

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 45 (National Assembly Bills No. 28)*



REPUBLIC OF KENYA

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**KENYA GAZETTE SUPPLEMENT**

**NATIONAL ASSEMBLY BILLS, 2019**

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**NAIROBI, 5th April, 2019**

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**THE TRAFFIC (AMENDMENT) BILL, 2019****A Bill for****AN ACT of Parliament to amend the Traffic Act****ENACTED** by the Parliament of Kenya, as follows—

1. This Act may be cited as the Traffic (Amendment) Act, 2019.

Short title.

2. The Traffic Act, in this Act referred to as “the principal Act” is amended in section 2 by inserting the following new definitions in proper alphabetical sequence—

Insertion of new definitions into Cap. 403.

“Class A” road has the meaning assigned to it in the Kenya Roads Act;

No. 2 of 2007.

“Class B” road has the meaning assigned to it in the Kenya Roads Act;

No. 2 of 2007.

“dual carriageway” means a road which has two or more lanes of traffic travelling in opposite directions and is separated by a central strip of grass or concrete down the middle to separate the two lots of traffic;

“highway” means a long road giving fast connection between two places;

“superhighway” means a dual carriageway highway, having at least four lanes, with two lanes on either side, and used by vehicles travelling at high speeds over long distances;

“slow moving vehicle” means a vehicle travelling at a speed of below seventy kilometres per hour.

3. The principal Act is amended by inserting the following new section immediately after section 94—

Insertion of a new section after section 94 of Cap. 403.

**94A.** (1) Every superhighway shall—

(a) be classified either as Class A or Class B roads;

(b) have the lane to the extreme left reserved for slow moving vehicles;

(c) have the maximum speed limit set as follows—

- (i) one hundred kilometers per hour for public service vehicles including buses, mini-buses, coaches, motorcycles and light commercial vehicles; and
- (ii) one hundred and thirty kilometers per hour for motor -cars.

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## **MEMORANDUM OF OBJECTS AND REASONS**

### **Statements of the Objects and Reasons for the Bill**

The principal object of this Bill is to amend the Traffic Act to make provision for the standardization of the use of all roads classified as superhighways.

### **Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms**

This Bill does not delegate legislative powers and neither does it limit fundamental rights and freedoms.

### **Statement of how the Bill concerns county governments**

The Bill does not concern county governments in terms of Article 109(3) of the Constitution as it does not contain provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

### **Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution**

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 14th March, 2019.

**JUDE NJOMO,**  
*Member of Parliament.*

*Section 2 of Cap. 403 which it is proposed to amend—*

### **Interpretation**

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

“Authority” means the National Transport and Safety Authority established under the National Transport and Safety Authority Act;

“bicycle” means any bicycle or tricycle not self-propelled;

“cattle” includes oxen, bulls, cows, horses, camels, mules, asses, sheep, goats and swine;

“certifying officer” means the person appointed to be the certifying officer under subsection (2) of section 3;

“commercial vehicle” means a motor vehicle constructed or adapted for the carriage of goods or burdens of any description in connection with any trade, business or agriculture, but does not include any type or class of motor vehicle which the Authority may, by notice in the *Gazette*, declare not to be commercial vehicles for the purposes of this Act;

“computerized motor vehicle registration system” means any software or hardware for use in storing, retrieving, processing or disseminating information relating to registration records of motor vehicles and trailers, the licensing of drivers, and the keeping of such records in relation thereto as are required by this Act;

“dealer” means any person who deals by way of business in motor vehicles or trailers;

“dealer’s general licence” means a licence issued under section 23;

“deregistration certificate” means a deregistration certificate issued under section 6A(2);

“drive” in relation to a motor vehicle, includes the steering of a motor vehicle;

“driver” means any person who drives or guides, or is in actual physical control of, any vehicle or cattle on any road;

“driving licence” means a licence to drive a motor vehicle issued under this Act, and any document deemed to be a driving licence by any rules made under this Act;

“driving test examiner” means any person appointed to be a driving test examiner under subsection (3) of section 3;

“heavy commercial vehicle” means a commercial vehicle whose tare weight exceeds six thousand seven hundred and twenty pounds;

“highway authority” means the Minister for the time being responsible for Public Roads or any other Authority or body to whom the Minister delegates powers subject to such terms and conditions as he may deem appropriate;

“information technology” means any equipment or software for use in storing, retrieving, processing or disseminating information;

“inspection certificate” means a certificate affixed to a vehicle under section 17A;

“inspector” means any person appointed to be an inspector of vehicles under subsection (3) of section 3;

“invalid carriage” means a motor vehicle specially designed and constructed for the use of persons suffering from some physical defect or disability;

“licensing officer” means a licensing officer appointed under section 3;

“manufacturer” means a manufacturer of motor vehicles and trailers;

“matatu” means a public service vehicle having a seating accommodation for not more than twenty-five passengers exclusive of the driver, but does not include a motor-car;

“motor-car” means a motor vehicle having seating accommodation for not more than ten passengers excluding the driver, but does not include a motorcycle;

“motorcycle” means a motor vehicle with less than four wheels the weight of which unladen does not exceed eight hundred weights;

“motor omnibus” means a public service vehicle having seating accommodation for more than twenty-five passengers exclusive of the driver;

“motor vehicle” means any mechanically propelled vehicle, excluding any vehicle running on a specially prepared way such as a railway or tramway or any vehicle deriving its power from overhead electric power cables or such other vehicles as may from time to time by rules under this Act be declared not to be motor vehicles for the purposes of this Act;

“owner”, in relation to a vehicle which is the subject of a hire-purchase agreement or hiring agreement, includes the person in possession of the vehicle under that agreement;

“plying for hire” includes—

- (a) standing on any public taxi stand;
- (b) being offered for hire by any notice, advertisement or announcement;
- (c) standing or travelling whilst exhibiting a “For Hire” notice of any kind;

“provisional licence” means a licence issued under section 32;

“private hire vehicle” means any public service vehicle constructed or adapted to carry not more than seven passengers, exclusive of the driver, such vehicle not being a taxicab or matatu;

“public service vehicle” means any motor vehicle which—

- (a) is licensed under Part XI to carry passengers for hire or reward;  
or
- (b) plies for hire or reward or is let out for hire or reward; or
- (c) is carrying passengers for hire or reward;

“Registrar” deleted by Act No. 33 of 2012, s. 62(a);

“registration certificate” means a certificate issued under section 6(5);

“road” means any public road within the meaning of the Public Roads and Roads of Access Act (Cap. 399), and includes any other road or way, wharf, car park, footpath or bridle-path on which vehicles are capable of travelling and to which the public has access;

“tare weight” means the weight of a vehicle when unladen, inclusive of the weight of the body and all parts (the heavier being taken when alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when used on the road;

“taxicab” means any public service vehicle constructed or adapted to carry not more than seven passengers, exclusive of the driver, which is registered under any by-laws relating to the licensing and operation of taxicabs to ply for hire from a taxi rank or other public place within the area where such by-laws are in force;

“tractor” means a motor vehicle constructed or adapted for the purpose of hauling trailers but which is not itself designed to carry goods or passengers;

“trailer” means any vehicle designed to be drawn by a motor vehicle, but does not include a sidecar attached to a motorcycle;

“traffic signs” means any sign, notice, signal, light or other device erected or in any way displayed by or with the consent of the highway

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authority, for the purpose of regulating, restricting or prohibiting traffic and vehicles of any kind, on a road:

Provided that all traffic signs shall conform to any regulations as to size, colour and type which may be prescribed by rules made under this Act;

“vehicle” includes a motor vehicle, a trailer and any other conveyance used on a road;

“vehicle licence certificate” means a certificate issued under section 20A of this Act.



