

**CAYMAN ISLANDS**



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**THE TRAFFIC (AMENDMENT) (DRIVING WHILE INTOXICATED,  
ETC.) LAW, 2000**

**(Law 11 of 2000)**

**THE TRAFFIC (AMENDMENT) (DRIVING WHILE INTOXICATED,  
ETC.) LAW, 2000**

**ARRANGEMENT OF SECTIONS**

1. Short title.
2. Amendment of section 2 of the Traffic Law (1999 Revision) - definitions.
3. Amendment of section 43 - permits for omnibus and taxi drivers.
4. Repeal of section 71 and substitution - driving under the influence of alcohol or drugs.
5. Insertion of new sections 71A and 71B - driving or being in charge of a motor vehicle while under the influence of alcohol or drugs and causing death; breath tests.
6. Repeal of section 72 and substitution - provisions of specimens for analysis.
7. Insertion of section 72A - protection for hospital patients.
8. Amendment of section 73 - retention of vehicles.
9. Insertion of section 73A - interpretation of sections 71 to 73.
10. Amendment of section 78 - ticket offences.
11. Amendment of section 79 - ticket procedure.
12. Amendment of section 94 - parking at yellow lines.
13. Insertion of new sections 103A and 103B - disabled person's badge; school zones.

CAYMAN ISLANDS

Law 11 of 2000.

I Assent

P.J. Smith

Governor.

2 November, 2000.

**A LAW TO AMEND THE TRAFFIC LAW (1999 REVISION); TO  
AMEND THE LAW RELATING TO OMNIBUS AND TAXI DRIVERS'  
PERMITS; TO AMEND THE LAW RELATING TO DRIVING WHILE  
INTOXICATED; TO PROVIDE FOR SPECIFIED PARKING PLACES  
FOR DISABLED DRIVERS; TO AMEND THE LAW RELATING TO  
TICKETING OFFENCES; AND TO PROVIDE FOR THE DESIGNATION  
OF SCHOOL ZONES; AND FOR INCIDENTAL AND CONNECTED  
PURPOSES**

ENACTED by the Legislature of the Cayman Islands.

1. This Law may be cited as the Traffic (Amendment) (Driving while Intoxicated, etc.) Law, 2000. Short title

2. The Traffic Law (1999 Revision) ("the principal Law") is amended in section 2 by inserting the following definitions- Amendment of section 2  
of the Traffic Law (1999  
Revision) - Definitions

“ “alcohol-in-breath measuring device” means a device prescribed for the purposes of the Law for measuring the amount of alcohol in a person’s breath or blood;”

“disabled person” means a person with a want of physical ability affecting the driving of motor cars;” and

“goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted;”.

Amendment of section 43 - permits for omnibus and taxi drivers

3. The principal Law is amended in section 43 by repealing subsection (3) and substituting the following-

“(3) Notwithstanding subsection (2)-

- (a) the Board shall refuse to consider an application for a permit by or on behalf of a person who does not fulfil the prescribed conditions as to age, driving experience or local knowledge; and
- (b) the Board may, in its discretion, refuse to consider an application for a permit by or on behalf of any person who, during the last three years, has been convicted in any court for-
  - (i) an offence under section 71 or 71A;
  - (ii) any offence connected with dangerous drugs;
  - (iii) any offence involving fraud or dishonesty;
  - (iv) any offence against the person triable on indictment or either way; or
  - (v) dangerous driving, whether or not causing death.”.

Repeal of section 71 and substitution - driving under the influence of alcohol or drugs

4. The principal law is amended by repealing section 71 and substituting the following section -

“Driving under the influence of alcohol or drugs

71. (1) A person who-

- (a) drives or attempts to drive a motor vehicle on a road;
- (b) is in charge of a motor vehicle on a road; or
- (c) is supervising a learner driver of a motor vehicle on a road,

while that person-

- (i) is under the influence of drugs or alcohol to such an extent that his efficiency as a driver is or would be impaired; or
- (ii) has consumed alcohol in such a quantity that the proportion of alcohol in his breath, blood or urine exceeds the prescribed limit,

commits an offence.

(2) A person who commits an offence under this

section is liable on summary conviction-

- (a) on a first offence, to a fine of one thousand dollars or to a term of imprisonment of six months or both;
- (b) on a second or subsequent offence, to a fine of two thousand dollars or to a term of imprisonment of twelve months or both; and
- (c) in addition to the above, on a first or any subsequent offence, to disqualification from driving for a period of twelve months or such longer period as the court may order.

(3) A constable in uniform may arrest a person without a warrant if he has reasonable cause to suspect that that person is or has been committing an offence under this section.

(4) The particulars of a conviction under this section shall be endorsed on the driving record of the convicted person.”.

5. The principal Law is amended by inserting after section 71 the following sections-

“Driving or  
being in charge  
of a motor  
vehicle while  
under the  
influence of  
alcohol or drugs  
and causing  
death

71A. (1) A person who-

- (a) drives or attempts to drive a motor vehicle on a road; or
- (b) is in charge of a motor vehicle on a road,

where that person -

- (i) is unfit to drive through the consumption of drugs or alcohol; or
- (ii) has consumed alcohol in such a quantity that the proportion of alcohol in that person’s breath, blood or urine exceeds the prescribed limit,

and he thereby causes the death of another person, commits an offence.

(2) A person who commits an offence under this

Insertion of new sections  
71A and 71B - driving  
or being in charge of a  
motor vehicle while  
under the influence of  
alcohol or drugs and  
causing death; breath  
tests

section is liable on conviction on indictment to a term of imprisonment not exceeding ten years and shall be disqualified from driving for a period of five years or such longer period as the court may order.

(3) A constable in uniform may arrest a person without a warrant if he has reasonable cause to suspect that that person is or has been committing an offence under this section.

(4) The particulars of a conviction under this section shall be endorsed on the driving record of the convicted person.

Breath tests

71B. (1) Where a constable in uniform has reasonable cause to suspect-

- (a) that a person who is supervising a learner driver of a motor vehicle on a road has consumed alcohol and the learner driver, while under that person's supervision, has committed a traffic offence while the vehicle was in motion;
- (b) that a person driving or attempting to drive or who is in charge of a motor vehicle on a road has consumed alcohol and has committed a traffic offence while the vehicle was in motion;
- (c) that a person has been driving or attempting to drive or has been in charge of a motor vehicle on a road or has been supervising a learner driver of a vehicle on a road after consuming alcohol;
- (d) that a person has been driving or attempting to drive or has been in charge of a motor vehicle on a road and has committed a traffic offence while the vehicle was in motion; or
- (e) that a person is supervising a learner driver of a motor vehicle on a road and that the learner driver, while under that person's supervision, has committed a traffic offence

while the vehicle was in motion,

that constable may, subject to section 72A, require that person to provide a specimen of breath for a breath test by a portable alcohol-in-breath measuring device.

(2) Where an accident occurs owing to the presence of a motor vehicle on a road, a constable may, subject to section 72A, require any person whom he has reasonable cause to believe was driving, or was in charge of the vehicle or was supervising a learner driver of the vehicle at the time of the accident, to provide a specimen of breath for a breath test by a portable alcohol-in-breath measuring device.

(3) A person may be required under subsection (1) or (2) to provide a specimen either at or near the place where the requirement is made.

(4) A constable shall, on requiring a person to provide a breath test under this section, warn that person that a failure to provide the breath test may render that person liable to prosecution.

(5) A person who, without reasonable cause, fails to provide a specimen of breath when required to do so pursuant to this section, commits an offence and is liable on summary conviction-

- (a) on a first offence, to a fine of one thousand dollars or to a term of imprisonment of six months or both;
- (b) on a second or subsequent offence, to a fine of two thousand dollars or to a term of imprisonment of twelve months or both; and
- (c) in addition to the above, on a first or any subsequent offence, to disqualification from driving for a period of twelve months or such longer period as the court may order.

(6) A constable in uniform may arrest without a warrant any person whom he has reasonable cause to believe has committed an offence under subsection (5).

(7) A constable may arrest a person without a warrant if as a result of a breath test under this section he has reasonable cause to suspect that the proportion of alcohol in that person's breath or blood exceeds the prescribed limit."

Repeal of section 72 and substitution - provisions of specimens for analysis

6. The principal Law is amended by repealing section 72 and substituting the following-

"Provision of specimens for analysis

72. (1) A person who has been arrested under section 71, 71A or section 71B shall, while at a police station, be required-

- (a) to provide a specimen of breath for analysis by means of an alcohol-in-breath measuring device of a type prescribed by the Governor; or
- (b) a specimen of blood or one or more specimens of urine for a laboratory test.

(2) If a constable has reasonable cause to suspect that a person's inability to drive properly was, or might have been, impaired through drugs he may, with the consent of the officer in charge of the police station, require that person to provide a specimen of blood or urine under subsection (1)(b) notwithstanding that he has in respect of the same arrest been required to and has provided a specimen of breath under subsection (1)(a).

(3) A requirement under this section to provide a specimen of blood or urine can only be made at a police station or at a hospital; and it cannot be made at a police station unless-

- (a) the constable making the requirement has reasonable cause to believe that for medical reasons a specimen of breath cannot be provided or should not be required;
- (b) at the time the requirement is made, a device or a reliable alcohol-in-breath device either is not available at the police station or it is then for any other reason not practicable to use such a device there; or



- (c) the constable making the requirement has been advised by a medical practitioner that the condition of the person required to provide the specimen might be due to some drug,

but may then be made notwithstanding that the person required to provide the specimen has already provided or been required to provide two specimens of breath.

(4) If the provision of a specimen other than a specimen of breath is required under this section the question whether it is to be a specimen of blood or a specimen of urine shall be decided by the constable making the requirement.

(5) The constable operating an alcohol-in-breath measuring device shall do so in the presence of another constable.

(6) A certificate under the hand of the constable operating the alcohol-in-breath measuring device as to the result of the breath test and counter-signed by the constable in whose presence it was made shall be receivable in evidence in any court and shall be evidence in any court of the proportion of alcohol in the breath.

(7) A constable, on requiring a person to provide a specimen under this section shall warn that person that a failure to provide the specimen shall render that person liable to prosecution.

(8) A person who without reasonable cause fails to provide a specimen when required to do so under this section commits an offence and is liable on summary conviction -

- (a) on a first offence, to a fine of one thousand dollars or to a term of imprisonment of six months or both;
- (b) on a second or subsequent offence, to a fine of two thousand dollars or to a term of imprisonment of twelve months or both;

and

- (c) in addition to the above, on a first or any subsequent offence, to disqualification from driving for a period of twelve months or such longer period as the court may order,

and the particulars of the offence shall be endorsed on the driving record of the convicted person.

(9) The constable requiring any person to provide a specimen of blood or urine under subsection (1)(b) for a laboratory test, shall, if requested by that person, supply to him in a clean and suitable container, part of the specimen, or, in the case of a specimen of blood which it is not practicable to divide, another specimen which he may consent to be taken.

(10) The laboratory test referred to in subsection (1)(b) shall be carried out by or under the supervision of a government medical officer or such other person as may be authorised by the Chief Medical Officer and a certificate under the hand of such officer shall be receivable in evidence in any court and shall be evidence of the proportion of alcohol in the blood.

(11) A specimen of urine shall be provided within one hour of the requirement for its provision being made and after the provision of a previous specimen of urine.”.

Insertion of section 72A  
- protection for hospital  
patients

7. The principal Law is amended by inserting after section 72 the following section -

“Protection for  
hospital patients

72A (1) While a person is a patient at a hospital he shall not be required to provide a specimen of breath for a breath test or to provide a specimen for a laboratory test unless the medical practitioner in immediate charge of his case has been notified of the proposal to make the requirement and

- (a) if the requirement is then made, it shall be for the provision of a specimen at the hospital; but
- (b) if the medical practitioner objects on the

ground specified in subsection (2) the requirement shall not be made.

(2) The ground on which the medical practitioner may object is that the requirement or the provision of a specimen, or in the case of a specimen of blood or urine, the warning required under section 71B, would be prejudicial to the proper care and treatment of the patient.”.

8. Section 73 of the principal Law is amended by inserting after the word “71” where it appears the words “or 71A”.

Amendment of section 73 - Retention of vehicles

9. The principal Law is amended by inserting after section 73 the following section-

Insertion of section 73A - Interpretation of sections 71 to 73

“Interpretation of sections 71 to 73

73A. (1) For the purposes of sections 71 to 73-

“breath test” means a test for the purpose of obtaining measurement of the proportion of alcohol in a person’s breath by means of an alcohol-in-breath measuring device or by a portable alcohol-in-breath measuring device;

“drug” includes any intoxicant other than alcohol;

“fail” includes refuse;

“hospital” means an institution which provides medical or surgical treatment for in-patients or out-patients; and

“test” means the analysis of a specimen provided for the purpose.

(2) A person does not provide a specimen of urine or blood for analysis unless the specimen-

(a) is sufficient to enable the test or the analysis to be carried out; and

(b) is provided in such a way as to enable the objective of the test of analysis to be satisfactorily achieved.

(3) A person provides a specimen of blood only if he consents to it being taken by a medical practitioner and

it is so taken.”.

Amendment of section  
78 - ticket offences

10. Section 78 of the principal Law is amended in subsection (1) by inserting the following new paragraphs after paragraph (u)-

- “(v) parks or loads a vehicle where there is a yellow line on the roadside or at the road centre;
- (w) carries an unauthorised pillion passenger on a motor cycle for which the driver has only a provisional licence or on a bicycle;
- (x) drives a vehicle with a load which overhangs the vehicle or which is carried on the vehicle in a manner which is likely to cause danger to other users of the road;
- (y) tows a vehicle in a manner which is likely to cause danger to other users of the road;
- (z) fails to wear a seat belt contrary to section 63;
- (A) drives or parks a vehicle or causes an obstruction or uses a badge contrary to section 103A; and
- (B) rides a motor cycle without a crash helmet.”.

Amendment of section  
79 - ticket procedure

11. The principal Law is amended in section 79(1) by deleting the words “section 77(1) or 78” and substituting the words “section 62(3), 63(1), 63(3), 77(1) or 78, or such other sections as may be prescribed by the Governor by regulations.”.

Amendment of section  
94 - parking at yellow  
lines

12. The principal Law is amended in section 94-

- (a) in subsection (1) by inserting after the word “and” where it first appears the words “subject to subsection (1a),”;
- (b) by inserting the following subsection after subsection (1)-
  - “(1a) A person may park a goods vehicle along a yellow line for any period of up to fifteen minutes for the purpose of loading or unloading such vehicle.”; and
- (c) by inserting the following new subsection after subsection (2)-
  - “(3) The Commissioner may by notice published in the Gazette designate parking places on roads for motor vehicles driven by, or used for the carriage of, disabled persons and such parking places shall be demarcated by lines of a prescribed colour and measurement painted on the carriageway and by traffic signs of a prescribed form and design erected adjacent to the designated parking place.”.

13. The principal Law is amended by inserting the following new sections after section 103-

Insertion of new sections  
103A and 103B -  
disabled person's badge;  
school zones

Disabled  
person's badge

103A. (1) There shall be a badge of a prescribed form to be issued by the Director for motor vehicles driven by, or used for the carriage of, disabled persons; and subject to the provisions of this section, the badge so issued for any motor vehicle or motor vehicles may be displayed on it or on any of them.

(2) A badge may be issued to a disabled person for one or more motor vehicles driven by him or used by him as a passenger.

(3) A badge may be issued to an institution concerned with the care of the disabled person for any motor vehicle, or, for each motor vehicle kept and used by or on behalf of the institution to carry disabled persons.

(4) A badge issued under this section shall be displayed when the motor vehicle to which it relates is parked in a parking place designated for disabled persons and in such manner as may be prescribed.

(5) A person who-

- (a) drives a motor vehicle on a road at a time when a badge of a form prescribed under this section is displayed on the vehicle is guilty of an offence unless the badge is issued under this section and is displayed in accordance with regulations made under it; or
- (b) parks a motor vehicle contrary to subsection (4) or parks a bicycle or otherwise causes an obstruction in a parking place designated under section 94(3) or uses a badge in contravention of this section is guilty of an offence.

(6) The Director shall maintain a register showing the holders of badges issued under this section, and the motor vehicle or motor vehicles for which each of the

badges is held.

(7) A badge issued under this section shall remain the property of the Director, shall be issued for such period as may be prescribed, and shall be returned to the Director in such circumstances as may be prescribed.

(9) Regulations made under this section may make provision as to the cases in which the Director may refuse to issue badges, and as to the fee (if any) which the Director may charge for the issue or re-issue of a badge.

(10) Where the prescribed conditions are met in the case of any person-

- (a) if he applies to the Director for the issue of a badge under this section, the Director may by notice refuse the application; and
- (b) if he holds a badge issued under this section by the Director, the Director may by notice require the return of the badge.

(11) The conditions that may be prescribed for the purposes of subsection (10) are conditions relating to the misuse of badges under this section.

(12) A notice under subsection (10) may be given by post.

(13) A badge which is required to be returned to the Director shall not be displayed on any vehicle; and a badge which is required to be so returned by virtue of a notice under subsection (10) shall be returned within the prescribed time and may not be displayed on any vehicle after that time.

School zones

103B. The Commissioner may by notice published in the Gazette, designate any part of a road as a school zone; and regulations may prescribe the traffic signs or lights which shall be required to demarcate the school zone at each of its entrances and exits, and the speed limit and other conditions which shall apply in a school zone.”.

*The Traffic (Amendment) (Driving while Intoxicated, etc.) Law, 2000*

Passed by the Legislative Assembly the 18th day of September, 2000.

Mabry S. Kirkconnell

Speaker.

W. Ebanks

Deputy Clerk of the Legislative Assembly.