

REPUBLIC OF KIRIBATI

TRAFFIC ACT 2017

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REPUBLIC OF KIRIBATI
(No. 9 of 2017)



I assent

Beretitenti
11/10/ 2017

**AN ACT
Entitled**

**AN ACT TO MAKE PROVISION FOR THE REGISTRATION OF VEHICLES, LICENCING OF
DRIVERS OF ALL MOTOR VEHICLES, THE CONTROL OF TRAFFIC, PENALTIES FOR
TRAFFIC OFFENCES AND FOR CONNECTED PURPOSES**

Made by the Maneaba ni Maungatabu and assented to by Te Beretitenti

PART 1 - PRELIMINARY

1. Short Title

- (1). This Act will be cited as the *Traffic Act 2017*.

2. Commencement

- (1). The Act must come into operation on such date as the Minister may by notice appoint.

3. Purpose

- (1). The purposes of this Act are to provide:
- (a) for the registration of motor vehicles;
 - (b) for the licencing of drivers of all types of motor vehicles;
 - (c) a system of road rules to control road traffic; and
 - (d) penalties for offences committed under this Act.

4. Interpretation

- (1). In this Act, unless the context otherwise requires:

"*approved location*" is a lot of land determined by the Authority and/or the Commissioner as an appropriate place to store a vehicle for any purpose including but not limited to impoundment, vehicle recovery etc

"approved speed detective device" means a device used to measure the speed of a vehicle as approved by the Commissioner.

"Authority" means:

- (a) the Licensing Authority established by the Minister; and
- (b) if the Minister has appointed a Licensing Authority for a particular area, that Authority.

"bicycle" means a vehicle with two or more wheels that was designed and built to be propelled by human power through a belt, chain and/or gears whether or not it has an auxiliary motor. Includes a tricycle and power assisted bicycle but does not include a wheelchair.

"blood alcohol concentration" refers to the amount of alcohol present in the bloodstream. Blood alcohol concentration is measured in grams of alcohol in every 100 millilitres (ml) of blood.

"breathalyser" means a device used to test the blood alcohol of a person through a breath sample as approved by the Commissioner.

"bus" means any motor vehicle used to carry passenger/s where any form of payment and/or reward for transport is received for the carrying of the passenger/s.

"bus operator" means a person with an appropriate licence who carries on a business of operating a service for the carriage by road of passenger/s in and/or on a vehicle where any form of payment and/or reward is received.

"commercial vehicle" means:

- (a) a motor vehicle other than a bus used to carry passengers or goods for hire and/or payment and/or reward; or
- (b) a vehicle used in trade or agriculture.

"Commissioner" means the Commissioner of Police and any delegate of the Commissioner.

"competent driver" means a person that has satisfactorily demonstrated and has passed a written and practical test as prescribed by Regulation to be issued a driver's licence.

"driver" means a person in control of, or apparently in control of a vehicle.

"driver's licence" means a licence issued by an Authority to drive a motor vehicle issued under Part III of the Act.

"drug" includes any illegal and illicit drug. For the purposes of the *Traffic Act 2017* only, kava is classified as a drug in the case of driving a motor vehicle.

"government vehicle" means any vehicle owned by:

- (a) the Government of Kiribati; or
- (b) a Local Government Council.

"grievous bodily harm" means any harm which amounts to a maiming or dangerous harm, or seriously or permanently injures health or which is likely so to injure health, or which extends to permanent disfigurement; or to any permanent or serious injury to any external or internal organ, membrane or sense.

"High-range drink driving" means a person with a prescribed blood alcohol concentration above 0.15g/100ml in their blood.

"Low-range drink driving" means a person with a prescribed blood alcohol concentration between 0.05g/100ml and 0.1g/100ml in their blood for the driver of a private vehicle; and/or a prescribed blood alcohol concentration between 0.00g/100ml and 0.1g/100ml in their blood for a learner driver, bus driver and the driver of a commercial vehicle.

"Mid-range drink driving" means a person with a prescribed blood alcohol concentration between 0.1g/100ml and 0.15g/100ml in their blood.

"*motor bike*" means a vehicle with two or three wheels that was designed and built to be propelled by any means other than human and/or animal power.

"*motor vehicle*" means a vehicle with four or more wheels that was designed and built to be propelled by any means other than human and/or animal power.

"*owner*" for a vehicle includes the actual registered owner of a vehicle and/or a person who has possession of a vehicle under a hiring agreement or a hire purchase agreement.

"*penalty notice*" means a traffic penalty notice issued under section 55.

"*prescribed blood alcohol concentration*" means a prescribed blood alcohol concentration equal to or above 0.05g/100ml in their blood for the driver of a private vehicle; and/or a prescribed blood alcohol concentration above 0.00g/100ml in their blood for a learner driver, bus driver and the driver of a commercial vehicle.

"*road*" means an area of land that is open to and/or used by the public and is developed for, or has one of its main uses, the driving or riding of any type of vehicle including but not limited to bicycle, bus, motor vehicle, motor bike, horse and includes:

- (a) a bridge or causeway; and
- (b) a laneway.

"*road rules*" means the Road Rules established as a Schedule to this Act.

"*serious traffic offence*" means an offence against:

- (a) section 33(1) (dangerous driving causing death); or
- (b) section 33(2) (dangerous driving causing grievous bodily harm); or
- (c) section 35(1) (careless driving causing death); or
- (d) speeding more than 20km/hour over the speed limit; or
- (e) driving with a prescribed blood alcohol concentration above 0.15.

"*sound equipment*" means equipment designed or adapted for amplifying music and any equipment suitable for use in connection with such equipment.

"*trailer*" means a non-motorised vehicle with two or more wheels that is towed behind a motor vehicle.

"*vehicle*" means anything used to convey people, goods, animals etc that runs on wheels or continuous tracks but does not include a wheel chair.

(2). A reference to this Act includes the Road Rules.

5. Penalty Unit

(1). Except as far as the context otherwise provides, a penalty unit, whether pecuniary, punishable by gaol or otherwise, set out at the foot of any provisions of this Act as described in subsection (2) indicates:

- (a) if the provision expressly creates an offence, that the offence is punishable by conviction by a specific penalty unit value not less than the minimum penalty and not exceeding the maximum penalty so set out whether issued by the Commissioner or heard before a Court; or
- (b) in any other case, that the contravention of the provision is an offence against the provisions, punishable by a conviction not less than the minimum penalty and not exceeding the maximum penalty so set out.

(2). Subsection (1) applies to a penalty as set out:

- (a) at the foot of a section of this Act; or

- (b) at the foot of a subsection of this Act but not at the foot of the section containing the subsection; or
 - (c) at the foot of a paragraph of any Schedule and/or Regulation of this Act; or
 - (d) at the foot of a subparagraph any Schedule and/or Regulation of this Act but not at the foot of the paragraph containing the subparagraph.
- (3). For all sections of this Act and any Schedule and/or Regulation, a prescribed penalty unit is \$50.
- (4). On 1 January in a year, the Government may publish and gazette an increase of the amount of a prescribed penalty unit by:
- (a) 2.5 percentage on the previous year; or
 - (b) the percentage increase in the Government's inflation index on the previous year; whichever is the higher percentage increase.
- (5). The regulation may only prescribe one increase in each year.

6. Application of Act – Government Vehicle

- (1). The Act applies to all government vehicles.
- (2). The Act applies to people employed by the Kiribati Government or by a local government council within approved government guidelines.
- (3). No fee is payable to register a government vehicle.

PART II – REGISTRATION OF MOTOR VEHICLES

7. Licensing Authority

- (1). The Minister may appoint a person as the Licensing Authority.
- (2). The Minister may appoint a single Licensing Authority for all of Kiribati and/or different Licensing Authorities for different areas of Kiribati.
- (3). A Licensing Authority has the following functions:
 - (a) to register all classes of motor vehicles;
 - (b) to issue all classes of driver's licences;
 - (c) to keep a register of motor vehicles registered by the Authority;
 - (d) to keep a register of driver's licences issued by the Authority;
 - (e) undertake investigations into persons applying for all types of driver's licences with other Licensing Authorities and the Commissioner as to their suitability to be issued a licence;
 - (f) share information with other Authorities on vehicle registration and the details of driver's licences;
 - (g) employ qualified mechanics to perform Roadworthy Certificate Inspection;
 - (h) to keep a list of approved repairers/mechanics authorised to undertake repairs on motor vehicles;
 - (i) keep a list of registered mechanics who are approved to perform Roadworthy Certificate Inspection;

- (j) keep a list of registered formal driving schools and professional driving instructors, whether they be within the Licensing Authority or approved external providers; and
- (k) any other function/s determined by the Minister in writing.

8. Motor vehicles must be registered

- (1). A person must not drive a motor vehicle on a road unless the motor vehicle is registered.

Penalty: Five (5) Penalty Units

- (2). A person must not drive a motor vehicle on a road unless the number plates for the motor vehicle are attached both on the front and rear of the motor vehicle as required under section 14.

Penalty: Three (3) Penalty Units

9. Exemptions to registration requirements

- (1). Notwithstanding section 8, a person may drive an unregistered motor vehicle on a road if:
 - (a) the person has a written permit from the Authority to drive the motor vehicle, or has been issued a defect notice; and
 - (b) the person is driving the motor vehicle to take the motor vehicle:
 - (i) to an Authority for inspection and/or to be registered;
 - (ii) to be repaired by an approved motor mechanic and/or repairer; or
 - (iii) to an approved mechanic who is approved to perform Roadworthy Certificate Inspection.

10. Classes of vehicles

- (1). For the purposes of this Act, motor vehicles are classified into the following classes:
 - (a) buses;
 - (b) commercial motor vehicles;
 - (c) government vehicles;
 - (d) private motor vehicles;
 - (e) motor bikes; and
 - (f) trailers.

11. Application to register a vehicle

- (1). A person who wants to register and/or renew the registration of a motor vehicle other than a government vehicle, must apply to the Authority.
- (2). The application must:
 - (a) be in writing on the approved form; and
 - (b) state the class of vehicle; and
 - (c) have with it, proof the person making the application owns the vehicle; and
 - (d) have a Roadworthy Certificate Inspection consistent with the Schedule to this Act undertaken within the previous 14 days by an approved person under section 7 and signed off by the Commissioner; and
 - (e) have with it, the prescribed fee.

12. Registration of a vehicle

- (1). The Authority may only register a vehicle other than a government vehicle if:
 - (a) the application is made on the approved form in writing; and
 - (b) the person has provided a Roadworthy Certificate Inspection consistent with the Schedule to this Act undertaken within the previous 14 days demonstrating that the motor vehicle is mechanically and structurally sound and safe; and
 - (c) the owner pays the prescribed fee.
- (2). Registration is valid for a period of:
 - (a) one (1) year for a private motor vehicle and motor bike; or
 - (b) six (6) months for a bus or commercial vehicle.unless cancelled/suspended by an Authority.
- (3). A person must apply for re-registration of a vehicle not less than seven (7) days prior to the expiration of the current registration. The conditions contained within subsection (1) must apply for re-registration.
- (4). An Authority must not register a motor vehicle for the first time in Kiribati that is older than ten years as per the original compliance plate.

13. Disposal of a vehicle

- (1). Other than where a motor vehicle is being sold, an owner that no longer wishes to register a vehicle must dispose of the vehicle at an Authority approved location only.
Penalty: Ten (10) Penalty Units

14. Registration label and number plates

- (1). When registering a motor vehicle, the Authority must issue a registration label and two (2) number plates showing the registration number of the vehicle.
- (2). The registration label must show:
 - (a) the make and model of the vehicle; and
 - (b) the registration number of the vehicle; and
 - (c) the number of people a vehicle is licenced to carry; and
 - (d) the date the registration expires.
- (3). For a bus, the registration label must show the maximum number of people the bus may carry both sitting and standing inside the bus.
- (4). The owner of the vehicle must ensure the registration label:
 - (a) in the case of a motor vehicle other than a motor bike, is affixed to the lower left (or near side) portion of the front windscreen; or
 - (b) in the case of a motor bike, affixed to the left side of the motor bike so that the front of the label faces outwards from the motor bike;such that the label can be read by a person standing next to that side of the vehicle.
Penalty: Two(2) Penalty Units
- (5). Motor vehicles using a public road shall display an approved numbers plates affixed to the front and rear of the vehicle in such a manner as to be clearly visible at a distance of 20 metres in normal daylight.
Penalty: Two (2) Penalty Units

- (6). The letters on a number plate shall be in capital Latin characters and the figures in Arabic numerals. The letters and numerals shall be not less than 75mm in height and their strokes not less than 12mm in width; and the letters shall be in white or in silver on a black ground with the major axis horizontal.

Provided that the colour of the letters and numerals on a diplomatic plate shall be in red on a green background, and the size shall remain the same as that provided in this section.

Penalty: Two (2) Penalty Units

- (7). When the number plate is displayed on special plates, these plates shall be fixed in a position and in a plane perpendicular to the longitudinal axis of the vehicle; and when the number is fixed to or painted on the vehicle itself this shall be done on vertical or nearly vertical surfaces at the front and rear of the vehicle.
- (8). Every trailer using a public road shall display a number plate of approved pattern affixed to the rear of the vehicle in such a manner as to be clearly visible at a distance of 20 metres in normal daylight.

Penalty: Two (2) Penalty Units

- (9). The number plate displayed at the rear of a motor vehicle or trailer shall be capable of illumination at night time so that it can be read at a distance of 20 metres.

Penalty: Two (2) Penalty Units

- (10). If a number plate is lost, stolen and/or damaged so that it cannot be read, the owner of the vehicle must apply to the Authority for a duplicate number plate within seven (7) days of the number plate being lost, stolen and/or damaged.

Penalty: Two (2) Penalty Units

- (11). The application for number plates under subsection (5) must:

- (a) be in writing on the approved form; and
- (b) have with it, the prescribed fee; and
- (c) if the number plate is damaged, include the damaged number plate; and/or
- (d) if the number plate is lost or stolen, details explaining how the plate was lost or stolen.

- (12). The Authority may issue replacement number plates for lost and stolen plates if the Authority is satisfied that the plates were lost or stolen.

15. Conditions of registration

- (1). The Authority may impose conditions concerning the use of a vehicle including:

- (a) the load it may carry; and/or
- (b) the sound equipment that may be installed in the motor vehicle; and/or
- (c) the number of people a vehicle may carry.

having regard to its design and the safety of the public.

- (2). When registering a bus, the Authority may impose conditions about:

- (a) the number of passengers that may be carried on the bus; and
- (b) the way passengers are seated on the bus; and
- (c) the construction of the seats in the bus; and
- (d) the sound equipment that may be installed in the bus; and
- (e) any other matter that affects the safety of the passengers and members of the public.

- (3). A person must not use a vehicle in contravention of a condition imposed by the Authority.

Penalty: Five (5) Penalty Units

16. Register of vehicles

- (1). The Authority must keep a Register containing the following information about each motor vehicle the Authority has registered the:
 - (a) owner's name and address; and
 - (b) class of vehicle; and
 - (c) type, make, brand, year of manufacture and colour of the vehicle; and
 - (d) engine number and vehicle identification number;
 - (e) registration number allotted to the vehicle; and
 - (f) date of expiry of the motor vehicle's registration.

17. Change of Ownership

- (1). If the owner of a registered motor vehicle wished to sell the vehicle, he or she must, obtain a Roadworthy Certificate Inspection consistent with the Schedule to this Act prior to the sale subject to subsection (4).
- (2). If the owner of a registered motor vehicle sells the vehicle, he or she must, within seven (7) days of the sale, submit to the Authority a Transfer of Ownership form with the details of the new owner and the date of sale subject to subsection (4).

Penalty: Two (2) Penalty Units

- (3). If the person buys a motor vehicle, he or she must, within seven (7) days of the purchase, apply to register the vehicle in the new owner's name consistent with sections 11 and 12 of the Act.

Penalty: Two (2) Penalty Units

- (4). Where the registration of the motor vehicle under the name of the previous owner has not yet expired, the Authority may make a pro rata reduction of the fee payable by the new owner for registration of the vehicle.
- (5). An Authority may register a motor vehicle if it complies with the requirements of sections 11 and 12 of the Act.

18. Use of number plates restricted

- (1). A person must not use the number plates issued for one motor vehicle on a different motor vehicle.

Penalty: Ten(10) Penalty Units

19. Defect notice

- (1). The Authority and/or the Commissioner may at any time, give the registered owner and/or driver of a registered motor vehicle, a defect notice if the Authority and/or the Commissioner are satisfied that the vehicle:
 - (a) is not mechanically and/or structurally sound; or
 - (b) would fail a Roadworthy Certificate Inspection; or
 - (c) is producing excessive exhaust fumes; or
 - (d) may otherwise be a danger if it is used for the purpose for which it is registered.

- (2). If:
- (a) a registered motor vehicle is on a road or a public space; and
 - (b) the Authority and/or the Commissioner has reasonable grounds for suspecting that the vehicle:
 - (i) is not mechanically and/or structurally sound; or
 - (ii) would fail a Roadworthy Certificate Inspection; or
 - (iii) does not comply with any provision of this Act
 - (iv) is producing excessive exhaust fumes; or
 - (v) may otherwise be a danger if it is used for the purpose for which it is registered;
- the Authority and/or the Commissioner may give the owner and/or driver a defect notice.
- (3). A defect notice must:
- (a) be in writing on the approved form; and
 - (b) state why the vehicle falls within the provisions of subsection (2)(b); and
 - (c) require the owner of the vehicle to have the vehicle inspected by an approved motor mechanic and provide the relevant Authority with a copy of the report and a Roadworthy Certificate Inspection demonstrating the vehicle no longer falls within the provisions of subsection (2)(b); and
 - (d) require the owner to produce the vehicle to the Authority and/or Commissioner within the relevant period, this being not less than 14 days stated in the notice; and
 - (e) be signed by the Authority and/or Commissioner.
- (4). Where a defect notice is issued by the Commissioner, the Commissioner must give a copy of the notice to the Authority that registered the vehicle within fourteen (14) days.
- (5). The owner and/or driver must comply with the defect notice.
Penalty: Minimum Five (5) Penalty Units; Maximum Ten (10) Penalty Units
- (6). A person must not drive a motor vehicle for which a defect notice is in force except to take the vehicle to an approved mechanic for inspection and/or repair.
Penalty: Minimum Five (5) Penalty Units; Maximum Ten (10) Penalty Units
- (7). If the owner and/or driver does not comply with the defect notice within the stated timeframes, the Authority may:
- (a) suspend the registration of the vehicle until the owner complies with the notice; and/or
 - (b) advise the owner in writing that the registration is suspended and the vehicle is not registered; and/or
 - (c) fine the owner for the failure to comply with the defect notice.
- Penalty: Minimum Five (5) Penalty Units; Maximum Ten (10) Penalty Units

PART III – LICENCING OF DRIVERS

20. Driver's licence required

- (1). A person must not drive a motor vehicle on a road unless the person holds a driver's licence for that class of vehicle.

Penalty: Minimum Ten (10) Penalty Units; Maximum Twenty (20) Penalty Units or Two (2) years imprisonment or both

- (2). In determining the penalty to be imposed for a contravention of subsection (1), the Court may have regard to all the consequences of the offender's driving.
- (3). A person must not let another person drive a motor vehicle on a road unless the other person holds a driver's licence for that class of vehicle.
Penalty: Minimum Five (5) Penalty Units; Maximum Twenty (20) Penalty Units or Two (2) years imprisonment or both
- (4). Subsection (1) and (3) do not apply if:
 - (a) the person holds a learner's permit for the class of vehicle; and
 - (b) for a vehicle other than a motor bike, a holder of a driver's licence for the class of vehicle is sitting next to the learner driver.

21. Learner drivers and permits

- (1). A person over the age of 18 may apply to the Authority for a learner's permit.
- (2). The application must:
 - (a) be in writing on the approved form;
 - (b) have with it proof to clearly identify the person applying for the learner's permit and proof of the person's age; and
 - (c) have with it, the prescribed fee.
- (3). A learner's permit is subject to the following conditions:
 - (a) the learner is only entitled to drive a motor vehicle of the class stated in the permit; and
 - (b) for a motor vehicle other than a motor bike, the learner must only drive the vehicle if the holder of a driver's licence for the class of the vehicle is sitting beside the learner; and
 - (c) any prescribed conditions; and
 - (d) any other condition imposed by the Authority stated in the permit.
- (4). A learner driver must carry his or her learner's permit when driving a motor vehicle.
Penalty: One (1) Penalty Unit
- (5). A learner driver must not driver a motor vehicle other than a motor bike unless a person who holds a driver's licence for the class of vehicle is sitting beside the learner driver.
Penalty: One (1) Penalty Unit
- (6). If a learner permit is granted subject to a condition/s, the learner driver must comply with the conditions when driving a motor vehicle.
Penalty: One (1) Penalty Unit

22. Application for driver's licence

- (1). A person may apply to the Authority for a driver's licence.
- (2). The application must:
 - (a) be in writing on the approved form;
 - (b) state the class of vehicle the person wishes to be licensed to drive;
 - (c) demonstrate the person is competent to drive class of vehicle by passing a driving test as required in the Schedule to this Act;
 - (d) have with it proof to clearly identify the person applying for the driver's licence and proof of the person's age;

- (e) state whether the person's licence has been previously suspended and/or cancelled with an Authority and if so, give details of the suspension and/or cancellation; and
- (f) have with it, the prescribed fee.

23. Driver's licence

- (1). The Authority may grant a driver's licence if the Authority is satisfied that:
 - (a) the person meets the age requirements outlined in section 24; and
 - (b) the person resides in the area of Kiribati for which the Authority is responsible; and
 - (c) the person is competent to drive a vehicle of the class applied for; and
 - (d) for a commercial licence, the person meets the requirements outlined in section 25; and
 - (e) for a bus licence, the person meets the requirements outlined in section 26; and
 - (f) the person's licence has not been disqualified from holding a driver's licence; and
 - (g) the person does not suffer a disease or disability that would make it unsafe for the person to drive a motor vehicle of the class applied for.
- (2). The driver's licence must:
 - (a) state the name, address and date of birth of the licence holder; and
 - (b) contain a recent photo of the licence holder; and
 - (c) state the class of vehicle the licence holder is entitled to drive; and
 - (d) state the expiry date of the licence; and
 - (e) be in the prescribed form.
- (3). The validity of the driver's licence is as prescribed in the regulation.

24. Age requirement

- (1). The age requirement to hold a driver's licence is:
 - (a) for a motor bike, 18 years; and
 - (b) for a private motor vehicle, 18 years;
 - (c) for a government motor vehicle, 18 years; and
 - (d) for a bus or commercial vehicle except for a government bus, 25 years.

25. Commercial licence

- (1). In addition to the age requirements established by section 24, the Authority must not issue a licence to a person to drive a commercial vehicle unless the person:
 - (a) has demonstrated to the Authority that he or she is competent to drive a commercial vehicle of the kind the person is applying to drive, whether by passing a driving test or otherwise; and
 - (b) has held a licence for a private motor vehicle for at least one year; and
 - (c) has not been convicted of a serious traffic offence as defined in section 4 in the last five years.

26. Bus licence

- (1). In addition to the age requirements established by section 24, the Authority must not issue a licence to a person to driver a bus unless the person:
 - (a) has demonstrated to the Authority that he or she is competent to drive a bus, whether by passing a driving test or otherwise; and
 - (b) has held a licence for a private motor vehicle for at least two years; and
 - (c) has not been convicted of a serious traffic offence as defined in section 4 in the last five years; and
 - (d) has demonstrated to the Authority that he or she has experience in driving in traffic.

27. Licence of different class of vehicle

- (1). The holder of a driver's licence may apply to the Authority for a licence to drive another class of motor vehicle.
- (2). If the Authority is satisfied that the holder of the licence:
 - (a) has demonstrated to the Authority that he or she is competent to drive a vehicle of a different class; and
 - (b) meets the age requirements set out in section 24; and
 - (c) for a commercial licence, meets the requirements of section 25; and
 - (d) for a bus licence, meets the requirements of section 26;the Authority may endorse the licence or issue a new licence.
- (3). An endorsement must state the class of vehicle that the licence holder may drive.
- (4). Should a person be disqualified from specifically holding a commercial and/or bus licence, this will not impact on his or her right to hold a private motor vehicle licence unless a Court deems otherwise depending on any offence committed.

28. Register of Drivers' Licence

- (1). The Authority must keep a Register containing the following information:
 - (a) the names and address of licence holders; and
 - (b) the class of vehicle they hold a licence for; and
 - (c) the date the licence was issued; and
 - (d) the number of the licence.
- (2). Access to the Register is only available to the Authority and/or Commissioner for the administration of the Act.
- (3). A licence holder must advise the Authority of any changes in detail consistent with subsection one within seven (7) days of the change.
Penalty: Two (2) Penalty Units

29. Replacement licence

- (1). A person whose driver's licence is lost, stolen and/or destroyed may apply to the Authority for a replacement licence.
- (2). The application must:
 - (a) be in writing in the approved form; and

- (b) state how the licence came to be lost, stolen and/or destroyed; and
 - (c) state the class of vehicle the person was licenced to drive; and
 - (d) have with it proof to clearly identify the person applying for the replacement driver's licence and proof of the person's age; and
 - (e) have with it the prescribed fee.
- (3). The Authority may issue a replacement licence if the Authority is satisfied that the original licence was lost, stolen and/or destroyed.
- (4). A replacement licence is subject to the same conditions as the original licence.

30. Validity of licences on Tarawa and Kiritimati

- (1). A driver licence issued by an Authority responsible for any part of Tarawa or Kiritimati is valid for use anywhere in Kiribati.
 - (2). A driver licence issued by an Authority responsible for an area of Kiribati other than South Tarawa or Kiritimati (except a single Authority for the whole of Kiribati) is not valid for use anywhere on South Tarawa or Kiritimati.
 - (3). Any person who drives a motor vehicle on South Tarawa or Kiritimati without holding a driver licence for that class of vehicle issued by an Authority responsible for any part of South Tarawa or Kiritimati is deemed, in respect of such driving, not to hold a driver licence.
- Penalty: Two (2) Penalty Units

31. Foreign driver's licences

- (1). A person who:
 - (a) is visiting Kiribati; and
 - (b) holds a driver's licence in another country; and
 - (c) drives a motor vehicle of the class for which he or she is licenced;
 is taken to hold a driver's licence issued under this Act for a period of six week after arriving in Kiribati.
 - (2). A person who stays in Kiribati for six weeks continually or for more than three months in any calendar year is required to obtain a driver's licence from the Authority.
- Penalty: Two (2) Penalty Units

PART IV – ROAD RULES

32. Road Rules

- (1). The Road Rules in the Schedule to this Act apply in Kiribati.
- (2). The purpose of the Road Rules is to encourage safe driving in Kiribati by providing clearly written rules for all road users including pedestrians.
- (3). The Minister, acting in accordance with the advice of the Cabinet, may from time to time, by notice published in the Gazette:
 - (a) amend the Road Rules; or
 - (b) repeal the Schedule containing the Road Rules and substitute a new Schedule.

PART V – OFFENCES

Division One – General Offences

33. Dangerous Driving

- (1). A person must not cause the death of another person by driving a motor vehicle on a road or elsewhere at a speed or in a manner dangerous to another person or persons.

Penalty: Minimum Ten (10) years imprisonment; Maximum Life imprisonment

- (2). A person must not cause grievous bodily harm to another person by driving a motor vehicle on a road or elsewhere at a speed or in a manner dangerous to another person or persons.

Penalty: Minimum Five (5) years imprisonment; Maximum Ten (10) years imprisonment

- (3). A person must not drive a motor vehicle on a road or elsewhere at a speed or in a manner dangerous to another person or persons.

Penalty: Fifty (50) Penalty Units or Five (5) years imprisonment or both

- (4). In determining the penalty to be imposed for a contravention of this section, the Court may have regard to all of the consequences of the offender's driving.

34. Meaning of dangerous driving

- (1). For the purposes of section 33, a person's driving is to be regarded as dangerous if; and, subject to subsection (2), only if:

(a) the way he or she drives falls far below what would be expected of a competent and careful driver; and

(b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.

- (2). A person's driving is also to be regarded as dangerous for the purposes of section 33 if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.

- (3). In subsections (1) and (2) "dangerous" refers to danger either of injury to any person or of serious damage to property, and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful driver in a particular case, regard must be had not only to the circumstances of which he or she could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.

- (4). In determining subsection (2); regard may be had to the state of a vehicle; anything attached to the vehicle; or carried on or in it; and to the manner in which it is attached or carried.

35. Careless driving

- (1). A person must not cause the death of another person by driving a motor vehicle on a road or elsewhere without due care and attention, or without reasonable consideration for other persons using the road or place.

Penalty: Fifty (50) Penalty Units or up to Five (5) years imprisonment or both

- (2). A person must not drive a motor vehicle on a road or elsewhere without due care and attention, or without reasonable consideration for other persons using the road or place.

Penalty: Twenty (20) Penalty Units or up to Two (2) years imprisonment or both

- (3). A person must not drive a motor vehicle on a road at a speed in excess of 20 kilometres an hour over the speed limit.

Penalty: Twenty (20) Penalty Units or up to Two (2) years imprisonment or both

- (4). In determining the penalty to be imposed for a contravention of this section, the Court may have regard to all of the consequences of the offender's driving.

36. Alternative verdicts on charges of dangerous or careless driving

- (1). When a person is charged with contravening section 33(1) and the Court is of the opinion that he or she is not guilty of that offence but that he or she is guilty of one of the other offences under sections 33 or 35, the person may be convicted of that offence although he or she was not charged with it.
- (2). When a person is charged with contravening section 33(2) and the Court is of the opinion that he or she is not guilty of that offence but that he or she is guilty of an offence under section 33(3) or 35(2), the person may be convicted of that offence although he or she was not charged with it.
- (3). When a person is charged with contravening section 33(3) and the Court is of the opinion that he or she is not guilty of that offence but that he or she is guilty of an offence under section 35(2), the person may be convicted of that offence although he or she was not charged with it.
- (4). When a person is charged with contravening section 35(1) and the Court is of the opinion that he or she is not guilty of that offence but that he or she is guilty of an offence under section 35(2), the person may be convicted of that offence although he or she was not charged with it.

37. Breach of Road Rules

- (1). A person must obey the Road Rules.

38. Making a false statement

- (1). A person must not knowingly make a false statement related to the administration of this Act:
 - (a) in an application; or
 - (b) in any other document; or
 - (c) to the Authority and/or the Commissioner.

Penalty: Twenty (20) Penalty Units or Two (2) years imprisonment or both

- (2). A person who knowingly omits information in an application, any other document or to the Authority and/or the Commissioner is taken to have made a false statement.

39. Using a vehicle for different purpose

- (1). A person must not operate a vehicle as a bus unless the vehicle is registered as a bus.

Penalty: Ten (10) Penalty Units

- (2). A person must not operate a vehicle as a commercial vehicle unless the vehicle is registered as a commercial vehicle.

Penalty: Five (5) Penalty Units

40. Offences by bus operators

- (1). A bus operator after making reasonable enquiries; must not employ a person as a bus driver unless the person holds a bus licence.

Penalty: Minimum Ten (10) Penalty Units; Maximum Twenty (20) Penalty Units

- (2). A bus operator after making reasonable enquiries; must not employ a person as a bus driver if the person has been convicted of a serious traffic offence in the last five years.

Penalty: Minimum Ten (10) Penalty Units; Maximum Twenty (20) Penalty Units

- (3). A bus operator must not encourage a bus driver he or she employs to:

- (a) exceed the speed limit;
- (b) carry more passengers than the bus is licenced to carry; or
- (c) otherwise act in contravention of this Act.

Penalty: Minimum Ten (10) Penalty Units; Maximum Twenty (20) Penalty Units

- (4). For the purposes of this section, a bus driver who works under a contract is taken as being employed by the bus operator.

41. Offences by bus drivers

- (1). A bus driver must not carry more passengers than a bus is licenced to carry.

Penalty: Four (4) Penalty Units

- (2). When picking up and setting down passengers, a bus driver must only stop at designated bus stops;

Penalty: Four (4) Penalty Units

Division Two – Driving under the influence of alcohol or drug

42. Driving under the influence of alcohol

- (1). A person must not drive any vehicle including a bicycle while under the influence of alcohol above the prescribed blood alcohol concentration.

43. Driving under the influence of a drug

- (1). A person must not drive any vehicle including a bicycle while under the influence of a drug.

44. Drink driving – breathalyser reading

- (1). A person is taken to be under the influence of alcohol if an analysis of the person's breath by a breathalyser shows a reading in excess of the prescribed blood alcohol concentration of 0.05g/100ml.
- (2). A learner driver, bus driver and the driver of a commercial vehicle is taken to be under the influence of alcohol if an analysis of the person's breath by a breathalyser shows a reading above 0.00g/100ml.
- (3). A person who has been found to be driving while under the influence of alcohol based on the breathalyser reading is immediately suspended from driving for twenty four (24) hours.
- (4). A person may challenge a breathalyser reading by requesting a blood test be conducted. A person requesting a blood test must bear the costs of the blood test.

45. Drink driving – blood test

- (1). A person is taken to be under the influence of alcohol if a test of the person's blood shows more than the prescribed blood alcohol concentration.
- (2). A person who has been found to be driving while under the influence of alcohol based on the blood test is immediately suspended from driving for twenty four (24) hours.

46. Drug driving – saliva test

- (1). A person is taken to be under the influence of a drug, if a saliva test of the person shows that drugs are within the person's system.

47. Failure to provide breath, blood and/or saliva sample

- (1). A person who is requested to provide a breath and/or saliva sample by the Authority and/or Commissioner and refuses to provide a breath sample is deemed to be driving with a blood alcohol concentration above 0.15g/100ml and/or driving while under the influence of a drug.
- (2). The onus of proof is reversed.
- (3). It is a defence to the prosecution of an offence under the section if the defendant satisfies the Court that the defendant was unable, on medical grounds only, at the time the defendant was required to do so, to provide a specimen of breath and/or saliva.
- (4). A person who commits an offence under this section may be arrested by the Commissioner without a warrant.

48. Evidence of offence if no breathalyser, blood test or saliva test available

- (1). In addition to sections 44, 45 and 46, it is evidence that a person is under the influence of alcohol and/or a drug if:
 - (a) the person is unsteady on his or her feet; or
 - (b) the person is unable to walk a straight line; or
 - (c) the person's speech is unclear; or
 - (d) the person otherwise appears affected by alcohol and/or a drug.
- (2). Where the Commissioner is of the view that a person may be affected by alcohol and/or a drug; and the Commissioner is unable to undertake a breathalyser, blood test or saliva test, the Commissioner may use the following test to assess whether a person is under the influence of alcohol and/or a drug:
 - (a) an eye assessment; and
 - (b) a walk and turn assessment; and
 - (c) a one leg stand assessment.
- (3). Subsections (1) and (2) does not limit other evidence that may be used to establish that a person is under the influence of alcohol and/or a drug.

49. Breathalyser procedure

- (1). A breath analysis must be carried out in accordance with the procedures in the Regulations.

50. Blood test procedure

- (1). A blood test for alcohol must be carried out in accordance with the procedures in the Regulations.

51. Saliva test procedure

- (1). A saliva test for drugs must be carried out in accordance with the procedures in the Regulations.

52. Certificate of evidence

- (1). In proceedings for an offence under sections 44, 45 and 46, a certificate by the Commissioner as to any of the following matters is evidence of the contents of the certificate:
 - (a) that the breath analysis indicated that the concentration of alcohol in the blood of the person providing the specimen of breath exceeded 0.05g/100ml for a private driver and/or 0.00g/100ml for a learner, bus or commercial driver;
 - (b) that the blood test showed more than the prescribed blood alcohol concentration in a person's blood;
 - (c) that the saliva test showed a positive analysis to a drug;
 - (d) that the person did not, in the Commissioner's opinion, pass the test under section 48; and
 - (e) that the breath analysis, and/or blood test and/or saliva test were carried out in accordance with the Regulations.

53. Penalties related to drink driving and drug driving

- (1). If a Court convicts a person who drives a vehicle including a bicycle while under the influence of alcohol, it must impose the following penalties:
 - (a) Low-range drink driving
Penalty: Minimum Six (6) Penalty Units, Two (2) months licence disqualification; Maximum Ten (10) Penalty Units; Six (6) months licence disqualification
 - (b) Mid-range drink driving
Penalty: Minimum Ten (10) Penalty Units, Six (6) months licence disqualification; Maximum Twenty (20) Penalty Units; Twelve (12) months licence disqualification
 - (c) High-range drink driving
Penalty: Minimum Twenty (20) Penalty Units, one (1) year imprisonment or both, Twelve (12) months licence disqualification; Maximum Fifty (50) Penalty Units, Two (2) years imprisonment or both; Two (2) years licence disqualification
- (2). If a person is convicted of a second and/or more offence of driving while under the influence of alcohol within a five year period, the Court must impose the following penalties:
 - (a) Low-range drink driving
Penalty: Minimum Ten (10) Penalty Units, Six (6) months licence disqualification; Maximum Twenty (20) Penalty Units; Twelve (12) months licence disqualification
 - (b) Mid-range drink driving
Penalty: Minimum Twenty (20) Penalty Units, One (1) year imprisonment or both, Twelve (12) months licence disqualification; Maximum Fifty (50) Penalty Units, Two (2) years imprisonment or both; Two (2) years licence disqualification
 - (c) High-range drink driving.
Penalty: Minimum Fifty (50) Penalty Units, Two (2) years imprisonment or both; Two (2) years licence disqualification; Maximum One hundred (100) Penalty Units, Five (5) years imprisonment or both; Five (5) years licence disqualification
- (3). If a Court convicts a person who drives a vehicle including a bicycle while under the influence of drug, it must impose the following penalties:
Penalty: Minimum Ten (10) Penalty Units, Six (6) months licence disqualification; Maximum Twenty (20) Penalty Units; Twelve (12) months licence disqualification

- (4). If a person is convicted of a second and/or more offence of driving while under the influence of drug within a five year period, the Court must impose the following penalties:

Penalty: Minimum Twenty (20) Penalty Units, One (1) year imprisonment or both, Twelve (12) months licence disqualification; Maximum Fifty (50) Penalty Units, Two (2) years imprisonment or both; Two (2) years licence disqualification

Division Three – Traffic Penalty Notices

54. Offences for which a penalty notice can be issued

- (1). Subject to subsection (2), a "penalty offence notice" means an offence of failing to comply with a provision of this Act in relation to registration of a motor vehicle, a driver's licence offence and any of the Road Rules.
- (2). An offence is not a penalty notice offence if, as a result of the conduct constituting the offence:
- (a) it is a matter that must be heard by a Court where there offence carries:
 - (i) a suspension of a person's driver's licence; and/or
 - (ii) a term of imprisonment; or
 - (b) a person was injured; or
 - (c) property of any kind was damaged.

55. Issue of notice

- (1). If the Commissioner has reasonable grounds for believing a person has committed a penalty notice offence, the Commissioner may give a penalty notice to the person.
- (2). The penalty notice may be:
- (a) handed to the driver of a motor vehicle;
 - (b) securely placed on the motor vehicle in a conspicuous position;
 - (c) be sent to the registered address of the motor vehicle;
 - (d) served by the Commissioner within six weeks after the alleged penalty notice offence.

56. Content of notice

- (1). The penalty notice must state:
- (a) the number of the notice; and
 - (b) details of the offence; and
 - (c) where the offence was committed; and
 - (d) the date and time the offence was committed; and
 - (e) a description of the vehicle including the registration number, if known; and
 - (f) the name of the driver, if known; and
 - (g) the name of the Commissioner; and
 - (h) the amount of the penalty; and
 - (i) that the penalty must be paid to the Government of Kiribati and/or the Authority at the place named and by the date specified in the notice.
- (2). The penalty notice must be signed by the Commissioner.

57. Time for payment of a penalty notice

- (1). A penalty notice must be paid to the Government of Kiribati and/or the Authority at the place named in the notice within fourteen (14) days of the date of the notice.

58. Disputing liability under notice

- (1). A person who believes he or she is not liable under the penalty notice must provide a statement to the Commissioner and/or the Authority explaining why the person should not be liable.
- (2). Any statement must be submitted to the Commissioner and/or the Authority within 14 days of the date of the notice.
- (3). If the Commissioner and/or the Authority is/are of the view that the person is not liable, the Commissioner and/or the Authority may withdraw the penalty notice in writing.

59. Liability discharged

- (1). A person who pays the penalty stated in the penalty notice within the stated time (fourteen (14) days) is not liable to be prosecuted for the penalty notice offence.

60. Failure to pay penalty notice within stated time

- (1). Where a person has not paid a penalty notice within the stated time (fourteen (14) days), the Commissioner and/or the Authority may take any/ and/or all of the following actions:
 - (a) impound the vehicle that was the subject of the penalty notice for a period until the penalty notice is paid; and/or
 - (b) tow the vehicle that was the subject of the penalty notice to an approved location for a period until the penalty notice is paid;
 - (c) move the vehicle that was the subject of the penalty notice to a an approved locationto immobilise the motor vehicle for a period until the penalty notice is paid; and/or
 - (d) take any other action as deemed appropriate by the Commissioner and/or the Authority to restrict the use of the motor vehicle.
- (2). In addition to subsection (1), where a person has not paid a penalty notice within the stated time, the amount of the penalty notice doubles.
- (3). In addition to subsections (1) and (2), where a person has not paid a penalty notice within the stated time, the registration of a the vehicle that was the subject of the penalty notice may be suspended at the discretion of the Commissioner and/or the Authority.
- (4). In addition to subsections (1), (2) and (3), where a person has not paid a penalty notice within the stated time, the person's driver's licence may be suspended at the discretion of the Commissioner and/or the Authority, until such time as the penalty notice has been paid in full.
- (5). The Regulation may fix an amount for any administration fee necessary for the enforcement for the non-payment of a penalty notice as described in subsections (1), (2), (3) and (4).

61. Prosecution instead of penalty notice

- (1). The Commissioner and/or the Authority is/are not compelled to issue a penalty notice for a penalty notice offence.
- (2). If a penalty notice is not issued for a penalty notice offence, the person may still be prosecuted for the offence.
- (3). If it appears to the Commissioner and/or the Authority that, because of the circumstances of the offence, a person should be prosecuted for the offence rather than be issued with a

penalty notice, the Commissioner and/or the Authority may cancel the penalty notice and the person may then be prosecuted for the offence.

PART VI – MISCELLANEOUS

62. Suspension and cancellation of driver's licence

- (1). Subject to subsection (3), where a Court convicts a person of an offence against this Act, unless otherwise specified within the Act, the Court may:
 - (a) suspend the person's drivers licence for a maximum period of one (1) year; or
 - (b) cancel the person's drivers licence and disqualify the person from holding a driver's licence for a maximum period of five (5) years.
- (2). If the person holds a licence to drive a bus and/or a commercial vehicle, the Court may also order that the person is disqualified for life from holding a licence to drive a bus and/or commercial vehicle.
- (3). An order of suspension, cancellation or disqualification under this section is in addition to any other penalty the Court may impose.

63. Offences during period of suspension or disqualification

- (1). A person must not drive a motor vehicle on a road while the person's driver licence is suspended.
Penalty: Minimum Twenty (20) Penalty Units, One (1) year imprisonment or both, Twelve (12) months additional licence disqualification; Maximum Fifty (50) Penalty Units, Two (2) years imprisonment or both; Five (5) years additional licence disqualification
- (2). A person whose licence to drive a bus and/or a commercial vehicle must not drive a bus and/or a commercial vehicle while the person's licence is suspended or cancelled.
Penalty: Minimum Fifty (50) Penalty Units, Two (2) years imprisonment or both; Two (2) years licence disqualification; Maximum One hundred (100) Penalty Units, Five (5) years imprisonment or both; Lifetime licence disqualification.
- (3). A person must not apply to an Authority for a licence where the person's licence has been suspended and/or cancelled by the specific Authority or any other Authority.
Penalty: Minimum Twenty (20) Penalty Units, One (1) year imprisonment or both, Twelve (12) months additional licence disqualification; Maximum Fifty (50) Penalty Units, Two (2) years imprisonment or both; Five (5) years additional licence disqualification
- (4). A driver licence obtained by a person who is disqualified from holding a driver licence is of no effect.
- (5). In determining the penalty to be imposed for a contravention of this section, the Court may have regard to all of the consequences of the offender's driving.

64. Getting licence back

- (1). A person whose licence has been cancelled/disqualified may apply under section 22 at the end of the period of disqualification for another driver's licence.

65. Commissioner's powers

- (1). The Commissioner may require the driver of a motor vehicle to stop the vehicle if the Commissioner has reasonable grounds to suspect that the driver is about to commit, is committing or has recently committed an offence against this Act.

- (2). Where the Commissioner reasonably suspects that any item on or in a motor vehicle contravenes any provision of this Act, and such item can be removed from the vehicle without causing damage to the vehicle, the Commissioner may seize and remove that item from the vehicle.
- (3). Any item seized from a motor vehicle under subsection (2) must be passed into and remain in the custody of the Commissioner until:
 - (a) any proceedings concerning the contravention of the Act have concluded; or
 - (b) six months have passed from the date of the seizure with no proceedings having been commenced;
 after which the Commissioner must return the item to the owner of the vehicle from which it was seized.
- (4). The driver of a motor vehicle must produce his or her licence to the Commissioner on being asked to do so by the Commissioner.
Penalty: One (1) penalty unit
- (5). A person has not committed an offence under subsection (4) if the person produces his or her driver's licence to the Commissioner within 48 hours of the Commissioner's request.
- (6). The powers in this section are in addition to any other powers of the Commissioner has under a law in Kiribati.

66. Duty to stop in case of accident

- (1). Where, in the course of the use of any motor vehicle, an accident occurs whereby any person is injured or any property is damaged, the driver of the motor vehicle must immediately stop the motor vehicle and render such assistance as he or she can.
Penalty: Minimum Twenty (20) Penalty Units, One (1) year imprisonment or both,; Maximum Fifty (50) Penalty Units, Two (2) years imprisonment or both
- (2). It is a defence to any charge under subsection (1) for the person charged to prove that he or she did not stop at the scene of the accident because he or she had a reasonable fear for their personal safety, but only if he or she reported the accident to the Commissioner by immediately driving to the nearest police station.
- (3). In determining the penalty to be imposed for a contravention of this section, the court may have regard to all of the consequences of the offender's driving.

67. Reporting an accident

- (1). A driver involved in an accident must comply with this section.
Penalty: Five (5) Penalty Units
- (2). A driver must report an accident to the Commissioner within 24 hours of the accident occurring.
- (3). The driver (or the driver's representative) must give the driver's required particulars, and if practicable at the scene of the accident to:
 - (a) any other driver (or the driver's representative) involved in the accident; and
 - (b) any other person involved in the accident who was injured (or the person's representative); and
 - (c) the owner (or the owner's representative) of any property (including but not limited to vehicles) damaged in the accident, unless, in the case of damage to a vehicle, the particulars are given to the driver of the vehicle (or the driver's representative).

- (4). The driver (or the driver's representative) must give the driver's required particulars to the Commissioner where:
 - (a) anyone is killed or injured in the accident; or
 - (b) the driver did not, for any reason, give the driver's particulars to each person mentioned in subsection (3);
 - (c) any property is damaged (including but not limited to vehicles) in the accident.
- (5). In this section, "required particulars" means:
 - (a) the driver's name, address and telephone number; and
 - (b) the name, address and telephone number of the owner of the driver's vehicle; and
 - (c) details of the motor vehicle involved including make and model of the vehicle, registration number, registration expiry date and the Authority where the motor vehicle is registered; and
 - (d) any other information necessary to identify the vehicle.
- (6). A member of the public can report an accident to the Commissioner at any time.

68. Review of the Authority's decision

- (1). A person aggrieved by a decision of the Authority for:
 - (a) refusing to register a vehicle under section 12; or
 - (b) imposing conditions on registration under section 15; or
 - (c) suspending registration under section 19; or
 - (d) refusing to issue a driver's licence under sections 22 and 27;may apply to the Magistrate Court for a review of the Authority's decision.
- (2). The Court may:
 - (a) affirm the decision; or
 - (b) vary the decision and substitute the decision; or
 - (c) overturn the decision and make another decision; or
 - (d) remit the decision to the Authority to make a decision on the basis of the Court's reasons.
- (3). A decision of the Court under this section is, for all purposes except this section, taken to be a decision of the Authority.

69. Jurisdiction of the Magistrates' Court

- (1). Any Magistrates' Court shall have jurisdiction to hear, try and determine any criminal proceeding arising in or from a charge made before such court that any person has committed, or is suspected of committing, within the area over which such court has jurisdiction, any offence under this Act, other than a serious traffic offence.

70. Regulations

- (1). The Minister, acting in accordance with the advice of Cabinet, may make such regulations as the Minister deems necessary in carrying into full effect, the provisions of this Act and, without limitation, must make regulations for any of the following purposes:
 - (a) providing for approved forms under the Act; and
 - (b) prescribing fees payable under the Act; and

- (c) providing for traffic control devices.
- (2). Despite section 24(e) of the *Interpretation and General Clauses Ordinance*, any regulations made under subsection (1) may provide that a contravention or breach thereof must be punishable by a fine not exceeding twenty (20) penalty units or by a term of imprisonment not exceeding two years, or by both such fine and imprisonment.

71. Repeal and Transitional Arrangements

- (1). The *Traffic Act 2002* and relevant provisions of the *Traffic Ordinance 1998* are repealed.
- (2). A prosecution of an offence committed under the *Traffic Act 2002* and relevant provisions of the *Traffic Ordinance 1998* must be brought and continued under that Act.

ROAD RULES

PART I – INTERPRETATION

1. Interpretation

- (1). In these Road Rules (herein “these Rules”), unless the context other requires, the following definitions have the relevant meaning

“*adjacent land*” for a road, means land next to the road (whether or not it adjoins the road) but does not include another road.

“*approaching*” for a driver, means approaching from any direction.

“*approved motor bike helmet*” means a motor bike helmet approved consistent with United Nations Economic Commission for Europe Regulation No 22 (UNECE22.05) and/or Australia New Zealand Standard 1698

“*Attachment*” means the Attachment to these Rules.

“*built up area*”, in relation to a length of road, means an area in which either of the following is present for a distance of at least 500 metres or, if the road is shorter than 500 metres, for the whole road:

- (a) Buildings, not over 100 metres apart, on land next to the road; or
- (b) Street lights not over 100 metres apart.

“*bus stop*” means a specific designated location on a road where a bus must only stop to pick up and set down passengers.

“*bus stop zone*” means 50 metres before and 50 metres after a bus stop.

“*centre of the road*” for a driver on a two way road, means the far right side of the part of the road used by traffic travelling in the same direction as the driver.

“*church zone*” means 200 metres before and 200 metres after the main entrance of a church on a weekend day

“*dividing line*” means a road marking formed by a single line, or two parallel lines, whether broken or continuous designed to indicate the parts of the road to be used by vehicles travelling in opposite directions.

“*dividing strip*” means an area or structure that divides a road lengthways.

“*drive*” includes to be in control of.

“*driver’s vehicle*” for a driver, means the vehicle being driven by the driver.

“*emergency vehicle*” means a motor vehicle driven by a person who is:

- (a) an emergency worker; and
- (b) driving the vehicle in the course of performing duties as an emergency worker.

“*emergency worker*” means:

- (a) an ambulance officer; or
- (b) a fire officer; or
- (c) the Commissioner as relevant to the circumstances.

"enter an intersection" for a driver of a vehicle means enter the intersection with any part of a vehicle.

"footpath" means an area besides a road that is open to the public and designated for, or has as one of its main uses, use by pedestrians

"give way" for a driver or pedestrian means:

- (a) if the driver or pedestrian is stopped, remain stationary until it is safe to proceed; or
- (b) in any other case, slow down and, if necessary, stop to avoid an accident.

"hazard warning lights" means a pair of yellow direction indicator lights display regular flashes of light at the same time and the same rate as each other.

"high beam" for a headlight fitted to a vehicle, means that the headlight is built or adjusted so that, when the is standing on level ground, the top of the main beam of light projected is above the headlight's low beam

"intersection" means the area where two or more roads meet and includes:

- (a) any area of the roads where vehicles travelling on different roads might collide; and
- (b) the area of any slip lane where roads meet.

"land" includes premises or part of a premises.

"loading zone" mean a length of road to which a loading zone sign applies.

"low beam" for a headlight fitted to a vehicle, means that the headlight is built or adjusted so that, when the is standing on level ground, the top of the main beam of light projected is

- (a) not higher than the centre of the headlight when measured eight metres in front of the vehicle; and
- (b) not over one metre higher than the level where the vehicle is standing, when measured 25 metres in front of the vehicle.

"luminous transmittance" for window tinting, means the amount of light that can pass through the window tinting as a percentage of the amount of light that would be transmitted if the window tinting was absent

"night" means the period between sunset on a day and sunrise of the next day

"one way road" means a road that is for the use of vehicles travelling in the same direction only

"overtake" for a driver means the action of:

- (a) approaching from behind another driver travelling in the same marked lane or line of traffic; and
- (b) moving into an adjacent marked lane or line of traffic (whether or not the lane or line of traffic is for drivers travelling in the same direction);
- (c) passing the other driver while travelling in the adjacent marked lane of line of traffic; and
- (d) returning to the original lane of traffic

"parking sign" means a sign showing:

- (a) that vehicles may or may not park in the area to which the sign relates; and/or
- (b) that a kind of vehicle/s may or may not park in the area to which the sign relates.

"pedestrian crossing" means an area of road:

- (a) that has a "pedestrian crossing" sign; and
- (b) that is shown by parallel white stripes on the road.

"*pedestrian crossing zone*" means 50 metres before and 50 metres after a pedestrian crossing.

"*roundabout*" means an intersection of road that is designed for traffic to move in a clockwise direction around a traffic island or other structure in the centre of the intersection.

"*school zone*" means 200 metres before and 200 metres after the main entrance of any school on a Government school day.

"*slip lane*" means an area of road for vehicles turning left that is separates, at some point, from other parts of the road by a traffic island.

"*speedbump*" means a human made ridge set at intervals on a road to control the speed of motor vehicle

"*stop*" for a driver, includes park

"*T intersection*" means an intersection where two roads meet (whether or not at right angles) and one road ends

"*traffic control device*" means a traffic light, road marking, traffic signage, or other device to direct or warn traffic on, entering or leaving a road.

"*traffic island*" means a structure on a road to direct traffic but does not include a road marking or painted island

"*traffic sign*" means a board, plate, screen or another device, whether or not illuminated, displaying words, figures, symbols or anything else to direct or warn traffic on, entering or leaving a road, continuing to drive in the same direction, speed signs, school signs and any other relevant sign relating to road use including a children crossing flag, parking control sign and hand held sign but does not include traffic signals.

"*turning lane*" means a marked lane, or the part of a marked lane, for vehicles travelling in one direction to which:

- (a) a left turn only sign, a left lane must turn left sign or left traffic lane arrows apply; or
- (b) a right turn only sign, a right lane must turn right sign or right traffic lane arrows apply; or
- (c) a U turn permitted sign or U turn traffic lane arrows apply.

"*two way road*" means a road for use by vehicles travelling in opposite directions.

"*U turn*" means a turn made by a driver so that the driver's vehicle faces in approximately the opposite direction from which it was facing immediately before the turn was made, but does not include a turn made at a roundabout.

"*window tinting*" means material fitted to the front, sides, rear or interior of a motor vehicle, through which the driver can see the road, but does not include a coating added after manufacture of the material.

- (2). Unless otherwise stated in these Rules, each reference in these Rules to a driver includes a reference to a rider, whether of a motor bike or bicycle (as applicable) and each reference in these Rules to driving includes a reference to riding.

2. Reference to stopping or parking on a length of road etc

- (1). A driver stops on a length of road, or in an area if the driver stops the driver's vehicle so any part of the vehicle is on the length of road or in the area.
- (2). A driver stops within a particular distance from, before, or after something if the driver stops the driver's vehicle so any part of the driver's vehicle is within that distance.

3. Reference to left and right

- (1). In applying these Rules to a person, a reference to the left is a reference to:
 - (a) for a person, the left hand side of a person; or
 - (b) for a line, sign or anything else, the left hand side of the line, sign or other thing when viewed from the person's perspective.
- (2). In applying these Rules to a person, a reference to the right is a reference to:
 - (a) for a person, the right hand side of a person; or
 - (b) for a line, sign or anything else, the right hand side of the line, sign or other thing when viewed from the person's perspective.
- (3). A driver drives on the left, or right of a line, sign or anything else only if the driver's vehicle is completely on the left, or right of the line, sign or other thing.

PART II – SPEED LIMITS

4. Obeying the speed limit

- (1). The Authority has the power to set speed limits.
- (2). A driver must not drive at a speed over the speed limit applying to the length of road where the driver is driving.
- (3). The speed limit applying to a driver for a length of road to which a speed limit sign applies is the number of kilometres per hour shown by the number on the sign.
- (4). A speed limit sign on a road applies to the length of road beginning at the sign and ending at the nearest of the following:
 - (a) A speed limit sign on the road with a different number on the sign; or
 - (b) An end speed limit sign or speed derestriction sign on the road; or
 - (c) If the road ends at a T intersection or dead end, the end of the road.

5. Maximum speed limits

- (1). If there is no speed limit sign applying to a length of road, the speed limit applying to a driver of a vehicle other than a motor vehicle with a net unladen weight of five (5) tonnes; for a length of road is:
 - (a) For a length of road within any built up area, 40 kilometres per hours;
 - (b) For a length of road namely a feeder road, 20 kilometres per hours; and
 - (c) Within a church and/or school zone, 30 kilometres per hours; and
 - (d) Within a bus stop zone and pedestrian crossing, 30 kilometres per hours; and
 - (e) For any other length of road, 60 kilometres per hour.
- (2). For a motor vehicle with a net unladen weight of five (5) tonnes, the maximum speed on any length of road is 30 kilometres per hours.
- (3). If a driver drives in excess of the speed limits, the following penalties apply:
 - (a) drive in excess of the speed limit but less than 10 kilometres an hour over the speed limit.

Penalty: One (1) penalty unit

- (b) drive in excess of 10 kilometres an hour over the speed limit but less than 20 kilometres an hour over the speed limit.

Penalty: Four (4) penalty unit

- (c) drive in excess of 20 kilometres an hour over the speed.

Penalty: Twenty (20) Penalty Units and the suspension of licence for up to One (1) year, or up to One (1) year imprisonment; or all

- (4). If a person is convicted of a second and/or more offence of excessive speeding over the maximum speed limits, the following penalties apply;

- (a) drive in excess of the speed limit but less than 10 Kilometres an hour over the speed limit

Penalty: Two (2) penalty units

- (b) drive in excess of 10 kilometres an hour over the speed limit but less than 20 kilometres an hour over the speed limit.

Penalty: Eight (8) penalty units

- (c) drive in excess of 20 kilometres an hour over the speed.

Penalty: Forty (40) penalty Units and the suspension of licence for up to One (2) year, or up to One (1) year imprisonment; or all

PART III – TURNS

6. Making a left turn

- (1). A driver making a left turn at an intersection from a road must approach and enter the intersection as near as practical to the far left side of the road.
- (2). If a driver is turning left at an intersection and there is a road marking showing how the turn should be made, the driver must make the turn as shown on the road marking.

Penalty: One (1) penalty unit

- (3). The driver when turning left, must signal the change of direction by using the vehicle's left direction indicator lights with sufficient notice to safely inform other road users and/or 15 seconds whichever is more; before making the turn and must stop the signal as soon as the turn is completed.

Penalty: One (1) penalty unit

7. Making a right turn

- (1). A driver turning right at an intersection from a road must approach and enter the intersection in accordance with this Rule.
- (2). If the road has a dividing lane or median strip, the driver must approach and enter the intersection from the left of, or parallel to, and as near as practicable to, dividing lane or median strip.
- (3). If the road does not have a dividing lane or median strip and is not a one way road, the driver must approach and enter the intersection from the left of, or parallel to, and as near as practicable to, the centre of the road.
- (4). If turning from a one way road, the driver must approach and enter the intersection as near as practicable to, from the far right side of the road.

- (5). If there is a road marking showing how the turn should be made, the driver must make the turn as shown on the road marking.

Penalty: One (1) penalty unit

- (6). If there are no road marking showing how the turn should be made, the driver must make the turn so the driver passes as near as practicable to the right of the centre of the intersection.
- (7). The driver when turning right, must signal the change of direction by using the vehicle's right direction indicator lights with sufficient notice to safely inform other road users and/or 15 seconds before making the turn and must stop the signal as soon as the turn is completed.

Penalty: One (1) penalty unit

8. Making a U turn

- (1). A driver must not begin a U turn unless
- (a) the driver has a clear view of any approaching traffic from all directions; and
 - (b) the driver can safely make the U turn without unreasonably obstructing the free movement of traffic.
- (2). A driver making a U turn must give way to all vehicles and pedestrians.
- (3). A driver must not make a U turn at a break in a dividing line on a road if there is a no U turn sign at the break in the dividing line.

Penalty: One (1) penalty unit

- (4). A driver must not make a U turn at an intersection if there is a no U turn sign at the break in the intersection.

Penalty: One (1) penalty unit

- (5). A driver making a U turn at an intersection must start the U turn:
- (a) if the road where the driver is turning has a dividing lane or median strip, from as near as practicable to, dividing lane or median strip; or
 - (b) in any other case, from the left of the centre of the road.
- (6). The driver when making a U turn, must signal the change of direction by using the vehicle's right direction indicator lights and must stop the signal as soon as the turn is completed.

Penalty: One (1) penalty unit

9. Turning off a road or onto a road

- (1). A driver turning left or right from a road onto adjacent land, or from adjacent land into a road, must turn as if the driver were making a turn at an intersection.
- (2). A driver making a turn from a road onto adjacent land, or from adjacent land into a road must use the vehicle's relevant direction indicator lights and must stop the signal as soon as the turn is completed.

Penalty: One (1) penalty unit

10. Changing direction

- (1). A driver changes direction if the driver changes direction to the left or the driver changes direction to the right.
- (2). A driver changes direction to the left by doing any of the following:
- (a) turning left;

- (b) diverging to the left;
 - (c) entering a line of traffic to the left;
 - (d) moving to the left from a stationary position; and
 - (e) at a T intersection where the continuing road curves to the right, leaving the continuing road to proceed straight ahead onto the terminating road.
- (3). If a driver makes any of the actions described in subrule (2), the driver must signal the change of direction by using the vehicle's left direction indicator lights with sufficient notice to safely inform other road users and/or 15 seconds whichever is more; and in the case of moving from a stationary position, at least five seconds before making the turn and must stop the signal as soon as the turn is completed.

Penalty: One (1) penalty unit

- (4). A driver changes direction to the right by doing any of the following:
- (a) turning right;
 - (b) diverging to the right;
 - (c) entering a line of traffic to the right;
 - (d) moving to the right from a stationary position;
 - (e) making a U turn; and
 - (f) at a T intersection where the continuing road curves to the left, leaving the continuing road to proceed straight ahead onto the terminating road.
- (5). If a driver makes any of the actions described in subrule (4), the driver must signal the change of direction by using the vehicle's right direction indicator lights with sufficient notice to safely inform other road users and/or 15 seconds whichever is more; and in the case of moving from a stationary position, at least five seconds before making the turn and must stop the signal as soon as the turn is completed.

Penalty: One (1) penalty unit

11. Signalling change of direction without directional indicator lights

- (1). Without limiting the requirements under Rules 6 through 11, if a vehicle's directional indicator lights are not in working order or are not clearly visible, or the vehicle is not fitted with directional indicator lights, the driver must give the change of direction signal by giving a hand signal.
- (2). To give a hand signal for changing direction to the right, the driver must extend the right arm and hand horizontally and at right angles from the right side of the vehicle with the hand open and palm facing the direction of travel.

PART IV – STOPPING AND GIVING WAY

12. Giving a stop signal

- (1). A driver must give a stop signal before stopping or when suddenly slowing.
- (2). If the driver is stopping, the driver must give the stop signal for long enough to give sufficient warning to other road users.
- (3). If the driver is slowing suddenly, the driver must give the stop signal while slowing.
- (4). A driver of a vehicle must give a stop signal by means of the vehicle's brake lights.

- (5). However, if the vehicle's brake lights are not in working order or are not clearly visible, or the vehicle is not fitted with brake lights, the driver must give the stop signal by giving a hand signal.
- (6). To give a hand signal for stopping or suddenly slowing, the driver must extend the right arm and hand at right angles from the right side of the vehicle with the arm horizontal and the forearm and hand pointing upwards and the hand open and palm facing the direction of travel.

Penalty: One (1) penalty unit

13. Stopping and giving way at a stop sign at an intersection

- (1). A driver at an intersection with a stop sign must stop and give way in accordance with this Rule.
- (2). The driver must come to a complete stop as near as practicable to, but before entering, the intersection for a period of at least two (2) seconds at a stop sign.

Penalty: One (1) penalty unit

- (3). The driver must give way to a vehicle, in, entering or approaching the intersection, except:
 - (a) an oncoming vehicle turning right at the intersection if a stop sign, stop line, give way sign or give way line applies to the driver of the oncoming vehicle; or
 - (b) a vehicle turning left at the intersection using a slip lane; or
 - (c) a vehicle making a U turn.
- (4). If a driver is turning left or right or making a U turn, the driver must also give way to any pedestrians at or near the intersection on the road, or part of the road the driver is entering.

14. Stopping and giving way at a stop sign at other places

- (1). A driver approaching or at a place (except an intersection) with a stop sign (such as a stop sign exiting a car park onto a road) must stop and give way in accordance with this Rule.
- (2). The driver must stop as near as practicable to, but before the stop sign.
- (3). The driver must give way to any vehicle or pedestrian at or near the stop sign.

15. Giving way at a give way sign at an intersection

- (1). A driver at an intersection with a give way sign must give way in accordance with this Rule.
- (2). The driver must give way to a vehicle, in, entering or approaching the intersection, except:
 - (a) an oncoming vehicle turning right at the intersection if a stop sign, stop line, give way sign or give way line applies to the driver of the oncoming vehicle; or
 - (b) a vehicle turning left at the intersection using a slip lane; or
 - (c) a vehicle making a U turn.
- (3). If a driver is turning left or right or making a U turn, the driver must also give way to any pedestrians at or near the intersection on the road, or part of the road the driver is entering.
- (4). The driver must slow as near as practicable to, but before entering, the intersection for a give way sign ensuring the intersection is clear before entering the intersection.

Penalty: One (1) penalty unit

16. Giving way at a give way sign at other places

- (1). A driver approaching or at a place (except an intersection) with a give way sign must give way to any vehicle or pedestrian at or near the give way sign.

Penalty: One (1) penalty unit

17. Giving way at an intersection (except a T intersection or roundabout)

- (1). A driver at an intersection (except a T intersection or roundabout) without a stop sign or give way sign must give way in accordance with this Rule.
- (2). If the driver is going straight ahead, the driver must give way to any vehicle approaching from the right, unless a stop sign or give way sign applies to the driver of the approaching vehicle.
- (3). If the driver is turning left (except if the driver is using a slip lane), the driver must give way to:
- (a) a vehicle approaching from the right unless a stop sign or give way sign applies to the driver of the approaching vehicle; or
 - (b) any pedestrian at or near the intersection on the road the driver is entering.

Penalty: One (1) penalty unit

- (4). If the driver is turning left using a slip lane, the driver must give way to:
- (a) a vehicle approaching from the right or turning right at the intersection the driver is entering (except a vehicle making a U turn at the intersection); or
 - (b) any pedestrian on the slip lane.

Penalty: One (1) penalty unit

- (5). If the driver is turning right, the driver must give way to:
- (a) a vehicle approaching from the right unless a stop sign or give way sign applies to the driver of the approaching vehicle; or
 - (b) an oncoming vehicle that is going straight ahead or turning left at the intersection, unless:
 - (i) a stop sign or give way sign applies to the driver of the oncoming vehicle; or
 - (ii) an oncoming vehicle is turning left using a slip lane; or
 - (c) any pedestrian at or near the intersection on the road the driver is entering.

Penalty: One (1) penalty unit

18. Giving way at a T intersection

- (1). A driver at a T intersection without a stop sign or give way sign must give way in accordance with this Rule.
- (2). If the driver is turning left (except if the driver is using a slip lane) or right from the terminating road into the continuing road, the driver must give way to:
- (a) any vehicle travelling on the continuing road; or
 - (b) any pedestrian on the continuing road at or near the intersection.

Penalty: One (1) penalty unit

- (3). If the driver is turning left from the terminating road into the continuing road using a slip lane, the driver must give way to:
- (a) any vehicle travelling on the continuing road; or

(b) any pedestrian on the slip lane.

Penalty: One (1) penalty unit

- (4). If the driver is turning left (except if the driver is using a slip lane) from the continuing road into the terminating road, the driver must give way to any pedestrians on the terminating road at or near the intersection.

Penalty: One (1) penalty unit

- (5). If the driver is turning from the continuing road into the terminating road using a slip lane, the driver must give way to:

(a) a vehicle approaching from the right; or

(b) any pedestrian on the slip lane.

- (6). If the driver is turning right from the continuing road into the terminating road, the driver must give way to:

(a) any oncoming vehicle that is travelling through the intersection on the continuing road, or turning left at the intersection; or

(b) any pedestrian on the terminating road at or near the intersection.

19. Giving way when lines of traffic merge into a single line of traffic

- (1). A driver in a line of traffic that is merging with one or more lines of traffic travelling in the same direction as the driver must give way to a vehicle in another lane of traffic if any part of the vehicle is ahead of the driver's vehicle.

Penalty: One (1) penalty unit

20. Giving way when entering or leaving adjacent land

- (1). A driver entering a road from adjacent land without a stop sign or give way sign must give way in accordance with this Rule.

- (2). If the driver is turning left (except if the driver is using a slip lane) or right from the adjacent land into the continuing road, the driver must give way to:

(a) any vehicle travelling on the continuing road or turning into the road, except a vehicle turning right into the road from adjacent land; or

(b) any pedestrian on the continuing road.

Penalty: One (1) penalty unit

- (3). A driver entering adjacent land from a road without a stop or give way sign must give way to:

(a) any pedestrian on the continuing road; and

(b) if the driver is turning right from the road, to any oncoming vehicle on the road that is going straight ahead or turning left; and

(c) if the road the driver is leaving ends at a T intersection opposite the adjacent land and the driver is crossing the continuing road, to any vehicle on the continuing road.

Penalty: One (1) penalty unit

21. Police and emergency vehicles

- (1). A driver must not move into the path of an approaching police or emergency vehicle that is displaying a flashing light or sounding an alarm/siren.

Penalty: Five (5) penalty units

- (2). If a driver is in the path of an approaching police or emergency vehicle that is displaying a flashing light or sounding an alarm/siren, the driver must move out of the path of the vehicle as soon as the driver can safely do so.

Penalty: Five (5) penalty units

- (3). A driver must give way to a police or emergency vehicle that is displaying a flashing light or sounding an alarm/siren.

Penalty: Three (3) penalty units

- (4). For this Rule, a police or emergency vehicle that is flashing its indicator lights and/or is flashing its headlights is displaying a flashing light.

- (5). This Rule applies to a driver in spite of any other Rule.

22. Giving way at a pedestrian crossing

- (1). A driver approaching a pedestrian crossing must drive at a speed at which the driver can, if necessary, stop safely before the crossing.

- (2). A driver must give way to any pedestrian on a pedestrian crossing.

Penalty: Three (3) penalty units

23. Overtaking a vehicle within a church, pedestrian crossing, school or bus stop zone

- (1). A driver must not overtake a vehicle within a church, school and/or bus stop or pedestrian crossing zone.

Penalty: Five (5) penalty units

PART V – TRAFFIC SIGNS AND ROAD MARKINGS

24. Left and right turn signs

- (1). If there is a left turn only sign at an intersection, a driver must turn left at the intersection.

Penalty: One (1) penalty unit

- (2). If there is a left lane must turn left sign at an intersection, a driver who is in the left marked lane when entering the intersection must turn left at the intersection.

Penalty: One (1) penalty unit

- (3). If there is a right turn only sign at an intersection, a driver must turn right at the intersection.

Penalty: One (1) penalty unit

- (4). If there is a right lane must turn right sign at an intersection, a driver who is in the right marked lane when entering the intersection must turn right at the intersection.

Penalty: One (1) penalty unit

- (5). In this Rule, "turn right" does not include a U Turn.

25. No turn signs

- (1). If there is a no turn only sign at an intersection, a driver must not turn left or right at the intersection.

Penalty: One (1) penalty unit

- (2). If there is a no left turn only sign at an intersection, a driver must not turn left at the intersection.

Penalty: One (1) penalty unit

- (3). If there is a no right turn sign at an intersection, a driver must not turn right at the intersection.

Penalty: One (1) penalty unit

26. No overtaking or passing signs

- (1). A driver must not:

- (a) drive past a no overtaking or passing sign if any oncoming vehicle is on the length of road to which the sign applies;
- (b) overtake a vehicle on a length of road to which a no overtaking or passing sign applies.

Penalty: Two (2) penalty units

- (2). A no overtaking or passing sign on a road applies to the length of road beginning at the sign and ending:

- (a) if information on the sign shows a distance, at that distance past the sign; or
- (b) if the sign applies to a bridge, at the end of the bridge; or
- (c) at an "end of overtaking or passing" sign on the road.

27. One way signs

- (1). A driver must not drive on a length of road to which a one way sign applies except in the direction shown on the arrow of the sign.

Penalty: Two (2) penalty units

- (2). A one way sign on a road applies to the length of road beginning at the sign and ending at the nearer of the following:

- (a) two way sign on a road;
- (b) a keep left sign on the road;
- (c) another sign on the road that shows that the road is a two way road; or
- (d) the end of the road.

28. Keep left and keep right signs

- (1). A driver driving past a keep left sign must drive to the left of the sign.

Penalty: One (1) penalty unit

- (2). A driver driving past a keep right sign must drive to the right of the sign.

Penalty: One (1) penalty unit

29. No entry signs

- (1). A driver must not drive past a no entry sign.

Penalty: Two (2) penalty units

30. Hand held stop signs

- (1). A driver approaching a hand held stop sign must stop before reaching the sign.

Penalty: Two (2) penalty units

- (2). The driver must not proceed until the holder of the sign:
 - (a) no longer displays the sign towards the driver; or
 - (b) otherwise shows that the driver may proceed.

31. Offences related to traffic signs

- (1). A person must not interfere, tamper, alter, disfigure or obscure a traffic sign.

Penalty: Four (4) penalty units

- (2). A person must not erect or cause to erect a traffic sign other than under the direction of the Authority and/or Commissioner.

Penalty: Four (4) penalty units

PART VI – KEEPING LEFT, OVERTAKING AND OTHER TRAFFIC RULES

32. Unreasonably obstructing drivers and pedestrians

- (1). A driver must not unreasonably obstruct the path of another driver or pedestrian.

Penalty: Two (2) penalty units

- (2). For this rule, a driver does not unreasonably obstruct the path of another driver or pedestrian only because:
 - (a) the driver is stopped in traffic; or
 - (b) the driver is driving more slowly than other vehicles (unless the driver is driving abnormally slow in the circumstances).

33. Keeping a safe distance behind vehicles

- (1). A driver must drive a sufficient distance behind a vehicle travelling in front of the driver so the driver can, if necessary, stop safely to avoid an accident with the vehicle.

Penalty: Two (2) penalty units

34. Entering a blocked intersection

- (1). A driver must not enter an intersection if the driver cannot drive through the intersection because the intersection, or a road beyond the intersection is blocked, causing the driver to have to stop in the intersection.

Penalty: Two (2) penalty units

35. Keeping to the left

- (1). A driver on a road must drive as near as practicable to the far left side of the road.

Penalty: Two (2) penalty units

- (2). Subrule (1) does not apply to a motor bike rider.
- (3). A driver must drive to the left of any oncoming vehicles unless:
 - (a) the driver is turning right at an intersection; and
 - (b) the driver is passing an oncoming vehicle turning right at the intersection; and

- (c) there is no traffic sign or road marking indicating that the driver must pass to the left of the oncoming vehicle.

Penalty: Two (2) penalty units

- (4). The driver on a road with a median strip must drive to the left of the median strip.
- (5). A driver on a road with a dividing line must drive to the left of the dividing line.
- (6). A driver on a two way road without a dividing line or median strip must drive to the left of the centre of the road, except as permitted by Rule 35.

36. Exceptions to keep to the left

- (1). On a two way road without a dividing line or median strip, a driver may drive to the right of the centre of the road:
 - (a) to overtake another driver; or
 - (b) to enter or leave the road.
- (2). The driver may also drive to the right of the centre of the road if:
 - (a) because of the width or condition of the road, it is not practicable to drive to the left of the centre of the road; and
 - (b) the driver can do so safely.
- (3). A driver on a two way road without a dividing line or median strip may drive to the right of the centre of the road to avoid an obstruction if:
 - (a) the driver has a clear view of any approaching traffic; and
 - (b) it is necessary and reasonable, in all the circumstances for the driver to drive to the right of the centre of the road to avoid the obstruction; and
 - (c) the driver can do so safely.
- (4). A driver on a road with a dividing line may drive to the right of the centre of the road to avoid an obstruction if:
 - (a) the driver has a clear view of any approaching traffic; and
 - (b) it is necessary and reasonable, in all the circumstances for the driver to drive to the right of the centre of the road to avoid the obstruction; and
 - (c) the driver can do so safely.
- (5). For subrule (4), if the dividing line is a single continuous dividing line, the hazard in driving to the right of the dividing line must be taken into account in deciding whether it is reasonable to drive to the right of the dividing line.
- (6). A driver may drive on or over a single continuous dividing line, to avoid an obstruction if:
 - (a) the driver has a clear view of any approaching traffic; and
 - (b) it is necessary and reasonable, in all the circumstances for the driver to drive to the right of the centre of the road to avoid the obstruction; and
 - (c) the driver can do so safely.

37. Overtaking

- (1). A driver must not overtake a vehicle unless:
 - (a) the driver has a clear view of any approaching traffic; and
 - (b) the driver can do so safely.

- (2). The driver (except a bicycle rider) must not overtake a vehicle on the left of the vehicle unless the vehicle is turning right, or making a U turn from the centre of the road and is giving a right change of direction indicator signal.

Penalty: Two (2) penalty units

- (3). A driver on a road with a dividing line may drive to the right of the dividing line to overtake another driver only if the dividing line is:

- (a) A broken line; or
- (b) A broken dividing line to the left of a single continuous dividing line.

Penalty: Two (2) penalty units

- (4). A rider of a bicycle must not ride past, or overtake, to the left of a vehicle that is turning left and is giving a left change of direction indicator signal.

Penalty: Two (2) penalty units

- (5). A driver must not overtake to the right of a vehicle if the vehicle is turning right or making a U turn from the centre of the road, and is giving a right change of direction indicator signal.

Penalty: Two (2) penalty units

- (6). A driver must not overtake a vehicle to the left or right of the vehicle at a speed bump.

Penalty: Two (2) penalty units

- (7). A driver overtaking a vehicle:

- (a) must use the right change of direction indicator signal in advance of overtaking a vehicle; and
- (b) must pass the vehicle at a sufficient distance to avoid an accident with the vehicle or obstructing the path of the vehicle; and
- (c) must not return to the marked lane or line of traffic where the vehicle is travelling until the driver is a sufficient distance past the vehicle to avoid an accident with the vehicle or obstructing the path of the vehicle; and
- (d) must use the left change of direction indicator signal before returning to the line of traffic where the other driver is driving.

Penalty: Two (2) penalty units

- (8). If a driver is overtaking another driver on a two way road, the first driver must not increase speed until the overtaking driver:

- (a) has passed the driver; and
- (b) has returned to the line of traffic; and
- (c) there is a sufficient distance in front of the overtaken driver to avoid an accident.

38. Riding a motor bike or bicycle alongside more than one other rider

- (1). The rider of a motor bike or bicycle must not ride on a road alongside another rider of a motor bike or bicycle unless the rider is overtaking the other rider.

Penalty: Two (2) penalty units

PART VII – ROUNDABOUTS

39. Giving way at a roundabout

- (1). If:
- (a) a driver is approaching a roundabout; and
 - (b) another vehicle is already in the roundabout and is approaching from the driver's right;
- the driver must give way to that vehicle already in the roundabout.
- Penalty: One (1) penalty unit

40. Driving, changing direction and leaving a roundabout

- (1). Rules 6 through 11 apply when driving in a roundabout.
- (2). When leaving a roundabout, a driver must signal the change of direction by using the vehicle's left direction indicator lights immediately after passing the previous exit from the roundabout and must stop the signal as soon as the turn is completed.
- Penalty: One (1) penalty unit

PART VIII – PARKING

41. Parking sign applying to road or area

- (1). A parking sign applies to a length of road or for an area as follows:
- (a) if the sign is next to an area; or
 - (b) if the sign has an arrow, it applies to the area or length of road from the sign in the direction of the arrow until another parking sign.

42. Driver must lock car etc

- (1). A driver who is leaving a parked vehicle must:
- (a) switch off the engine; and
 - (b) put on the hand brake effectively; and
 - (c) remove the ignition key and lock the doors if they can be locked.
- (2). A driver must not leave a person under the age of 15 unattended in a vehicle alone while it is parked.
- Penalty: Four (4) penalty units

43. No stopping signs and no parking signs

- (1). A driver must not stop on a length of road or in an area to which a no stopping sign applies.
- Penalty: One (1) penalty unit
- (2). A driver must not stop on a length of road or in an area which interferes with the flow of traffic.
- Penalty: One (1) penalty unit
- (3). The driver of a vehicle must not stop on a length of road or in an area to which a no parking sign applies; unless the driver:

- (a) is dropping off, or picking up, passengers or goods; and
- (b) does not leave the vehicle unattended; and
- (c) completed the dropping off, or picking up of the passengers or goods and drives on, as soon as possible and, in any case, within the specific time after stopping.

Penalty: One (1) penalty unit

- (4). For this rule, a driver leaves a vehicle unattended if the driver is over three metres from the closest point of the vehicle.
- (5). In this rule, specified time means:
 - (a) two minutes; or
 - (b) as specified on the sign showing another time.

44. Stopping in or near an intersection

- (1). A driver must not stop in an intersection.

Penalty: Two (2) penalty units

- (2). A driver must not stop on a road within 10 metres from the nearest point of an intersecting road, unless the driver stops:
 - (a) at a place on the length of the road, or in an area, to which a parking sign applies and the driver is permitted to stop at that place under these Rules; or
 - (b) if the intersection is a T intersection, along the continuous side of the continuing road at the intersection.

Penalty: Two (2) penalty units

- (3). For this rule, distances are measured from the front of the vehicle in the direction which the driver is driving.

45. Stopping on or near a pedestrian crossing (except at an intersection)

- (1). A driver must not stop on a pedestrian crossing that is not at an intersection, or on the road within 20 metres before the crossing and ten metres after the crossing, unless the driver stops at a place on the length of the road, or in an area, to which a parking sign applies and the driver is permitted to stop at that place under these Rules.

Penalty: Four (4) penalty units

- (2). For this rule, distances are measured from the front of the vehicle in the direction which the driver is driving.

46. Stopping in a loading zone

- (1). A driver must not stop in a loading zone unless the driver is driving:
 - (a) a bus that is dropping off, or picking up passengers and the loading zone is a designated bus stop; or
 - (b) a commercial vehicle dropping off, or picking up goods.

Penalty: Two (2) penalty units

- (2). A driver who is permitted to stop in a loading zone must not stay continuously in the loading zone for longer than:
 - (a) 20 minutes; or

- (b) if information on or with the loading zone sign applying to the loading zone show another time, the shown time.

Penalty: Two (2) penalty units

47. Stopping at a bus stop

- (1). A bus driver must only stop at a designated bus stop to drop off or pick up passengers.

Penalty: Four (4) penalty units

- (2). A driver other than a bus driver, must not stop at a bus stop that is not at an intersection, or on the road within 20 metres before the bus stop and ten metres after the bus stop, unless the driver stops at a place on the length of the road, or in an area, to which a parking sign applies and the driver is permitted to stop at that place under these Rules.

Penalty: Four (4) penalty units

- (3). For this rule, distances are measured from the front of the vehicle in the direction which the driver is driving.

48. Stopping on a speed bump

- (4). A driver must not stop on a speed bump on a road.

Penalty: One (1) penalty unit

49. Stopping near an obstruction

- (5). A driver must not stop on a road near an obstruction on the road in a position that obstructs traffic on the road.

Penalty: One (1) penalty unit

50. Stopping on a bridge or causeway

- (1). A driver must not stop on a bridge or causeway unless the road is at least as wide on the bridge or causeway as it is on each of the approaches.

Penalty: One (1) penalty unit

51. Stopping on or obstructing access to a footpath, driveway etc

- (1). A driver (other than the rider of a bicycle) must not stop on a footpath.

Penalty: One (1) penalty unit

- (2). A driver must not stop on a road in a position that obstructs access by vehicles or pedestrians to and from a footpath ramp or a similar way of access to a footpath unless the driver is driving a bus that is dropping off or picking up passengers at a designated bus stop.

Penalty: One (1) penalty unit

- (3). A driver must not stop on or across a driveway or other way of access for vehicles travelling to and from adjacent land unless the driver is dropping off or picking up passengers.

Penalty: One (1) penalty unit

52. Parallel parking on a road (except in a median strip parking area)

- (1). A driver who parks on a road must park the vehicle:

- (a) facing the direction of travel of vehicles in the part of the road on or next to where the driver parks; and

- (b) at least one metre from the closest point of any vehicle in front of it and any vehicle behind it; and
- (c) so the vehicle does not unreasonably obstruct the path of other vehicles and pedestrians.

Penalty: One (1) penalty unit

- (2). If the road is a two way road, the driver must park the vehicle parallel, and as near as practicable, to the far left side of the road.

Penalty: One (1) penalty unit

- (3). If the road is a one way road, the driver must park the vehicle parallel, and as near as practicable, to the far left or far right side of the road.

Penalty: One (1) penalty unit

- (4). If the road has a continuous dividing line or dividing strip, the driver must park the vehicle at least three metres from the dividing line or dividing strip.

Penalty: One (1) penalty unit

- (5). If the road does not have a continuous dividing line or dividing strip, the driver must park the vehicle so there is at least three metres of the road alongside the vehicle that is clear for other vehicles to pass.

Penalty: One (1) penalty unit

- (6). In spite of this rule, the rider of a motor bike must park the bike so at least one wheel of the motor bike is as near as practicable to the far left or far right side of the road.

Penalty: One (1) penalty unit

53. Angle parking

- (1). If a driver parks in a parking area on the side of the road of a road to which a parking sign applies, and information on or with the sign includes the words "angle parking", the driver must park the vehicle:

- (a) so the vehicle is at an angle as near as practicable to 45°; and
- (b) with the rear of the vehicle nearest to the side of the road.

Penalty: One (1) penalty unit

- (2). This rule does not apply to the rider of a motor bike.

54. Disabled vehicle

- (1). A vehicle that becomes disabled must be moved to the side of the road so that it does not obstruct traffic.
- (2). The vehicle must be removed expeditiously once moved to the side of the road.

55. Immobilisation and towing of illegally parked, defective and abandoned vehicles

- (1). Any illegally parked vehicle observed by the Commissioner and/or the Authority at any time and on any road may be immobilised in such a manner as to prevent its operation; and thereafter may be removed to a location as provided in this rule.
- (2). Any vehicle that has been issued a defect notice under s 19 of the Act and/or any vehicle that the Commissioner and/or the Authority may reasonably consider has been abandoned, may, at any time and on any road, be immobilised by the Commissioner and/or the Authority in such a manner as to prevent its operation; and thereafter may be removed to a location as provided in this section.

- (3). A vehicle shall not be immobilised other than by the use of a device or other mechanism that does not cause damage to the motor vehicle, unless the motor vehicle is moved while the device or other mechanism is in place.
- (4). Notice of immobilisation pursuant to this rule shall be placed in a conspicuous location on the vehicle: Such notice shall contain
- (a) the registration number, make and colour of the vehicle;
 - (b) the time, place and manner in which the motor vehicle may be redeemed; and
 - (c) a warning that any attempt to move the vehicle may result in damage to the vehicle;
 - (d) if defective, the reason for the motor vehicle being considered as defective; and
 - (e) a notice that the movement of the motor vehicle is an offence.

Penalty: Two (2) penalty units

- (5). A person must not remove the notice from an immobilised vehicle once it has been immobilised unless the owner of an immobilised vehicle or any other person authorised by the owner has paid the penalty and any other charges consistent with this rule.

Penalty: Two (2) penalty units

- (6). The owner of an immobilised vehicle or any other person authorised by the owner, which has not yet been removed to a tow pound or other place as considered appropriate by the Commissioner and/or the Authority pursuant to this rule, may pay the relevant penalty consistent with Rules 42 to 52. On payment of the penalty consistent with this subrule, the owner of an immobilised vehicle shall have the right to immediately redeem his or her vehicle without delay.
- (7). When the vehicle has been deemed to be defective, the owner of an immobilised vehicle or any other person authorised by the owner can redeem the vehicle but is restricted in where the vehicle can be moved to consistent with s 19 of the Act.
- (8). In an alternative to subrule (6), the owner of an immobilised vehicle or any other person authorised by the owner may enter into a binding agreement agreeing to pay the penalty notice within 14 days from the date of the penalty notice. The owner of an immobilised vehicle or any other person authorised by the owner shall provide a copy of their current valid driver's licence and registration.
- (9). Where a motor vehicle has been immobilised and towed / moved to a tow pound or other places considered appropriate by the Commissioner and/or the Authority, the owner shall be subject to both the immobilisation requirements of this rule and any other requirement of these Rules.
- (10). Where a motor vehicle has been immobilised and towed/moved to a tow pound or other place as considered appropriate by the Commissioner and/or the Authority pursuant to this rule, the owner will be liable for the following penalties and fees:
- (a) the relevant penalty consistent with Rules 42 to 52 if applicable; and
 - (b) a towing fee of \$100 for a motor vehicle that has a gross vehicle weight of less than twenty (20) tonnes and that it can be towed by a single tow truck weighing less than eight (8) tonnes; or
 - (c) the towing fee of \$200 for a motor vehicle that has a gross vehicle weight of more than twenty (20) tonnes; and/or requires either more than one tow truck or a single tow truck weighing in excess of eight (8) tonnes.
- (11). In addition to the removal fee set out in subrule (10), the owner of a motor vehicle will be liable for a storage fee of \$20 for each part day the motor vehicle remains in the possession of the Commissioner and/or the Authority, up to and including the day of release. The fees shall be paid in full before the motor vehicle is released.

- (12). Any vehicle which is not removed from the possession of the Commissioner and/or the Authority within ten (10) days following a request by the Commissioner and/or the Authority to remove the motor vehicle shall be deemed to be an abandoned vehicle and shall be disposed of as the Commissioner and/or the Authority think fit. Such request shall be communicated with the owner of the motor vehicle in writing, by phone, email and/or by a personal visit to the registered address of the motor vehicle.
- (13). A Court may, in accordance with the law, prescribe additional penalties for non-payment of the motor vehicle penalty and fees set out in this rule and enter and enforce default judgement for such penalties and additional fees.

56. Defences to parking offences

- (1). It is a defence to the prosecution of a driver for an offence against a provision of this Part if:
- (a) the driver stops at a particular place, or in a particular way to avoid an accident, and the driver stops no longer than is necessary to avoid the accident; or
 - (b) the driver stops at a particular place, or in a particular way because the driver's vehicle is disabled, and the driver stops no longer than is necessary for the vehicle to be moved safely to a place where the driver is permitted to park the vehicle; or
 - (c) the driver stops at a particular place, or in a particular way to deal with a medical or other emergency, and the driver stops no longer than is necessary in the circumstances; or
 - (d) the driver stops at a particular place, or in a particular way because the condition of the driver, a passenger, or the driver's vehicle makes it necessary for the driver to stop in the interests of safety and the driver stops no longer than is necessary in the circumstances; or
 - (e) the driver stops at a particular place, or in a particular way to comply with any provision of these rules or a provision of another law, and the driver stops no longer than is necessary to comply with the relevant provisions.

PART IX – VEHICLE LIGHTS

57. Using lights when driving at night

- (1). A driver must not drive at night unless:
- (a) the headlights, tail lights and number plate light fitted to the driver's vehicle are operating effectively and are clearly visible; and
 - (b) if the vehicle is fitted with clearance lights or side marker lights, those lights are operating effectively and are clearly visible.

Penalty: Two (2) penalty units

- (2). However, this rule does not apply to a driver if the driver's vehicle is stopped or parked where the driver is permitted to stop or park by these rules.
- (3). A driver must not tow a vehicle at night unless
- (a) if the towed vehicle is being towed from the front:
 - (i) the tail lights of the vehicle are operating effectively and are clearly visible; or
 - (ii) the rear of the vehicle clearly shows a red light; or
 - (b) if the towed vehicle is being towed from the rear, the front of the vehicle clearly shows a red light.

Penalty: Two (2) penalty units

58. Using headlights on high beam

- (1). The driver of a vehicle must not use the vehicle's headlights on high beam if the driver is driving:
- (a) less than 200 metres behind a vehicle travelling in the same direction as the driver; or
 - (b) less than 200 metres from an oncoming vehicle.

Penalty: Two (2) penalty units

- (2). However, if the driver is overtaking a vehicle and does not have indicators, the driver may briefly switch the headlights from low beam to high beam immediately before the driver begins to overtake the vehicle.
- (3). A driver must not use a vehicle's high beam for any other purpose except to advise other drivers of a potential hazard on the road.

Penalty: Four (4) penalty units

59. Using lights on vehicles that are stopped

- (1). The driver must not stop on a road at night unless:
- (a) if the driver's vehicle is wider than 2.2 metres, the side marker lights fitted to the vehicle are operating effectively and are clearly visible; or
 - (b) on any other case, the parking lights fitted to the driver's vehicle are operating effectively and are clearly visible.

Penalty: Two (2) penalty units

- (2). This rule does not apply to a driver if the driver stops near a street light and the driver's vehicle is visible for at least 200 metres in all directions from the vehicle.

60. Using hazard warning lights

- (1). The driver of a vehicle fitted with hazard warning lights must not use the hazard warning lights unless:
- (a) the vehicle is stopped and is obstructing or is likely to obstruct, the path of other vehicles and pedestrians; or
 - (b) the vehicle is a slow moving vehicle and is obstructing, or is likely to obstruct the path of other vehicles and pedestrians; or
 - (c) the vehicle is picking up and/or dropping children; or
 - (d) the driver stops the vehicle to sell a product (for example, ice cream) that may attract children to the road; or
 - (e) the vehicle is a police or emergency vehicle.

Penalty: Two (2) penalty units

61. Using horns and similar warning devices

- (1). A person must not use a horn fitted to or in the driver's vehicle unless:
- (a) it is necessary to use the horn to warn other road users or animals of the approach or position of the vehicle; or
 - (b) the horn is being used as part of an anti-theft device fitted to the vehicle.

Penalty: Two (2) penalty units

PART X – RESTRICTION OF USE OF ROADS

62. Dimensions and weights of a vehicle

- (1). For the purpose of this rule, the weight of an individual over 16 years will be considered as 60kg when carried in a vehicle.
- (2). A driver must not driver a vehicle on a road that exceeds the following maximum overall length of the vehicle laden or unladen including when towing a trailer (including ropes, draw bars etc):

- (a) commercial vehicles with two axles, ten (10) metres; and
- (b) a passenger vehicle with two axles and other motor vehicles with three of more axles,eleven (11) metres; and
- (c) articulated vehicles, 14 metres; and
- (d) a combination of vehicles and one trailer or towed vehicle, 18 metres.

Penalty: Four (4) penalty units

- (3). The overall width of a vehicle, laden or unladen must not exceed 2.5 metres.

Penalty: Four (4) penalty units

- (4). The overall height of a vehicle, laden or unladen must not exceed 3.5 metres.

Penalty: Four (4) penalty units

- (5). A driver must not driver a vehicle on a road that exceeds the following maximum weight of the vehicle laden or unladen:

- (a) in total, 30,000kgs; and
- (b) on the most heavily loaded axle group, this being a group within two axles not less than one metre apart but not more than two metres apart, 15,000kg; and
- (c) on the heavily loaded axle, 7,500kg; and
- (d) on the most heavily loaded wheel, 3,000kg.

Penalty: Four (4) penalty units

- (6). Save for a motor cycle, a driver must not allow for more than three quarters of the laden weight of the motor vehicle to be transmitted to the road by any two wheels.

Penalty: Four (4) penalty units

- (7). A driver must not carry a load that extends past the sides of a motor vehicle.

Penalty: Two (2) penalty units

- (8). A driver must not carry a load that extends more than 1200mm from the rear of a motor vehicle or trailer. A driver does not need to comply with this subrule if the driver attaches a red or fluorescent orange flag or cloth not less in size than 300mm by 300mm to the end of the load that is clearly visible to warn other road users.

Penalty: Four (4) penalty units

- (9). A driver must not drive a motor vehicle on a road if any part of the load it is carrying is touching the road surface.

Penalty: Two (2) penalty units

- (10). If a driver is towing a trailer or another vehicle, the thing being used to tow the trailer or other vehicle shall not exceed four metres in length, and must be visible to other road users by attaching a red or fluorescent orange flag or cloth not less in size than 300mm by 300mm to the middle of the tow line.

Penalty: Four (4) penalty unit

- (11). The Authority and/or Commissioner may at their discretion, set aside the whole or parts of this rule for a particular journey or series of journeys to be undertaken by a driver. The Authority and/or Commissioner must issue a Letter of Authorisation to set aside this rule. The driver of a motor vehicle, who has been authorised to drive the motor vehicle inconsistent with this rule, must carry the Letter of Authorisation when undertaking the approved activity and produce the Letter of Authorisation on request of the Authority and/or Commissioner.

- (12). A driver that fails to comply with subrule (11) is liable to incur a penalty.

Penalty: Four (4) penalty unit

63. Insecure and overhanging loads

- (1). A driver must not drive a vehicle or tow a trailer if the vehicle and/or trailer is carrying a load that:

- (a) is not properly secured to the vehicle; and
- (b) is not covered; and
- (c) is placed on the vehicle and/or trailer in a way that causes the vehicle and/or trailer to be unstable; and
- (d) exceeds the maximum axle weight of the vehicle and/or trailer; and
- (e) does not comply with the provisions of Rule 62.

Penalty: Four (4) penalty units

PART XI – RULES FOR PEDESTRIANS

64. Crossing and walking on a road

- (1). A pedestrian crossing a road:

- (a) must cross by the shortest safe route; and
- (b) cross the road at 90° to the road; and
- (c) must not stay on the road longer than necessary to cross the road safely.

Penalty: One (1) penalty unit

- (2). A pedestrian must not walk along the road if there is a footpath adjacent to the road, unless it is impracticable to walk on the footpath.

Penalty: One (1) penalty unit

- (3). A pedestrian walking along a road must keep as far to the left or right side of the road as is practicable.

Penalty: One (1) penalty unit

PART XII – BICYCLES

65. Riding a bicycle

- (1). The rider of a bicycle must:
- (a) sit astride the rider's seat facing forwards (except if the bicycle is not built to be ridden astride); and
 - (b) ride with at least one hand on the handle bars; and
 - (c) not carry more persons on the bicycle than the bicycle is designed to carry.

Penalty: One (1) penalty unit

- (2). The rider of a bicycle riding on a footpath must:
- (a) keep to the left of the footpath unless it is impracticable to do so; and
 - (b) give way to any pedestrian on the footpath; and
 - (c) keep to the left of any oncoming bicycle rider on the path.

Penalty: One (1) penalty unit

- (3). A person must not ride a bicycle that is being towed by another vehicle.

Penalty: One (1) penalty unit

- (4). The rider of a bicycle must not:
- (a) hold onto another vehicle while the vehicle is moving;
 - (b) use a mobile phone while riding; or
 - (c) ride within two metres of the rear of a moving motor vehicle continuously for more than 200 metres.

Penalty: One (1) penalty unit

66. Equipment on a bicycle

- (1). A person must not ride a bicycle that does not have:
- (a) all brakes functioning effectively; and
 - (b) reflectors; and
 - (c) a bell, horn or similar warning device in effective working order.

Penalty: One (1) penalty unit

67. Riding a bicycle at night

- (1). A person must not ride a bicycle unless the bicycle and/or the rider display a:
- (a) flashing or steady white light that is clearly visible for at least 200 metres from the front of the bicycle; and
 - (b) flashing or steady red light that is clearly visible for at least 200 metres from the rear of the bicycle; and
 - (c) red reflector that is clearly visible for at least 50 metres from the rear of the bicycle when light is projected onto it by a vehicle's headlight on low beam.

Penalty: One (1) penalty unit

PART XIII – SEATBELTS

68. Wearing a seatbelt

- (1). This rule applies only to a motor vehicle fitted with seat belts.
- (2). The driver of a motor vehicle:
 - (a) that is moving, or is stationary but not parked; and
 - (b) that has a seatbelt fitted for the driver's seating position;must wear a seatbelt that is properly adjusted and fastened, unless the driver is exempt from wearing a seatbelt.
Penalty: Two (2) penalty units
- (3). A passenger who is 16 years or older and:
 - (a) is in a motor vehicle that is moving, or is stationary but not parked; and
 - (b) that has an empty seat fitted within a seat belt;must sit in the seat with a seat belt and wear a seatbelt that is properly adjusted and fastened, unless the passenger is exempt from wearing a seatbelt.
Penalty: Two (2) penalty units
- (4). The driver of a motor vehicle that is moving, or is stationary but not parked must ensure that this rule is complied with for each passenger in or on the vehicle.
Penalty: One (1) penalty unit for each non-compliant passenger
- (5). If a passenger is under one year old, the driver must ensure the passenger is safely held or restrained.
Penalty: Two (2) penalty units
- (6). If a passenger is between one and 16 years old, the driver must ensure the passenger is sitting in a seat fitted with a suitable seatbelt and wears the seatbelt properly adjusted and fastened.
Penalty: Two (2) penalty units
- (7). For this rule:
 - (a) a seating position (whether or not fitted with a seatbelt) is available in the vehicle for a passenger if it is not occupied by someone under 16 years old; and
 - (b) a seatbelt is suitable for a passenger if it is suitable for restraining, or to be worn by the passenger.

69. Location of children in a vehicle

- (1). A driver of a vehicle that is moving, or is stationary but not parked must ensure all children between one and 16 years old are:
 - (a) seated in the back seat of a motor vehicle in a properly adjusted and fastened seatbelt; or
 - (b) restrained by a person other than the driver of the motor vehicle by a passenger that is over the age of 16 years old.Penalty: Two (2) penalty units

70. Exemptions

- (1). A person is exempt from wearing a seatbelt if:
 - (a) the person is carrying a certificate stating that the person is not required to wear a seatbelt; and
 - (b) the person is complying with the condition/s (if any) stated in the certificate.

PART IV – GENERAL

71. How persons must travel in or on a motor vehicle

- (1). A person must not travel in or on a motor vehicle with any parts of the person's body outside a window or door of the vehicle unless the person is the driver of the vehicle and is giving a hand signal changing the direction or stopping as required by these rules.
Penalty: Two (2) penalty units
- (2). The driver of a motor vehicle must not drive with a passenger if any part of the passenger's body is outside a window or door of a vehicle.
Penalty: Two (2) penalty units
- (3). Where it is necessary to travel in the rear area of a motor vehicle, all passengers must be seated within the tray of the motor vehicle and must not stand or sit on the sides of the motor vehicle.
Penalty: Two (2) penalty units
- (4). For the purposes of this rule, for an offence committed by a passenger under this rule, both the driver and passenger will be fined for the passenger's offence.

72. Conduct of driver and passengers in or on a motor vehicle

- (1). No person travelling in or on a vehicle shall throw from the vehicle, any item including a bottle, liquid, cigarette butt, or any other article or litter.
Penalty: Two (2) penalty units
- (2). No person travelling in or on a vehicle shall not yell, use threatening language towards; or use profanities to a person in or on another vehicle or any pedestrian.
Penalty: Two (2) penalty units

73. Driving with a person in a trailer or handcart

- (1). A driver must not drive a vehicle towing a trailer or handcart with a person in or on the trailer or handcart.
Penalty: Two (2) penalty units
- (2). For the purposes of this rule, for an offence committed by a passenger in a trailer or handcart under this rule, both the driver and passenger will be fined for the passenger's offence.

74. Getting into, off or out of a moving vehicle

- (1). A person must not get into, off or out of a moving vehicle.
Penalty: Two (2) penalty units
- (2). A person must not cause a hazard to any person or vehicle by opening a door of a vehicle, leaving a door of a vehicle open, or getting into, off, or out of a vehicle.

Penalty: Two (2) penalty units

- (3). A driver of a bus must not move the bus unless all doors of the bus are closed.

Penalty: Four (4) penalty units

75. Riding on motor bikes

- (1). The rider of a motor bike that is moving must:

- (a) sit astride the rider's seat facing forwards;
- (b) ride with at least one hand on the handlebars;
- (c) wear an approved motor bike helmet; and
- (d) if the motor bike is moving, keep both feet on the footrests designed for use by the rider of the motor bike.

Penalty: Two (2) penalty units

- (2). A passenger on a motor bike that is moving must:

- (a) sit astride the rider's seat facing forwards (except a passenger in a side car);
- (b) wear an approved motor bike helmet; and
- (c) if the motor bike is moving, keep both feet on the footrests designed for use by the rider of the motor bike (except a passenger in a side car).

Penalty: Two (2) penalty units

- (3). The rider of a motor bike must not ride with a passenger unless the passenger complies with subrule (2).

Penalty: Two (2) penalty units

- (4). The rider of a motor bike must not ride with more than one passenger (excluding a passenger in a side car).

Penalty: Two (2) penalty units

- (5). The rider of a motor bike must not ride with more passengers than a side car is registered to carry.

Penalty: Two (2) penalty units

76. Interfering with the driver's control of a vehicle

- (1). A passenger in or on a vehicle must not:

- (a) interfere with the driver's control of the vehicle; or
- (b) obstruct the driver's view of the road and/or traffic.

Penalty: Two (2) penalty units

77. Using speed detection jamming device and similar devices

- (1). A person must not drive a vehicle if the vehicle has in or on it a device for preventing the effective use of a speed measuring device and/or a device for detecting the use of a speed measuring device, whether or not the device is operating or in working order.

Penalty: Four (4) penalty units

- (2). It is a defence to a prosecution for an offence under sub regulation (2) if the defendant satisfies the Court that, at the time of the alleged offence, the defendant did not know, and in

the circumstances could not reasonably be expected to know that the vehicle was fitted with or was carrying the device; and can satisfy a Court that the device was not being used.

78. Using mobile phones, television receivers, visual displays and similar devices

- (1). A person must not use a mobile telephone and/or any other means of communication unless using an approved hands free cradle while driving a vehicle.

Penalty: Four (4) penalty units

- (2). A person must not drive a motor vehicle that has a television or visual display unit operating while the vehicle is moving, if any part of the image on the screen:

- (a) Is visible to the driver from the normal driving position; and/or
(b) Is likely to distract another driver.

Penalty: Four (4) penalty units

79. Eating and drinking while driving

- (1). A person must not eat and/or drink any food or liquid while driving a vehicle.

Penalty: One (1) penalty unit

80. Window tinting

- (1). A driver must not drive a vehicle that has window tinting inconsistent with this rule.

- (2). Window tinting on the windscreen of a motor vehicle must have a luminous transmittance of more than 75%.

- (3). Subrule (2) does not apply to the following areas of a windscreen:

- (a) The area above the highest point of the windscreen that is swept by the windscreen wiper; and/or
(b) The upper 10% of the windscreen.

which must have a luminous transmittance of more than 50%.

Penalty: Six (6) Penalty Units

- (4). Window tinting used on the front passenger side windows of a motor vehicle must have a luminous transmittance of more than 50%.

Penalty: Two (2) Penalty Units

- (5). All remaining windows of a motor vehicle must have a luminous transmittance of more than 35%.

Penalty: Two (2) Penalty Units

- (6). Window tinting on all windows of a bus must have a luminous transmittance of more than 75%.

Penalty: Four (4) Penalty Units

81. Driving on a footpath

- (1). A driver (except the rider of a bicycle) must not drive on a footpath unless:

- (a) the driver is entering or leaving adjacent land by the shortest practicable route; or
(b) the driver is permitted to drive on the footpath under the provisions of another law.

Penalty: Two (2) penalty units

- (2). A driver on a footpath (except the rider of a bicycle, or a driver entering or leaving a road from adjacent land, or a driver entering or leaving adjacent land from a road) must give way to all other road users and pedestrians on the footpath.

Penalty: Two (2) penalty units

82. Making unnecessary noise or smoke

- (1). A person must not start a vehicle or drive a vehicle in a way that makes unnecessary noise or smoke.

Penalty: One (1) penalty unit

83. Removing fallen etc things from the road

- (1). This rule applies to a driver if:
- (a) something falls onto the road from the driver's vehicle, or the driver or a passenger in or on the driver's vehicle puts something on the road; and
 - (b) there is the possibility that the thing, if left on the road may injure a person, obstruct the path of another driver or pedestrians, or damage a vehicle or anything else.
- (2). The driver must remove the thing or take action to have the thing removed from the road as soon as the driver can do so safely; and/or take action to advise other drivers of the hazard.

Penalty: Four (4) penalty units

84. Towing a vehicle

- (1). The driver of a motor vehicle must not tow another motor vehicle unless:

- (a) either:
 - (i) the driver can control the movement of the towed vehicle; or
 - (ii) the brakes and steering of the towed vehicle are in working order and a person who is licensed to drive the towed vehicle is sitting in the driver's seat of the towed vehicle and is in control of its brakes and steering; and
- (b) it is safe to tow the towed vehicle.

Penalty: Two (2) penalty units

- (2). When towing a vehicle, the driver of the towing vehicle must not drive in excess of 30 kilometres per hour.
- (3). The driver of a motor vehicle must not tow a trailer or handcart unless:
- (a) the driver can control the movement of the trailer or handcart; and
 - (b) it is safe to tow the trailer or handcart.

Penalty: Two (2) penalty units

- (4). The driver of a motor vehicle towing another vehicle using a tow line must keep the following distances between the two vehicles:
- (a) If neither of the vehicles is a motor bike, not more than four metres; and
 - (b) If at least one of the vehicles is a motor bike, not over 2.5 metres.

Penalty: Two (2) penalty units

- (5). If the tow line is longer than two metres, the driver must attached to the tow line a white or brightly coloured piece of cloth that is:

- (a) square or rectangular with two adjacent sides measuring at least 300 millimetres long; and
 - (b) attached midway along the tow line; and
 - (c) visible for at least 100 metres from either side of warning material.
- (6). When towing a vehicle, both the vehicle towing and the vehicle being towed must display their hazard warning lights.

Penalty: Two (2) penalty units

85. Driving a vehicle in reverse

- (1). The driver of a vehicle must not reverse the vehicle unless the driver can do so safely.

Penalty: Two (2) penalty units

- (2). The driver of a vehicle must not reverse the vehicle further than is reasonable in the circumstances.

Penalty: Two (2) penalty units

86. Driver to have proper control of a vehicle etc

- (1). A driver must not drive a vehicle unless the driver has proper control of the vehicle.

Penalty: Two (2) penalty units

- (2). A driver must not drive a motor vehicle unless the driver has a clear view of the road and traffic ahead, behind and to each side of the vehicle.

Penalty: Two (2) penalty units

87. Direction by Commissioner or authorised person

- (1). A person must obey any reasonable direction for the safe and efficient regulation of traffic given to the person by the Commissioner and/or authorised person whether or not the person may contravene another provisions of the rules by obeying the direction.

Penalty: Four (4) penalty units

- (2). It is a defence to the prosecution of a person for an offence against a provision of these rules if, at the time of the offence, the person was obeying a direction given to the person under subrule (1)

88. Exemption for drivers of police and emergency vehicles

- (1). A provisions in these rules does not apply to the driver of a police or emergency vehicle if:

- (a) the driver is driving the vehicle in the course of his or her duty; and
- (b) in the circumstances:
 - (i) the driver is taking reasonable care; and
 - (ii) it is reasonable that the provisions should not apply; and
 - (iii) if the vehicle is a motor vehicle that is moving, the vehicle is displaying a flashing like and/or sounding an alarm; or
 - (iv) if the vehicle is parked, it is reasonable in the circumstances to park the vehicle in that place.

89. Traffic signs and other traffic control devices

- (1). The traffic control devices shown in the Attachment are traffic control devices for the purpose of these rules.
- (2). A traffic control device of a kind mentioned in these rules has effect if:
 - (a) the device is on a road; and
 - (b) the device complied substantially with the rules.
- (3). A traffic control device is taken to comply substantially with the rules unless the contrary is proven.
- (4). A traffic sign complies substantially with these rules if:
 - (a) It is a reasonable likeness of a diagram in the Attachment of that kind of traffic sign; or
 - (b) For a traffic sign for which there is no diagram in the Attachment, it complies substantially with a description of that kind of traffic sign in the rules.
- (5). A traffic control device (except a traffic sign) complies substantially with these rules if the device complies substantially with the description of the traffic control device in the Attachment.
- (6). A traffic sign may be a reasonable likeness of a diagram of the kind of traffic sign mentioned in these rules even though:
 - (a) the dimensions of the sign or of anything on the sign are different; or
 - (b) the sign has additional information on or with it; or
 - (c) the number of the sign is different; or
 - (d) the sign is combined with one or more other traffic signs.
- (7). A traffic control device may show any of the following:
 - (a) the times, days or circumstances when it applies or does not apply;
 - (b) the length of road or areas where it applies or does not apply;
 - (c) the person to whom it applies or does not apply;
 - (d) the vehicles to which it applies or does not apply; and
 - (e) any other information.
- (8). A traffic control device near a road is taken to be on the road (for example, a speed limit sign on a post beside the road) for the purpose of the enforcement of the rules.
- (9). The device is taken to be on the road only if it is clearly visible to road users to whom it is designed to apply.

ROAD RULES – TRAFFIC SIGNS



Speed Limit Sign



End Speed Limit Sign



Do not overtake or pass



Bus Stop Sign



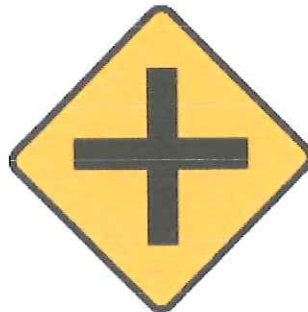
School Zone Sign



Pedestrian Crossing



T Intersection Sign



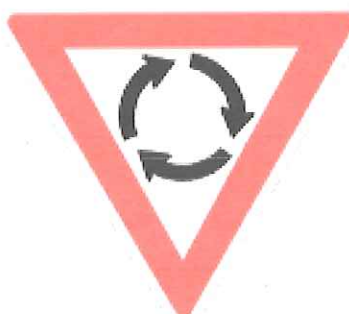
Cross Road Ahead Sign



Curve Road Sign



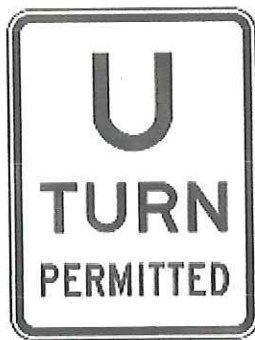
Side Road Intersection Sign



Roundabout



Road Narrows Sign



U Turn Permitted



No U Turn



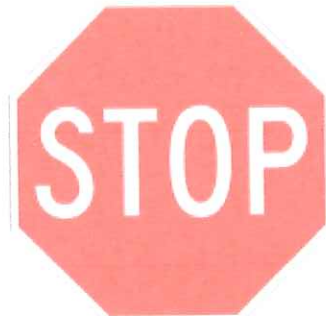
Give Way Sign



Left Turn Only Sign



Right Turn Only Sign



Stop Sign



Left Lane Must Turn Left



Right Lane Must Turn Right



No Turns Sign



No Left Turn Sign



No Right Turn Sign



No Entry Sign



Kept Left Sign



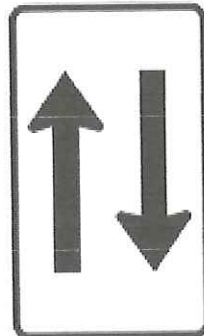
Keep Right Sign



Detour Sign



One Way Sign



Two Way Sign



No Trucks Sign



No Parking Sign



No Parking in an Area Sign



Permissive Parking Zone Sign



No Stopping Sign



No Stopping in an Area Sign



Loading Zone

SCHEDULE ONE – ROADWORTHY INSPECTION FORM

Roadworthy Inspection Form

- (1). A person who wishes to register a motor vehicle with the Authority under section 12 of the Act must have a Roadworthy Inspection undertaken and the motor vehicle be granted a pass by an approved mechanic.

Kiribati Police Service

Phone No: +686 26187
Facsimile: +686 26370
Email: compol@tskl.net.ki



Police Headquarters
P.O. Box 497
Betio, Tarawa
Republic of Kiribati

"TO SERVE AND PROTECT WHILE WORKING WITH THE COMMUNITY TO CREASE A SAFER KIRIBATI"

VEHICLE ROADWORTHY INSPECTION FORM

Vehicle Make:..... Odometer:..... Registered Owner:.....
Vehicle Model:..... Seats:.....: Owner's Address:.....
VIN:..... Colour:.....
Engine Number:..... Registration Number:..... Phone Number:.....
Engine Size:..... Date of Inspection:.....
Fuel Type:.....

Reason for Inspection

Registration Change of Clear Defect Notice Unregistered
Renewal..... Ownership..... No..... Vehicle.....

Inspection Check List:

✓ = Pass		✗ = fail		N = Not Applicable
LHS	VEHICLE PARTS	RHS	INTERIOR	COMMENTS
	Head lights (low)		Steering and Suspension	
	Head lights (high)		Brakes	
	Parking Lights		Hand Brake	
	Turning Lights		Seats and Seat Belts	
	Emergency Lights		Windscreen and Window	
	Brake Lights		Mirrors	
	Reverse Lights		Warning Device	
	Windscreen Wipers		Exhaust System	
	Front Tyres (%)		Engine and drivetrain	
	Rear Tyres (%)		Towing Attachment	
	Spare Tyre (%)		Body Condition	

Results of First Inspection Pass Failed – Failed (Dangerous)
Repairs Needed Not to be driven

Repairs Needed	
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Results of Second Inspection Pass Failed – Failed (Dangerous)
Repairs Needed Not to be driven

I certify that this report is a true and correct record of the vehicle's compliance with the inspection standards.

Name of Inspector..... Signature.....

SCHEDULE TWO - DRIVER COMPETENCY

Driver Competency Test

- (1). A learner driver, wishing to apply for a driver's licence under section 21 of the Act must pass Schedule Two – Driver's Competency practical test.

Aspect	Pass/Fail
Vehicle controls - The learner driver locates, identifies and describes the function and operation of all vehicle controls, gauges and warning lights	
Cabin drill - The learner driver carries out adjustments required to ensure safe, effective and comfortable operation of the vehicle	
Starting up procedure - The learner driver demonstrates correct starting up procedure	
Moving off procedure - The learner driver demonstrates moving off from a stationary position safely, efficiently and while maintaining full control of the vehicle	
Gear changing - The learner driver demonstrates smooth, efficient gear changing and gear selection according to road and traffic conditions, speed and vehicle requirements	
Steering control - The learner driver demonstrates smooth, efficient steering control	
Turns, left and right - The learner driver demonstrates safe, efficient and legal road position during left and right turns at intersections	
Speed control - The learner driver demonstrates good speed control at safe and legal speeds whilst maintaining a safe following distance	
Slowing procedure - The learner driver demonstrates controlled and safe slowing procedure	
Stopping procedure - The learner driver demonstrates controlled braking to a safe stop	
Give way rules – The learner driver demonstrates compliance with the give way rules and drives safely and efficiently through intersections and crossings controlled by traffic lights and regulatory signs	
Reversing - The learner driver demonstrates safe and accurate reversing parallel to a kerb	
Right-angle parking (front in) - The learner driver demonstrates safe and accurate parking between two vehicles parked at a right angle to the kerb, then leaves the parked position to face the opposite direction to that of entry. No part	

of the vehicle may strike another object or impinge on another parking bay	
Reverse parallel parking - The learner driver demonstrates safe and accurate reverse parallel parking	
U-turns - The learner driver demonstrates completion of a safe and efficient U-turn using forward gears	
Turning around on the road – e.g. three-point turn - The learner driver demonstrates safe and efficient turning around in the road, using forward and reverse gears	
Lane changing, merging, forming one lane - The learner driver demonstrates safe lane changing to the left and right and when merging, will safely form one lane	
Overtaking - The learner driver demonstrates safe overtaking of a vehicle traveling in the same direction on a single-lane road or multi-lane carriageway	
Observation skills, visual searching and scanning, hazard recognition - The learner driver demonstrates continuous forward scanning and regular observation to the sides and rear of the vehicle. The learner driver demonstrates appropriate behaviours in relation to an encounter with a motorcycle, cyclist, heavy vehicle and/or emergency vehicle	
Compliance with the System of Vehicle Control - The learner driver demonstrates consistency in the application of the System of Vehicle Control	
Driving at night - The learner driver demonstrates consistency in the application of all previously attained competencies during hours of darkness	
Driving on busy roads and unfamiliar roads - The learner driver demonstrates safe, controlled and efficient driving on busy roads and unfamiliar roads	

REPUBLIC OF KIRIBATI

TRAFFIC ACT 2017

Explanatory Memorandum

The Act has been prepared to replace the *Traffic Act 2002*. The Act has been developed cognisant of changes in traffic use in Kiribati and consistent with international good practice while keeping in mind the need to have an easily enforceable approach in Kiribati.

The new Act contains some of the previous Sections and Road Rules consistent with the previous Act. Important new changes include:

1. the use of a "penalty unit" rather than monetary value which allows for a simple annual increase for fines etc to stay in line with Kiribati's inflation rate;
2. the ability of the Minister to develop a single Authority to manage driver's license and motor vehicle registrations across Kiribati;
3. no vehicle older than ten (10) years old can be registered for the first time in Kiribati;
4. a new standard and arrangements for learner drivers and their testing;
5. through the introduction of a penalty unit, the Act establish set fines for offences (which have been increased), including set minimum and maximum fines and potential imprisonment for a range of offences; rather than allowing drivers to be given significantly lower penalties before a Court;
6. provision of increased penalties for offences given the 14 years since the last Act;
7. the introduction for harsher penalties for making a false statement;
8. a reduction in the blood alcohol level from 0.08g/100ml to 0.05g/100ml for private drivers and 0.00g/100ml for learner drivers and those driving commercial vehicles and buses;
9. the introduction of a tiered approach to drink driving and harsher penalties for first time and subsequent offences;
10. the introduction of drug testing including that kava be considered a drug for the purposes of this Act only;
11. new provisions for the refusal to take a breath or drug test;
12. significant changes to the issuance of penalty notices and removal of the final notice to speed up the process of the payment of fines;
13. the establishment of speed limits around churches, schools, bus stops and pedestrian crossings;
14. new requirements for the riders of motor bikes and bicycles particularly in relation to road safety;
15. new requirements for the wearing of seatbelts and the location of children in motor vehicles;
16. new road rules for buses and stopping at designated bus stops to improve road safety;
17. changed provisions for towing illegally parked, defective and abandoned vehicles;

18. provisions with respect to vehicle dimensions and weight have been inserted in the Act consistent with that contained within the *Traffic Act 1998* that remained in force on the passing of the *Traffic Act 2002*;
19. new rules in relation to window tinting including the provision that buses must have more than 75% luminous transmittance for all windows that are tinted; and
20. new forms.

The Act is divided into parts as follows:

PART I – Preliminary

Part 1 defines the terms and interpretations used in the Act. This has been significantly expanded from the previous Act. Section 5 established the new penalty unit regime. Section 6 relates to the application of the Act to government vehicles.

PART II – Registration of Motor Vehicles

Part II establishes the regime for the registration of motor vehicles and generally follows the provisions of the *Traffic Act 2002*. Section 7 establishes additional powers for the Authority and includes provisions allowing for the establishment of a single overarching Authority across the whole of Kiribati which would fall into line with other Pacific nations. The Part establishes the class of vehicle, registration and disposal of vehicles, conditions of registration and a revised process for the change of ownership including the requirement to obtain a roadworthy certificate prior to sale. It also includes a revised process for the issuance of defect notices which allows for the immobilization of defective vehicles in the Road Rules. Redundant provisions including the need to register bicycles have been repealed.

PART III – Licensing of Drivers

Part III generally follows the provisions of the *Traffic Act 2002* with a number of changes. As with the repealed Act, a learner's permit is required before a person can learn to drive a motor vehicle. A new standard has been established for people wanting to apply for a driver's license though a new testing criteria based on international good practice. Additional requirements are established for those wanting to driver commercial vehicles and buses. Further, there have been some changes to the validity of licenses as well as requirements for foreign drivers to obtain a Kiribati license after being in Kiribati for a period of six weeks or when they are in country for more than a combined three months a year.

PART IV – Road Rules

Part IV states that the Road Rules are set out in a Schedule to the Act. Like the *Traffic Act 2002*, they follow generally the same format. Many of the rules have been updated with safety in mind, particularly in relation to speeds, seat belts, the use of helmets, and other provisions.

PART V – Offences

Part V deals with offences broadly, from serious traffic offences including dangerous driving, careless driving, drink driving, drug driving and other matters. The revised provisions include minimum and maximum mandatory penalties for offences including up to life imprisonment for dangerous driving causing death. New provisions include alternate charges, making false

statements which now have significantly harsher penalties in line with the actual offence and its implications.

The Part also includes provisions and penalties in relation to drink driving and drug driving, which is new. There is reduction in the blood alcohol level from 0.08g/100ml to 0.05g/100ml for private drivers and 0.00g/100ml for learner drivers and those driving commercial vehicles and buses. Drink driving has been separated into three categories, low range, mid range and high range drink driving with new mandatory penalties for those committing a first and subsequent offence in a five year period. New offences in relation to driving while under the influence of a drug have been included in relation to the refusal to provide a breath or saliva sample. The process in relation to the issuance of penalty notices has been significantly changed and the previous "final notice" has been repealed based on requests from the Kiribati Police Service. The time for payment of a penalty notice has been reduced to fourteen (14) days with new powers and additional penalties should the fine not be paid including doubling of the penalty and the potential suspension of a driver's license. These new provisions should significantly speed up the payment of a penalty notices and moreover, reduce drivers from applying to the Court, thus freeing up court times.

PART VI – Miscellaneous

Part VI generally follows the provisions of the *Traffic Act 2002*. New and revised provisions include the requirement to report a traffic accident within a specific time frame and the ability for a member of the public to report a traffic accident. The Part also refers to the Minister's power to make regulations for the purpose of carrying into full effect the provisions of the Act.

Taneti Maamau
His Excellency Te Beretitenti

LEGAL REPORT

I hereby certify that in my opinion none of the provisions of the above Act conflicts with the Constitution and that the Beretitenti may properly assent to the Act.

Mrs. Tetiro Maate Semilota
Attorney General

**CERTIFICATE OF THE CLERK OF THE MANEABA NI
MAUNGATABU**

This printed impression of the Traffic Act 2017 has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 21st August 2017 and is found by me to be a true and correctly printed copy of the said Bill.



Eni Tekanene
Clerk of the Maneaba ni Maungatabu

Published by exhibition at the Maneaba ni Maungatabu this ^{11th} day of October 2017.



Eni Tekanene
Clerk of the Maneaba ni Maungatabu