DÁIL ÉIREANN

AN BILLE UM THRÁCHT AR BHÓITHRE (LEASÚ), 2017
ROAD TRAFFIC (AMENDMENT) BILL 2017
LEASUITHE TUARASCÁLA
REPORT AMENDMENTS

[No. 108 of 2017] [23 April, 2018]
1. In page 3, to delete lines 5 to 7 and substitute the following:

“An Act to provide for automatic disqualification from driving in the case of a person paying a fixed charge in respect of a drink driving offence; to create a new offence in the case of a driver passing a pedal bicycle at an insufficient distance; for that purpose to amend the Road Traffic Act 1961, the Road Traffic Act 2002 and the Road Traffic Act 2010; and to provide for related matters.”.

—Robert Troy.

2. In page 3, line 7, to delete “Road Traffic Act 2010 and the Road Traffic Act 2002” and substitute the following:


—An tAire Iompair, Turasóireachta agus Spóirt.

3. In page 3, between lines 8 and 9, to insert the following:

“Amendment of Road Traffic Act 2016
1. The Road Traffic Act 2016 is amended by the repeal of section 39.”.

—An tAire Iompair, Turasóireachta agus Spóirt.

4. In page 3, to delete line 10 and substitute the following:

“1. (1) The Road Traffic Act 2010 is amended in section 4 by the substitution of the following for subsection (5):

“(5) A person who contravenes this section commits an offence and is liable on indictable conviction to a fine not exceeding €10,000 or to imprisonment for a term not exceeding 12 months or to both.”.

(2) The Road Traffic Act 2010 is amended in section 29—”.

—Robert Troy.
5. In page 3, line 10, to delete “in section 29”.

—An tAire Iompair, Turasóireachta agus Spóirt.

6. In page 3, between lines 10 and 11, to insert the following:

“(a) in section 13A, by the substitution of “11(6)” for “11(5)” in subsection (1),
(b) in section 13B, by the substitution of “11(6)” for “11(5)” in subsection (1), and
(c) in section 29—”.

—An tAire Iompair, Turasóireachta agus Spóirt.

7. In page 3, to delete lines 11 to 32, and in page 4, to delete lines 1 to 14 and substitute the following:

“(a) by the substitution of the following for subsection (7):

(7) The fixed charge is—

(a) €500 in the case of a concentration of alcohol referred to in subsection (1)(a) or subsection (2),
(b) €500 in the case of a concentration of alcohol referred to in subsection (1)(b), or
such other amount that, for the time being, stands prescribed in lieu of either of those amounts.”,

and

(b) in subsection (8) by the substitution of the following for paragraph (a)(i):

“(i) did not exceed 80 milligrams of alcohol per 100 millilitres of blood, 5 penalty points shall be endorsed on the entry relating to the person, or”.”.

—Robert Troy.

8. In page 3, line 11, to delete “(a) in” and substitute the following:

“(i) in”.

—An tAire Iompair, Turasóireachta agus Spóirt.

9. In page 3, line 15, to delete “(b) in” and substitute the following:

“(ii) in”.

—An tAire Iompair, Turasóireachta agus Spóirt.

10. In page 3, line 19, to delete “(c) by” and substitute the following:

“(iii) by”.

—An tAire Iompair, Turasóireachta agus Spóirt.
11. In page 3, between lines 19 and 20, to insert the following:

“(d) in subsection (7) by the insertion of the following:

“(aa) a fine of €500 for the first offence and there shall be no disqualification for the first offence, or”.

—Michael Fitzmaurice.

12. In page 3, line 20, to delete “(d) in” and substitute the following:

“(iv) in”.

—An tAire Iompair, Turasóireachta agus Spóirt.

13. In page 3, line 21, to delete“(i) by” and substitute the following:

“(I) by”.

—An tAire Iompair, Turasóireachta agus Spóirt.

14. In page 3, lines 25 to 27, to delete all words from and including “be” in line 25 down to and including “subsection (15)” in line 27 and substitute “incur 4 penalty points”.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae.

15. In page 3, lines 25 to 27, to delete all words from and including “be” in line 25 down to and including “(15)” in line 27 and substitute “incur 3 penalty points and an obligation to undertake 10 driving lessons with a qualified instructor”.

—Danny Healy-Rae.

16. In page 3, line 29, to delete“(ii) in” and substitute the following:

“(II) in”.

—An tAire Iompair, Turasóireachta agus Spóirt.

17. In page 3, to delete lines 31 and 32, and in page 4, to delete lines 1 to 14.

—Mattie McGrath, Michael Collins, Michael J. Healy-Rae, Danny Healy-Rae.

18. In page 3, line 31, to delete“(e) in” and substitute the following:

“(v) in”.

—An tAire Iompair, Turasóireachta agus Spóirt.

19. In page 4, line 6, to delete“(f) in” and substitute the following:

“(vi) in”.

—An tAire Iompair, Turasóireachta agus Spóirt.

20. In page 4, line 10, to delete“(g) by” and substitute the following:

“(vii) by”.

—An tAire Iompair, Turasóireachta agus Spóirt.
21. In page 4, between lines 14 and 15, to insert the following:

“(2) Notwithstanding the amendment by subsection (1)(c) of section 29 of the Road Traffic Act 2010, that section shall apply as if it had not been so amended in respect of an offence committed before the commencement of subsection (1)(c).”.

—An tAire Iompair, Turasóireachta agus Spóirt.

22. In page 4, between lines 23 and 24, to insert the following:

“Amendment of section 41 of Road Traffic Act 1994

3. Section 41 of the Road Traffic Act 1994 is amended in subsection (1)(a)—

(a) in subparagraph (ii), by the deletion of “or”,
(b) in subparagraph (iii), by the substitution of “permit, or” for “permit,”, and
(c) by the insertion of the following subparagraph after subparagraph (iii):

“(iv) is, in the opinion of a member of the Garda Síochána, the holder of a learner permit and is, in the opinion of that member, not driving in accordance with clause (iv) of Regulation 17(6)(b) of the Road Traffic (Licensing of Drivers) Regulations 2006 (S.I. No. 537 of 2006).”.

—An tAire Iompair, Turasóireachta agus Spóirt.

23. In page 4, between lines 23 and 24, to insert the following:

“Amendment to Amendment No. 22

1. In the fifth line of subparagraph (iv), proposed to be inserted by section 3(c), after “No. 537 of 2006).” to insert “Provided that the provisions of this subparagraph shall not apply in circumstances where a driving test date has not been supplied to an applicant within a period of six weeks from the date of their application.”.

—Michael Fitzmaurice.

24. In page 4, between lines 23 and 24, to insert the following:

“Amendment of Road Traffic Act 1961

3. The Road Traffic Act 1961 is amended in section 96(1), after “places where school-children cross public roads”, by the insertion of “, or private roads open to the public”.

—Catherine Martin.
25. In page 4, between lines 23 and 24, to insert the following:

“Amendment of Road Traffic Act 1994

3. The Road Traffic Act 1994 is amended in section 38(1), after “in respect of public roads in their charge”, by the insertion of “and in respect of private roads open to the public which are intended to be taken in charge”.

—Catherine Martin.

26. In page 4, between lines 23 and 24, to insert the following:

“Amendment of Road Traffic Act 1961

3. The Road Traffic Act 1961 is amended by the insertion of the following new section after section 55:

“55A.(1) The driver of a mechanically propelled vehicle passing a pedal bicycle that is travelling in the same direction as the driver must pass the pedal bicycle at a sufficient distance from the pedal bicycle.

(2) A sufficient distance from the pedal bicycle is—

(a) if the applicable speed limit is not more than 50 kilometres per hour a lateral distance from the pedal bicycle of at least 1 metre, or

(b) if the applicable speed limit is more than 50 kilometres per hour a lateral distance from the pedal bicycle of at least 1.5 metres.

(3) For the purpose of subsection (2), the lateral distance is the distance between the following points—

(a) the furthermost point to the left on the driver’s mechanically propelled vehicle or any projection from the vehicle, and

(b) the furthermost point to the right of the pedal bicycle, any bicycle trailer towed by the pedal bicycle, the rider or any passenger in or on any such trailer.

(4) The driver of a mechanically propelled vehicle who contravenes subsection (1) of this section commits an offence and he or she shall be liable for a fixed charge penalty of €80 with 3 penalty points on payment of a fixed charge and 5 penalty points and a fine not exceeding €1,500 on conviction in court.”.

—Robert Troy.

27. In page 4, between lines 23 and 24, to insert the following:

“Amendment of Road Traffic Act 1961

3. The Road Traffic Act 1961 is amended—

(a) in section 3(1) by the insertion of the following:
“‘high-visibility jacket’ means a jacket made from high visibility material, i.e. clothing material that is easily discernible from any background and has reflective properties;

‘high-visibility vest’ means a vest made from high visibility material, i.e. clothing material that is easily discernible from any background and has reflective properties;”;

and

(b) by the insertion of the following new section after section 100:

“100A.(1) A person walking on an unlit public road shall wear a high-visibility jacket or vest.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence.”.

—Robert Troy.

28. In page 4, to delete lines 24 to 27.

—An tAire Iompair, Turasóireachta agus Spóirt.

29. In page 4, between lines 27 and 28, to insert the following:

“Amendment of Road Traffic Act 1961
4. The Road Traffic Act 1961 is amended—

(a) by the insertion of the following section after section 35:

“Offences by owner of mechanically propelled vehicle driven by another person
35A. (1) An owner of a mechanically propelled vehicle shall be guilty of an offence where a person, not being that owner, drives the vehicle in a public place at a time that the person—

(a) is not the holder of a driving licence or learner permit for the category of vehicle concerned, or

(b) is the holder of a learner permit for a vehicle of a category specified in clause (iv) of Regulation 17(6)(b) of the Road Traffic (Licensing of Drivers) Regulations 2006 (S.I. No. 537 of 2006) and is not driving the vehicle in accordance with that clause.

(2) It shall be a defence to proceedings for an offence under this section for the owner of a mechanically propelled vehicle to show—

(a) that the vehicle was used or taken possession of without his or her consent,

(b) in the case of proceedings for an offence under paragraph (a) of subsection (1), that prior to the driving of the vehicle in a public place he or she took all reasonable steps to satisfy himself or
herself that the person held a driving licence or learner permit, as
the case may be, or

(c) in the case of proceedings for an offence under paragraph (b) of
subsection (1), that he or she took all reasonable steps to satisfy
himself or herself that the person would be driving in accordance
with clause (iv) of Regulation 17(6)(b) of the Road Traffic
(Licensing of Drivers) Regulations 2006.

(3) A person guilty of an offence under this section shall be liable on
summary conviction to a class D fine.”,”

and

(b) in subsection (1A) (inserted by section 30 of the Road Traffic Act 2016) of
section 78A by the substitution of the following paragraph for paragraph (g):

“(g) the number given at item 4d. and described as “Driver number” on
the driving licence in scheduled form D.402 under Regulation 10 of
the Road Traffic (Licensing of Drivers) Regulations 2006 (S.I. No.
537 of 2006) or the number given at item 4d. and described as
“Driver number” on the learner permit in scheduled form D.202
under Regulation 17 of those Regulations.”.”.

—An tAire Iompair, Turasóireachta agus Spóirt.