SEANAD ÉIREANN

AN BILLE UM THRÁCHT AR BHÓITHRE (UIMH. 2), 2013
ROAD TRAFFIC (NO. 2) BILL 2013
LEASUITHE COISTE
COMMITTEE AMENDMENTS
SEANAD ÉIREANN

AN BILLE UM THRÁCHT AR BHÓITHRE (UIMH. 2), 2013
—An Coiste

ROAD TRAFFIC (NO. 2) BILL 2013
—Committee Stage

Leasuithe
Amendments

SECTION 5

1. In page 7, lines 1 and 2, to delete all words from and including “as” in line 1 down to and including line 2 and substitute the following:

“up to three years old from the date of the request by the vehicle insurer, and

c) in the case of request by the vehicle insurer, the vehicle insurer is obliged to notify the insured person that they are requesting access or copies of endorsements of the person, this notification shall be done via registered post to the registered address of the person concerned.”.

—Senator Feargal Quinn.

SECTION 6

2. In page 7, between lines 3 and 4, to insert the following:

“Amendment of the Act of 2010

6. Section 40 of the Act of 2010 is amended by substituting for subsection (4) the following:

“(4)(a) Where a person of whom the production of a driving licence or learner permit is demanded under this section refuses or fails to produce the licence or permit there and then, a member of the Garda Síochána may require the person to produce within 48 hours after the date of the requirement the licence or permit in person to a member of the Garda Síochána at a Garda Síochána station to be named by the person at the time of the requirement. If the person refuses or fails so to produce the licence, he or she commits an offence.

(b) In any proceedings a certificate, purporting to be signed by the member in charge of the Garda Síochána station at which the defendant concerned was required, under paragraph (a), to produce the driving licence or learner permit, stating that the defendant did not, within 48 hours after the day on which the production was required, produce a driving licence or learner permit in accordance with paragraph (a) shall, without proof of the signature of the person purporting to sign the certificate or that he or she was the

[No. 74b of 2013] [05 February, 2014]
member in charge of the Garda Síochána station, be evidence, until the contrary is shown, of the facts stated in the certificate.

(c) Where any person is required to produce a driving licence or learner permit at a Garda Síochána station and the person produces the licence or permit within 48 hours after the day on which the production was required, the member in charge of the Garda Síochána station shall issue a certificate stating that the licence or permit was so produced and such certificate shall be evidence of the facts stated in the certificate.

(d) Where any person is required to produce a driving licence or learner permit at a Garda Síochána station and the person does not produce the licence or permit within 48 hours but before 10 days after the day on which the production was required would have committed an offence under subsection (1) and be subject to a summary penalty of 6 penalty points if the person has no existing penalty points and an additional 12 penalty points if the person has any existing penalty points.

(e) Where any person is required to produce a driving licence or learner permit at a Garda Síochána station and the person does not produce the licence or permit within 10 days after the day on which the production was required would have committed an offence under subsection (1) and be subject to their licence being immediately suspended and any vehicle they hold title to being impounded.”.

—Senator Sean D. Barrett.

SECTION 10

3. In page 9, between lines 17 and 18, to insert the following:

“(iii) the driver of a mechanically propelled vehicle that is in a public place shall not hold or have on or about their person tobacco or a similar product while in the said vehicle except when it is parked. The penalties as for mobile phone use at subparagraph (ii) shall apply,

(iv) in column (5), by substituting “5” for the entry at reference 1 on page 40 of the Act of 2002 in respect of using a vehicle whose width exceeds maximum permitted width,

(v) in column (5), by substituting “5” for the entries at references 9 and 10 on page 40 of the Act of 2002 in respect of seat belts,

(vi) in column (5), by substituting “5” for the entry at reference 11 on page 41 of the Act of 2002 in respect of using a motor cycle without wearing crash helmet,

(vii) in column (5), by substituting “5” for the entry at reference 12 on page 41 of the Act of 2002 in respect of permitting a passenger not wearing crash helmet to be carried on a motor cycle,
(viii) in column (5), by substituting “5” for the entries at references 15 and 16 on page 41 of the Act of 2002 in respect of not wearing safety belts,

(ix) in column (5), by substituting “5” for the entry at reference 11 on page 44 of the Act of 2002 in respect of failure of driver to comply with signals given by members of An Garda Síochána,

(x) in column (5), by substituting “5” for the entry at reference 23 on page 44 of the Act of 2002 in respect of prohibition on driving vehicle against traffic on motorway,

(xi) in column (5), by substituting “5” for the entry at reference 24 on page 45 of the Act of 2002 in respect of prohibition on driving vehicle on part of motorway not a carriageway.”.

—Senator Sean D. Barrett.

4. In page 10, line 14, to delete “2” and “4” in columns 4 and 5 and substitute “1” and “2” respectively.

—Senator Feargal Quinn.

5. In page 12, row 1, to delete lines 7 to 10.

—Senator Feargal Quinn.

SECTION 14

6. In page 16, between lines 28 and 29, to insert the following:

“14. (1) In the event of a motor accident, the driver of a motor propelled vehicle is required to stop at the scene of an accident and provide assistance.

(2) In the event of a person of a motor propelled vehicle not stopping to provide assistance to a person in danger they may be punishable with a fine of up to €2,000.”.

—Senator Feargal Quinn.

7. In page 16, between lines 28 and 29, to insert the following:

“14. (1) All mechanically propelled vehicles where the operator is—

(a) the holder of a driving licence licensing the holder to drive a vehicle in the category C, C1, D, D1, EB, EC, EC1, ED, ED1 and W while driving, attempting to drive or being in charge of such a vehicle,

(b) the holder of a licence to drive any type of public service vehicle granted under section 34 of the Taxi Regulation Act 2003 or section 82 of the Road Traffic Act 1961 or a person purporting to be such a holder while driving, attempting to drive or being in charge of such a vehicle, when the vehicle is being used in the course of business, or

(c) the holder of a licence to drive a heavy goods or light goods vehicle as defined under EC Directive 2007/46/EC or a person purporting to be such a holder while driving, attempting to drive or being in charge of such a vehicle, when the vehicle is being used in the course of business,
shall be required to install an alcohol interlock within 6 months of the passing of this Act. The absence of an alcohol interlock under this subsection after 31 December 2014 will be considered an offence.

(2) (a) All mechanically propelled vehicles where the operator is the holder of a driving licence licensing the holder to drive a vehicle in the category B while driving, attempting to drive or being in charge of such a vehicle shall be required to install/retrofit an alcohol interlock with 12 months of the passing of this Act.

(b) An exemption exists to paragraph (a) where the mechanically propelled vehicle was built prior to 1 January 2000.

(c) The absence of an alcohol interlock under this subsection after 31 December 2014 will be considered an offence unless the vehicle is subject to the exemption in paragraph (b).

(3) All mechanically propelled vehicles sold in the Republic of Ireland after 1 July 2015 will be required to have an alcohol interlock installed prior to sale.

(4) All mechanically propelled vehicles sold in the Republic of Ireland after 1 July 2015 will be required to have an active Intelligent Speed Adaptation (ISA) unit installed prior to sale.

(5) All mechanically propelled vehicles sold in the Republic of Ireland after 1 January 2016 will be required to have pedestrian airbags.”.

—Senator Sean D. Barrett.

8. In page 16, between lines 28 and 29, to insert the following:

“Safety of Road Infrastructure

14. In accordance with Section 17 of the Roads Act, 1993, the overall responsibility for the planning and supervision of works for the construction and maintenance of national roads shall include safety. The Minister may, by regulations request the National Roads Authority to examine the safety aspects of local authority planning proposals for national roads and their approach roads and to consult with the Road Safety Authority on the contribution of infrastructure to improved road safety.”.

—Senator Sean D. Barrett.

SECTION 15

9. In page 17, between lines 8 and 9, to insert the following:

“15. (1) A mechanically propelled motor vehicle is required to carry a warning triangle from 1 January 2015. In the event of a breakdown or accident, the warning triangle must be placed in a visible position to the rear of the car.

(2) A mechanically propelled vehicle is required to carry a yellow reflective vest in the front compartment of the car from 1 January 2015. In the event of a car stopping on a motorway or in the event of a breakdown or accident and a person alights from the vehicle, that person is required to wear the reflective vest.

(3) A mechanically propelled vehicle is required to carry a first aid kit to EU standard
DIN 13164.

(4) The Minister may make the carrying of extinguishers by mechanically propelled motor vehicles mandatory at a later date.”.

—Senator Feargal Quinn.

SECTION 23

10. In page 19, between lines 17 and 18, to insert the following:

“23. Section 81 of the Act of 2010 is amended by substituting for subsection (7)(a) the following:

“(7)(a) The Minister for Justice and Law Reform may by an agreement in writing entered into with any person, upon such terms and conditions as may be specified in the agreement, which shall include a condition to the effect that the determination of the locations where equipment is to be operated shall be a function of a member of the Garda Síochána not below the rank of Sergeant, provide for the authorisation of that or other persons for the purposes of subsection (2), and the performance by those authorised persons of any function, which shall be specified in the agreement, relating to the establishing of prima facie proof of a constituent of an offence including the provision, maintenance and operation of equipment and the development, production and viewing of records produced by that equipment and the production of measurements or other indications from which a constituent of an offence can be inferred.”.

—Senator Sean D. Barrett.