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*Number 18 of 2018*

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**Road Traffic (Amendment) Act 2018**

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CONTENTS

Section

1. Amendment of Road Traffic Act 2016
2. Amendment of Road Traffic Act 2010
3. Amendment of Road Traffic Act 2002
4. Amendment of section 41 of Road Traffic Act 1994
5. Amendment of Road Traffic Act 1961
6. Short title, commencement, collective citation and construction

ACTS REFERRED TO

Road Traffic Act 1961 (No. 24)

Road Traffic Act 1994 (No. 7)

Road Traffic Act 2002 (No. 12)

Road Traffic Act 2010 (No. 25)

Road Traffic Act 2016 (No. 21)

Road Traffic Acts 1961 to 2016



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*Number 18 of 2018*

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## **ROAD TRAFFIC (AMENDMENT) ACT 2018**

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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; for that purpose to amend the Road Traffic Act 2016, Road Traffic Act 2010, Road Traffic Act 2002, Road Traffic Act 1994 and Road Traffic Act 1961 and to provide for related matters. [23rd July, 2018]

**Be it enacted by the Oireachtas as follows:**

### **Amendment of Road Traffic Act 2016**

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

### **Amendment of Road Traffic Act 2010**

2. (1) The Road Traffic Act 2010 is amended—
  - (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—
    - (i) in subsection (1), by the substitution of “and the disqualification specified in subsection (8)(a) for the person” for “and the penalty points specified in subsection (8)(a)(i) or disqualification specified in subsection (8)(a)(ii) for the person”,
    - (ii) in subsection (5) by the substitution of “the date of commencement of the disqualification” for “the appropriate date relating to the endorsement of penalty points on the entry relating to the person or the date of commencement of the disqualification, whichever is applicable,”,
    - (iii) by the deletion of subsection (6),
    - (iv) in subsection (8)—
      - (I) by the substitution of the following paragraph for paragraph (a)(i):

“(i) did not exceed 80 milligrammes of alcohol per 100 millilitres of blood, 107 milligrammes of alcohol per 100 millilitres of urine, or 35 microgrammes of alcohol per 100 millilitres of breath, the person shall be disqualified for holding a driving licence for a period of 3 months beginning on the date referred to in subsection (15), or”,

and

(II) in paragraphs (a)(ii) and (b), by the substitution of “subsection (15)” for “subsection (14)” in each place where it occurs,

(v) in subsection (11), by the substitution of the following paragraph for paragraph (e):

“(e) where a payment of the fixed charge is made within the period specified in paragraph (d), the person shall be disqualified for holding a driving licence for the appropriate period in the circumstances referred to in paragraph (a) or (b) of subsection (8), and”,

(vi) in subsection (14) by the substitution of “cause the period of the disqualification referred to in paragraph (a) or (b) of subsection (8)” for “cause the number of penalty points or period of disqualification referred to in subsection (8), as the case may be”, and

(vii) by the substitution of the following subsection for subsection (15):

“(15) Where an endorsement is made under subsection (14), the Minister shall cause a notice to be issued to the person concerned informing him or her that the date for the commencement of the period of the disqualification is 14 days after the date of that notice.”.

(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)*.

### **Amendment of Road Traffic Act 2002**

3. The Road Traffic Act 2002 is amended—

(a) in section 6, by the substitution of the following paragraph for paragraph (a):

“(a) becomes disqualified pursuant to Part III of the Principal Act or section 29 of the Road Traffic Act 2010 for holding a licence, or”,

and

(b) in section 7, by the substitution of “section 3, Part III of the Principal Act or section 29 of the Road Traffic Act 2010 for holding a licence” for “Part III of the Principal Act or section 3 or 9 for holding a licence”.

**Amendment of section 41 of Road Traffic Act 1994**

4. 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).”.

**Amendment of Road Traffic Act 1961**

5. 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.”.

**Short title, commencement, collective citation and construction**

6. (1) This Act may be cited as the Road Traffic (Amendment) Act 2018.
- (2) This Act comes into operation on such day or days as the Minister for Transport, Tourism and Sport may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.
- (3) This Act and the Road Traffic Acts 1961 to 2016 may be cited together as the Road Traffic Acts 1961 to 2018 and shall be construed together as one.