

ELECTRONIC VEHICLE-REGISTRATION ACT 2007



BERMUDA

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ELECTRONIC VEHICLE-REGISTRATION ACT 2007

Date of Assent: 26 June 2007

Operative Date: 15 September 2007

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Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Short title

1 This Act may be cited as the Electronic Vehicle-Registration Act 2007.

Definitions

2 In this Act —

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“camera” means a camera of a type prescribed by regulations that is linked to an electronic reading device;

“electronic reading device” means an electronic reading device of a type prescribed by regulations that is capable of reading an electronic tag;

“electronic tag” means an electronic tag of a type prescribed by regulations that is affixed to a motor car and—

- (a) is unique to that motor car;
- (b) provides a link to the information in the vehicle register pertaining to that motor car; and
- (c) is capable of producing an electronic record of the information in the vehicle register pertaining to that motor car when the electronic tag is read by an electronic reading device;

“enforcement officer” means a police officer, a traffic officer appointed under section 7 of the Motor Car Act 1951 or a traffic warden appointed under section 29 of the Road Traffic Act 1947;

“listed offence” means an offence under any provision of law listed in the Schedule;

“motor car” means a motor car as defined in the Motor Car Act 1951, other than a motor cycle as defined in that Act;

“vehicle register” means the motor car register referred to in section 63 of the Motor Car Act 1951 and includes a separate part of the motor car register, or separate register, under that section.

Electronic tag

3 (1) The Minister shall issue an electronic tag in respect of every motor car that is registered under the Motor Car Act 1951.

(2) The electronic tag issued in respect of a motor car shall be affixed to the motor car by an officer of the Transport Control Department, or by a person authorized by the Director of that Department, in a place on the motor car so as to be both readable by an electronic reading device and visible from outside the motor car.

Types of electronic reading devices

4 The Minister may —

- (a) install electronic reading devices of a fixed type at locations near any highway, as determined by the Minister; and

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- (b) authorize enforcement officers to carry electronic reading devices of a mobile type.

Installation of camera

5 (1) If an electronic reading device is of a fixed type, the Minister may instal a camera located near, and linked to, that electronic reading device so as to capture an image of a motor car and its identification plate immediately after it has passed the electronic reading device.

(2) Evidence that is gathered by a camera may be gathered by any method that captures the image of a motor car and its identification plate and allows the image to be reproduced by any means, including by film, printing or electronic means.

(3) Data, which may be in an encoded form, may be electronically and simultaneously recorded on the captured image under subsection (2).

(4) Without limiting any other provision in this section, the recorded image under subsection (3) may be converted from one format to another, transmitted, stored or reproduced by electronic or other means that allows the recorded image to be reproduced in intelligible form including, without limitation, electronically.

(5) For the purposes of subsection (4), a recorded image may include an enlargement of the area of the recorded image depicting the identification plate of the motor car.

Extract from vehicle register

6 An extract of information in the vehicle register in respect of a motor car, certified by an officer of the Transport Control Department duly authorized in that behalf by the Minister, shall in all legal proceedings, whether civil or criminal, be prima facie evidence of the facts certified in the extract.

Evidence of offence

7 (1) Evidence that is gathered through the use of an electronic reading device or a camera, including data and images referred to in section 5, is admissible as evidence in any proceedings with respect to a listed offence or an offence under section 11(2).

(2) Evidence of a fact relevant to the proceedings may be given by the production of—

- (a) a record produced by an electronic reading device or a camera; and
- (b) (in the same or another document) a certificate signed by an enforcement officer as to the circumstances in which the record was produced.

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(3) Unless the contrary is proved, a document purporting to be a record under subsection (2)(a) or to be a certificate under subsection (2)(b) signed by an enforcement officer is presumed to be such a record or to be so signed, as the case may be.

(4) Nothing in this section makes a record or a certificate admissible in any proceedings unless a copy of it has, not less than seven days before the trial, been served on the person charged with the offence.

(5) The court may grant leave for a person in respect of whom a record or certificate under this section is produced to require the attendance of the enforcement officer who signed the certificate, for the purpose of cross-examination of that officer.

Certificate in electronic format

8 (1) A certified extract of information from the vehicle register under section 6 or a record or certificate under section 7(2) may be created and completed in electronic format by electronic or any other means that allows the extract or certificate to be reproduced in intelligible form including, without limitation, electronically.

(2) A certified extract or a certificate may be signed by an enforcement officer by means of an electronic reproduction of the enforcement officer's signature that is capable of being assigned to that extract or certificate only by that enforcement officer.

(3) The signature referred to in subsection (2) may be made by electronic or any other means that allows the signature to be reproduced in intelligible form including, without limitation, by electronically storing the signature by means of an electronic scanner or an electronic signature pad.

(4) If the certified extract or certificate, including the enforcement officer's signature, is in electronic format, it may be converted from electronic format to paper format for all purposes and it may be received, transmitted, stored or sent electronically.

(5) The recorded image referred to in section 5(4) and any enlargement referred to in section 5(5) may be included as part of a certificate.

Presumption

9 (1) Where evidence of a listed offence or an offence under section 11(2) in respect of a motor car is gathered through the use of an electronic reading device or a camera and admitted in court, the owner of the motor car is presumed to be guilty of the offence unless the owner establishes that he or she —

(a) was not in possession of the motor car at the time of the offence; and

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(b) did not know that the motor car was in the possession of another person, had not consented to it being in the possession of another person and could not, by taking reasonable steps, have prevented it from being in the possession of another person.

(2) In this section, “owner” means the person in whose name the motor car is registered under the Motor Car Act 1951, or if the motor car is not registered, any other person who is proved to be the owner.

Regulations

10 (1) The Minister may make regulations—

(a) prescribing types of cameras, electronic reading devices and electronic tags for the purposes of this Act; and

(b) amending the Schedule to add or delete offences.

(2) The negative resolution procedure shall apply to regulations made under this section.

Offences

11 (1) No person shall remove, destroy or interfere with an electronic tag, or its operation, except as authorized by the Director of the Transport Control Department.

(2) No person shall use, or cause or allow any other person to use, a motor car that does not have the electronic tag for that motor car affixed to it in accordance with section 3(2).

(3) No person shall remove, destroy or interfere with an electronic reading device, or its operation, except as authorized by the Director of the Transport Control Department

(4) No person, other than an enforcement officer, shall use an electronic reading device of a mobile type.

(5) No person shall remove, destroy or interfere with a camera, or its operation, except as authorized by the Director of the Transport Control Department.

(6) A person who contravenes any of subsections (1) to (5) commits an offence punishable on summary conviction by a fine not exceeding \$10,000.

Commencement

12 This Act comes into operation on a day to be appointed by the Minister responsible for Transport by Notice published in the Gazette.

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SCHEDULE (section 2)
LISTED OFFENCES

DESCRIPTION OF OFFENCE	PROVISION OF LAW
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Motor Car Act 1951

Using or allowing use of an unlicensed motor car	Section 52(2)(a)(i)
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Keeping or allowing the keeping of an unlicensed motor car in a public place	Section 52(2)(b)
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Using or allowing use of an unregistered motor car or a motor car not having identification mark affixed to it	Section 65
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Motor Car Insurance (Third-Party Risks) Act 1943

Using or permitting use of a motor car without insurance	Section 3
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