

**A BILL**

**entitled**

**MOTOR CAR (CLASSIC CARS) AMENDMENT ACT 2023**

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WHEREAS it is expedient to amend the Motor Car Act 1951 to provide for the classification and import of classic cars; to prescribe the licence and import duty payable on classic cars; and to provide for specific days classic cars may be used on Bermuda's roads;

Be it enacted by The King's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

**Citation**

1 This Act, which amends the Motor Car Act 1951 ("the principal Act"), may be cited as the Motor Car (Classic Cars) Amendment Act 2023.

**Amends section 2**

2 Section 2(1) of the principal Act is amended by inserting the following in its proper alphabetic place—

“classic car” has the meaning provided in section 13A;”.

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### Inserts section 13A

3 The principal Act is amended by inserting the following immediately after section 13—

#### **“Classic cars**

13A (1) The owner of a private motor car that is 25 years or older from the date of its manufacture, whether it has already been registered in Bermuda or is being imported to Bermuda, may apply to the Director to have the car classified as a classic car.

(2) An application under subsection (1) shall—

- (a) be in writing and be in such form as the Director determines;
- (b) be accompanied by a non-refundable fee of \$500; and
- (c) include such information as the Director may require.

(3) To be classified as a classic car, a private motor car shall—

- (a) have specifications in accordance with a private motor car in Schedule 1;
- (b) be 25 years or older from the date of its manufacture;
- (c) be kept as close as possible to its original state as produced by the manufacturer.

(4) The Director shall, if satisfied with an application and any required information, classify a private motor car as a classic car and shall notify the owner of the private motor car, in writing, of the categorization as a classic car.

(5) For the avoidance of doubt, the principals and provisions of— .

- (a) sections 53A(1) and (2), 54 except subsection (9), 63, 66, 67, 72 and 73 shall apply to a classic car as if for the words “motor car” there were substituted the words “classic car”;
- (b) section 68 shall apply to a classic car as if for the words “motor vehicle” there were substituted the words “classic car” except in subsection (1).

#### **Number of classic cars**

13B (1) The number of classic cars which may be operated in Bermuda shall not in total exceed two hundred.

(2) The Minister may, by order published in the Gazette, vary the maximum number of classic cars provided in subsection (1).

(3) The negative resolution procedure shall apply to an order made under subsection (2).

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### **Restrictions on use of classic cars**

- 13C (1) No owner of a classic car—
- (a) shall use a classic car except on Saturdays, Sundays or other public holidays as defined by the Public Holidays Act 1947;
  - (b) shall cause or allow any other person to use such classic car at any time.
- (2) Any owner of a classic car who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$5,000.”.

### **Repeals and replaces section 15**

- 4 Section 15 of the principal Act is repealed and replaced with the following—

#### **“Restrictions on use of imported used cars**

- 15 (1) Subject to subsection (2), no person shall use, cause or allow another person to use a private motor car that, at the time it is imported into Bermuda, is a used motor car.
- (2) Subsection (1) shall not apply—
- (a) to a person who imports into Bermuda, for the first time, a private motor car—
    - (i) that is owned by such person;
    - (ii) that has been owned by such person for no longer than six months immediately preceding the date of import; and
    - (iii) that, prior to the date of import, has only been used for the purposes of—
      - (A) testing it;
      - (B) the personal use of that person; or
      - (C) transport to Bermuda;
  - (b) to a person who imports a classic car into Bermuda —
    - (i) that is owned by such person;
    - (ii) that has been owned by such person immediately preceding the date of import;
  - (c) where a person re-imports his private motor car or classic car into Bermuda that was owned and lawfully used by him as a private motor car or classic car immediately before it was exported from Bermuda.
- (3) Any person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$3,000.”.

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### Inserts section 15A

5 The principal Act is amended by inserting the following after section 15—

#### **“Import; classic car**

15A (1) The owner of a classic car may apply to the Director for a permit to import the classic car into Bermuda and the application shall—

- (a) be made in writing and be in such form as the Director shall determine; and
- (b) be accompanied by a non-refundable application fee of \$1,000.

(2) An application for a permit under subsection (1) shall include—

- (a) a notarized bill of sale in the applicant’s name as proof of ownership of the classic car which includes—
  - (i) the make, model and model year;
  - (ii) the vehicle identification number (VIN) or chassis number;
  - (iii) the engine capacity; and
  - (iv) the dimensions of the car;
- (b) a title document where the car is pre-owned by the applicant;
- (c) the applicant’s photo identification which includes—
  - (i) a valid driver’s licence;
  - (ii) a valid passport; or
  - (iii) other valid government identification.

(3) The rate of import duty payable on a classic car shall be in accordance with Chapter 87 of the First Schedule to the Customs Tariff Act 1970 in respect of the importation of any such relevant motor car.

(4) Any owner of a classic car who imports or attempts to import into Bermuda a classic car without a permit or that is not for his sole use commits an offence and is liable on summary conviction to a fine of \$3,000.”.

### Amends section 16

6 Section 16 of the principal Act is amended by repealing subsection (16) and replacing it with—

“(16) The principles and provisions in this section shall apply—

- (a) to a classic car as if for the words “private motor car” there were substituted “classic car”;
- (b) to a private light truck as if for the words “private motor car” there were substituted “private light truck”.”.

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### **Amends section 20**

7 Section 20 of the principal Act is amended—

- (a) in subsection (1) by inserting “or such other use as the Director may determine” after “in his professional capacity”;
- (b) in subsection (2) by inserting “private” before “motor car”;
- (c) in subsection (3) by deleting “motor car” where it appears and substituting “private motor car”;
- (d) in subsection (4) by inserting “private” before “motor car”;
- (e) by repealing subsection (5) and replacing it with the following—

“(5) In this section “excepted person” means—

- (a) a registered medical practitioner or a registered veterinary practitioner—
  - (i) who is ordinarily resident in Bermuda;
  - (ii) who is in active practice as a medical practitioner or as a veterinary practitioner; and
  - (iii) who is not a Government Medical Officer within the meaning of section 2(1) of the Public Health Act 1949;
- (b) a person registered as the owner of a classic car.”.

### **Amends section 59**

8 Section 59 of the principal Act is amended in subsection (1) by deleting “and 62B” and substituting “, 62B and 62C”.

### **Inserts section 62C**

9 The principal Act is amended by inserting the following immediately after section 62B—

#### **“Exemption in favour of classic car owners**

62C The owner of a classic car is exempt from paying the full rate of licence duty but shall be liable to pay 40% of the amount set out in Part B of Schedule 2 for a relevant class of car.”.

### **Transitional**

10 Any private motor car registered as a motor car that is a classic with an identification plate beginning with “CL” before the coming into operation of this Act shall be deemed to be classified by the Director as a classic car under this Act and are therefore subject to the provisions of this Act.

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### **Commencement**

11 This Act shall come into operation on such day as the Minister may appoint by notice in the Gazette.

## **MOTOR CAR (CLASSIC CARS) AMENDMENT BILL 2023**

### **EXPLANATORY MEMORANDUM**

This Bill seeks to amend the Motor Car Act 1951 ("the principal Act") to provide for the classification and import of classic cars, to prescribe the licence and import duty payable on classic cars and to provide for specific days classic cars may be used on Bermuda's roads.

Clause 1 provides the title of the Bill.

Clause 2 amends section 2 of the principal Act to insert the meaning of "classic car".

Clause 3 inserts new sections 13A, 13B and 13C into the principal Act to provide that a person who owns a private motor car that is 25 years or older may apply for a car to be classified as a classic car, subject to an application fee and any information required by the Director, and provides the criteria for classification as a classic car. It further provides a maximum of two hundred classic cars may be operated on Bermuda's roads and gives the Minister the power, by order subject to the negative resolution procedure, to increase that maximum. It also provides the restrictions on use of a classic car to that of Saturdays, Sundays and other public holidays, and to the personal use of the owner of the classic car.

Clause 4 repeals and replaces section 15 of the principal Act to exempt a person who imports a classic car from the restriction on the importation of used cars.

Clause 5 inserts new section 15A into the principal Act to provide for the importation of classic cars, once classified as a classic car by the Director. It provides that the owner of a classic car who wants to import that car may apply to the Director for a permit, subject to an application fee. It also provides that an application shall include information regarding a notarized bill of sale containing information including the make, model and model year and dimensions of the classic car and creates an offence for any owner of a classic car who imports or attempts to import a classic car without a permit.

Clause 6 amends section 16 of the principal Act by repealing and replacing subsection (16) to provide that the provisions of section 16 (restrictions relating to ownership, etc., of private cars) apply to a classic car as they do to a private motor car.

Clause 7 amends section 20 of the principal Act to include the owner of a classic car as an excepted person in the ownership and use of two private motor cars.

Clause 8 amends section 59 of the principal Act to insert the reference to the new section 62C in that provision.

Clause 9 inserts new section 62C into the principal Act to provide that the owner of a classic car is exempt from paying the full licence duty for a private motor car in Schedule 2 to the principal Act and is instead liable to pay 40% of the licence duty provided for a relevant private motor car.

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Clause 10 provides the transitional provision for private motor cars registered with the Transport Control Department as cars that are classics before the coming into operation of the Bill.

Clause 11 provides that the Bill comes into operation on such day as the Minister appoints by notice in the Gazette.