DÁIL ÉIREANN

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

LEASUITHE COISTE
COMMITTEE AMENDMENTS

[No. 74 of 2013]    [10 December, 2013]
SECTION 8
1. In page 8, line 27, to delete “6” and substitute “7”.

—Helen McEntee.

2. In page 8, line 38, to delete “6” and substitute “7”.

—Helen McEntee.

SECTION 10
3. In page 11, between lines 25 and 26, to insert the following:

“(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”,”.

—An tAire Iompair, Turasóireachta agus Spóirt.

4. In page 11, line 26, to delete “section 16(e)” and substitute the following:

“section 16(2)(e)”.

—An tAire Iompair, Turasóireachta agus Spóirt.

5. In page 12, between lines 42 and 43, to insert the following:

“Part 11


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

[No. 74 of 2013] [10 December, 2013]
<table>
<thead>
<tr>
<th>Reference Number</th>
<th>Offence</th>
<th>General Description of Offence</th>
<th>Penalty Points on Payment of Fixed Charge</th>
<th>Penalty Points on Conviction</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Offence consisting of a contravention of Regulation 3(2)</td>
<td>Using vehicle in a public place without an authorisation plate</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>(2)</td>
<td>Offence consisting of a contravention of Regulation 3(3)</td>
<td>Using vehicle in a public place that has been modified or altered such that authorisation plate is inaccurate</td>
<td>3</td>
<td>5</td>
</tr>
</tbody>
</table>

—An tAire Iompair, Turasóireachta agus Spóirt.

SECTION 15

6. In page 16, between lines 18 and 19, to insert the following:

"Amendment of section 106 of Principal Act

15. Section 106 of the Principal Act is amended—

(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)—

(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,

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,
[SECTION 15]

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.”.

—Timmy Dooley.

SECTION 18

7. In page 16, after line 33, to insert the following:

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

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

“(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—

(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

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

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

—An tAire Iompair, Turasóireachta agus Spóirt.

[Acceptance of this amendment involves the deletion of Section 18 of the Bill.]
SECTION 19

8. In page 17, line 14, to delete “and”.

—An tAire Iompair, Turasóireachta agus Spóirt.

9. In page 17, between lines 29 and 30, to insert the following:

“(e) in section 25(5)—

(i) by inserting “, or another authorised officer acting on his or her behalf” after “he or she”, and

(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.”.”.

—An tAire Iompair, Turasóireachta agus Spóirt.