

CHAPTER K36 - KWARA STATE MOTORCYCLE OPERATIONS (CONTROL, SAFETY, ETC.) LAW

ARRANGEMENT OF SECTIONS

SECTION

1. Possession and wearing of safety crash helmet, safety reflective jacket and raincoat.
 2. Prohibition from carrying more than one person at a ride.
 3. Application of reasonable care and caution.
 4. Operational training.
 5. Prohibition of underaged person from operating a motorcycle.
 6. Motorcycles to possess all necessary assessories.
 7. Prohibition of using one motorcycle to tow or draw another motorcycle.
 8. Prohibition from the usage of wrong motorcycle horns.
 9. Prohibition from attaching and playing tape recorder.
 10. Astride position on a motorcycle.
 11. Period of operation of motorcycles.
 12. Apprehension of offenders.
 13. Power of police officers.
 14. Obstruction of police officers.
 15. Penalties.
 16. Jurisdiction.
 17. Power to make regulations.
 18. Repeal of Section 3 of No. 1 of 1979.
 19. Interpretation.
 20. Citation.
-

**KWARA STATE MOTORCYCLE OPERATIONS
(CONTROL, SAFETY, ETC) LAW**

A Law to make provisions for the control, safety and people of Motorcycle Operations in Kwara State and for other connected purposes.

[No. 5 of 2005, No. 5 of 2007.]

[Date of commencement: 29 *th* April, 2005]

1. Possession and wearing of safety crash helmet, safety reflective jacket and raincoat

(1) As from the commencement of this Law—

- (a) every operator or rider or passenger who operates or rides a private or commercial motorcycle shall wear a safety crash helmet;
- (b) every person who keeps, owns or operates a motorcycle and who uses or permits same to be used as a commercial motorcycle for commercial purposes shall—
 - (i) possess two safety crash helmet, one for his usage and the other for his passenger;
 - (ii) possess and wear a safety reflective jacket; and
 - (iii) possess two raincoats for the operator or rider and the passenger.

(2) The safety reflective jacket shall be worn at all times whenever a commercial motorcycle is being operated by the commercial motorcycle

operator.

(3) The safety crash helmet shall be of the type approved by the appropriate authority.

(4) The safety reflective jacket shall be provided by the appropriate authority, according to specifications prescribed by it and at a prescribed fee.

(5) The safety reflective jacket shall bear the registration number of the commercial motorcyclist.

2. Prohibition from carrying more than one person at a ride

No motorcycle operator or rider whether for commercial or private use, shall carry more than one person on a motorcycle at a ride.

3. Application of reasonable care and caution

Every motorcycle operator shall take cognizance of all the road traffic laws and regulations and shall observe reasonable care and caution while riding a motorcycle.

4. Operational training

(1) No person shall operate or ride a motorcycle unless he has undergone all necessary operational training to show that he is capable of controlling a motorcycle.

(2) A motorcycle operator or rider shall ensure that he undergoes regular training and re-training.

5. Prohibition of underaged person from operating a motorcycle

No person that is under eighteen years old shall operate or ride a motorcycle.

6. Motorcycles to possess all necessary assessories

(1) All motorcycles being operated in the State shall have complete headlights, parking lights, trafficating lights reflectors, side mirrors and all other assessories necessary for it to operate effectively.

7. Prohibition of using one motorcycle to tow or draw another motorcycle

No motorcycle shall be used for the purpose of towing or drawing another motorcycle.

8. Prohibition from the usage of wrong motorcycle horns

No motorcycle operator shall have fitted to his motorcycle or use any horn other than the specified horn meant for that motorcycle.

9. Prohibition from attaching and playing tape recorder

No motorcycle operator shall install or fix an electronic tape recorder to his motorcycle for the purposes of listening or playing same while operating a motorcycle.

10. Astride position on a motorcycle

(1) Every person riding on a motorcycle shall sit in an astride position on a motorcycle.

(2) No passenger on a motorcycle shall sit in a sideways position in such a manner as to have his two legs on a particular side of a motorcycle.

(3) No operator of a motorcycle shall allow any passenger to sit contrary to subsection (1) of this section or in the manner stated in subsection (2) of this section.

(4) Any person who contravenes the provisions of subsections (1) and (3) of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand naira or to imprisonment for a term not exceeding three months.

11. Period of operation of motorcycles

(1) All motorcycles being used in the State shall only operate between the hours of 6:00am to 9:00pm every day.

(2) No operator of a motorcycle shall use the motorcycle within the time not specified by subsection (1) of this section.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section any person—

(a) who is on an essential service; or

(b) in an emergency situation,

and has to operate or ride a motorcycle shall carry an Identification card in respect of the essential service and also provide evidence of such service or emergency.

"essential service" means medical, para-medical, security and other related services.

(4) Any person who contravenes the provisions of subsections (1) to (3) of this section is guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand naira or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

[No. 5 of 2007.]

12. Apprehension of offenders

A police officer may apprehend a motorcycle operator who within his view commits an offence under this Law.

[No. 5 of 2007.]

13. Power of police officers

A police officer shall have power to—

- (a) seize a motorcycle from any offender;
- (b) arrest any offender of the provisions of this Law; and
- (c) direct and give instructions or notices generally to motorcycle owners or operators.

[No. 5 of 2007.]

14. Obstruction of police officer

Any person who assaults, manhandles or obstructs a police officer from effecting any of the provisions of this Law commits an offence.

[No. 5 of 2007.]

15. Penalties

Any person who contravenes the provisions of sections 1, 9 and section 13 of this Law commits an offence and shall be liable on conviction—

(a) for the first offence, to a fine not exceeding two thousand naira (N2,000) or to imprisonment for a term not exceeding three months; and

(b) for subsequent offences to a fine not exceeding four thousand naira (N4,000) or to imprisonment for a term not exceeding six months.

[No. 5 of 2007.]

16. Jurisdiction

Any offence committed under this Law shall be tried in the Magistrate Courts.

[No. 5 of 2007.]

17. Power to make regulations

The appropriate authority shall have power to make regulations in respect of this Law.

[No. 5 of 2007.]

18. Repeal of Section 3 of No. 1 of 1979

Section 3 of the Compulsory Use of Safety Helmet (Repeal) Law, 1979 is hereby repealed.

[No. 5 of 2007.]

19. Interpretation

In this Law, unless the context otherwise requires—

"appropriate authority" means the Commissioner for Works and Transport or the Commissioner for Finance;

"commercial motorcycle" means and includes any motorcycle used for carrying persons or goods for a bargain on money being paid to the operator or rider;

"motorcycle" includes an open, road vehicle on wheels with one seat for the operator or rider and a seat for a passenger behind the operator or rider;

"motorcyclist" means an operator of a motorcycle;

"State" means Kwara State of Nigeria.

[No. 5 of 2007.]

20. Citation

This Law may be cited as Kwara State Motorcycle Operations (Control, Safety, etc.) Law, 2005.

[No. 5 of 2007.]

CHAPTER K36

KWARA STATE MOTORCYCLE OPERATIONS (CONTROL, SAFETY ETC) LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation
