

**SPECIAL ISSUE**

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REPUBLIC OF KENYA

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**MACHAKOS COUNTY GAZETTE  
SUPPLEMENT**

**ACTS, 2015**

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**THE MACHAKOS COUNTY COMMUTER MOTOR VEHICLES  
ACT, 2015**

**NO. 8 of 2015**

*Date of assent: 3rd December, 2015*

*Date of Commencement: 24th December, 2015*

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**THE MACHAKOS COUNTY COMMUTER MOTOR VEHICLES  
ACT, 2015**

**AN ACT of the County Assembly of Machakos to regulate commuter vehicle activities in the county and to provide for order in the bus stations; and for connected purposes**

**ENACTED** by the Machakos County Assembly as follows—

**PART I—PRELIMINARY**

**Short title**

1. This Act may be cited as the Machakos County Commuter Motor Vehicles Act, 2015.

**Interpretation**

2. In this Act, unless the context otherwise requires—

“authorized officer” includes any person acting under the authority of the licensing Officer;

"bus" means a public service vehicle having seating capacity for more than seven passengers exclusive of the driver, and includes any vehicle having seating accommodation for not more than ten passengers exclusive of the driver, whether or not such vehicle is licensed to be a public service vehicle;

"bus station" means such bus stations as may from time to time be prescribed;

“executive committee member” means the County Executive Committee member responsible for matters relating to transport;

“park” means to drive a vehicle and leave the same stationary in a street or public place for a continuous period exceeding five minutes;

“parking place” means a reserved area or a space where a motor vehicle may be parked;

“station supervisor” means the person appointed in writing by the licensing officer to manage, control and supervise the bus station and includes an authorized assistant; and

“vehicle” includes any motorcycle, tractor, trailer, wagon, hand cart, pedal bicycle and any other motor or manual or electric vehicle;

**Objects and Purposes**

3. The object and purpose of this Act is to provide for a legislative framework for regulating commuter motor vehicle activities and to—

- (a) require the licensing of commuter motor vehicle activities;
- (b) designate commuter motor vehicle stations; and
- (c) provide for the institutional framework for regulating commuter motor vehicle business.

## **PART II—ADMINISTRATION**

### **Licensing Officer**

4. (1) The Executive Committee Member shall be the licensing officer for purposes of this Act.

(2) The Licensing officer may delegate, in writing, any of the powers under this Act to one or more authorized officers in the County.

### **Issue of Licenses**

5. A person shall not engage in any commercial, passenger transport business unless he or she has obtained a licence to do so.

### **Starting or terminating a journey**

6. (1) A driver of a motor vehicle when carrying fare-paying passengers, except on the basis of a private hire, shall not commence or terminate any journey at any place other than an bus station.

(2) A driver of a motor vehicle when carrying passengers for hire or reward shall follow such routes as are prescribed for the purpose of starting or terminating any journey.

### **Complete journey**

7. A driver of a motor vehicle when carrying passengers for hire or reward, once having departed from an bus station, shall not return to that bus station until they have completed the scheduled journey in respect of such departure of the scheduled journey.

### **Parking Places**

8. (1) A motor vehicle, whilst plying for hire or reward and carrying passengers, shall not, without the prior written permission of the licensing officer, be parked in any place other than the designated a bus station.

(2) Nothing in this section shall apply to a commuter vehicle standing at a place designated as a bus stop for the purpose only of—

- (a) picking up passengers on the outward journey for destination outside the bus station; or
- (b) setting down passengers from outside the omnibus station on the onward journey.

**Approval of timetable**

9. (1) An owner of a vehicle utilizing a bus station shall furnish the licensing officer with a copy of, their operative timetable indicating the scheduled times of arrival and departure of all services, and the licensing officer may in their discretion approve such a timetable.

(2) Before the licensing officer approves a submitted timetable, they may, if necessary require that amendments be made to it in the interests of the efficient and smooth running of a bus station.

(3) An owner of a motor vehicle shall adhere to their approved timetable.

(4) A motor vehicle shall not remain within the bus station for a period exceeding one hour or such other period as the licensing officer may from time to time determine.

(5) Where the approved timetable provides an interval exceeding one hour between the arrival and departure of any commuter vehicle, such bus shall be removed from the bus station to a lawful place of parking not being a parking provided adjacent to a carriageway and it shall not be returned to the bus station earlier than thirty minutes before departure time.

**Manner of Parking**

10. (1) All motor vehicles within an bus station shall be under the directions of a station supervisor and the drivers of any such motor vehicle shall at all times comply with and obey all instruction, directions and orders given by the station supervisor in respect of the place and manner of parking, the time of departure and arrival and any other matters conducive to the efficient and safe operation of an bus station.

(2) A motor vehicle once having been parked in a parking place shall not be removed from such a place without the express permission of the station supervisor except when starting a journey.

(3) The licensing officer may from time to time prescribe regulations governing all bus stations and shall cause such conditions to be prominently displayed at the station.

**Removal of Motor Vehicles**

11. (1) Where a motor vehicle is left in an bus station otherwise than in the manner authorized by Part VI (a) of the Traffic Act or by this law, the station supervisor may have the same removed and kept in safe custody.

(2) An owner of a motor vehicle removed in pursuance of subsection (1) shall not be entitled to recover such motor vehicle until they have paid to the Licensing officer a prescribed fee in respect of twenty four hours or part thereof that the vehicle has been in custody together with the total sum in respect of expenses incurred in removing and keeping the same in safe custody.

(3) The licensing officer shall release a motor vehicle removed pursuant to subsection (1) upon payment by the owner the prescribed fee and expenses for keeping the vehicle in custody

### **Passengers**

12. A person including an employee of the owner of a commuter vehicle but not the owner of a commuter vehicle who boards or is in a commuter vehicle shall be deemed to be there for the purpose of being carried for hire or reward.

### **Sales**

13. A person shall not use, or cause to be used any bus parked in the omnibus station for purpose of exchanging of any goods and services.

### **Manner of entering an omnibus**

14. Where six or more persons are waiting to enter a motor omnibus at an bus station they shall form a queue, and no person shall enter or attempt to enter a commuter vehicle ahead of any person in such a queue.

### **Instructions and Directions of Station Supervisor**

15. Every person in a motor vehicle shall comply with and obey all lawful instructions, directions or orders given by a station supervisor for the purpose of controlling or supervising the bus station.

### ***Power of confiscation***

### **Powers of Police Officers or Authorized Officers**

16. (1) An authorized officer may arrest, tow and detain vehicles or confiscate vehicles where a provision of this Act has been contravened.

(2) A person, who obstructs an authorized officer from enforcing the provisions of this Act, commits an offence.

(3) If a vehicle is towed and detained, the authorized officer shall release it to the owner after payment of the towing charges, other expenses and after meeting the requirements of this Act.

### **Conduct of Persons**

17. A person shall not deposit or cause to be deposited in an bus station any refuse or garbage otherwise than in the container provided for that purpose by the Licensing officer.

**Obstruction**

**18.** (1) A person at bus station shall not—

- (a) willfully interfere with or obstructs a station supervisor from the performance of duty;
- (b) willfully interfere with or obstruct any person alighting from or entering or intending to board a vehicle;
- (c) enter or attempt to board an commuter vehicle otherwise than by the doors provided for that purpose;
- (d) willfully obstruct any driver or conductor of a commuter vehicle from performing their duties;
- (e) tout or shout or call out for customers;
- (f) use offensive, or abusive language;
- (g) drop litter in undesignated place;
- (h) damage, deface, misuse or interfere with any part of such bus station;
- (i) except in an emergency parking repair, take down , assemble, wash , polish or clean motor vehicle or part thereof in such manner as to cause public nuisance or obstruction and in such case the vehicle shall be towed from the bus station; or
- (j) otherwise behave in a disorderly manner.

(2) A person who contravenes subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding forty thousand shillings or to a term of imprisonment not exceeding two years or both.

**Ticket Offices**

**19.** Where ticket offices are provided by the licensing officer on payment of rent, a person shall not within or in the vicinity of a bus station buy or sell a ticket or any document purporting to entitle a person to travel on any motor vehicle except at such ticket offices.

**Issue of tickets**

**20.** A commuter vehicle shall not depart from the bus station until every passenger therein has been issued with a ticket for the journey.

**Hawking and Trading**

**21.** A person shall not hawk, solicit or carry on any trade within or in the vicinity of a bus station except with the prior written permission of the licensing officer.

**Trading facilities**

23. The licensing officer may provide suitable trading facilities in a bus station and such facilities may be let or hired out upon such condition as it may from time to time determine.

**Fees and Charges**

24. (1) The owner of any commuter motor vehicle using a station shall pay the prescribed fees.

(2) For the purpose of this section, any commuter motor vehicle driven into a bus station shall be deemed to be using the bus station.

(3) A person shall not drive a commuter motor vehicle into bus a station when the fees due in that respect thereof has not first been paid.

**PART III—GENERAL PROVISIONS****Protection from personal liability**

25. No matter or thing done by any authorized officer, employee or agent or the Officer shall, if the matter or thing is done in good faith while executing the functions, powers or duties under this Act, render the authorized officer, employee or agent personally liable for any action, claim or demand whatsoever.

**Offences and Penalties**

26. A person who contravenes any of the provisions of this Act for which no other penalty is provided, commits an offence, and is liable upon conviction to a fine not exceeding fifty thousand shillings or to a term of imprisonment not exceeding twelve months or to both.

**Regulations**

27. The County Executive Committee Member shall make Regulations for the better carrying into effect the provisions of this Act.