



BERMUDA

MOTOR CAR (MINICAR) REGULATIONS 2017

BR 37 / 2017

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SCHEDULE 1 Minicar Hire Agreement

SCHEDULE 2 Guidelines to be followed when hiring out a Minicar

The Minister responsible for transport, in exercise of the power conferred by section 101D of the Motor Car Act 1951 (“the Act”), makes the following regulations:

PART 1 PRELIMINARY

Citation

- 1 These regulations may be cited as the Motor Car (Minicar) Regulations 2017.

Interpretation

- 2 In these regulations—
 - “driver” means any person who hires and drives or propels a minicar;
 - “minicar livery operator” means a person who is granted a licence to operate a minicar livery under section 101B of the Act;
 - “qualified driving instructor” means a person employed at a minicar livery who has received a certificate from the Department to provide driving instruction for the type of minicar being hired.

PART 2
MINICAR LIVERY LICENCE

Application to obtain a licence

3 (1) A person who wishes to operate a minicar livery shall make an application to the Minister in such form as may be determined by the Minister.

(2) An application for a licence to operate a minicar livery shall not be granted unless—

- (a) the Department of Planning has approved the use of the place as a minicar livery and for the storage of minicars;
- (b) the Department of the Environment and Natural Resources has confirmed the operation of the minicar livery will not have a negative impact on the environment;
- (c) the Bermuda Fire and Rescue Service has confirmed that there is adequate and safe road access to the place and the place would not interfere with access to other premises in the vicinity of the place in the event of a fire or other hazardous occurrence;
- (d) there is suitable equipment at the premises intended to operate as a minicar livery ;
- (e) there is verification of the qualifications of the staff employed at the minicar livery, especially the qualifications of those who are qualified driving instructors.

Right to make representation

4 The Minister shall afford an applicant for a licence an opportunity to make representations with regard to an application for a licence.

Notice of decision

5 (1) The Minister shall give an applicant for a licence notice in writing of the Minister's decision to grant or refuse the application for the licence.

(2) If the decision is to grant the application, the Minister shall issue the licence in a form determined by the Minister.

(3) If the decision is to refuse the application, the notice referred to in paragraph (1) shall set out the reasons for the refusal.

Conditions applicable to the licence

6 A licence that is issued to a minicar livery operator is subject to the following conditions—

- (a) the minicar livery operator shall have in his employment a qualified driving instructor;

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- (b) the minicar livery operator shall, in accordance with regulation 16, maintain a register in respect of all minicars and drivers;
- (c) the minicar livery operator shall, in accordance with regulation 17, maintain records in respect of all minicars that are in the minicar livery;
- (d) the minicar livery operator shall maintain valid public liability insurance coverage;
- (e) the minicar livery operator shall display the licence in respect of the minicar livery in a location at the minicar livery that is easily visible to persons visiting the minicar livery.

Duration of licence

7 Subject to regulation 9, a licence to operate a minicar livery is valid for a period of one year and upon expiry of that period the designation of the place as a minicar livery under regulation 5 ceases to have effect unless the licence is renewed under regulation 8.

Renewal of licence

8 A licence to operate a place as a minicar livery may be renewed, upon application by the minicar livery operator, for a further period of three years at a time if—

- (a) the requirements of regulation 3 continue to be met at the time of the application; and
- (b) the minicar livery operator is not in breach of the conditions set out in regulation 6.

Surrender or revocation of licence

9 (1) A minicar livery operator may surrender the licence to operate the minicar livery at any time upon giving three months' notice in writing to the Minister.

(2) The Minister may revoke a licence to operate a minicar livery at anytime if the minicar livery operator has breached any of the conditions set out in regulation 6 or if the minicar livery is no longer being used for hiring out minicars.

(3) When a licence is surrendered or revoked, the designation of the minicar livery under regulation 5 ceases to have effect.

Licence not transferable

10 A licence for the operation of a minicar livery is not transferable.

PART 3

HIRING OUT A MINICAR

Pre-hire inspection report

11 A minicar livery operator shall ensure that any damage to a minicar, inside and outside, is indicated in a pre-hire inspection report which shall be attached to the minicar hire agreement.

Minicar hire agreement

12 A minicar hire agreement shall contain, at least, the information specified in Schedule 1.

Hiring out a minicar

13 When hiring out a minicar to a driver, a minicar livery operator shall follow the guidelines and provide the driver with the safety tips, provided in Schedule 2 .

Minicar insurance

14 A minicar livery operator shall obtain and maintain in effect insurance against public liability under a policy of public liability insurance issued by an insurance company that is registered as an insurer under the Insurance Act 1978.

Driver's licence

15 A minicar livery operator shall ensure that a prospective driver holds a valid driver's licence that is appropriate for the minicar he is hiring.

Register of minicars and drivers

16 (1) A minicar livery operator shall—

- (a) keep a register of all his minicars and their drivers;
- (b) ensure that following details of every hire are entered into the register—
 - (i) the make, model and identification plate details of the minicar;
 - (ii) the date and time of the commencement of the minicar hire;
 - (iii) the full name and address of the driver; and
 - (iv) the driver's licence number, place of issue and expiration date of all drivers of the minicar.

(2) A minicar livery operator shall produce the register in subsection (1) without delay for inspection by a police officer or an inspector.

Keeping of records

17 (1) A minicar livery operator shall maintain a record of such particulars and in such form as may be prescribed by the Minister by notice published in the Gazette.

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(2) Any records so made shall be retained by the minicar livery operator for at least two years.

Inspections

18 (1) The Minister, any officer of the Department or any person authorized by the Minister may at all reasonable times enter—

- (a) the place that is the subject of the licence application for the purpose of inspecting the place in order to determine whether it meets the requirements of these Regulations for the issue of a licence; and
- (b) a minicar livery for the purpose of inspecting it in order to determine whether the requirements of these Regulations in respect of the minicar livery are being complied with.

(2) The minicar livery operator shall—

- (a) give a person who carries out an inspection of the minicar livery all reasonable assistance to carry out the inspection; and
- (b) provide that person with any information relating to the operation of the minicar livery that the person may reasonably require.

PART 4

MINICARS

Annual examination of minicars

19 (1) A licence shall not be issued in respect of a minicar unless the minicar has been examined by an examiner or inspector and has been certified by the examiner or inspector to be fit for the purpose for which it is to be licensed.

(2) The Minister may appoint such days within the period beginning on the first day of January each year and ending on the thirty-first day of March each year for the examination of minicars.

(3) If the Minister has reason to suspect that a licensed minicar has ceased to be fit for the purpose for which it is licensed, the Minister may order a minicar livery operator to produce it for examination at a specified time and place.

(4) If the order in paragraph (3) is not obeyed, then, without prejudice to any proceedings that may be taken in respect of the disobedience, the Minister may in his discretion order that the minicar shall not be used until the order is obeyed.

(5) In determining whether a minicar is fit or unfit for the purpose for which it is to be licensed or is licensed, the appearance and general condition of the minicar, as well as matters affecting its mechanical fitness or safety, shall be taken into consideration, and a minicar shall be deemed to be unfit for such purpose as aforesaid if its paintwork, upholstery and other parts are not in reasonably good order and condition.

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(6) Where applicable, a minicar licence shall not be issued in respect of a minicar unless the minicar complies with emissions standards as approved by the Minister under section 53A(2)(a) of the Act.

Expiration of minicar licences

20 A minicar licence shall expire at the end of the thirtieth day of April next succeeding the date upon which the licence came into force.

Minister may regulate colour of minicars

21 The Minister may by order, having regard to the amenities of Bermuda and the preservation of road safety, prescribe—

- (a) the colour of any minicar;
- (b) the combination of any colours of any minicar;
- (c) the pattern or form of application of any two or more colours on the exterior surface of any minicar;
- (d) any sign, design, motif or other ornamentation on the interior or exterior surface of any minicar.

Maximum age of minicar

22 (1) A minicar livery operator shall not use a minicar for the purpose of hire if the minicar is more than five years old.

(2) The Minister may approve the use of a minicar that is greater than five years old if he is satisfied that the minicar is in a condition that at least equals the original condition of the minicar.

(3) The Minister shall, when granting approval under paragraph (2), specify the age or date beyond which the minicar will not be granted further approvals.

No advertising matter in or on a minicar

23 No advertising matter of any description shall be displayed in or on a minicar.

Identification plates

24 (1) Every minicar shall have two identification plates which the minicar livery operator shall cause to be affixed to the minicar in an upright position, one on the front of the vehicle and one on the rear so as to be clearly visible.

(2) An identification plate shall bear three index letters and three numbers embossed in red on a white background.

(3) The following provisions shall apply to identification plates for minicars—

- (a) the plate shall be so constructed that the index letters and figures are reflected if illuminated during the hours of darkness;

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- (b) the letters and figures shall be of such dimensions as the Minister may determine;
- (c) no letter or figure shall be capable of being detached from the surface of the plate.

Warning sticker in minicars

25 (1) Every minicar shall have posted on the windshield, in such a position that it does not obstruct the view of the driver and is clearly visible to and legible by the driver, a sticker with the words "KEEP LEFT".

(2) The warning sticker in subsection (1) shall be in the form and colour as determined by the Minister.

Safety glass and tinting of windows

26 For greater certainty, the windscreen and all other windows of a minicar shall comply with the requirements of regulations 20 and 20A of the Motor Car (Construction, Equipment and Use) Regulations 1952.

PART 5

OFFENCES AND PENALTIES

Operating a minicar livery without a licence

27 *[Revoked by BR 147 / 2021 reg. 2]*

[Regulation 27 revoked by BR 147 / 2021 reg. 2 effective 30 September 2021]

Breach of conditions

28 Any person who is in breach of the conditions imposed on him in regulation 6 commits an offence and is liable on summary conviction to fine of \$2000.

Failing to maintain insurance

29 A minicar livery operator who fails to maintain insurance as required in regulation 14 commits an offence and is liable on summary conviction to a fine of \$3000.

Failure to keep a register and records

30 Every minicar livery operator who—

- (a) fails to keep a register under regulation 16;
- (b) contravenes regulation 16(2);
- (c) fails to keep records or other documents required in regulation 17;
- (d) fails, without reasonable excuse, to produce such records, or other documents to an inspector under regulation 17 upon being requested to do so,

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commits an offence and is liable on summary conviction to a fine of \$2,500.

Failing to have warning stickers

31 A minicar livery operator who fails to affix a warning sticker as required in regulation 25 commits an offence and is liable on summary conviction to a fine of \$100 for each minicar that does not contain the warning sticker.

SCHEDULE 1

(Paragraph 12)

MINICAR HIRE AGREEMENT

- 1 THE PARTIES
 - (a) the full name and address of the minicar livery operator;
 - (b) the telephone number that the driver can call to contact the minicar livery operator during the period of hire;
 - (c) the full name, permanent address and temporary address (if applicable) of the driver.
- 2 THE VEHICLE
 - (a) the make and model of the minicar;
 - (b) the vehicle identification plate details.
- 3 THE TERM OF HIRE
 - (a) the date and time of commencement of the minicar hire;
 - (b) the date and time by which the minicar must be returned to the minicar livery operator;
 - (c) the place or places to which the minicar may be returned.
- 4 AUTHORIZED DRIVERS
 - (a) the full name, full address (permanent), date of birth and telephone number of the person taking possession of the minicar at the commencement of hire and that person's driver's licence number, expiry date and issuing jurisdiction of the licence;
 - (b) the full names of the persons who are permitted to drive the minicar;
 - (c) any restrictions on persons who may drive the minicar.
- 5 HIRE CHARGES
 - (a) the hire rate;
 - (b) a clear statement of whether the rate is hourly, daily, weekly or monthly;
 - (c) details of all charges the driver will be required to pay.
- 6 DRIVER'S OBLIGATIONS AND RESTRICTIONS
 - (a) details of the driver's obligations and restrictions in relation to the driving, parking and use of the minicar;
 - (b) details of the driver's obligations in relation to the minicar itself, such as any obligations to maintain fuel;
 - (c) the driver's obligation to advise the minicar livery operator if the minicar is damaged.
- 7 ACCIDENTS AND REPAIRS
 - (a) what the driver is to do if there is an accident involving the minicar;
 - (b) what the driver is to do if the minicar breaks down or needs repair;
 - (c) the obligations of the minicar livery operator and driver if the minicar requires repair or replacement.
- 8 INSURANCE

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- (a) that insurance cover is provided by the minicar livery operator but the driver may make his own insurance arrangements provided they are approved by the minicar livery operator;
- (b) if insurance is provided by the minicar livery operator;
 - (i) details of the insurance premiums, if separate from the hire charge;
 - (ii) the extent of the driver's liability for loss or damage;
 - (iii) the amount of excess available.

9 CANCELLATION OF HIRE AGREEMENT

- (a) the circumstances in which the minicar livery operator or the driver may cancel the hire agreement;
- (b) the obligations of the minicar livery operator and the hirer on cancellation of the hire agreement.

10 DRIVER'S LIABILITY FOR USE OF MINICAR

- (a) that the driver of the minicar shall not use or allow the minicar to be used for transport for hire or reward;
- (b) the renter of the minicar shall not—
 - (i) sublet the minicar to any other person;
 - (ii) allow the minicar to be operated outside the authority of the driver;
 - (iii) operate the minicar or allow it to be operated in circumstances that constitute an offence under the Road Traffic Act 1947 or the Motor Car Act;
 - (iv) operate the minicar or allow it to be operated for transport of more than the number of persons specified by the minicar livery operator;
 - (v) allow the minicar to be driven by any person if at the time of driving the driver is not the holder of a valid driver's licence appropriate for the minicar.

11 DRIVER'S LIABILITY FOR INFRINGEMENTS FEES

- (a) that the driver may be charged an infringement fee to his credit card if—
 - (i) that fee arises from a parking offence committed under the Traffic Offences Procedure Act 1974;
 - (ii) that fee arises from a speeding offence committed under the Road Traffic Act 1947;
 - (iii) that fee arises from an offence of failing to produce a valid driver's licence committed under the Motor Car Act 1951; and
 - (iv) the offence was committed during the period of hire.
- (b) the specific amount of any administration fee to cover the cost of charging the driver's credit card.

SCHEDULE 2

(Paragraph 13)

GUIDELINES TO BE FOLLOWED WHEN HIRING OUT A MINICAR

PRELIMINARY

Have a driving instructor who is fluent in the English language.

A valid driver's licence shall be provided by the driver to confirm that they are an eligible driver that is 18 years of age or over.

Provide a pamphlet of an extract of Bermuda's Traffic Code and the relevant traffic legislation that highlights traffic and parking offences.

DEMONSTRATION

The driving instructor shall provide driving instructions in a form approved by the Minister, in writing, on the use of the minicar and the driver shall take and pass a written test on those instructions before he is allowed to operate the minicar.

The driving instructor shall demonstrate the starting and stopping procedure, use of the brakes, warning systems, lights and indicators and shown how to adjust mirrors, adjust windows and windscreen wipers.

The driving instructor shall inform the driver that Bermuda is a left-hand drive jurisdiction and show the driver the warning sticker located on the windscreen as a reminder.

The driving instructor shall inform the driver that the speed limit in Bermuda is 35kph and in St. George it is reduced to 25kph, and show where the needle will rest at those speeds on the speedometer.

While in the minicar with the driver, the driving instructor shall ask the driver to start the minicar again and allow the driver to operate the minicar by driving a suitable distance on a highway.

The driving instruction should be terminated if the driver demonstrates uneasiness in or lack of control of the minicar.

FINAL AUTHORIZATION

If the driving instructor is satisfied that the driver can drive safely on Bermuda's roads, the driver can proceed to sign the minicar hire agreement.

SAFETY INSTRUCTIONS TO BE PROVIDED TO THE DRIVER

The rule of the road in Bermuda is to the left. Keep as near to the left as practicable, unless about to overtake or turn to the right. (This rule does not apply where there are special traffic arrangements as in one-way streets or roundabouts.)

The maximum speed limit in Bermuda is 35kph; in St. George it is reduced to 25kph. There are penalties for speeding on Bermuda's roads. Keep to the speed limit and enjoy Bermuda safely.

There are severe penalties for drink driving on Bermuda's roads. Do Not Drink and Drive. There is a penalty for driving without a seat belt in Bermuda. Please remember to Buckle Up.

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Take special care when it is raining, when light is bad, or when roads have a loose surface, or are wet, slippery or otherwise dangerous.

A single yellow line means no waiting or parking on either side of the carriageway. Only overtake if it is clear and safe to do so.

Lock the minicar when it is parked.

Made this 18th day of April 2017

Minister of Tourism Development, Transport and Municipalities

[Amended by:

BR 147 / 2021]