



Policy For:

**Amending the Legislative Framework Governing
the Fixed Penalty Traffic Ticketing System**

and

**The Introduction of a Demerit Points System in
Trinidad and Tobago**

**Ministry of Works and Transport
Legal Services Unit
9th June, 2016**

Table of Contents

EXECUTIVE SUMMARY	2
INTRODUCTION	4
OBJECTIVES OF THE POLICY	7
ESSENTIAL FEATURES OF THE PROPOSED DEMERIT POINTS SYSTEM IN TRINIDAD AND TOBAGO.....	8
FIXED PENALTY TICKETING SYSTEM.....	13
KEY RECOMMENDATIONS FOR REFORM OF THE TICKETING SYSTEM.....	17
CONCLUSION.....	20
“APPENDIX A”	21
“APPENDIX B”	29

EXECUTIVE SUMMARY

1. The Ministry of Works and Transport (MOWT) bears the responsibility for the continued development and implementation of traffic law enforcement measures and strategies for the regulation of road use and promotion of road safety in Trinidad and Tobago. In the view of the MOWT, it has become necessary to implement a system of Demerit Points, which is aimed at engendering greater responsibility by those who drive on the nation's roads, by imposing a robust change of the attitudes and cultural behaviour of motorists towards road safety.
2. The proposed Demerit Points System initiative would allow for demerit points to be ascribed to a person's driver's licence, where a driver was issued with a fixed penalty notice or, convicted by a Court for a traffic violation under the **Motor Vehicles and Road Traffic Act, Ch. 48:50**.
3. Further, from an assessment of the current legislation, it is considered necessary that practical and modern amendments be made to the current **Motor Vehicles and Road Traffic Act, Ch. 48:50**. Additionally, the Ministry is proposing to have the **Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Ch. 48:52** repealed and anchored into the **Motor Vehicles and Road Traffic Act, Ch. 48:50** in line with the approach adopted under the **Motor Vehicle and Road Traffic Bill, 2016**. Aligned with the consolidation of these two pieces of legislation, would be the incorporation of new legislative provisions for:
 - New, convenient and flexible methods of payment for fixed penalties at any State Bank or online;
 - The introduction of a "Notice of Contest", where a driver wishes to contest a fixed penalty ticket before the Court;
 - Imposition of non-conventional sanctions by the Court for non-payment of tickets, for example, a court order instructing the Licensing Authority to prohibit all transactions with the traffic offender until the fine for the fixed penalty violation has been paid in full; and
 - The use of technology to provide seamless connectivity and real time information sharing of drivers' records between the Licensing Authority, the Courts and the Trinidad and Tobago Police Service (TTPS).

4. The Ministry examined the legal framework of other Commonwealth jurisdictions that have similar demerit points systems to determine the key features which are necessary for the successful operation of a demerit points system in Trinidad and Tobago. These jurisdictions included Australia (South Australia), Canada (the province of Alberta), Jamaica and the United Kingdom.

1. INTRODUCTION

- 1.1 A system of Demerit Points within the framework of traffic law enforcement, will be aimed at engendering greater responsibility in those who drive on the nation's roads, by imposing a regime that will bring about a robust change in attitudes and encultured behaviour of motorists with respect to road safety awareness.
- 1.2 In many developed countries around the world, similar systems have proven effective in ensuring that citizens, who earn the privilege of driving when issued with a driver's permit, conduct themselves in a manner that does not pose a safety hazard to themselves and other road users. The proposed system, once effectively managed, will equip the Licensing Authority with the requisite information and empirical data, to exercise its new statutory powers to suspend the driver's permit of a habitually errant driver. This is made possible as the Demerit Points System assesses individual driving records for breaches of traffic laws and indicates when a driver should be barred from the privilege of driving on the nation's roadways, for a period of time.
- 1.3 The number of road accidents and road fatalities in Trinidad and Tobago continues to occur at an alarming rate. Notwithstanding this, the Ministry has already noted a downward trend in the incidents of road fatalities since the introduction of speed guns. However, there is still much room for improvement, and the Ministry's objective is to aggressively pursue a package of key legislative initiatives that will place Trinidad and Tobago on the path to being ranked among countries that have the safest roads and highways.
- 1.4 The Ministry is also of the belief that these legislative interventions will further assist in reducing the unacceptable state of general lawlessness permeating our society, since many serious crimes are committed with the use of vehicles on our roads. Towards this end, it is felt that the State has not done enough over the years to implement adequate measures that provide modern tools and procedures to facilitate effective enforcement of the traffic laws. Admittedly, some significant progress was made by the introduction of breathalyser and speed gun laws into our law enforcement landscape. However, Trinidad and Tobago continues to seriously lag behind with regard to the robust updating and review of its traffic laws, to ensure the safety of its citizens and to restore a sense of order on the nation's road network.
- 1.5 The unfortunate end result of this inaction is unbridled lawlessness on our roadways and high levels of road accidents, injuries and fatalities. These occurrences deprive our nation of the full potential of many bright and resourceful citizens, while placing psychological stress on law-abiding citizens, who make daily use of the nation's road network. In addition, incalculable man hours, finances and resources are lost as a consequence of the

diversion of the energies of State agencies, as well as the general citizenry, whenever any road traffic accident occurs.

- 1.6 In a *Trinidad Express* article dated April 21, 2016,¹ it was highlighted that in 2015, there were 127 fatal road accidents, in which 146 persons lost their lives. Sharon Inglefield, President of the local non-governmental group “*Arrive Alive*” was reported to have stated that, speeding accounts for 55% of road fatalities in Trinidad and Tobago.
- 1.7 In the year 2000, an attempt was made to introduce a Demerit Points regime in Trinidad and Tobago, via an amendment to the Motor Vehicles and Road Traffic Act². Unfortunately, this amendment contemplated the enactment of specific regulations by the President, in order for such a system to be operationalised. To date, no such regulations have been introduced and the matter has not received priority treatment for the last sixteen (16) years.
- 1.8 It must be stated however, that following an assessment of the experiences of other Commonwealth jurisdictions, including our CARICOM neighbour Jamaica, the Ministry holds the firm view that a Demerit Points System does not require the enactment of special regulations in order to be operationalised. The system can be achieved via a simple amendment to the parent Motor Vehicles and Road Traffic Act. The contemplation of regulations in accordance with the provisions of the Motor Vehicles and Road Traffic (Amendment) Act, 21 of 2000 was therefore ill-conceived and played a major role in delaying the implementation of the system in this country.
- 1.9 Another related area of profound concern and historical legislative neglect, is the country’s Fixed Penalty Ticketing System. In 1979, the Fixed Penalty System was introduced in Trinidad and Tobago by the enactment of the **Motor Vehicles and Road Traffic (Enforcement and Administration Act) Chapter 48:52**. Its main purpose was to provide a convenient opportunity to drivers charged for prescribed offences under the Motor Vehicles and Road Traffic Act, to pay a lower “fixed penalty” fine into Court and thereby avoid the inconvenience of attending Court and the possible imposition of the maximum prescribed fine for the particular offence³. The provisions were also intended to reduce the amount of cases that could potentially be enrolled on the Court’s case list. Once the fine is paid, the matter is dispensed with and there is no requirement for the full attention of a Magistrate.

¹ Trinidad Express Newspapers article, “Arrive Alive: 55% road deaths caused by speeding” written by Camille Hunte, published on the 21st April, 2016. ><http://www.trinidadexpress.com/20160421/news/arrive-alive-55-road-deaths-caused-by-speeding#main><, accessed on 06/06/2016.

² Sections 86A - 86C of the Motor Vehicles and Road Traffic Act, Ch: 48:50

³ “ The preamble to the **Motor Vehicles and Road Traffic (Enforcement and Administration Act) Chapter 48:52** provides that the Act is “*An Act to provide for the punishment of motor vehicle and road traffic offenders without the necessity for a Court appearance, and matters incidental thereto*”.

- 1.10 The inability of the Fixed Penalty System to keep in line with modern technological advances in terms of management of documents and the expeditious disposal of cases reaching before the Courts have posed an administrative nightmare to the country's Magistracy. The archaic administrative processes that continue to plague the system have rendered it inefficient, burdensome and inconvenient. Additionally, the system is susceptible to corruption and as a result, statistics have proven that the State loses millions of dollars in potential revenue on an annual basis.⁴
- 1.11 Guidance regarding the modern philosophies and approaches that underpin legislation that treat with a Demerit Points System was obtained through the detailed analysis of relevant legislation in other jurisdictions. In particular, thorough review was made of the legislation implemented in South Australia, Australia⁵, the province of Alberta, Canada⁶, the United Kingdom,⁷ and Jamaica⁸. This review⁹ allowed the gleaning of key pointers and considerations that have formed the core of many of the proposals made in this policy document. In this regard, there is hardly any doubt that the proposals now being made are consistent with contemporary approaches that have proven to be both fair and effective in treating traffic law violations.

⁴ See Tables 3 and 4 at pages 15 and 16.

⁵ Australia: Motor Vehicles Act, 1959. >http://www.austlii.edu.au/au/legis/sa/consol_act/mva1959172/ <.

⁶ Alberta Canada: Traffic Safety Act Demerit Point Program and Service of Documents Regulation. Alberta Regulation 331/2002. >http://www.qp.alberta.ca/documents/Regs/2002_331.pdf <

⁷ United Kingdom: Road Traffic Offenders Act, 1988.><http://www.legislation.gov.uk/ukpga/1988/53/contents> <.

⁸ Jamaica: Road Traffic Act, 1938.>http://moj.gov.jm/sites/default/files/laws/Road%20Traffic%20Act_1.pdf <.

⁹ See "Appendix A" at page 20.

2. OBJECTIVES OF THE POLICY

The objectives of this policy are to:-

- a) provide for the introduction of a legal and technological platform for the robust enforcement of offences under the **Motor Vehicles and Road Traffic Act Chapter 48:50** and **Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Ch. 48:52** while ensuring an effective and efficient disposal of matters that reach the Courts;
- b) encourage and promote safety on the nation's road network;
- c) improve the standard of driving in Trinidad and Tobago by reducing the incidents of road traffic accidents;
- d) utilise a modern system of Demerit Points to target habitual violators of traffic laws;
- e) deter habitual violators of traffic laws by introducing the prospect of additional sanctions when certain traffic laws are breached;
- f) effect corrective and rehabilitative sanctions against violators of traffic laws; and
- g) propose key amendments to the Fixed Penalty Ticketing System that will ensure an improvement in its administrative processes and the easy disposal of traffic matters before the Courts.

3. ESSENTIAL FEATURES OF THE PROPOSED DEMERIT POINTS SYSTEM IN TRINIDAD AND TOBAGO

- 3.1 The proposed introduction of the Demerit Points System (DPS) will see certain traffic offences carrying prescribed demerit points, in addition to other stipulated penalties. The legislation to give effect to the DPS will be fashioned in a similar manner to that of the **Jamaica Road Traffic Act, 1938**¹⁰. The proposed list of offences that will attract demerit points would therefore be contained in a Schedule to the Motor Vehicles and Road Traffic Act, Ch. 48:50 together with the number of demerit points for each violation. This Schedule is appended hereto as **Appendix B**¹¹ and would take into consideration the distinction between moving and non-moving violations¹². The points to be allotted for each violation would be commensurate with International Standards for similar types of offences. The points would range from two (2), which is generally the minimum, to fourteen (14), which is the maximum.
- 3.2 Where any of the prescribed offences are committed, the offender would be subject to the imposition of the penalties or fines stipulated in the legislation, along with the recording and endorsing of the stipulated number of demerit points in his record at the Licensing Authority. Where a specified number of points have been recorded within a stipulated period, the offender would face the prospect of disqualification from driving for a certain period and may be required to attend approved rehabilitative driving programmes before being re-issued with a driver's permit.
- 3.3 It is therefore proposed that a DPS in Trinidad and Tobago shall have the following key features:
- (A) **Newly Licensed Driver:**
- A newly licensed driver, a person holding a licence for a period of twelve (12) months or less from the date of issuance, shall have his or her licence suspended for a period of one (1) year, upon the accumulation of seven (7) or more demerit points during the twelve (12) months period, from the date of the issuance of the driver's licence.

¹⁰ Jamaica Road Traffic Act, 1938. > http://moj.gov.jm/sites/default/files/laws/Road%20Traffic%20Act_1.pdf <.

¹¹ See "Appendix B" at page 28

¹² "Moving violation" is a term used to refer to instances where a traffic law is violated by a vehicle in motion. Some examples of moving violations are speeding, running a stop sign or red light, and driving under the influence of drugs or alcohol. "Non-moving violation", by contrast, refers to offences connected with parking or faulty vehicle equipment. Examples include parking in front of a fire hydrant, parking in a no-parking zone and excessive muffler noise.

- The newly licensed driver must return or surrender his or her suspended licence to the Licensing Authority.
- The driver shall not be allowed to take a test of competence to drive any vehicle of the same class that is endorsed on the suspended licence, or a vehicle of any other class, during the period of suspension.
- After the expiration of a one (1) year suspension period, the newly licenced driver would be required to present him or herself to the Licensing Authority/Transport Commissioner and submit an application along with the prescribed fee, for the re-issue of his or her licence.

(B) Fully Licensed/Experienced Driver:

- It is recommended that a fully licensed driver, meaning a person holding a licence in excess of twelve (12) months from the date of issuance, shall be disqualified as follows:
 - (a) Where the driver has accumulated within three (3) years, ten (10) or more but less than fourteen (14) demerit points, he or she shall be disqualified from holding or obtaining a driver’s licence for a period of six (6) months;
 - (b) Where the driver has accumulated within three (3) years, fourteen (14) or more but less than twenty (20) demerit points, he or she shall be disqualified from holding or obtaining a driver’s licence for a period of one (1) year; and
 - (c) Where the driver has accumulated within three (3) years, twenty (20) or more demerit points, he or she shall be disqualified from holding or obtaining a driver’s licence for a period of two (2) years.

Table 1: Demerit Points and Suspension periods

Demerit Points accumulated within three(3) years	Suspension period
More than ten (10) but less than fourteen (14)	Six (6) months
More than fourteen (14) but less than twenty (20)	One (1) year
More than twenty (20)	Two (2) years

- The fully licensed driver must surrender his or her suspended licence to the Licensing Authority.
- The driver shall not be allowed to take a test of competence to drive any vehicle of the same class that is endorsed on the suspended licence, or a vehicle of any other class during the period of suspension.
- After the expiration of the suspension period, the fully licensed driver shall present him or herself to the Licensing Authority/Transport Commissioner and submit an application for the re-issue of his or her licence. Where the period of suspension was for the period of six (6) months, the Licensing Authority/Transport Commissioner, may in its discretion, and based upon the nature of the violation(s) that led to the suspension, require that the driver participates in an approved rehabilitation programme and may also require that the driver re-sit and pass the driving test as a pre-requisite to having his or her licence re-issued.

(C) Offence for Failure to Surrender Suspended Permit

- Failure to return or surrender a suspended licence or permit to the Licensing Authority within the prescribed period would constitute an offence for which a person shall be liable to a fine of Five Thousand Dollars (\$5,000.00) and disqualification for an additional year.

(D) Validity of Endorsement and Expungement of Points

- Demerit points would remain valid for the period of three (3) years from the date of the commission of the offence or conviction for the offence, as the case may be. Accordingly, where a fixed penalty is issued and the penalty is paid, the requisite demerit points shall be attached to the driver's record from the date of commission of the offence. Where a driver is found guilty of an offence after appearance in Court, the requisite demerit points would be attached from the date of the conviction.
- A driver who, for a period of three (3) years from his or her last recorded violation, has not accumulated any Demerit Points, will be entitled to have all previous points cancelled from his or her record. In calculating the period of three (3) years, no account is to be taken of any period of disqualification of the licence.

(E) Simultaneous Offences in One Incident

- Where a driver commits more than one offence, in one incident which results in the simultaneous accumulation of points, the violation that attracts the highest number of points, will be endorsed on the driver's record. This is a safeguard that would protect a driver from being exposed to immediate disqualification after being issued with more than one fixed penalty on one single occasion or after having been found guilty of more than one offence. However, adopting the South Australian position with a minor variation, where a person is convicted and the offences include a red light offence (exclusive of electronic red light enforcement) along with a speeding offence, demerit points would be incurred for both these offences¹³.

(F) Rehabilitative Driving Programmes:

- The introduction of rehabilitative sanctions for habitual road traffic violators.
- Where the suspension period lasts for one (1) year or longer, the suspended driver will be required:-
 - (a) to undertake a driver's education rehabilitation course as prescribed and approved by the Licensing Authority/Transport Commissioner (for example Defensive Driving Course for recidivist traffic offenders); and
 - (b) re-sit and pass the driver's examination to have the licence re-issued;

(G) Imposition of Double Demerit Points:

(i) Specified Periods:

- Due to the comparatively high number of road accidents that occur during certain periods (e.g. long weekends or festive occasions such as Easter, Carnival, Christmas and New Year's), consideration will be given to the imposition of **Double Demerit Points**; where certain violations are committed during such periods for certain prescribed offences. The driver will incur double the number of demerit points than would otherwise be

¹³ Section 98B (3)(a) Motor Vehicles Act, 1959 - South Australia, Australia.

incurred in respect of the prescribed offences. Such a measure was successfully implemented in New South Wales, Australia¹⁴. It is proposed that the Minister with responsibility for transport will have the power to prescribe from time to time by Order, the periods during which double demerit points would be incurred and the specific offences to which the double demerit would be attached.

(ii) Classes of Motor Vehicles:

- In addition, it is proposed that double Demerit Points may be imposed for violations committed while driving specific classes of motor vehicles such as Public Service Vehicles, Public Transport Vehicles and Commercial (“Heavy T”) Vehicles. It is proposed that the Minister with responsibility for transport will also have the power to prescribe from time to time, by Order, the classes of vehicles and the specific offences for which double demerit would be attached.

(H) Strengthening the Law for Inspection of Motor Vehicles:

- Due to the non-enforcement of the provisions in the **Motor Vehicles and Road Traffic Act, Ch. 48:50** in relation the inspection of motor vehicles in Trinidad and Tobago, consideration will be given to the imposition of demerit points for the commission of this offence. Also, there is the need to strengthen enforcement of this offence since in its present form, a summons has to be issued charging the offender and requiring the person to attend court to be tried under the Summary Courts Act. In light of the need to robustly enforce this critical provision of the Act and to boost road safety awareness in Trinidad and Tobago, it is proposed that the violation be made a fixed penalty violation with a stipulated fine set at **\$1,000.00**.

¹⁴ Clause 60, Part 8, Road Transport (Driver Licensing) Regulation, 2008 and Part 3.2 of the Road Transport Act 2013, No.18 - New South Wales, Australia, ><http://www.legislation.nsw.gov.au/#/view/regulation/2008/397> <

4. FIXED PENALTY TICKETING SYSTEM

Challenges existing in the present Fixed Penalty System:

- 4.1 Pursuant to the **Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Ch. 48:52**, drivers are issued fixed penalty tickets or notices for scheduled traffic offences and can pay the stipulated fines listed in the Schedule at designated Courts or Licensing Offices or District Revenue Offices.
- 4.2 However, the current administrative framework for administering the Fixed Penalty System is one that can only be accurately described as obsolete and does not at present serve our country well. The processes are heavily paper based and are susceptible to corruption and high inefficiency¹⁵. As mentioned earlier, technology has not been embraced to ensure that the system is robust and efficient. Additionally, while these matters are treated as summary offences, Magistrates are not provided with a legislative framework which would allow them to dispose of matters quickly and efficiently. The system is also afflicted by extensive delays and unnecessary adjournments because of the failure of police complainants to attend Courts when tickets are not paid. After numerous and protracted adjournments and the failure of the police to attend Court, the matters are often eventually dismissed. Conversely, when drivers who are charged do not attend Court after failing to pay fines, magistrates sometimes issue bench warrants for their arrest. This is because of the limited options presented to the Magistrates within the framework of the **Summary Courts Act, Ch. 4:20**.
- 4.3 It can be argued that the reasons for many drivers' failure to pay traffic tickets include:
- a) lack of modern methods for payment of tickets and tracking the payment of tickets;
 - b) lack of convenient places where payments can be effected;
 - c) outdated systems for the transmission of copies of tickets to the various State entities involved in the process; and
 - d) the necessity to return to the Magisterial district in which the offence was ticketed (e.g. a person residing in Trinidad having to return to the Magisterial District Court in Tobago to pay the ticket or vice versa).

¹⁵ Trinidad Express Newspapers article, "Licensing Officer caught in fishy deal" published on 15th June, 2012. > http://www.trinidadexpress.com/news/Licensing_officer_caught_in_fishy_deal-159273095.html <, accessed on 22/6/2016

Judicial Concerns:

- 4.4 The concerns by the Judiciary on this matter are well documented. The Honourable Chief Justice of Trinidad and Tobago has made the inefficiency in the Traffic Ticketing System, a focal point in his addresses at the opening of the law term for the last decade. He has consistently called for innovative and practical measures to be introduced for imposing penalties and more convenient mechanisms for drivers to pay fines. For example, the Chief Justice has suggested that the implementation of online payments, as a way of increasing compliance by ticketed drivers, be considered.¹⁶ Many traffic matters end up before a Magistrate not because the drivers wish to contest the matters, but because the inherent inefficiencies and inconvenience in the system failed to allow those drivers pragmatic means through which they might pay the tickets. Additionally, His Lordship articulated the urgent need for the introduction of a points system in Trinidad and Tobago.
- 4.4 Information gleaned from the Judiciary's Annual Report 2014/2015¹⁷ has provided the data which is illustrated in Table 2 hereunder. The table demonstrates, by Magisterial District, the number of new traffic cases filed and disposed of from the year 2014 - 2015. The St. George West District had the highest number of new cases filed, followed by Arima and Tobago. The Districts with the least number of new cases were Couva and Rio Claro.

Table 2: Number of New Traffic Cases filed and disposed of in the Magistrates' Court for the year 2014-2015

Magisterial District (01/08/2014 - 31/07/2015)	Number of New Cases Filed	Cases Disposed
St George West	327	9,159
Arima	167	1,790
Chaguanas	53	4,239
Couva	9	1,124
Mayaro	20	184
Point Fortin	78	985
Princes Town	39	582
Rio Claro	14	265
San Fernando (Old Court)	0	17

¹⁶ Address of the Honourable the Chief Justice Mr. Justice Ivor Archie Opening of the 2015/2016 Law Term dated 17th September 2015 - <http://www.ttlawCourts.org/index.php/newsroom-69/speeches/5751-address-of-the-honourable-the-chief-justice-mr-justice-ivor-archie-opening-of-the-2015-2016-law-term>, accessed on 9th June, 2016.

¹⁷ The Judiciary of the Republic of Trinidad and Tobago Annual Report 2014-2015, "**Restorative Dialogue - A path to Justice**", Magisterial Statistics, pages 116 -125, <http://www.ttlawCourts.org/images/annualreports/ar20142015.pdf>, accessed on 9th June, 2016

San Fernando (Madinah Building)	63	5,482
Sangre Grande	63	3,159
Siparia	87	2,456
Tunapuna	67	2,126
Tobago	128	873
Total	1,115	32,441

4.5 **Table 3** hereunder, illustrates the total number of tickets received, number of paid tickets, the number of unpaid tickets and the total revenue gained from paid tickets. The total revenue collected for the year 2014/2015 for traffic ticketed offences totalled **\$37,146,800.00** and the total number of tickets issued for the corresponding period was **66,792**. However, the total number of tickets paid for this period was only **43,445** which represented **65%** of the total tickets issued. The result is that the State lost approximately **35%** in potential revenue from traffic tickets for the year 2014/2015.

Table 3: Total Number of Traffic Tickets received, Number of Traffic Tickets Paid and the Total Revenue Collected for the year 2014/2015

Courts *	No. of Tickets Received	No. of Tickets Paid	Total Revenue Collected	No. of Tickets Unpaid
Arima	14,375	6,260	\$7,345,750.00	8,115
Couva	1,721	1,357	\$1,293,500.00	364
Mayaro	429	320	\$667,100.00	109
Point Fortin	2,486	1,046	\$960,450.00	1440
Princes Town	2,033	652	\$547,750.00	1381
Rio Claro	683	539	\$ 359,600.00	144
San Fernando	9,203	8,736	\$2,242,650.00	467
Sangre Grande	4,867	2,983	\$2,251,950.00	1884
Siparia	4,395	3,116	\$2,413,750.00	1279
St. George West	14,734	8,895	\$9,250,650.00	5839
Tunapuna	8,528	6,144	\$8,077,350.00	2384
Tobago	3,338	3,397	\$1,736,300.00	59
Total	66,792	43,445	\$37,146,800.00	23,465

** Information for Chaguanas Magistrates' Court has not been included in Table 3.*

4.6 **Table 4** hereunder, illustrates statistics from the Judiciary’s Annual Reports between the years 2011 to 2015¹⁸ on the total number of tickets received, number of paid tickets, the number of unpaid tickets and the total revenue gained from the number of paid tickets. The total revenue collected for the year **2014/2015** for traffic ticket offences totalled **\$37,146,800.00** and the total number of tickets issued for the corresponding period was **66,792**. For the year 2013/2014, the total revenue collected for the 54,532 traffic tickets paid amounted to **\$50,257,738.00**. For the year 2012/2013, the total revenue collected for the 54,532 traffic tickets paid amounted to **\$50,257,738.00**. For the year 2012/2013 the total revenue collected for the 44,984 traffic tickets paid amounted to **\$39,789,904.00**. Lastly, for the year 2011/2012 the total revenue collected for the 29,808 traffic tickets paid amounted to **\$43,727,890.00**. Therefore, the total revenue generated over the period 2011 to 2015 amounted to One Hundred and Seventy Million, Nine Hundred and Twenty-two Thousand, Three Hundred and Thirty-two Dollars (**\$170,922,332.00**)

Table 4: Total Number of Traffic Tickets received, Number of Traffic Tickets Paid and the Total Revenue Collected for the years 2011-2015

Period	Number of tickets received	Number of Tickets Paid	Total Revenue Collected	Number of unpaid tickets
2014/2015	66,792	43,445	\$37,146,800.00	23,465
2013/2014	76,181	54,532	\$50,257,738.00	21,649
2012/2013	64,821	44,984	\$39,789,904.00	23,837
2011/2012	81,346	29,808	\$43,727,890.00	51,538

4.7 The table suggests that for the period 2011 to 2015, over 120,000 new traffic cases appeared on magisterial case lists because of the high incidence of unpaid tickets in this country. The current state of affairs does not portend well for the future as it appears that the Court system has reached its saturation point. It can also be argued that there is a direct correlation between the two issues i.e. the inefficiency in the traffic ticketing system and the state of lawlessness on our roads; since many drivers who are aware of the weaknesses in the system, do not make it a priority to pay their traffic ticket fines.

4.8 It has become necessary to introduce some key legislative amendments that will assist in modernising the current system of payment of traffic tickets, encourage compliance, introduce novel and creative penalties that will ensure quick disposal of matters before the Courts, alleviate the backlog of cases and improve the overall efficiency in the system.

¹⁸ The Judiciary of the Republic of Trinidad and Tobago Annual Reports for the years 2011- 2015, Magisterial Statistics, ><http://www.ttlawcourts.org/index.php/newsroom-69/annual-reports> <, accessed on 22 June, 2016

5. KEY RECOMMENDATIONS FOR REFORM OF THE TICKET SYSTEM

- 5.1 It is proposed that new options be provided for the payment of fixed penalty tickets in Trinidad and Tobago. The current system is overly restrictive, and only allows for payment to be made to the magisterial district in which the ticket was issued.
- 5.2 Accordingly, it is proposed that payment of fixed penalties should be made at any branch of a State bank e.g. First Citizens Bank and that further provisions be made allowing for payment via online methods as may be prescribed from time to time.
- 5.3 It is believed that with the introduction of more convenient methods of payment, there will be a higher percentage of persons paying their fixed penalty traffic tickets. Many of our citizens abhor the idea of having to wait in long queues at the respective Magistrates' Court to pay a fixed penalty ticket. It is expected that this proposal will result in an increase in the compliance rate for ticket payments.
- 5.4 It is further proposed that a driver, who wishes to contest a fixed penalty ticket, be now required to file a '*Notice to Contest*' in the Court for the jurisdiction in which the alleged violation occurred, within ten (10) days of the issuance of a fixed penalty ticket. If a Notice to Contest is not filed in accordance with the Act, a driver will not be allowed to contest the ticket and will be required to pay the stipulated fine within the period given on the notice. If the fine is not paid, on the day the matter is called, the Magistrate will be empowered to proceed to issue an order against the driver in accordance with the law thus bringing an end to the matter before the Court.
- 5.5 Where a '*Notice to Contest*' is filed, the constable who issued the ticket shall be so notified and shall be required to attend Court on the day the matter is called. If such a Notice is not filed but the ticket remains unpaid, the constable shall not be required to attend Court on the scheduled date and the Magistrate may proceed to make an order against the driver in the manner specified under the legislation. This is geared toward ensuring that matters are quickly concluded, and are not stymied by other factors such as the non-attendance of complainants. It is believed that this will not undermine the right to a fair trial since a driver who wishes to contest a fixed penalty notice shall take the opportunity to file the appropriate notice within the stipulated period. The adoption of the requirement to submit a notice is consistent with the current requirement for notices in the Courts' civil arena and is geared toward ensuring a high level of efficiency in the management of traffic matters.
- 5.6 It is further proposed that the Court impose non-conventional penalties for non-payment of tickets in addition to the imposition of demerit points as specified under the Act. At the

same time, a driver should not have to face the ignominy of going to prison for not attending Court or for missing a Court date as obtains at present, in accordance with the provisions of the **Summary Courts Act, Ch. 4:20**. For fixed penalty matters, the Court should be granted the specific power to order that the Licensing Authority not conduct any transaction with the driver whatsoever, until such time that the fine for the fixed penalty violation has been paid in full. Therefore, where a person fails to attend Court or refuses to pay a fine, he or she will be unable to conduct business at any Licensing Office until such time that full payment of the fine is remitted to the State. Once paid, the order of the Magistrate would be vacated and the driver will be allowed to transact business as is desired.

- 5.7 It is also proposed that the **Motor Vehicles and Road Traffic (Enforcement and Administration) Act Ch. 48:52** be repealed and the provisions thereof incorporated into the **Motor Vehicles and Road Traffic Act, Ch. 48:50**. It is observed that the Enforcement and Administration Act and its attendant regulations are restrictive and do not allow for flexibility, so that administrative processes can be readily altered when required. For example, the legislation prescribes the particular form of the fixed penalty notice, making it difficult for the introduction of electronic traffic ticketing devices for law enforcement officers, as well as the use of modern methods of making payments. This has also hindered the Trinidad and Tobago Police Service in efforts to introduce new and improved traffic ticket forms for use by its officers. Therefore, while incorporating provisions of the Motor Vehicles and Road Traffic (Enforcement and Administration) Act into the Motor Vehicles and Road Traffic Act, care will be taken to make adjustments where necessary, that would support the new regime being proposed via this policy document, while also allowing for relatively easy introduction of new administrative and procedural measures in future.

Technological Advancement

- 5.8 The success of the initiative requires the use of technology to help drive all aspects of the system. It is premised upon the reliability and the integrity of the records of the Licensing Authority. It requires seamless technological connectivity and real time information sharing between the Licensing Authority, Police, Courts and the Ministry responsible for Transportation.
- 5.9 The Ministry has already undertaken the task of digitising all the records of the Transport Division as well as enhancing business processes to ensure the integrity of the Division's records. The proposed amendments would provide the platform for the digitisation of the fixed penalty system, which would allow for greater information sharing between the Police, Court and Licensing Authority, thus significantly minimizing the opportunity for corrupt practices and unlawful tampering of documents and data.

- 5.10 The introduction of a Traffic Ticket Management Software System would allow for real time tracking of payments and the generating of automated prompts that would be transmitted to the Court and Licensing Authority; advising of payments as well as non-payments.
- 5.11 In Jamaica for example, the Traffic Ticket Management System (TTMS) is a web-based application that was developed on behalf of that country's Ministry of National Security. The system facilitates the management of traffic tickets issued by the Police. The major features of the system are as follows:
- (a) Matching of tickets with payments;
 - (b) Reporting on outstanding tickets;
 - (c) Calculation and management of demerit points accumulated against offenders' driver's licences;
 - (d) Recording of Court proceedings related to traffic offences;
 - (e) Collection of payments made at the Courts for traffic offences; and
 - (f) Recording and tracking of warrants issued to traffic offenders.
- 5.12 In Jamaica, the data-entry of traffic tickets is handled by an external organisation. Whilst this might have its benefits since an external private organisation can ensure that the system remains robust and in step with modern best practices, it is proposed that a special unit of the Ministry of Works and Transport be established to spearhead a modern Traffic Management System suitable for Trinidad and Tobago and if necessary, to partner with an external agency to assist in the maintenance of a modern system to serve the needs of the country.

6. CONCLUSION

- 6.1 The introduction of a Demerit Points System, as well as the modernization of the Fixed Penalty Traffic Ticketing System, in Trinidad and Tobago, will have numerous benefits for this country. It will lay a sound foundation for achieving ultimate road safety for our citizens by restoring a sense of order on our road network. The speedy disposal of traffic matters reaching the Courts will remove the administrative burden and the backlog of cases currently undermining the administration of justice in our Magistracy. The convenience of online payments of tickets, as well as payments through the traditional banking system, will encourage a high level of compliance. It will also significantly increase potential revenue for the State and will reduce the number of matters that engage the Courts. The Ministry of Works and Transport undertakes to ensure that the appropriate systems are instituted in a timely manner, in order to operationalize the proposed legislative initiatives. It is also critical that the public be sensitized about these key policy proposals via a robust public awareness campaign, thereby encouraging early buy-in and allowing for relatively seamless operationalization of the new regime.

“APPENDIX A”

PENALTY/DEMERIT POINTS SYSTEMS – COMPARATIVE ANALYSIS OF JURISDICTIONS				
Areas of Consideration	Jamaica	United Kingdom	Alberta - Canada	Australia (South Australia)
New Drivers	<p>According to Section 59A (4) of the Jamaica Road Traffic Act, 1938, where the demerit points accumulated by a person total:</p> <p>(a) ten or more but less than fourteen, that person shall be disqualified for holding or obtaining a driver’s licence for a period of six months;</p> <p>(b) fourteen or more but less than twenty, that person shall be disqualified for holding or obtaining a driver’s licence for a period of one year;</p> <p>(c) twenty or more that person shall be disqualified for holding or obtaining a driver’s licence for a period of two years.</p>	<p>According to Sections 2-4 of the Road Traffic New Driver Act 1995, provides that where a person accumulated 6 or more points within two (2) years of passing the driving test, the licence can be revoked.</p> <p>It is noteworthy that, any penalty points on the provisional licence that haven’t expired, the penalty points is carried forward to the full licence when the driving test is passed.</p> <p>The newly licensed driver would have to apply and pay for a new provisional licence and pass both theory and practical parts of the driving or riding test again to obtain a full licence.</p>	<p>In the province of Alberta Canada, the Penalty point system was introduced into legislation through the Traffic Safety Act, Demerit Point Program and Service of Documents Regulation, Alberta 331/2002.</p> <p>The Act has ascribed points to various scheduled offences with two (2) points being the minimum and a maximum of seven (7) points awarded for serious offences.</p> <p>All newly Licensed Drivers in Alberta, Canada would be part of the Graduated Driver Licensing (GDL) program. This program ensures new drivers get the support, skills and experience they need to handle the complex task of driving. GDL improves road safety by creating a safe and controlled environment for all new drivers. New drivers must go through the GDL program to get the support, skills, and experience needed to drive.</p>	<p>Where a person accrues four (4) or more demerit points on his/her learner's permit or provisional licence he/she would be disqualified from driving for 6 months- Section 81B Motor Vehicles Act, 1959.</p>

			<p>The GDL driver upon accumulating a total of four (4) or more but less than eight (8) demerit points, a Courtesy notice of point standing is mailed.</p> <p>However, Accumulation of eight (8) or more demerit points occurs within a two (2) year period, the operator's licence is automatically suspended for a period of one (1) month.</p>	
Fully Licensed Drivers	<p>There is no distinction between Learner Driver and Fully Licensed Drivers.</p> <p>According to Section 59A (4) of the Jamaica Road Traffic Act, 1938, where the demerit points accumulated by a person total:</p> <p>(a) ten or more but less than fourteen, that person shall be disqualified for holding or obtaining a driver's licence for a period of six months;</p> <p>(b) fourteen or more but less than twenty, that person shall be disqualified for holding or obtaining a driver's licence for a period of one year;</p> <p>(c) twenty or more that person shall be disqualified for holding or obtaining a driver's licence for a period of two years</p>	<p>Section 28 of the Road Traffic Offender Act 1988 provided that where a Fully Licensed Driver has accumulated twelve (12) or more penalty points within a 3-year period, the Court shall order him to be disqualified for not less than the minimum period unless the Court is satisfied, having regard to all the circumstances, that there are grounds for mitigating the normal consequences of the conviction and thinks it fit to order him to be disqualified for a shorter period or not to order him to be disqualified.</p>	<p>According to Section 92(2) Traffic Safety Act, Demerit Point Program and Service of Documents Regulation, Alberta 331/2002. Demerit points are recorded against an operator's licence, when a total of eight or more but less than 15 points have accumulated; the driver is mailed a Courtesy notice of point standing.</p> <p>Section 10(1) of the Traffic Safety Act, Demerit Point Program and Service of Documents Regulation, Alberta 331/2002 provides that when an accumulation of 15 or more points occurs within a two-year period, the driver's licence is automatically suspended for a period of one (1) month.</p> <p>When the suspension is the second demerit suspension within one year, the driver's licence is suspended for a period of three</p>	<p>Where a person accumulates twelve (12) or more demerit points within 3 years he/she would be disqualified from holding or obtaining a driver's licence or permit. Each three year period is calculated based on the dates the offences were committed.</p> <p>Section 98 BC(3) of the Motor Vehicles Act, 1959 provides that if a person accumulates:</p> <ul style="list-style-type: none"> • 12 to 15 points he/she loses the right to drive for three months • 16 to 20 points he/she loses the right to drive for four months • more than 20 points he/she loses the right to drive for five months. <p>Where a person is disqualified from driving as a result of accumulating demerit points, the disqualification starts 28 days</p>

			<p>(3) months</p> <p>When the suspension is the third or more demerit suspension within two years, the driver licence is suspended for six (6) months.</p> <p>In addition, the driver may be required to appear before the Alberta Transportation Safety Board.</p> <p>There is no remedy or appeal against a demerit point suspension; unless it can be proven the demerit points were assigned in error. The driver may request to review his driving record on these grounds by making a written submission to the Driver Fitness and Monitoring Branch.</p> <p>When a demerit point suspension has been served, the licence is reinstated with seven (7) points. When two years have elapsed from the date of a conviction, the number of points assessed for that conviction is removed from the record.</p> <p>If an approved defensive driving course has been successfully completed prior to accumulating 15 or more points, a maximum of three demerit points may be removed from a driving record</p>	<p>after a formal notice is served, providing there is formal acknowledgement of receipt of the notice within this time frame. However, if a person has already been disqualified, any new demerit point after disqualification would start immediately after the existing disqualification ends.</p> <p>The notice requests that an acknowledgment be made in person and pay a fee within the specified period for 28 days and failure to do such would result in the notice being served personally and a higher fee is payable. Where a notice cannot be served personally, the driver will be prohibited from transacting any business under the Motor Vehicles Act, such as renewing your vehicle registration. Drivers who are disqualified from driving may be eligible to enter into a good behaviour agreement.</p>
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			<p>once every two years.</p> <p>Where the driver have obtained eight (8) or more but less than fifteen (15) demerit points on the licence, the Transport Authority would send a Courtesy notice of point standing to the driver.</p> <p>Where the driver has accumulated fifteen (15) or more demerit points within a two-year period, the driver's licence is automatically suspended for a period of one (1) month.</p> <p>If the driver is suspended for a second time within one a year period, the driver's operator licence is suspended for a further three (3) months. However, if the driver is suspended for a third time within a two year period, the driver's operator licence is suspended for six (6) months and the driver is required to appear before the Alberta Transportation Safety Board.</p>	
Warning/Notice to Drivers	In Jamaica, under the Road Traffic Act warnings or notices are not issued to drivers.	According to Section 1(1) of the Road Traffic Offenders Act 1988 , provides that where a person is convicted of a driving offence, or has obtained 12 or more penalty points (endorsements) within 3 years, the Licence holder would receive a summons in the post advising	<p>As a new driver, upon accruing 2 to 5 points he/she would be sent a warning letter.</p> <p>As a driver with a full licence, upon accruing 2 to 8 points he/she would be sent a warning letter.</p>	<p>Where a person accrues six or more demerit points, he/she would receive a notice warning that he/she is close to being disqualified from driving. The warning notice shows:</p> <ul style="list-style-type: none"> • offence details • the date each offence was committed

		that he/she must go to Court to ascertain the penalty to be prescribed.		<ul style="list-style-type: none"> the number of demerit points for each offence.
Duration and Expungement of Points	Where demerit points have been recorded against a person's licence under Section 59A, of the Road Traffic Act and for a period of three years after the date of the latest recording of such demerit points no further demerit points are recorded against his licence, then upon the expiration of the period of three years, the demerit points recorded against the person's licence shall be expunged from the records.	<p>Section 45 of the Road Traffic Offenders Act, 1988 at provides that Endorsements will expire automatically when they are no longer valid. The endorsement is 'valid' for the first 3 years, for a 4-year endorsement 10 years, for an 11-year endorsement.</p> <p>The amount of time in which an endorsement remains on a licence depends on the type of offence committed.</p> <p>The date in which the endorsement starts also depends on the type of offence.</p> <p>Endorsements must remain on a licence for 11 years from date of conviction if the offence is:</p> <ol style="list-style-type: none"> (i) Drinking/drugs and driving; (ii) Causing death by careless driving whilst under the influence of drink/drugs; or (iii) Causing death by careless driving, then failing to provide a specimen for analysis. <p>Endorsements must remain on a</p>	According to Section 20(2) of the Traffic Safety Act – Demerit Points programme and Service of Document Regulations, demerit points stay on a person's record for two years from the date of the offence.	<p>Demerit points remain on the driver's licence record for three years from the date of the offence – Section 98B(1) Motor Vehicles Act, 1959</p> <p>Discounting/Waiving of the imposition of Demerit Points by the Court:</p> <p>Section 98B(4) of the Motor Vehicles Act, 1959 states that if a Court by which a person is convicted of an offence is satisfied by evidence given on oath forthwith on conviction that the offence is trifling, or that any other proper cause exists it may order that a reduced number of demerit points or no demerit points, are incurred by the person.</p> <p>Where a disqualified person institutes an appeal against a conviction for an offence in respect of which demerit points were incurred or applied for a rehearing of the proceedings that led to conviction, the disqualification is inoperative until the appeal or application for rehearing is determined or withdrawn.</p>

		<p>licence for four years from date of conviction if the offence is:</p> <ul style="list-style-type: none"> (i) Reckless/dangerous driving; (ii) Offences resulting in disqualification; or (iii) Disqualification from holding a full licence until a driving test has been passed. <p>Endorsements must remain on a licence for four years from the date of offence in all other cases.</p>		<p>If the appeal is determined and upheld, since the person is no longer disqualified, any demerit points for other offences must be discounted.</p> <p>It is noteworthy that section 98BH of the Motor Vehicles Act, 1959 states that a Court in determining the penalty to be imposed on a person convicted of an offence must not take into account the fact, in consequence of the conviction, demerit points will be incurred by the person.</p>
Simultaneous multiple offences	At present there is no provision for Simultaneous offences in the Act.	The Road Traffic Offenders Act 1988 at Section 28(4) provides “Where a person is convicted (whether on the same occasion or not) of two or more offences committed on the same occasion and involving obligatory endorsement, the total number of penalty points to be attributed to them is the number or highest number that would be attributed on a conviction of one of them so that if the convictions are on different occasions the number of penalty points to be attributed to the offences on the later occasion or occasions shall be restricted accordingl.”	Sections 5(1) Traffic Safety Act c. T-6, Demerit Points Program and Service of Documents Regulation, provides that “If a person satisfies the Registrar that demerit points have been assessed and recorded on the person’s driving record for multiple convictions arising out of the same circumstances, the Registrar must adjust the demerit points to assess and record demerit points for one conviction of a demerit offence only, being the conviction for the demerit offence carrying the greatest number of demerit points”.	<p>If a person is convicted of, or expiates two or more offences arising from the same incident, demerit points are incurred only in respect of the one offence(s) that attracts the most demerit points – Section 98B(3) of the Motor Vehicles Act, 1959.</p> <p>However, where a person is convicted of, or expiates two or more offences arising from the same incident, and the offences include a red light offence and a speeding offence, demerit points are incurred for both offences – Section 98B(3a) of the Motor Vehicles and Road Traffic Act, 1959.</p> <p>In addition, where a person is convicted of, or expiates an</p>

				<p>offence against the Road Traffic Act 1961, section 79B (being the owner of a vehicle which was captured by a photographic detection device as having been involved in two or more prescribed offences arising from the same incident) and the offences include a red light offence and a speeding offence, the number of demerit points is the sum of the number of demerit points for the red light and the speeding offence – Section 98(3b); section 79B Road Traffic Act, 1951.</p>
<p>Rehabilitative Approach</p>	<p>At present there is no provision for Rehabilitative approaches in the Act.</p>	<p>Section 34 of the Road Safety Act 2006 (if and when in force) inserts new Sections 30A-30D into the 1988 Road Traffic Offenders Act in order to enable Courts to offer persons convicted of careless driving, speeding or failing to comply with traffic signs, the opportunity of reducing the number of penalty points to be taken into account under Section 29 of the 1988 Offender Act by successfully completing a retraining course.</p>	<p>According to the Traffic Safety Act, Demerit Points Program and Service of Documents Regulation, Alberta 331/2002, when a driver is convicted of an impaired driving charge, the licence suspension takes effect at that time.</p> <p>A Notice of Suspension will be sent to the driver by mail to the last recorded address on the licence.</p> <p>Suspensions remain in effect until all the conditions on the Notice of Suspension are met. This includes drivers who have left the province. The Notice of Suspension will include basic conditions that have to be met. For an impaired driving charge</p>	<p><u>Newly Licensed Driver:</u></p> <p>For a learner’s permit or provisional licence, if four (4) or more demerit points are accumulated, a driver will be disqualified from holding or obtaining a permit or licence for six (6) months. Such a driver may be given the option of entering a Safer Driver Agreement for the duration of their provisional licence – Section 81BA, Motor Vehicles Act, 1959</p> <p><u>Fully Licensed Driver:</u></p> <p>The driver agreeing to the ‘good behaviour’ option, must notify the Registrar of Motor Vehicles within 21 days of the date of issue on the notice of</p>

			<p>they are: Complete the Impaired Driving Program. Driver must finish either course: Planning Ahead which is a one-day course dealing with impaired driving. It covers impaired-driving laws, the effect alcohol has on the body and how to separate drinking and driving. Drivers with a Code 10 on their Notice of Suspension must attend this program. Impact is a weekend pre-treatment program. It teaches the driver to think about how alcohol and other drugs are affecting his or her life</p>	<p>disqualification at a post office, or within 28 days at a Service SA customer service centre. Failure to apply within this time frame will result in the disqualification taking effect. Once the good behaviour condition is accepted by the Registrar, the driver will be able to continue driving but, if two or more demerit points are accumulated during the 12 month good behaviour period, the driver will be disqualified for twice the original disqualification period with no right of appeal or further good behaviour option. Demerit points associated with an existing demerit disqualification or good behaviour option are not counted towards a future disqualification.</p>
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“APPENDIX B”

Proposed Schedule – The Demerit Points System

	Column 1	Column 2	Column 3
	Description of Offence	Relevant Section/Regulation	Demerit Points
1.	Defaced or defective Identification plate	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations Regulation 7	3
2.	No ID plate fixed to the front and to the back of the vehicle	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 9	4
3.	No ID lights on the vehicles at night	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 10	2
4.	Vehicle with defective brakes	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 28(f) (v)	3
5.	No Tare and M.G.W painted on vehicles	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 28(h)	2
6.	Vehicle with defective fittings	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 28(i)	3
7.	Vehicle without silencers or fitted with cut outs	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 28 (j)	3
8.	Unauthorised lights to front or rear of vehicle	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 28(k)	3
9.	Vehicle without two head lamps	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 28 (m) (i)	3
10.	Vehicle without park lights	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 28(m)(ii)	3
11.	Vehicle without tail	Motor Vehicles And Road Traffic Act Ch.	3

	lights	48:50 Regulations, Regulation 28(m)(iii)	
12.	Vehicle with unauthorised spot or swivel lights	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 28 (m)(iv)	4
13.	No “left hand drive” notice affixed to appropriate vehicle	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 31(2)	2
14.	Reversing on roads for an unreasonable distance	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 1	3
15.	Reversing at the junction of roads or around the corner of the City of Port of Spain or San Fernando	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38 Rule 1	2
16.	Improper overtaking on the left side of the road	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 5(3)	6
17.	Obstructing overtaking traffic	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 5(4)	3
18.	Improper overtaking on the right, cutting in	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 5(5)	6
19.	Overtaking traffic at a place dangerous to do	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 5(6)	6
20.	Parking within three meters of a fire hydrant	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 5(12)	2
21.	Parking within three meters of the frontage of a fire station	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 5(13)	2
22.	Negligently or wilfully interrupting the free passage or causing an unnecessary	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 6	3

	obstruction		
23.	Vehicle without horn	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 12(1)	3
24.	Permitting excess sparks smoke or visible vapour to come from vehicle	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 13	2
25.	Vehicle carrying excessive projection	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 15	6
26.	Overcrowded vehicle	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 16	3
27.	Carrying persons in a dangerous manner	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 17	3
28.	Failing to draw up vehicle for passage of fire engine	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 19	6
29.	Towing other than a motor vehicle without written permission of the Licensing Authority	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 38, Rule 20	2
30.	Vehicle without reflecting mirror	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 40	3
31.	Vehicle carrying unsecured load	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 42	3
32.	Use of noisy vehicle	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 43	2
33.	Use of vehicle with defective tyres	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 44	3
34.	Use of vehicle with no windshield wiper or defective wiper	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 46	3

35.	Driving vehicle on footpath or pavement	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 57	3
36.	Stopping or parking or driving a motor vehicle on a surveillance bay	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 110A(2)	6
37.	Failing to produce taxi driver's badge and licence on demand	Motor Vehicles And Road Traffic Act Ch. 48:50 Regulations, Regulation 115	4
38.	Using or altering a motor vehicle or trailer for a purpose not authorised by the registration or Licensing Authority	Motor Vehicles And Road Traffic Act Ch. 48:50, section 21(1) (b)	3
39.	Public Service Vehicle carrying excess passengers	Motor Vehicles And Road Traffic Act Ch. 48:50, section 21(1)(c)	4
40.	Goods vehicle carrying excess weight	Motor Vehicles And Road Traffic Act Ch. 48:50, section 21(1)(c)	3
41.	Use of motor vehicle with the windscreen or any other window fitted with glass so tinted, treated or darkened as to obscure the view of the inside of the vehicle from outside	Motor Vehicles And Road Traffic Act Ch. 48:50, section 23(1)(d)	3
42.	Use of motor vehicle under dealer's licence by a person other than a dealer	Motor Vehicles And Road Traffic Act Ch. 48:50, Section 39	3
43.	Riding Motor Cycle without safety helmet	Motor Vehicles And Road Traffic Act Ch. 48:50, Section 43(1)	2

44.	Failure of a driver and any passenger seventeen years and over to wear a seat belt while the vehicle is in motion	Motor Vehicles And Road Traffic Act Ch. 48:50, Section 43C(1)	4
45.	Driving a vehicle with a person in the front seat who is not wearing a seat belt	Motor Vehicles And Road Traffic Act Ch. 48:50, Section 43C (1A)	4
46.	Driving a vehicle with a child in the front seat who is five years and under	Motor Vehicles And Road Traffic Act Ch. 48:50, Section 43D(1)(a)	4
47.	Failing to place a child who is five years and under in a child restraint or booster seat in the vehicle while driving the vehicle	Motor Vehicles And Road Traffic Act Ch. 48:50, Section 43D(1) (b)	4
48.	Exceeding the specified speed limit By 0 – 9 km/hr By 10-20 km/hr By 21-30 km/hr By 31 or more km/hr	Motor Vehicles And Road Traffic Act Ch. 48:50, Section 62(1) Penalty : \$1,000.00 Penalty : \$1,500.00 Penalty : \$2,000.00 Penalty: \$3,000.00	0 2 4 6
49.	Motor racing and speed trials between motor vehicles without permission	Motor Vehicles And Road Traffic Act Ch. 48:50, Section 63	6
50.	Breach of Traffic Order made by the Minister	Motor Vehicles And Road Traffic Act Ch. 48:50 Section 65(1)	4

51.	Failing to comply with directive of a police constable	Motor Vehicles And Road Traffic Act Ch. 48:50 Section 66(a)	6
52.	Failing to comply with a traffic sign (excluding an electric automatic signal) or notice authorised by the Licensing Authority or Commissioner of Police respectively.	Motor Vehicles And Road Traffic Act Ch. 48:50 Section 66(b)	3
53.	Failing to comply with an electric automatic signal (traffic light)	Motor Vehicles And Road Traffic Act Ch. 48:50 Section 66(b)	6
54.	Contravention of Traffic Order made by the Commissioner of Police	Motor Vehicles And Road Traffic Act Ch. 48:50 Section 68 (7)	3
55.	Dangerous Driving	Motor Vehicles And Road Traffic Act Ch. 48:50 Section 71A	14
56.	Motor Cyclist holding onto another moving vehicle	Motor Vehicles And Road Traffic Act Ch. 48:50 Section 77(2)(a)	2
57.	Motor Cyclist riding with no hands on the handle bar	Motor Vehicles And Road Traffic Act Ch. 48:50 Section 77(2)(b)	2
58.	Standing for hire at a place not appointed for the purpose	Motor Vehicles And Road Traffic Act Ch. 48:50 Section 91(3)	3
59.	Unauthorised parking on grounds of a public building	Motor Vehicles And Road Traffic Act Ch. 48:50 Section 107(1)	2
60.	Use of Priority Bus Route by unauthorised	Special Roads (Traffic) Regulations Ch. 48:01,	6

	vehicle	Regulation 2	
61.	Using or causing to be used or permitting a person to use a motor vehicle or licenced trailer on a public road without a valid policy of insurance	Motor Vehicles Insurance (Third Party Risks) Act, Ch. 48:51, section 3	6
62.	Unauthorised driving or parking within Queen's Park Savannah	Queen's Park Act, Ch. 41:04, Regulation 1A	4
63.	Operation of Maxi-taxis outside specified route	Maxi-Taxi Act, Ch. 48:53, section 12(1)	4
64.	Vehicle painted in such a manner as to be mistaken for a maxi taxi	Maxi-Taxi Act, Ch. 48:53, section 12(1)	4
65.	Driving while holding or using a hand held mobile device	Motor Vehicles and Road Traffic (Mobile Devices) Regulations, Ch. 48:50, Regulation 5	6
66.	Using a wireless communication device to view, send or compose an electronic message while driving or having charge of a vehicle	Motor Vehicles and Road Traffic (Mobile Devices) Regulations, Ch. 48:50, Regulation 7	6
67.	Driving while disqualified	Motor Vehicles and Road Traffic Act Ch. 48:50, section 42	14
68.	Driving or being in charge of a vehicle while blood alcohol levels exceed	Motor Vehicles and Road Traffic Act Ch. 48:50, section 70A	9

	prescribed limit		
69.	Failure to provide a specimen of breath or blood	Motor Vehicles and Road Traffic Act Ch. 48:50, section 70B	14
70.	Failure to submit Breath analysis or wilful alternation of concentration of alcohol in his breath or blood	Motor Vehicles and Road Traffic Act Ch. 48:50, section 70C	14
71.	Causing death by dangerous driving	Motor Vehicles and Road Traffic Act Ch. 48:50 Section 71	14
72.	Careless driving	Motor Vehicles and Road Traffic Act Ch. 48:50, section 72	6
73.	Failing to observe provisions concerning pedestrian crossings	Motor Vehicles and Road Traffic Act, Ch. 48:50 Regulations, Regulations 16, 17 and 18	4
74.	Failure to produce the vehicle for inspection or driving a motor vehicle without obtaining a valid inspection sticker and certificate	Motor Vehicles and Road Traffic Act, Ch. 48:50 Regulations, Regulation 27(11)	9