page 6, between lines 38 and 39, to insert the following:

“Mandatory testing for certain other substances.

5.—(1) The Minister may, by order, introduce mandatory testing for any intoxicant that he or she deems appropriate.

(2) In making an order under *subsection (1)*, the Minister shall have regard to Part III of the Act of 1994 and any regulations made under it.

(3) Any testing under regulations under this section shall be carried out in the same manner as is prescribed in section 4.”.

—Olivia Mitchell.

31. In page 7, line 29, to delete “the” and substitute “An”.

—Seán Crowe.

32. In page 8, line 21, to delete “the” and substitute “An”.

—Seán Crowe.

33. In page 8, line 27, to delete “the” where it thirdly occurs and substitute “An”.
—Seán Crowe.

34. In page 9, line 5, to delete “the” where it secondly occurs and substitute “An”.
—Seán Crowe.

35. In page 9, line 42, to delete “section 138(3)(a)” and substitute “section 138 (3)”.
—An tAire Iompair.

36. In page 9, line 44, to delete “4” and substitute “5”.
—Róisín Shortall.

37. In page 9, line 46, to delete “6” and substitute “10”.
—Róisín Shortall.

38. In page 11, line 23, to delete “for” and substitute “from”.
—Róisín Shortall.

39. In page 11, line 39, to delete “said”.
—An tAire Iompair.

40. In page 11, line 40, after “qualification” to insert “or at least 2 years whichever is greater”.
—Róisín Shortall.

41. In page 11, line 43, to delete “the” where it firstly occurs and substitute “An”.
—Seán Crowe.

42. In page 12, between lines 2 and 3, to insert the following:

“Default speed
limit.

8.—The speed limit on any non-national road in respect of which a local authority has not specified any alternative limit, whether before or after the commencement of this section, is 60 kilometres per hour.”.

—Róisín Shortall.

43. In page 12, between lines 2 and 3, to insert the following:

“Mandatory road
work signs.

8.—(1) Where road works are being carried out by any person including a local authority, the person shall erect and maintain such signs as comply with requirements prescribed by the Minister for Transport, and such further or other road work signs if any as are required to obviate any danger to the public.

(2) A person (including a director, member, officer or employee of a body corporate whose default contributes to the non-compliance) who fails to comply with *subsection (1)* shall be guilty of an offence and on summary conviction shall be liable to imprisonment for 12 months or to a fine not exceeding €5,000 or both.”.

—Róisín Shortall.

44. In page 12, line 16, after “Oireachtas” to insert “and delivered to each member”.

—Seán Crowe.

45. In page 12, line 32, after “regulations” to insert the following:

“to be discussed by members of the Houses of the Oireachtas and scrutinised by the relevant Oireachtas Committees”.

—Seán Crowe.

46. In page 12, between lines 33 and 34, to insert the following:

“(a) the regulation of driving schools and instructors;”.

—Róisín Shortall.

47. In page 12, line 36, after “learner” to insert “and exempted older persons”.

—Jerry Cowley.

48. In page 13, line 3, to delete “the” where it thirdly occurs and substitute “An”.

—Seán Crowe.

49. In page 13, line 12, after “learner” to insert “and exempted older persons”.

—Jerry Cowley.

50. In page 13, between lines 28 and 29, to insert the following:

“(g) restrictions to be imposed on holders of driving licences during the first year in which they hold such a licence.”.

—Róisín Shortall.

51. In page 18, line 16 to delete “the” and substitute “An”.

—Seán Crowe.

52. In page 18, line 44, after “€1,000” to insert the following:

“or, in the case of a person whose failure to comply with subsection (4) consists of giving or sending information to a member of the Garda Síochána regarding the person alleged to have been driving the vehicle in question which is false or misleading, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €5,000 or to imprisonment for a period not exceeding 12 months or to both”.

—Róisín Shortall.

53. In page 25, line 3, before “Garda” to insert “An”.

—Seán Crowe.

54. In page 25, line 3, to delete “occurs,” and substitute “occurs, and”.

—An tAire Iompair.

55. In page 25, between lines 33 and 34, to insert the following:

“(d) At all material times, evidence gathered under this section shall be subject to scrutiny and supervision by a member of the Garda Síochána.”.

—Olivia Mitchell.

56. In page 27, between lines 32 and 33*, to insert the following:

“Bye-laws.

19.—A local authority may, in addition to any other power to make bye-laws, regulate by bye-laws parking in any particular place within their functional area and may in particular provide that parking in any place specified by the authority is confined to residents of or adjacent to that place as specified by the authority.”.

—Róisín Shortall.

57. In page 27, line 36*, to delete “the” where it secondly occurs and substitute “An”.

—Seán Crowe.

[*Note: A printing error has resulted in incorrect line references in page 27 of the Bill. The line references in the above amendments relate to the actual number of lines of text contained in that page of the Bill.]

58. In page 28, line 4, to delete “the” where it secondly occurs and substitute “An”.

—Seán Crowe.

59. In page 28, line 8, to delete “the” where it secondly occurs and substitute “An”.

—Seán Crowe.

60. In page 28, line 15, to delete “the” where it firstly occurs and substitute “An”.

—Seán Crowe.

61. In page 28, between lines 20 and 21, to insert the following:

“Road Traffic Court.

20.—The Courts (Establishment and Constitution) Act 1961 is amended in by the insertion of the following after section 5:

“Establishment and constitution of the Road Traffic Court. 6.—(1) A Court of First Instance, which shall be called An Chúirt um Thrácht ar Bhóithre (The Road Traffic Court), shall stand established.

(2) The Road Traffic Court shall be constituted of such number of other judges (each of whom shall be styled “Breitheamh den Chúirt um Thrácht ar Bhóithre” (“Justice of the Road Traffic Court”)) as may from time to time be fixed by Act of the Oireachtas.

(3) The Road Traffic Court shall have jurisdiction to deal with all summary offences under the *Road Traffic Acts 1961 to 2006*.”.

—Olivia Mitchell.

62. In page 28, between lines 20 and 21, to insert the following:

“Parking bye-laws under Part 19 of the Local Government Act 2001.

20.—(1) A local authority may make a bye-law under Part 19 of the Local Government Act 2001, to regulate parking for mechanically propelled vehicles in a specific area within its functional area.

(2) Such bye-law shall specify—

(a) the specific area covered by the bye-law,

(b) the persons or category of persons who are covered by the bye-law,

(c) the occasions on which the bye-law shall be in force,

(d) the length of time for which the bye-law shall be in force on each occasion, and

(e) such other factors as the Local Authority may deem appropriate.

(3) A local authority shall exercise its functions under this section where it deems it necessary to restrict parking referred to in *subsection (1)* to residents of the specific area only.”.

—Olivia Mitchell.

63. In page 28, to delete lines 44 to 46.

—Róisín Shortall.

64. In page 29, line 39, after “(6)” to insert “(inserted by S.I. No. 463 of 2001)”.

—Róisín Shortall.