



REPUBLIC OF NAURU

MOTOR TRAFFIC (AMENDMENT) BILL 2020

No. of 2020

A Bill for an Act to amend the *Motor Traffic Act 2014*.

Certified: []

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Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Motor Traffic (Amendment) Act 2020*.

2 Commencement

This Act commences on certification of the Speaker.

3 Amendment of the Motor Traffic Act 2014

The *Motor Traffic Act 2014* is amended by the provisions of this Act.

4 Amendment of Section 69

Section 69(2) is deleted and substituted as follows:

(2) A person who is found driving or in charge of a motor vehicle while:

- (a) the proportion of alcohol in his or her breath exceeds the prescribed limit;
- (b) the percentage of alcohol in his or her blood exceeds the prescribed limit; or
- (c) under the influence of intoxicating liquor and in the assessment of a police officer fails an impairment test,

commits an offence under subsection (1) for driving or being in charge of a motor vehicle while under the influence of intoxicating liquor and upon conviction is liable to a penalty under section 79.

5 Insert new Section 70A

70A Power to administer impairment test

(1) A police officer may require a person who is found driving or in charge of a motor vehicle to undergo an impairment test, if the police officer has reasonable cause to believe that such person is under the influence of intoxicating liquor.

(2) An impairment test includes:

- (a) a walk and turn assessment;
- (b) an eye assessment;

- (c) a pupillary assessment;
 - (d) a balance assessment;
 - (e) a finger to nose assessment; and
 - (f) a one leg stand assessment.
- (3) A police officer may require a person specified under subsection (1) to:
- (a) remain in the place where he or she was stopped, for a period of time that is reasonable in the circumstances, to undergo an impairment test; or
 - (b) accompany the police officer to another place for an impairment test.
- (4) The police officer who conducts the test:
- (a) shall record the test he or she required the person to take and his or her finding of such test in writing; and
 - (b) may take a video recording of the test being conducted using a mobile phone or other digital device.
- (5) The tests recorded under subsection (4) is admissible as evidence in any proceedings in court by the police officer conducting the test or the police officer who takes the video or who recorded the test being conducted.
- (6) A person who, when required by a police officer to undergo an impairment test, fails or refuses to do so, commits an offence and upon conviction, is liable to a fine not exceeding \$1,000 or a term of imprisonment not exceeding 6 months or to both.
- (7) A person, who fails or refuses to undergo an impairment test under this section, may be arrested without a warrant by a police officer.

6 Amendment of Section 71

Section 71(1)(b) is deleted and substituted as follows:

- '(b) who has undergone a preliminary breath test under Section 70, by which, it has been ascertained that it is likely that the percentage of alcohol in such person's blood or proportion of alcohol in the person's breath exceeds the prescribed limit.'