

## **Ashaiman Municipal Assembly (Operation of Commercial Vehicles) Bye-laws 2017**

IN exercise of the powers conferred on the Ashaiman Municipal Assembly by section 181 subsection 1 of the Local Governance Act, 2016 (Act 936) this Bye-law is hereby made.

### **Application and Fees**

1. (a) Every application for commercial vehicle registration shall be made to the licensing officer of the ASHMA by the responsible executives of the local union or branch under which it intends to operate.  
(b) No commercial vehicle registration shall be approved under this Bye-law unless the vehicle in respect of which the registration is required has been licensed as a commercial vehicle and certified as road worthy in accordance with the laws of this country.

2. A person shall not paint or spray or equip any vehicle or cause or allow any vehicle to be painted or sprayed or equipped for use as a commercial vehicle without the authority of the licensing officer.

The evidence of the registration shall be:

- i) A sticker affixed to the windscreen of the vehicle.
- ii) The sticker shall be renewed annually

3. (a) A commercial passenger vehicle registration shall not be approved unless the vehicle has been licensed by the Driver Vehicle Licensing Authority for commercial operations. This shall be evidenced by the official colour of vehicle registration number plate affixed to the vehicle. Every vehicle registered under this Bye-law shall remain equipped and fitted in the manner under which it was originally licensed under the Driver Vehicle Licensing Authority for commercial operations.  
(b) All commercial vehicles must operate from an approved station and shall pay a daily toll for the use of the loading station.  
(d) A commercial vehicle registration shall be completed by paying the requisite fee fixed by the resolution of the ASHMA.

### **Issue and display of license**

4. The licensing officer shall issue a vehicle sticker with the registration number of the vehicle inscribed on it which shall be displayed on the front windscreen of the vehicle.

### **Display of License**

5. The driver of every vehicle operating bus services, will be required to boldly display a destination board in front of the vehicle at all times and the vehicle shall have a sticker issued by the union which shall be affixed to it indicating the lorry station it is registered with.
6. (a) The driver named in the operating permit to drive a commercial vehicle shall have in his possession a commercial driver's license issued by the ASHMA whenever he is using the vehicle to work.

- (b) Where the owner or driver or union decides to allow another driver to drive the commercial vehicle, that driver must have a valid driving license and a valid ASHMA driver's license.

### **Number of passengers**

7. A licensed commercial vehicle shall not be permitted to carry more than the permitted capacity of the vehicle as determined by the Driver Vehicle Licensing Authority.

### **Duties of licensees**

- 8. (a) every driver permitted to drive a commercial vehicle under this Bye-law shall:
  - (i) Observe all traffic regulations including pedestrian crossing;
  - (ii) Display a valid sticker on the windscreen of the commercial vehicle in respect of which the permit has been granted.
  - (iii) Notify the ASHMA of any change in his postal, residential or office address within seven days of such change.
  - (iv) Keep and maintain the commercial vehicle in good condition.
- (b) A person permitted to drive a commercial vehicle under this Bye-law shall not:
  - (i) Permit any person other than the person licensed under this Bye-law to drive the commercial vehicle, unless the person also holds a commercial driver's license from the ASHMA but has no car.
  - (ii) Remove, deface, alter, mutilate or cancel the license or any notice or mark affixed to the commercial vehicle in pursuance of this Bye-law or, allow or permit any other person to do same.
- (c) Permit the commercial vehicle to be used for any unlawful purpose.
- (d) Display any advertisement inside or outside the vehicle without the consent of ASHMA or the appropriate authorities as required by the Bye-laws of ASHMA with regard to fees.

### **Revocation of license**

- 9. (a) The permit of a registered commercial vehicle shall be revoked by the ASHMA if, the vehicle is not road worthy or otherwise in contravention with any road traffic regulations in force, or any other provisions of this Bye-law.
- (b) The Court may make an order for the suspension or the prohibition of the use of the vehicle for transport services where the driver has been convicted under this Bye-law on two or more occasions for-
  - (i) Using the coach, minibus, bus or taxi for illicit purposes;
  - (ii) Dishonesty; or
  - (iii) Failing to keep or maintain the coach or taxi in a manner required by any enactment for the time being force.

### **Records**

- 10. (a) A licensed driver shall, on being requested to do so by an authorized enforcement officer of the ASHMA produce his ASHMA commercial driving license for inspection.

(b) The licensing officer of the ASHMA shall keep a record of all commercial vehicles, buses and taxis registered under this bye-law.

### **Monitoring and Enforcement**

11. A task force established under this Bye-law at the Transport Department of the ASHMA shall routinely visit and mount road check points in conjunction with the Police and the Road Safety Committee to inspect the vehicles stickers and ASHMA commission driver license by drivers.

### **Duty to produce license**

12. (a) A vehicle without such permit shall pay a spot fine to be fixed by a resolution of the ASHMA before being allowed to regularize its registration under the appropriate operating permit;
- (b) Every licensed driver shall, on being requested so to do by an officer of the Police Service or officers duly authorized by the ASHMA, produce his commercial driving license and sticker to the task force.

### **Restrictions**

- 13 (a) Every commercial driver, providing transport services within the ASHMA shall obtain a ASHMA commercial driver's license.
- (b) A person shall not drive or hold himself out as a commercial driver within the jurisdiction of ASHMA, unless the driver has obtained ASHMA commercial driver's license.
- (c) A driver permitted under this Bye-law as a commercial driver must possess a license to drive commercial vehicles issued by the Driver Vehicle Licensing Authority.

### **Duration of License**

14. A commercial vehicle driver's license shall remain in force for one year unless revoked or suspended.

### **Lost license**

15. Where a license is lost or destroyed, the Licensing Officer shall issue a duplicate license upon the production by the applicant of a satisfactory Police report supported by an affidavit duly sworn to by the applicant and upon payment of the prescribed fee.

### **Production of license**

16. Every commercial vehicle driver shall have his commercial vehicle driver's license in his possession wherever the driver is driving his commercial vehicle or when appearing before any court and shall on request produce the license for inspection by Police officer or any officer duly authorized by the ASHMA

### **Renewal of license**

17. An applicant submitting an application for the renewal of a license shall submit to the licensing officer.

- (a) His current driver's license and
- (b) Payment of prescribed fees

### **Suspension or withdrawal of license**

18. A commercial vehicle driving license shall not be suspended or withdrawn under this Bye-law unless-

- (a) The driver's license of the holder has become suspended or withdrawn or
- (b) A court law so orders.

19. This Bye-law shall not apply to-

- (a) Any vehicle which is the property of the Government, statutory body, Board or Corporation; or
- (b) Any commercial vehicle operating under a permit other than by ASHMA which is in transit through the jurisdiction of ASMA, provided that the driver of such coach, minibus, bus or taxi shall not be guilty of an offence under this Bye-law.

### **False declarations**

20. Any license obtained under this Bye-law as a result of false declarations or misrepresentations shall be null and void and any fee paid for such license shall not be recoverable.

### **Excess passengers**

21 (a) A commercial vehicle shall not carry any number of persons in excess of the number allowed to be carried by the vehicle provided that for the purpose of this Bye-law an infant in arms shall not count as a person and every child of twelve shall count as one person.

(b) Not more than two persons including the driver in case of taxi or three in case of a coach (the driver inclusive) shall sit on the front seat.

(c) A driver of a taxi shall not carry luggage on the roof or on the bonnet.

(d) A person suffering from an infectious disease shall not be allowed to be with other passengers on a coach, minibus, bus or taxi.

22. A commercial vehicle or taxi shall not stop, halt or slow down his vehicle in such a way that his conduct amounts to an unreasonable obstruction of traffic.

23 (a) A commercial passenger vehicle shall, when a passenger has reached his destination, take steps to ensure that no article or luggage belonging to the passenger is left in the vehicle;

(b) A commercial vehicle or taxi driver shall not retain portion of or otherwise unlawfully deal with, any article or luggage left in his vehicle.

### **Prohibitions**

24. (a) Every commercial passenger driver, shall convey passengers to their destinations without alighting them along the way and re-boarding them and charging respective fares for each stretch
- (B) Every driver of a commercial passenger vehicle shall conduct himself in a non-abusive manner to passengers and other road users
- (c) A commercial vehicle or taxi shall not charge more than the fares prescribed and approved by the Ashaiman Municipal Assembly in consultation with representatives of the major transport operator unions.

### **Taxi Ranks**

25. The ASHMA may provide taxi ranks subject to such conditions and rules as to the use thereof as it may prescribe.

### **Nuisance**

26. A driver shall not blow the horn of his vehicle nor make any unnecessary noise to other users of the road.

### **Monitoring and enforcement**

27. The Transport Department of ASHMA shall have a standing task force to monitor and ensure compliance with this bye-law.

28. The Transport Department shall constitute a taskforce to monitor and ensure that all provisions of this Bye-laws are properly adhered to.

29. The Transport Department shall maintain an effective call centre to receive comments, complaints and other feedback from stakeholders and the general public.

30. All complaints arising out of application of this Bye-law shall be forwarded to the Chief Executive for investigation and redress.

### **Offence and penalty**

31. Any person who contravenes any provision of this Bye-law shall be guilty of an offence and upon conviction be liable to a fine of 100-250 penalty units or to a term of imprisonment not exceeding 12 months.

### **Title**

32. This Bye-law may be cited as the Ashaiman Municipal Assembly (Operation of Commercial Vehicles) Bye-law, 2017.

### **Interpretation**

33. In these Bye-laws unless the context otherwise requires-  
“Coach”, minibus or bus means any motor vehicle not being a taxi and not being a Government vehicle or that of any corporation, used or intended to be used for carrying passengers for regard.

“Taxi” means any motor vehicle designed to carry not more than five persons and used for carrying passengers for reward under a contract expressed or implied for the use of the vehicle as a whole or for an agreed sum.

“Licensing Officer” means the City Manager or any Officer authorized by him to act as such.

**Revocation**

34. All Bye-law on coaches, minibus buses and taxis in force immediately before the coming into force as this Bye-law is hereby revoked.

Made at a meeting of the Ashaiman Municipal Assembly held on the .....

SIGNED

*Presiding Member*

*Ashaiman Municipal Assembly and Secretary of ASHMA*

SIGNED

*Municipal Co-ordinating Director*

Approved by the Regional Co-ordinating Council, Greater Accra on behalf of the Ministry of Local Government, and Rural Development.

**Regional Minister**

**Director**

**Regional Coordinating**