

LEGAL NOTICE NO. 281

REPUBLIC OF TRINIDAD AND TOBAGO

THE MOTOR VEHICLES AND ROAD TRAFFIC ACT, CHAP. 48:50

REGULATIONS

MADE BY THE MINISTER UNDER SECTION 100 OF THE MOTOR VEHICLES
AND ROAD TRAFFIC ACT AND SUBJECT TO NEGATIVE RESOLUTION OF
PARLIAMENT

THE MOTOR VEHICLES AND ROAD TRAFFIC (WINDSCREEN
AND WINDOW TINT) REGULATIONS, 2020

1. These Regulations may be cited as the Motor Vehicles and Road
Traffic (Windscreen and Window Tint) Regulations, 2020. Citation

2. In these Regulations—

Interpretation

“Act” means the Motor Vehicles and Road Traffic Act;

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“anti-glare band overlay” means a tinted overlay that is
transparent and that is applied along the top edge of the
windscreen for the purpose of reducing glare from the sun;

“body transfer vehicle” means a motor vehicle that is used
primarily for the transportation of deceased persons;

“constable” has the meaning assigned to it in section 80 of the
Act;

“exemption certificate” means a certificate issued under
regulation 6(2);

“light transmittance measuring device” means a device
approved by the Transport Commissioner under regulation 11
for the purpose of measuring visible light transmittance;

“material” means any overlay, film, coating, spray, sticker or
other adhesive product, vinyl or paint applied, affixed or
fitted to the safety glass on the windscreen or windows of a
vehicle, but excludes any glazing or coating added during
the manufacture of the vehicle;

“overlay” means a transparent, translucent, opaque, tinted or
perforated self-adhesive or clinging film, sticker, wrap or
material, including anti-glare band overlays and stone-
guard overlays, which are used for—

(a) the purposes of—

(i) reduction of ultraviolet light;

(ii) infrared or visible light transmission;

(iii) advertising;

(iv) identification;

- (v) information;
- (vi) protection; or
- (vii) aesthetics; or

(b) any other purpose;

“sticker” means a self-adhesive or clinging film, with or without print on it, that is applied for—

(a) the purposes of—

- (i) advertising;
- (ii) identification;
- (iii) information;
- (iv) aesthetics; or

(v) compliance with any written law; or

(b) any other purpose;

“stone-guard overlay” means a transparent overlay and that is applied along the bottom edge of the windscreen for the purpose of preventing damage to the windscreen from stones and other debris thrown up by other vehicles;

“visible light transmittance” means the proportion of visible light which—

(a) passes through the glass of a windscreen or window of a vehicle, including any materials affixed to the glass; and

(b) is expressed as a percentage of the total amount of light falling on the glass, including any materials affixed to the glass, when measured by a light transmittance measuring device in accordance with regulation 11.

“window”, in relation to a vehicle, means—

(a) a front window;

(b) a rear window; or

(c) any other window that enables a person in the vehicle to view outside the vehicle,

but does not include a windscreen;

“windscreen”, in relation to a vehicle, means the front or rear windshield or other exterior viewing device of the vehicle which—

(a) extends across the front or rear of the vehicle; and

(b) is not parallel to the vehicle’s longitudinal centre-line.

3. (1) A person shall not cause or permit a vehicle to be used, or drive or have charge of a vehicle, upon any road where a windscreen or window of the vehicle is composed of, coated or covered by, or treated or darkened with, any material, overlay or other product, that has the effect of making the windscreen or window non-transparent or reducing the visible light transmittance of the windscreen or window unless—

Prohibition on the use of material on windscreen and window

- (a) the front windscreen has a visible light transmittance of at least seventy percent;
- (b) each front window, including any side wing and side window, on either side and forward of the vertical plane immediately behind the driver's seatback in its rearmost and upright position, has a visible light transmittance of at least thirty-five percent; and
- (c) each rear window, including any side window behind the front window and the rear windscreen, has a visible light transmittance of at least twenty percent.

(2) Subregulation (1) does not apply where the material on the windscreen or window was installed by the manufacturer of the vehicle and approved by the Licensing Authority.

(3) Notwithstanding subregulation (1), the front windscreen of a vehicle may have affixed to its top, along its width and in such a position as not to interfere with the vision of either the driver, or a passenger carried in the front seat, a band of material or an anti-glare band overlay—

- (a) which—
 - (i) measures in width from the top of the windscreen, no more than fifteen centimetres or six inches; or
 - (ii) in the case of a vehicle above Class 3, covers an area above the highest point of the windscreen that is swept by a windscreen wiper; and
- (b) which has a visible light transmittance of at least thirty-five percent.

(4) A person who contravenes subregulation (1) commits a traffic violation and is liable to a fine of five thousand dollars.

4. (1) A person shall not cause or permit a vehicle to be used, or drive or have charge of a vehicle, on any road, if a windscreen or window of the vehicle is composed of, coated or covered by, or treated with, any material, overlay or product, that has the effect of making the windscreen or window appear to have a metallic, reflective or mirrored effect sufficient to dazzle motorists.

Prohibition on the use of reflective material

(2) An owner, driver or operator of the vehicle shall ensure that no windscreen or window of the vehicle has—

- (a) scratches or other defects that unreasonably impair the driver's vision through, or unreasonably compromise the strength of, the windscreen or window;
- (b) laminated glazing or glass that shows signs of discoloration that unreasonably impair the driver's vision through the windscreen or window; or
- (c) material with any bubbling or other defects that unreasonably impair the driver's vision through the windscreen or window.

(3) A person who contravenes this regulation commits a traffic violation and is liable to a fine of one thousand dollars.

Restriction on
the use of
curtains or
screens

5. (1) An owner, driver or operator of a vehicle shall not install or cause to be installed in the vehicle any curtain, screen or other device that obstructs the view of a person into the vehicle, unless the device is installed by the manufacturer of the vehicle and approved by the Licensing Authority.

(2) A person shall not drive, or have charge of, a vehicle on any road if a curtain, screen or other device that obstructs the view of a person into the vehicle, is installed in the vehicle, unless the device is installed by the manufacturer of the vehicle and approved by the Licensing Authority.

(3) Subregulations (1) and (2) do not apply in the case of a curtain, screen or other device that is being used on a rear window to shield a child five years of age or under from the direct rays of the sun.

(4) A person who contravenes this regulation commits a traffic violation and is liable to a fine of one thousand, five hundred dollars.

Exemption:
Generally

6. (1) Regulations 3, 4 and 5 do not apply to the following:

- (a) a person who is issued an exemption certificate on medical grounds under regulation 7 in respect of a vehicle; and
- (b) any of the following vehicles which the Licensing Authority exempts, having regard to the use of the vehicle or the safety of its occupants:
 - (i) any motor vehicle which is the property of or used by the President in his official or personal capacity;
 - (ii) any motor vehicle which is the property of or used by the Prime Minister in his official or personal capacity;

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- (iii) an ambulance registered under the Emergency Ambulance Services and Emergency Medical Personnel Act; Chap. 29:02
 - (iv) any vehicle which is the property of or used by—
 - (A) the Police Service; Chap. 15:01
 - (B) the Fire Service; Chap. 35:50
 - (C) the Prison Service; Chap. 13:02
 - (D) the Defence Force; Chap. 14:01
 - (E) the Customs and Excise Division; Chap. 78:01
 - (F) the Strategic Services Agency; or Chap. 15:06
 - (G) a protective service agency within the meaning of section 2 of the Supplemental Police Act; Chap. 15:02
 - (v) a body transfer vehicle which is the property of and registered for use by an undertaker or funeral home; or
 - (vi) any other vehicle authorised, in writing, by the Licensing Authority.

(2) Subject to regulation 7, a person or entity who desires an exemption under subregulation (1) shall apply, in writing, to the Licensing Authority for an exemption certificate and the Licensing Authority shall consider the application and may issue or refuse to issue the exemption certificate.

(3) An exemption certificate issued by the Licensing Authority under subregulation (2)—

- (a) shall, in the case of a person, be valid for a period of two years from the date of issue or renewal; or
- (b) may, in the case of a public body or authority, be valid for such period as the Licensing Authority may determine, and shall state whether the vehicle is to be equipped or fitted with dual external rear vision side mirrors on each side of the vehicle.

(4) An exemption certificate issued by the Licensing Authority under subregulation (1) shall specify—

- (a) the minimum visible light transmittance of a windscreen or window; and
- (b) the type of material which may be affixed to a windscreen or window.

(5) An application for an exemption certificate shall be in such form as the Licensing Authority may approve.

(6) An exemption certificate issued by the Licensing Authority under subregulation (2) shall be in such form as the Licensing Authority may approve and shall remain the property of the Licensing Authority.

Application for exemption on medical grounds

7. An application for exemption on medical grounds under regulation 6(1)(a) shall—

(a) contain a certificate—

(i) completed by a medical practitioner who is registered as a medical specialist in the Medical Specialist Register under the Medical Board Act; and

(ii) certifying that the applicant or any other person is suffering from a medical condition listed in the Schedule which renders the person susceptible to harm or injury from exposure to sunlight; and

(b) contain a declaration by the applicant that the vehicle will be regularly used by, or for the purposes of transporting, the applicant or other person referred to in paragraph (a) (ii).

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Void exemption certificate

8. An exemption certificate issued by the Licensing Authority under regulation 6(2) shall immediately become void upon—

(a) the sale or transfer of the vehicle specified in the certificate;

(b) the vehicle being destroyed or rendered permanently unserviceable; or

(c) the death of the person specified in the certificate.

Requirement to have exemption certificate in vehicle at all times

9. (1) A holder of an exemption certificate shall—

(a) have the certificate in the vehicle at all times; and

(b) upon request by a constable in uniform, produce the certificate for inspection.

(2) A person who contravenes subregulation (1) commits a traffic violation and is liable to a fine of two thousand dollars.

Register of exemption certificates

10. (1) The Licensing Authority shall establish and maintain a register of all exemption certificates.

(2) The register under subregulation (1) shall contain the following information:

(a) the name and address of the person specified in the exemption certificate;

(b) the registration particulars and identification mark of the vehicle specified in the exemption certificate;

- (c) the date of issue and where applicable, the date of expiration of the exemption certificate;
- (d) the conditions upon which the exemption certificate was issued; and
- (e) such other information as the Licensing Authority may determine.

11. (1) The visible light transmittance of a windscreen or window of a vehicle shall be measured by a constable in uniform using a light transmittance measuring device approved by the Licensing Authority.

Use and approval of light transmittance measuring device

(2) For the purposes of subregulation (1), a margin of error of plus or minus three percentage points shall be allowed in relation to the measurement of the visible light transmittance of a windscreen or window.

(3) Where a light transmittance measuring device is approved under subregulation (1), the Licensing Authority shall cause a notice of the approval to be published in the *Gazette*.

12. (1) Where a constable uses a light transmittance measuring device to measure the visible light transmittance of a windscreen or window of a vehicle and the visible light transmittance is in contravention of these Regulations, the constable operating the device shall deliver to the driver of the vehicle a certificate, in writing, that—

Certificate issued to the driver by constable

- (a) specifies the reading of the measurement of the visible light transmittance of the specified windscreen or window as measured by the light transmittance measuring device;
- (b) includes particulars of the registration and identification mark of the vehicle;
- (c) bears an endorsement by the constable who operated the device, stating the date and time of the measurement of the visible light transmittance of the specified windscreen or window; and
- (d) bears the regimental number, rank, name and signature of the constable who operated the device.

(2) In proceedings for a traffic violation under regulation 3 or 4—

- (a) evidence may be given of the reading of the measurement of the visible light transmittance of the specified windscreen or window of the vehicle, as measured by the light transmittance measuring device and operated by the constable; and

- (b) the reading of the light transmittance measuring device shall be deemed to be the visible light transmittance of the specified windscreen or window of the vehicle at the time of the alleged occurrence of the traffic violation, unless the owner, driver or operator of the vehicle proves that the visible light transmittance of the specified windscreen or window of the vehicle, exceeded the permissible percentage of the visible light transmittance at that time.

Evidence in proceedings

13. In proceedings for a traffic violation under regulation 3 or 4 in which evidence is given of the reading of the measurement of the visible light transmittance obtained by a light transmittance measuring device, a certificate purporting to be signed by a constable certifying that—

- (a) the light transmittance measuring device used by him to measure the visible light transmittance of the windscreen or window of the vehicle specified therein was approved by the Licensing Authority under regulation 11;
- (b) the measurement was made on the date and completed at the time stated in the certificate;
- (c) the visible light transmittance measured by the device and expressed as a percentage was the visible light transmittance of the windscreen or window of the vehicle on the date and at the time stated in the certificate; and
- (d) the certificate, in writing, required by regulation 12 was delivered in accordance with that regulation,

is admissible and is *prima facie* evidence of the particulars certified in the certificate.

Commencement

14. These Regulations come into operation on the 3rd day of August, 2020.

SCHEDULE

Regulation 7

For the purposes of regulation 7, medical condition includes—

- (a) albinism;
- (b) chronic actinic dermatitis/actinic reticuloid;
- (c) dermatomyositis;
- (d) lupus erythematosus;
- (e) porphyria;
- (f) xeroderma (pigmentosa) pigmentosum;
- (g) severe drug photosensitivity, provided that the course of treatment causing the photosensitivity is expected to be of prolonged duration;

- (h) photophobia associated with an ophthalmic or neurological disorder; or
- (i) any other condition or disorder causing severe photosensitivity in which the individual is required for medical reasons to be shielded from the direct rays of the sun.

Made by the Minister this 30th day of July, 2020.

R. SINANAN
Minister of Works and Transport