



BERMUDA

OMNIBUS (CONDUCT) REGULATIONS 2012

BR 45 / 2012

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The Minister responsible for transport, in exercise of the power conferred by section 9 of the Public Transportation Act 1951, makes the following Regulations:

Citation

1 These Regulations may be cited as the Omnibus (Conduct) Regulations 2012.

Interpretation

2 In these Regulations—

“authorized person” means a bus operator or a supervisor in the Department acting in the execution of his or her duties in connection with the provision of passenger services;

“bus operator” means a person who is responsible for driving an omnibus;

“child” means a person who has attained the age of five years but has not attained the age of 16 years;

“Department” means the Department of Public Transportation;

“Department facility” means a bus stop, bus depot, the Central Terminal in the City of Hamilton and the Department Headquarters;

“Director” means the Director of the Department of Public Transportation;

“disabled person” means a person who has any degree of physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect or illness, including amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog, wheelchair or other remedial appliance or device;

“fare” means the fare prescribed in regulation 4 of the Government Omnibus (Fares) Regulations 1952;

“fare-box” means a box of any description that the Department determines is suitable for receiving coins, tickets or tokens for travelling on an omnibus;

“fare-media” means any ticket, token or pass issued by the Department and includes a monthly pass, a multi-day pass, a student pass and a transfer pass;

“Minister” means the Minister responsible for transport;

“monthly pass” means a pass issued by the Department for the duration of a calendar month;

“multi-day pass” means a pass issued by or on behalf of the Department for the duration of less than a calendar month in respect of any journey;

“omnibus” has the meaning given in the Motor Car Act 1951;

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- “passenger” means a person travelling in an omnibus and includes a person who intends to travel in an omnibus;
- “reserved seat” means a seat reserved for a disabled person or a special person by Department notice in an omnibus;
- “school” means any school or other educational institution approved by the Minister responsible for education;
- “special person” means a person of or above the age of 65 years who is resident in Bermuda or a person who satisfies the Minister that he or she is suffering from a disability, whether physical or otherwise, which hinders him or her from embarking or disembarking an omnibus unaided;
- “student” means any person under the age of 19 years who is enrolled in school;
- “student pass” means a pass issued by the Department, free of charge, for a fixed period, in respect of any journey, to—
- (a) a student in Bermuda; or
 - (b) a Bermudian who is not above the age of 18 years and who is a student overseas;
- “supervisor” means a person responsible for supervising the operation of the omnibuses.
- “ticket” and “token” mean a form of authorization issued by the Department for the conveying of any passenger on an omnibus;
- “transfer pass” means a pass that allows the holder to transfer from one omnibus to another omnibus, on the same day, in order to complete his or her journey;
- “valid monthly pass”, “valid multi-day pass”, “valid student pass” and “valid transfer pass” mean a monthly pass, a multi-day pass, a student pass and a transfer pass which—
- (a) has not been mutilated or destroyed; and
 - (b) has not expired on the day of journey.

Payment of fare

- 3 When boarding an omnibus every passenger shall pay the fare for his or her journey by—
- (a) depositing in the fare-box—
 - (i) the correct amount of fare in coins;
 - (ii) a valid ticket; or
 - (iii) a valid token; or
 - (b) exhibiting to the bus operator a—

- (i) valid monthly pass;
 - (ii) valid multi-day pass;
 - (iii) valid student pass; or
 - (iv) special person's card; or
- (c) delivering a valid transfer pass to the bus operator.

Evading payment

- 4 (1) A passenger who, with the intent to defraud, does not—
- (a) deposit in the fare-box the correct amount in coins, a valid ticket or a valid token for his or her journey;
 - (b) exhibit to the bus operator a valid monthly pass, a valid multi-day pass or a valid student pass; or
 - (c) deliver to the bus operator a valid transfer pass,

commits an offence and is liable on summary conviction to a fine of \$300 for the first offence and a fine of \$500 for the second or any subsequent offence.

(2) Without prejudice to any proceedings under paragraph (1), a bus operator who has reasonable grounds to suspect that any person in an omnibus has not paid the appropriate fare for his or her journey may require that person to—

- (a) immediately pay the appropriate fare; or
 - (b) leave the omnibus.
- (3) Paragraph (2) does not apply to a child or a student.

Failure or refusal to pay or produce fare

5 A passenger who, for his or her journey, fails or refuses when required by the bus operator to—

- (a) deposit in the fare-box the correct amount in coins, a valid ticket or a valid token;
- (b) exhibit to the bus operator a valid monthly pass, a valid multi-day pass or a valid student pass; or
- (c) deliver to the bus operator a valid transfer pass,

commits an offence and is liable on summary conviction to a fine of \$500.

Fraudulent alteration

6 A person who, with the intent to defraud, alters, defaces or mutilates any ticket, token, monthly pass, multi-day pass, student pass or transfer pass commits an offence and is liable on summary conviction to a fine of \$300.

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Fraudulent sale or purchase of fare-media

7 A person, other than a person duly authorized by the Department, who issues, sells or buys or attempts to issue, sell or buy any fare-media with the intent that he or she or any other person shall use that fare-media to travel on an omnibus commits an offence and is liable on summary conviction to a fine of \$500 for the first offence and a fine of \$1,500 for the second or any subsequent offence.

Offensive behaviour

- 8 (1) A person in an omnibus or at a Department facility who—
- (a) is intoxicated;
 - (b) uses offensive, indecent, obscene or profane language or makes an offensive or indecent gesture;
 - (c) writes, draws or affixes any offensive, indecent, obscene or profane words or characters on any part of an omnibus;
 - (d) spits or commits a nuisance;
 - (e) behaves in a disorderly, offensive or indecent manner;
 - (f) interferes with the comfort and convenience of any passenger in or leaving an omnibus; or
 - (g) wilfully obstructs or interferes with an authorized person performing his or her duty, or refuses to comply with any request given under these Regulations,

commits an offence and is liable on summary conviction to a fine of \$500 for the first offence and a fine of \$2,000 for the second or any subsequent offence.

(2) Without prejudice to any proceedings under paragraph (1), an authorized person may require such person to immediately leave an omnibus or a Department facility.

Offensive weapons

9 (1) Any person who has on or about his or her person any offensive weapon in any omnibus or at any Department facility commits an offence and is liable on summary conviction to a fine of \$1,000 for the first offence and a fine of \$2,500 for the second or any subsequent offence.

(2) In this section “offensive weapon” means any article made or adapted for use for causing injury to the person or intended for such use by the person having it in his or her possession.

Wilful damage

- 10 A person who wilfully—
- (a) destroys, cuts, tears, soils, defaces or otherwise damages the interior or exterior of an omnibus; or

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- (b) destroys, defaces, damages or removes a notice board, a notice or an advertisement in an omnibus or at a Department facility; or
- (c) defaces, moves or otherwise damages any other property of the Department used in connection with the operation of omnibuses,

commits an offence and is liable on summary conviction to a fine of \$500.

Unlawfully moving an omnibus

11 A person, other than a person authorized by the Department and acting in performance of his or her duties, who wilfully moves or sets into motion or attempts to move or set into motion an omnibus, commits an offence and is liable on summary conviction to a fine of \$2,000.

Dangerous articles

12 A person who takes into or places in, or causes or allows to be taken into or placed in any omnibus any inflammable, explosive or corrosive gas, spirit, substance or matter, or any other article or thing which is likely to be dangerous to any person or property, commits an offence and is liable on summary conviction to a fine of \$1,000 for the first offence and a fine of \$2,500 for the second or any subsequent offence.

Throwing objects from an omnibus

13 A person who throws or drops from an omnibus any object or article that is likely to injure or damage any person or property commits an offence and is liable on summary conviction to a fine of \$1,750.

Obstructive articles

14 A person who takes or causes or allows to be taken, or causes or allows to remain in any omnibus any article or thing which in the opinion of an authorized person is likely to cause annoyance to another person in an omnibus, or to obstruct another person's proper seating or passage, commits an offence and is liable on summary conviction to a fine of \$300.

Prohibition of smoking

15 (1) A person who smokes or carries a lighted or smouldering cigarette, cigar or pipe in an omnibus or at a Department facility commits an offence and is liable on summary conviction to a fine of \$300 for the first offence and a fine of \$1,000 for the second or any subsequent offence.

(2) Without prejudice to any proceedings under paragraph (1), a person who continues to smoke or carry a lighted or smouldering cigarette, cigar or pipe after being requested by an authorized person to stop doing so, will be asked to immediately leave an omnibus or a Department facility.

(3) This regulation does not apply to a person who smokes or carries a lighted or smouldering cigarette, cigar or pipe in an area of a Department facility which has been specially designated as a smoking area by the Department.

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Prohibition of loitering

16 (1) A person who, not being lawfully entitled to, loiters or remains in an omnibus or at a Department facility commits an offence and is liable on summary conviction to a fine of \$300.

(2) Without prejudice to any proceedings under paragraph (1), a person who continues to loiter after being asked by an authorized person to leave an omnibus or a Department facility, may be required to leave the omnibus or Department facility.

Entering or leaving an omnibus while in motion

17 A person who enters or leaves or attempts to enter or leave an omnibus while it is moving commits an offence and is liable on summary conviction to a fine of \$500.

Refusing to leave an omnibus when full

18 A person who, when requested by an authorized person not to do so, enters or remains in an omnibus that has the maximum number of passengers commits an offence and is liable on summary conviction to a fine of \$300.

Improper dress

19 A person who enters and remains in an omnibus—

- (a) whose dress or person is in a condition that is likely to soil any seat or furnishings in an omnibus; or
- (b) who is in an unfit or improper condition to travel in an omnibus,

and refuses to immediately leave when requested to do so by the bus operator, commits an offence and is liable on summary conviction to a fine of \$300.

Reserved seating

20 A person other than a disabled person or a special person who occupies a reserved seat and when doing so prevents a disabled person or a special person from occupying a reserved seat, commits an offence and is liable on summary conviction to a fine of \$150.

Lost property

21 A person who finds property accidentally left in an omnibus and does not give it to an authorized person before leaving an omnibus or Department facility, commits an offence and is liable on summary conviction to a fine of \$300.

Animals

22 (1) A person who takes or causes or allows to be taken, or causes or allows to remain in any omnibus any animal other than a guide dog commits an offence and is liable on summary conviction to a fine of \$300.

(2) In this regulation, “guide dog” means a dog trained as a guide for a legally blind or blind person.

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Gambling

23 A person who bets, wagers or agrees to bet or wager, or pays, receives or settles bets or wagers with any person in an omnibus or Department facility, commits an offence and is liable on summary conviction to a fine of \$400.

Offering for sale

24 A person who sells or offers for sale any article at any Department facility or in an omnibus, without the written approval of the Director, commits an offence and is liable on summary conviction to a fine of \$300.

Revocation

25 The Government Omnibus Regulations 1952 are revoked.

Made this 13th day of June 2012

Minister of Transport