NITIJELA OF THE MARSHALL ISLANDS

25TH CONSTITUTIONAL REGULAR SESSION, 2004 **BILL NO:24ND2**

P.L. 2004-18

AN ACT

to amend the Motor Traffic Act, 1986 (the Act) by inserting new provisions under Part III Division 3 and Part IV, and to provide for additional requirements and prohibitions under the Act.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS

Section 1. **Short Title**

This Act may be cited as the Motor Traffic (Amendment) Act, 2004.

Section 2. **Amendments**

The Act is hereby amended in the following manner:

(1) By inserting a new paragraphs (o) and (p) under Section 102 of the Act to read as follows:

(o) "privately owned vehicle" as used in this Act refers to a vehicle that is privately owned by an individual(s), a corporation, organization or other legal entity that is used for purposes other than as a public motor vehicle.

(p) "Public Motor Vehicle" refers to:

(i) any motor vehicle of a capacity of ten (10) or more passengers used for conveying school children to and from school; or

(ii) any motor vehicle in use as a passenger-carrying conveyance for hire or for a fare.

(2) By amending Section 113(1) (a) in the following manner;

(1) No operator's license shall be issued by the Chief of Police to any person:

(a) who is under the age of *twenty-one (21) years*

(3) By repealing Section 113 subsection (2).

(4) By amending Section 126 as follows:

§126. Requirements.

(1) An applicant for a chauffeur's license shall:

(a) be twenty-one (21) years of age or older:

(b) hold a valid license issued to him under Section 114(l)(b) or (c) of this Chapter; and

(c) not fall within any of the prohibitions set forth in Section 113(b), (c) and (d) of this Chapter.

(2) Every chauffeur's license issued shall be valid for a period of one year unless suspended or revoked as provided in this Part.

(3) In addition to the provisions of subsections (1) and (2) above, an applicant for a chauffeur's license is hereby required to attach to his application, a certification by a physician that the applicant has been examined and that he or she is not suffering from any communicable diseases, including tubercolosis (TB). This certification is required both at the initial application for a chauffeurs license as well as for the renewal of such license. No chauffeur's license shall be issued or re-newed where:

(a) the applicant fails to attach the certification required under subsection (3) above; or

(b) the applicant has been certified as suffering from a communicable disease, including Tubercolosis (TB).

(4) All persons who were issued chauffeur's licenses prior to the effective date of this Act are hereby required to undergo a medical examination within 21 days after the effective date of this Act, and to submit a certification of the examination to the Chief of Police. The Chief of Police shall revoke or withdraw a chauffeur's license:

(a) for failure to comply with this subsection; or

(b) if the person is certified as suffering from a communicable disease, including Tubercolosis (TB).

(5) "Communicable disease" as used herein includes those enumerated by the World Health Organization, the Center for Disease Control, and the Health Services of the South Pacific Commission in their epidemiological reporting system, and any other diseases declared to be communicable diseases by the Secretary of Health Services;

(5) By inserting a new sections 160 ,161 and 161Ato read in the following manner;

§160 Requirement for Clear Windows - Public Motor Vehicles

(1) All public motor vehicles operating on all highways and roads in the Republic must exhibit clear windows in the front, the sides and the rear. Accordingly, *no* person shall:

(a) operate or allow to be operated as a public motor vehicle, any vehicle that has any of its windows fully or partially covered by any degree of tint film or ;

(b) operate or allow to be operated as a public motor vehicle, any vehicle fitted with factory tinted windows.

§161. Requirement for Clear Windows - Privately Owned Vehicles

(1) No person shall operate or allow to be operated on any highway or roads in the Republic:

(a) any privately owned vehicle that has any of its windows fully or partially covered by tint film to a degree in excess of that categorized as light tint (35%).

(b) any privately owned vehicle fitted with factory tinted windows with tint density in excess of that categorized as light tint (35%).

§161A. Exemptions

The provisions of Section 161 above do not apply to the following vehicles:

(a) Diplomatic Corp vehicles;

(b) Government vehicles used in the transportation of foreign dignitaries;

(c) factory tinted vehicles imported prior to the effective date of this Act, provided that, owners of such vehicles do not operate such vehicles as public motor vehicles.

(6) By repealing Section 164 in its entirety.

(7) By amending Section 172 as follows:

§172. Regulations.

The Commissioner of Police shall, subject to approval by the Cabinet, promulgate the rules and regulations necessary for the effective administration of the provisions of this Act.

Section 3. **Effective Date**

This Act shall take effect on the date of certification, in accordance with the Constitution and the Rules of Procedures of the Nitijela.

CERTIFICATE

I hereby certify:

(1) that the above Nitijela Bill No. **24ND2** was passed by the Nitijela of the Marshall Islands on the 25th day of October 2004; and

(2). that I am satisfied that Nitijela Bill No. **24ND2** was passed in accordance with the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela..

BILL NO: **24ND2**

P.L. 2004-18

I hereby place my signature before the Clerk of the Nitijela on this 22nd day November 2004.

Attest:

Litokwa Tomeing
Speaker,
Nitijela of the Marshall Islands

Joe E Riklon
Clerk,
Nitijela of the Marshall Islands