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PART I : SECTION (I) — GENERAL

Government Notifications

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THE MOTOR TRAFFIC ACT (CHAPTER 203)

REGULATIONS made by the Minister of Transport under Section 237 of the Motor Traffic Act (Chapter 203) read with Sub Section (2) of Section 5 and Section 19 of the aforesaid Act.

KUMARA WELGAMA,
Minister of Transport.

Colombo,
25th July 2013.

Regulations

1. These regulations may be cited as the Motor Traffic (Motor Tricycle) Regulations, No. 01 of 2013.

2. (1) Every owner of a motor tricycle who uses such motor tricycle for the purpose of transportation of persons or goods for hire or otherwise shall ensure that the off side opening to the passenger's compartment of the motor tricycle shall be partially or permanently closed to prevent any entry or exit by a passenger.

(2) (a) A driver of a motor tricycle shall not allow any passenger to enter into or exit from the motor tricycle by scaling over the off side of the motor tricycle.

(b) No person shall enter into or exit from the motor tricycle by scaling over the off side of the motor tricycle.

(3) A driver of a motor tricycle shall not carry more than the number of persons as may allowed under regulations 3 and the number of persons to be carried in a motor tricycle shall be displayed numerically and conspicuously on the exterior rear near side of the motor tricycle.

(4) For the purpose of the paragraph (3), two children under age of twelve years shall be counted as one passenger for the purpose of counting the number of passengers.



3. An owner of a motor tricycle shall ensure that —

- (a) the support of all seats of a motor tricycle shall be firmed in position and at least 382 millimeters measured in a straight line along the front of each seat shall be allowed for each passengers ;
- (b) the shortest distance between the edge of the drive seat of a motor tricycle and vertical plane passing through the front edge of a seat shall not be less than 230 millimeters ;
- (c) the height of the motor tricycle shall not exceed one hundred and fifty percent of the width from the ground level ;
- (d) the goods loaded to the motor tricycle shall not extend out more than 75 centimeters from front end or and rear end of the motor tricycle ;
- (e) the minimum distance between the back rest to back rest of the seats fitted on the motor tricycle shall not be less than 660 millimeters ; and
- (f) seats facing each other shall not be fitted to a motor tricycle.

4. No person other than the driver of the motor tricycle shall be carried in the driver's compartment or on the driver's seat.

5. The motor tricycle shall not be driven at a speed in excess of 40 kmph.

6. The owner or driver of a motor tricycle shall not permit any person to distribute any advertisement, leaflet or hand bill while such motor tricycle is in motion on the road.

7. The driver of a motor tricycle which is in motion shall not use or shall not cause to use any instrument or equipment emanating sound so as to disturb or annoy other road users. The sound shall be regulated to ensure that it is confined within the motor tricycle and intended for the hearing only of the occupants therein.

8. (1) An owner or driver of the motor tricycle shall ensure that —

- (a) a speedometer is fitted to the motor tricycle in such a position to indicate clearly at all times to the driver of the motor tricycle the speed at which the motor tricycle is driven ;
- (b) electrically or electronically operated windscreen wiper is fitted in such a manner that the driver of the motor tricycle could obtain an unobstructed view to the front of the motor tricycle ;
- (c) every motor tricycle fitted with pneumatic tyres shall, while the motor tricycle is used on a road carry at least one spare wheel and other devices so that it is capable of being fitted quickly to a wheel or axle and every such motor tricycle fitted with pneumatic tyres of two different sizes shall in like manner, carry at least one spare inflated tyre of each size ; and
- (d) cover is fitted to protect the driver and the passengers from weather conditions.

(2) An owner of the motor tricycle shall ensure that the following electrical components are fitted to the motor tricycle and are in good condition —

- (a) two exterior rear view mirrors ;
- (b) head lamps with the head and dip beams and an indicator ;
- (c) tail or stop lamp ;
- (d) side direction indicator lamp ;
- (e) reserve lamp ;
- (f) two interior lamp for driver compartment and passenger compartment ;
- (g) parking lamps ; and
- (h) horn.

9. Where the motor tricycle is used for the purpose of carrying persons or goods for a fee or reward —

- (a) the owner or driver of the motor tricycle shall cause to be examined the motor tricycle annually after expiration of two years from the first registration for the issue of the fitness certificate under the provisions of section 196 of the Motor Traffic Act and the effective date for issuance such certificate shall be declared by the Commissioner-General ;
- (b) the following information shall be displayed behind the driver seat to be clearly visible to passengers —
 - (i) registration number ;
 - (ii) name and driving license number of the driver ;
 - (iii) a photograph of the driver (size : 65” x 50”) ;
 - (iv) registration number in the authority and association or union ;
 - (v) telephone numbers to inform in the case of emergency.
- (c) the driver of a motor tricycle shall —
 - (i) behave in a civil and orderly manner ;
 - (ii) not smoke ;
 - (iii) not terminate the hiring before he has been discharged by the hire ; and
 - (iv) carry passengers to their destinations by the shortest possible route within the shortest time unless otherwise requested by them,

at all the times while he is on duty.

10. (1) Every passenger using a hiring motor tricycle if so requested by the driver of such motor tricycle declare the journey he intends to take and shall, on demand pay the such fare for the whole of such journey as registered in the taximeter.

(2) Upon the payment of such fare, it shall be the duty of the driver of such motor tricycle to issue a receipt to that effect. Such receipt shall include all the necessary information.

11. No driver of a motor tricycle shall cause or permit his motor tricycle to be used with his knowledge in connection with or for the furtherance of any offence punishable under the Penal Code or any other written law.

12. The driver of the motor tricycle shall, on completion of every journey, examine the motor tricycle for any articles accidentally left therein by any passenger. If any such properties found and it is not claimed immediately by the owner, the drivers shall, without undue delay take it to the nearest police station and deliver it to the officer in charge of such station and acknowledge receipt of such article.

13. Every motor tricycle shall be so design that the driver has adequate room and can easily reach and quickly operate the controls. The accommodation for the driver shall be arranged as to afford adequate protection from the element of weather and unobstructed view of the road.

14. (1) An owner of a motor tricycle shall ensure that no letters, figures or digits except descriptive information marked thereon by the manufacturer of the motor tricycle shall be marked on the front and rear of the motor tricycle.

Provided however, fare and other information shall be marked on front and rear sides of the motor tricycle.

(2) The fare shall be displayed on the nearside of the motor tricycle above the direction indicator.

(3) Any information required to be mentioned under the provisions of the Motor Traffic Act or by any regulation made thereunder shall be marked with the prior approval in writing by the Commissioner General.

15. (1) An owner who uses a motor tricycle for the transportation of persons or goods for hire or otherwise shall fit a taxi meter with the motor tricycle.

(2) A taxi meter fitted to a motor tricycle —

(a) shall be of the standard type approved by the Commissioner-General ; and

(b) has been tested and approved by the Commissioner-General or an official authorized by him relating to—

(i) the external appearance, general action and to ascertain whether it accurately registers time and distance ; and

(ii) conformity with the standard type approval in these regulations.

(3) Every owner of motor tricycle shall cause the taxi meter to be examined and the receipt issued to that effect shall be fitted to the motor tricycle.

(4) After the examination of a taxi meter in all aspects, it shall be sealed by the Commissioner-General or an authorized officer in such manner that its interior parts cannot be tampered or reached without breaking the seals.

(5) Every taxi meter fitted to the motor tricycle shall be examined by Commissioner-General or an officer an authorized officer once at least every twelve months, or earlier if the seals are removed for any repairs or adjustments. A calibration certificate shall be issued by Commissioner-General or an officer authorized by the Commissioner-General.

(6) The seals shall not be removed or tampered from the meter for any purpose without prior approval of the Commissioner-General.

(7) Every taxi meter shall be fixed with the face or dial towards the interior of the motor tricycle so as to be clearly visible to the hirer and also capable of being read by the hirer and the driver, having regard to the design of the motor tricycle or in any other suitable position approved by the Commissioner-General in writing.

(8) Every motor tricycle shall have a light so fitted as to illuminate the taxi meter at night.

(9) In case where a motor tricycle hired by any person is unable to proceed due to a defect of the motor tricycle, the driver shall stop the taxi meter and indicate that it has been stopped and shall not re-start the taxi meter until the motor tricycle recommences its journey with the consent of the passenger.

(10) No driver of the motor tricycle shall, without reasonable ground, refuse to hire a motor tricycle when the taxi meter indicates that its available for hire.

(11) An owner of a motor tricycle shall not use any taxi meter if an order of prohibition of use of such taxi meter has been done by the Commissioner-General or an authorized officer, and in such case the taxi meter shall be removed forthwith from the motor tricycle. The owner of such motor tricycle shall withdraw such motor tricycle from the hiring activity until an approved taxi meter is re-fixed.

16. (1) Every application for the approval of standard type of taxi meter shall be made to the Commissioner-General and every such application shall be accompanied by —

(a) two complete specimens of the taxi meter ;

(b) make and country of origin ;

(c) a detailed description of such taxi meter with drawings of its mechanism ;

(d) the certificate issued by the Department of Measurement Unit and Standard Services or any other government institute authorized by the Commissioner-General ;

(e) any other items which the Commissioner-General or an authorized officer may in writing direct applicant to make available.

(2) Every taxi meter in respect of which approval is sought shall be subjected to an exhaustive test to ascertain whether it complies with the technical requirements. The testing officer may open and dismantle one or both of the specimens for comprehensive examinations. The Commissioner-General or an authorized officer shall not be responsible for any damage caused during dismantling or testing.

(3) The applicant shall make arrangements as directed by the Commissioner-General or the testing officer for the working of the taxi meter to be demonstrated by a person familiar with its operation.

(4) The applicant shall supply for at least one day or any period specified by the Commissioner General in writing for the purpose of such practical test of a motor tricycle fitted with a taxi meter of the type required by the Commissioner General.

(5) Every taxi meter shall be so constructed so as to :

- (a) indicate in suitable slot upon its dial the amount of fare calculated by time and distance ; and
- (b) have an indicator on the dial of the taxi meter a flag which would indicate whether or not the taxi meter is in action.

(6) The letters and figures shown —

- (a) in the dial shall be of reasonable size and shall be so placed as to be easily read by the hirer ; and
- (b) all letters and figures on the taxi meter and its base shall be of such size and colours as would render them clearly legible.

(7) The maximum fare for any motor tricycle hired for any road in a province shall be an amount decided and declared by the Fare Reviewing Committee based on a policy or calculated in accordance with the price formula.

17. (1) There shall be a Fare Reviewing Committee consisting —

- (a) the Secretary to the Ministry of the Minister in charge of the subject of Transport who shall be the Chairman ;
- (b) a representative of Ministry of Finance nominated by such Ministry ;
- (c) a representative of Ministry of the Provincial Council nominated by such Ministry ;
- (d) a representative of National Transport Commission nominated by such Commission ;
- (e) a representative of Sri Lanka Police nominated by Inspector General of Police ;
- (f) a representative of Department of Local Government nominated by Head of the Department of Local Government ;
- (g) a representative of Consumer Protection Authority nominated by such Authority ; and
- (h) two representatives who shall be a person possessing wide knowledge, experience and qualifications in the field of public transport appointed by the Minister.

(2) Every member of the Fare Reviewing Committee who is appointed under paragraph (h) shall unless he earlier vacates the office or is removed by the Minister there from hold office for such period not exceeding three years. Such member shall be eligible for reappointment.

18. (1) It shall be the duty of the Fare Reviewing Committee to formulate a price formula and to obtain the approval of the Minister of Transport.

(2) The price formula shall include —

- (a) the fare for journey of one kilometer or part thereof ; and
- (b) the fare for the first kilometer and for each additional kilometer of journey of more than one kilometer ; and
- (c) the charge for the period of detention.

(3) The charge of detention shall be decided and declared by the Fare Reviewing Committee based on the policy or calculated in accordance with a price formula for the period of detention.

(4) The period of detention shall be the total period when the motor tricycle is stationary between the time of starting and the end of the journey.

(5) The starting point of the journey of the motor tricycle shall be deemed to have commenced its journey at the request of the passenger for him to pick up whether at the garage or the public stand or at some place other than the public stand. The end of the journey shall be the final destination at which or the time the passenger discharges the motor tricycle.

(6) No charge by the way of extras of any kind whatsoever for a property of the passenger such as the carriage of hand carried pet animals, shall be made so as to exceed the fare.

(7) The fare and the charges for the period of detention shall be revised whenever required and necessary by the Fare Reviewing Committee.

(8) Meeting of the Fare Reviewing Committee shall be summoned by the Chairman at least once in six months and whenever he may deem necessary.

Provided however, that the Chairman shall summon a meeting whenever he is requested to do so in writing by not less than four members of the Fare Reviewing Committee.

(9) A Code of practice for the conduct of business by the Fare Reviewing Committee, the procedure to be followed at meetings of the Fare Reviewing Committee and pricing formula to review the fare and the charge of detention shall be approved by the Minister of Transport. The Fare Reviewing Committee may subject to any such code of practice regulate its own procedure.

19. In these regulations unless the context otherwise requires —

“motor tricycle” means motor tricycle designed to travel on three wheels and having a tare which does not exceed 500 kilograms and which is constructed wholly or mainly for the carriage of passengers.