



# കേരള ഗസറ്റ് KERALA GAZETTE

## അസാധാരണം EXTRAORDINARY

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GOVERNMENT OF KERALA

**Transport (B) Department**

NOTIFICATION

G.O.(P)No.22/2019/Tran.

18<sup>th</sup> July, 2019

S. R. O. No. 562/2019

Thiruvananthapuram

WHEREAS, the draft rules further to amend the Kerala Motor Vehicles Rules, 1989 were issued as required by sub-section (1) of section 212 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), as per notification No. B2/281/2018/Tran. dated 26<sup>th</sup> April, 2019 and published in the Kerala Gazette Extraordinary No.1070 dated 3<sup>rd</sup> May,



2019, inviting objections or suggestions on the draft rules from the persons likely to be affected thereby;

AND WHEREAS, no objection or suggestion has been received on the said draft rules;

NOW, THEREFORE, in exercise of the powers conferred by clauses (k) and (p) of sub-section 2 of section 65 of the Motor Vehicles Act, 1988 (Central Act 59 of 1988), the Government of Kerala hereby make the following rules further to amend the Kerala Motor Vehicles Rules, 1989, namely :-

## RULES

1. *Short title and commencement.*- (1) These rules may be called the Kerala Motor Vehicles (4<sup>th</sup> Amendment) Rules, 2019.

(2) They shall come into force at once.

2. *Amendment of the Rules.*- In the Kerala Motor Vehicles Rules, 1989,-

(a) in rule 102,-

(i) after the words and figures “under section 177 read with” the words, symbols, brackets and figures “sub-section (13) of section 41 or sub-section (7) of section 47 or” shall be inserted;

(ii) after the Table, the following proviso shall be inserted, namely:-

“Provided that the amount shall not be payable for vehicles with No Objection Certificate obtained from the Union Territories or other States under section 48 for any delay under sub-section (4) of section 49 or sub-section (5) of section 50.”

(b) in rule 105, after sub-rule (4), the following sub-rule shall be inserted, namely:-



“(5) *Penalty.* – If a vehicle is not produced for the renewal of the certificate of fitness on or before the date of expiry, or where a vehicle is produced for re-examination for the issue of certificate of fitness after the date specified thereof under rule 108 or sub-rule (2) of rule 109 or rule 110, a penalty at the rate of hundred rupees in the case of a two wheeler or an autorickshaw, at the rate of one hundred and fifty rupees in the case of a motor cab and at the rate of two hundred rupees in the case of other transport vehicles shall be charged for every calender month or part thereof. The impositions of penalty will be without prejudice to any action which might have been or may be taken for plying the vehicle without certificate of fitness. But in the case of a motor vehicle which is not intended to be used or kept for use, the owner or the person having possession or control of such vehicle shall give previous intimation in writing to the Regional Transport Officer or the Joint Regional Transport Officer of the Sub-Regional Transport Office concerned so as to reach him before the date of expiry of the certificate of fitness that such vehicle would not be used for such period, and thereupon, the owner or such other person shall not be deemed to have used or kept for use such vehicle, for such period and no penalty shall be payable in respect of such vehicle for such period. However, the owner or such other person shall be liable to pay the penalty, if on verification it is found that the motor vehicle has been used during such period or part thereof:

Provided that no penalty shall be payable in respect of any motor vehicle for the period where the vehicle is under Government/Departmental custody and the Department concerned shall provide a certificate to the owner or possessor or person in custody of the vehicle to the effect that the vehicle is under their custody.”

Note:- The previous intimation referred to in this sub-rule shall be sent by registered post with Acknowledgement Due or presented to the office of the Regional Transport Officer or the Joint Regional Transport Officer in person and in the latter case,



acknowledgement for its receipt, shall be obtained.

By order of the Governor,  
K R JYOTHILAL,  
*Principal Secretary to Government .*

### **Explanatory Note**

(This does not form part of the notification, but is intended to indicate its general purport.)

As per of notification issued vide G.S.R. 1183 (E). dated 29<sup>th</sup> December, 2016, the Ministry of Road Transport & Highways have amended the Central Motor Vehicles Rules, 1989 to introduce additional fees to be levied for the delay in applying for renewal of certificate of registration and renewal of certificate of fitness. With the introduction of new additional fees, the Government of Kerala have decided to withdraw the fine imposed under rule 102 and sub-rule (5) of rule 105 of the Kerala Motor Vehicles Rules, 1989 in order to avoid exceed burden on the public. However, the Hon'ble High Court of Kerala in its interim order in WP(C) No. 4911/2018 (L) have ordered to entertain the application for Certificate of Fitness and renewal of registration without the additional fee towards the delay in submitting the application. Hence the Government have examined the matter in detail and decided to re-introduce the Fine/Penalty in rule 102 and sub-rule (5) of rule 105 in the Kerala Motor Vehicles Rules, 1989 in order prevent revenue loss to State exchequer.

The notification is intended to achieve the above object.

