

CHAPTER – I

PRELIMINARY

1. Short title, extent and commencement:-

- 1) This Act may be called the Maharashtra Mechanically Propelled Vehicles & Road Safety Act, 2015.

(Hon'ble Minister for Transport has suggested inclusion of Water Transport, Ropeway, Metro-rail & Mono-rail in this Act, If this is to be done then it is suggested that the original name i.e. Maharashtra Transport Act, 2015 will have to be retained)

- 2) It extends to the whole of the State of Maharashtra.
- 3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

2. Definitions :- In this Act, unless the context otherwise requires, other words and expressions used but not defined in this Act, shall have the meanings respectively assigned to them in the Motor Vehicle Act, 1988.

- 1) **“Aggregator”** means an operator who acts as a digital intermediary for a passenger to connect with a driver, by means of mobile phones / web application or through a call center or by any other advance technology, of a tourist / luxury / yellow-black / cool-cab taxi having a valid permit granted under the Motor Vehicles Act, 1988 or Rules made there under by the Central or State Government.
- 2) **“Motor Vehicle” or “Vehicle”** means any mechanically propelled vehicle adapted for use upon roads, whether the power of propulsion is transmitted thereto from an external or internal source, and includes a chassis to which a body has not been attached and a trailer. Further, it includes any other vehicle as may be prescribed by the State Government but

does not include a vehicle running upon fixed rails or vehicle of special type adapted for use only in a factory or in any other enclosed premises or a vehicle having less than four wheels fitted with engine, capacity of not exceeding twenty five cubic centimeters.

- 3) “**Ambulance**” means a vehicle specially designed, constructed or modified and equipped with and intended to be used for emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated and having specifications as may be prescribed by the State Government in this regard.
- 4) “**School Bus**” means a contract carriage vehicle which is designed and constructed specially for transportation of students upto class 12, of schools, colleges and other educational institutions and includes a four wheeler light motor vehicle such as school van having registered seating capacity upto six and further includes three wheeler auto rickshaw with hard top and closed type passenger body, having seating arrangement and safety features as may be approved by the Transport Commissioner from time to time.
- 5) “**Mobile Court**” means a Court duly constituted for the purposes of trying cases booked under the provisions of Motor Vehicles Act, 1988 and Bombay Police Act, and the rules made thereunder.

CHAPTER II

Licensing of Drivers of Motor Vehicles

- 1) The State Government shall prescribe the method and manner of testing candidates appearing for learner's license test, having regard to the procedure for testing as prescribed in Rule 11 of Central Motor Vehicles Rule, 1989, and further shall also prescribe the procedure of giving appointments for learner license test and permanent license test and prescribe the quota of appointments for woman candidates, senior citizens and differently able persons.
- 2) No person under the age of eighteen years shall drive a motor vehicle in any public place.
- 3) The State Government shall prescribe the rules, apart from the conditions and requirements laid down in rule 24 of the CMVR regarding the minimum area of driving school, list of books to be maintained, minimum number of vehicles, their make/models and age of the vehicles to be used for imparting training as prescribed in the said Rule.
- 4) License for Instructors: No person shall work as instructor for imparting driving training unless he holds an "instructor license" as prescribed under the rules.
- 5) A person applying for heavy passenger/goods vehicle category license shall hold an effective driving license of Light Motor Vehicle (excluding Auto Rickshaw) for a period of one year and completed a three month course of instructions in driving at an institute to be recognized by the State Government and paying fees as may be prescribed in this behalf by the State Government, satisfactorily.
- 6) No authorization to drive a public service vehicle shall be issued unless he / she under goes a certification course conducted by the institute which is authorized for this purpose by the State Government for this purpose.

- 7) Every applicant applying for renewal of transport category license shall undergo a refresher course of duration and contents which may be prescribed by the institute to be is authorized for this purpose by the State Government.
- 8) A driver of a Motor Vehicle who has committed a serious accident which has resulted in at least one death due to his fault shall undergo a refresher's training course from the institute to be is authorized for this purpose by the State Government.
- 9) The gradation of driving training schools:- An institute authorized by the State Government shall conduct an independent inspection of driving training school in a manner to be prescribed in this regard by the State Government for the purpose of grading of driver training schools.
- 10) The State Government shall make rules for the propose of appointment, jurisdiction, minimum qualification, control and functions of the licensing authorities.
- 11) The applicant applying for a driving license to drive a specialized vehicle such as crane, double-decker bus, fork lift, construction equipment vehicle should have completed a course of driving such vehicle, of prescribed duration from the institute to be recognized by the State Government in this regard.
- 12) The test of competence to drive a motor vehicle shall be conducted on the specialized computerized driving test track (e-test) from the date to be notified by the State Government in this regard.

Further, the fees for conducting such driving test shall be payable as prescribed by the State Government, which will be in addition to the fees payable under the Central Motor Vehicles Rules, 1989.

Chapter III

Registration of Motor Vehicles

1. The State Government shall prescribe conditions in addition to those prescribed in CMVR for grant, issue and renewal of Trade Certificate for dealers, financiers, body builders.
2. The State Government shall make rules for the purpose of making appointment, functions, minimum qualification and jurisdiction of Registering Authority, including for declaring dealers as Registering Authority.
3. The State Government shall establish Automated Vehicle Inspection Centres for testing of mechanical fitness of all vehicles and prescribe rules for their functioning and fees to be charged for the same.

Chapter IV

REGULATION OF TRANSPORT VEHICLES

1) Provisions about Aggregators :-

- (i) No person shall act as an 'aggregator' unless he is registered with the Transport Department of the State Government.
- (ii) The State Government may, by notification in the Official Gazette, specify conditions and other requirements necessary for such registration and compliance by such Aggregator.
- (iii) It shall be the responsibility of the individual permit holder to ensure that the vehicle is not offered for hire through an Aggregator, who is not duly registered as specified above.

2) The State Government by Notification in the official Gazette, shall make it mandatory to install Radio Frequency Identification Device (RFID tags), Global Positioning System (GPS), General Packet Radio Service (GPRS) system in all transport vehicles, including setting up of Central Control Room from the date to be notified in this regard.

3) There shall be a federation of local bodies operating stage carriage bus services in the jurisdiction of any Regional Transport Authority, which shall act as a central agency to determine the fares and routes to be operated by these bus services.

Further the local Regional Transport Authority shall consult only such federation in these matters.

- 4) Whenever a driver, who is not a permit holder commits any offence under the provisions of the Motor Vehicle Act, 1988 without the knowledge of permit holder, shall be punished for the same and the permit holder shall be punished for any breach of statutory provisions committed by himself.

- 5) The State Government shall make rules for carriage of animals in goods carriages in consonance with the provisions made under the “Prevention of Cruelty to Animals Act, 1960” and rules made thereunder.

Chapter V

Special Provisions Regarding State Transport Undertakings

The said chapter has been omitted in the proposed Road Safety Bill 2015. Hence, it is suggested that the present chapter VI of the MV Act 1988 shall be included in the proposed Maharashtra Transport Act, 2015.

These provisions shall come into effect on repeal of present Motor Vehicle Act 1988.

Section 1 - Definition :- In this Chapter, unless the context otherwise requires, "road transport service" means a service of motor vehicles carrying passengers or goods or both by road for hire or reward.

Section 2 - Chapter to override Chapter and other laws :- The provisions of this Chapter and the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith, contained in Chapter or in any other law for the time in force or in any instrument having effect by virtue of any such law.

Section 3 - Preparation and Publication of proposal regarding road transport service of a State transport undertakings, Regional Local bodies and Panchayat Raj Institutions :- [(1)] where any State Govt. is of opinion that for the purpose of providing an efficient, adequate, economical and properly co-ordinated road transport service, it is necessary in the public interest that road transport services in general or any particular class of such service in relation to any area or route or portion thereof should be run and operated by State transport undertaking, whether to the exclusion, complete or partial, of other persons or otherwise, the State Govt. may formulate a proposal regarding a Scheme giving particulars of the nature of services proposed to be rendered, the area or route proposed to be covered and other relevant particulars respecting thereto and

shall publish such proposal in the Official Gazette of the State formulating such proposal and in not less than one newspaper in the regional language circulating in the area or route proposed to be covered by such Scheme and also in such other manner as the State Government formulating such proposal deem fit.

[(2)] Notwithstanding anything contained in sub section (1), when a proposal is published under that sub section, then from the date of publication of such proposal, no permit shall be granted to any person, except a temporary permit during the pendency of the proposal and such temporary permit shall be valid only for a period of one year from the date of its issue or till the date of final publication of the scheme under proposed section, whichever is earlier.]

Section 4 - Objection to the proposal :- (1) On the publication of any proposal regarding a scheme in the Official Gazette and in not less than one newspaper in the regional language circulating in the area or route which is to be covered by such proposal any person may within 30 days from the date of its publication in the Official Gazette file objections to it before the State Government.

(2) The State Government may after considering the objections and after giving an opportunity to the objector or his representatives and the representatives of the State transport undertaking to be heard in the matter, if they so desire, approve or modify such proposal.

(3) The scheme relating to the proposal as approved or modified under sub-section (2) shall then be published in the Official Gazette by the State Government making such scheme and in not less than one newspaper in the regional language circulating in the area or route covered by such scheme and the same shall there upon become final on the date of its publication in the Official Gazette and shall be called approved scheme and the area or route to which it relates shall be called notified area or notified route.

Provided that no such scheme shall be deemed to be an approved scheme unless it is previously approved and notified by the State Transport Authority constituted for the State of Maharashtra.

Section 5 - Operation of additional services by State transport undertaking in certain circumstances :- Notwithstanding anything contained in proposed section, a State transport undertaking may in the public interest operate additional services for the conveyance of the passengers on special occasions such as to and from fairs and religious gatherings.

Provided that the State transport undertaking shall inform about the operation of such additional services to the concerned Transport Authority without delay.

Section 6 - Issue of permits to State transport undertaking :-

(1) where, in pursuance of an approved scheme, any State transport undertaking applies in such manner as may be prescribed by the State Government in this behalf for a stage carriage permit or goods carriage permit or a contract carriage permit in respect of a notified area or notified route, the State Transport Authority in any case where the said area or route lies in more than one region and the Regional Transport Authority in any other case shall issue such permit to the State transport undertaking, notwithstanding anything to the contrary contained in chapter.

(2) For the purpose for giving effect to the approved scheme in respect of a notified area or notified route, the State Transport Authority or, as the case may be, Regional Transport Authority concerned may, by order, -

(a) refuse to entertain any application for the grant or renewal of any other permit or reject any such application as may be pending;

(b) cancel any existing permit;

(c) modify the terms of any existing permit so as to -

(i) render the permit ineffective beyond a specified date; reduce the number of vehicles authorized to be used under the permit;

(ii) curtail the area or route covered by the permit in so far as such permit relates to the notified area or notified route.

(3) For the removal of doubts, it is hereby declared that no appeal shall lie against any action taken, or order passed, by the State Transport Authority or Regional Transport Authority under sub section (1) or sub section (2).

Section 7 - Restriction on grant of permits in respect of a notified area or a notified route :- where a scheme has been published under sub-section (3) of proposed section in respect of any notified area or notified route, the State Transport Authority or the Regional Transport Authority, as the case may be shall not grant any permit except in accordance with the provisions of the scheme.

Provided that where no application for a permit has been made by State Transport Undertakings in respect of any notified area or notified route in pursuance of an approved scheme, the State Transport Authority or the Regional Transport Authority, as the case may be, may grant temporary permits to any person in respect of such notified area or notified route subject to the condition that such permit shall cease to be effective on the issue of a permit to the State transport undertaking in respect of that area or route.

Section 8 - Power of State Government to make rules :- (1) The State Government may make rules for the purpose of carrying into effect the provisions of this Chapter.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the form in which any proposal regarding a scheme may be published under proposed section;
- (b) the manner in which objections may be filed under sub section(1) of proposed section;
- (c) the manner in which objections may be considered and disposed off under sub-section (2) of proposed section;
- (d) the form in which any approved scheme may be published under sub-section (3) of proposed section;
- (e) any other matter which has to be, or may be prescribed.

CHAPTER-VI
CONSTRUCTION, EQUIPMENT & MAINTENANCE OF
MOTOR VEHICLES

1. Necessity for approval to each vehicle model by the Transport Commissioner

1. The Transport Commissioner, Maharashtra State, shall issue a separate approval in respect of each model of vehicle being manufactured by vehicle manufacturer on the basis of Type Approval granted to it by one of the testing agencies as specified in rule 126 of the Central Motor Vehicles Rules, 1989, on an application made by the vehicle manufacturer or its authorized dealer in this regard.
2. No vehicle manufacturer or his authorized dealer shall sell any vehicle manufactured by it & no Registering Authority shall register the same unless it is covered by Approval Order as stated above.

2. Provisions for Emergency Exits in passenger buses.

1. It shall be mandatory to provide for emergency exits in passenger buses plying in the state of Maharashtra like tourist buses, sleeper coaches, All Maharashtra (Air-conditioned) permit buses as prescribed in the rules/orders/resolution made in this regard.

Further, these provisions shall be binding irrespective of whether the buses are registered in the State or in other State & plying on the permits issued by such other States, in this State.

3. School Bus Policy

1. The Transport Department, Government of Maharashtra shall for safe transportation of school children from & to, to school and home, shall prescribe rules applicable to school buses, including vans & auto-rickshaws.

2. Such rules shall be comprehensive, including the provisions as suggested by School Education Department of the State of Maharashtra & shall cover the manner of levy of motor vehicles tax on these vehicles & exceptions to be granted from the same, if any.

4. **Anti-theft System**

It shall be mandatory to instal anti-theft devices in all motor vehicles from the date to be notified by the State Government in this regard.

5. All Transport Vehicles shall be fitted with speed governors (speed limiting device or speed limiting function) as prescribed in Rule 118 of Central Motor Vehicles Rules, 1989.

Further the said provisions shall become applicable in respect of different categories of vehicles from the dates to be notified by the State Government in this regard.

Further, the State Government may exempt certain categories of vehicles from the applicability of this provision.

6. All motor vehicles (Transport and Non-Transport) shall be equipped with a fire extinguisher of specifications and capacity to be prescribed by rules made in this behalf.

7. The State Government shall frame rules for effective enforcement of the provisions made in the Motor Vehicles Act and rules made thereunder for reducing and controlling Air and Noise pollution from the vehicles.

Further, in addition to other provisions, the rules shall provide for setting up Pollution Test Centers, the grant of authorisation, their working and the fees to be charged by them.

CHAPTER-VII

Formation of Various Statutory Authorities, and Councils

- 1) The State Government shall have power to formulate Transport Authorities, and Councils as specified below to coordinate multimodal goods and passengers services which will be responsible for planning, coordination, implementation and monitoring infrastructure developments and development of service agencies for different modes and make rules in this regards.

Unified Mumbai Metropolitan Transport Authority (UMMTA)

State Transport Authority (STA)

Regional Transport Authority (RTA)

State Road Safety Council (SRSC)

District Road Safety Committee (DRSC)

- 2) The authorities and councils referred to above shall have such constitution and discharge such functions as the State Government may, having regard to their objects, specify.

CHAPTER-VIII

Miscellaneous

1. Providing places for keeping vehicles detained by enforcement agencies :-

The State Government shall notify detention yard for the purpose the detaining of vehicles impounded by the officers of Motor Vehicles Department under section 12B of Tax Act and section 207 of Motor Vehicle Act, and Police Department under any provision as applicable. The State Government may enter into an agreement with agencies providing space and security of detained vehicles.

2. Procedure for detention/ seizure of vehicles:-

The State Government shall prescribe the procedure for detention and seizure of vehicles, including recovery of charges for this purpose from the owner/operators of such vehicles.

3. Protection for bona fide acts:-

No prosecution, suit or other proceedings shall lie against any person for anything in good faith done or intended to be done under this Act.

4. Procedure for auctioning of unclaimed vehicles:-

The State Government shall notify the procedure for auctioning of unclaimed vehicles.

5. Appointment of officers of Motor Vehicle Department:-

The State Government shall prescribe conditions with reference to the qualifications, uniforms and other service requirements for recruitment of officers in various cadres of Motor Vehicles Department. Further, the State Government, having regard to the administrative requirement, shall prescribe the structure, powers,

functions, responsibilities of officers of Motor Vehicle Department for the purpose of carrying into effect the provisions of this Act.

Provided further that, the Motor Vehicle Department established under Motor Vehicles Act, 1988 shall continue to exist even if the provisions of the said Act are repealed by any statute.

6. Collecting the Transport Statistic Data :-

The State Government may for the purpose of monitoring the development of transport sector collect the information regarding sell of vehicles, consumption of fuel in the state and also the use of public transport viz-a-viz personal vehicles.

7. Appointment of Committees :-

The State Government may appoint committees for taking decisions on the matter of fares, freights, parking fees, cess, vehicle scrapping methods and other matters related to transport sectors.

8. Road Accident data Management System:-

The State Government shall make rules related to road accidents data collection, analysis and management system. The state government may prescribe the duties and responsibilities to carry out functions in this regards.

9. The provisions of this Act shall be in addition to provisions made in this regard under any Act, Rule or Statutes.

Further, the State Government shall have power to prescribe rules from time to time for effective implementation & enforcement of the provisions of this Act.

10. In the eventually of the provisions of Motor Vehicle Act, 1988 and the rules made there under being repealed, the Authorities and Councils established under this Act shall continue to exercise and

discharge their functions and responsibilities as if they are not repealed.

11. The State Government shall establish computerized modernized Border Check Posts of the Motor Vehicle Department on all Borders of the State with adjoining borders of neighboring States, with facilities for taking actions for the breach of any provisions of the Motor Vehicle Act and the rules made there under, including that for overloading of goods vehicles.

12. The State Government shall make provisions for reserving places for parking of vehicles under the regional development plans through the concerned government departments or agencies.
