

TRANSPORT DEPARTMENT

From
Thiru C.P.SINGH, I.A.S.,
Principal Secretary /
Transport Commissioner and
Road Safety Commissioner,
Chepauk,
Chennai - 600 005

To
1) Joint Transport Commissioner, Chennai-23
2) All Zonal Deputy Transport Commissioners
3) All Regional transport Officers
4) All Motor Vehicle Inspectors of Unit Offices

Letter R.No. 61095/H2/08, Dated: 03.11.08.
(Circular No. 53/2008)

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Jd - 19
(No File)

Sir,

Sub: Transport Department-Motor Vehicles-Alteration of two wheelers for use by handicapped persons-Regarding.

Ref: Government of India Notification in No. RT-11012/12/01-MVL, dated: 23.07.08 communicated in Letter No. 58703/Tr.VII/07, dated: 06.10.08 (received on 16.10.08) of the Deputy Secretary to Government, Home (Tr.VII) Department, Chennai-9.

A copy of Government of India's Notification in R.No. 11012/12/01 MVL, Dated: 23.07.08 received in the reference cited is communicated to all the officers of this department for information and for strict compliance.

- 2.0) Following are brought to the notice of all the Officers / Registering Authorities of this department:
- 2.1) As mentioned in the notification we are in receipt of a number of representations from persons with disability, highlighting the problems being faced by them due to non availability of invalid carriages in the market as well the policy of the Government of India banning alteration of motor vehicles under section 52 of Motor Vehicles Act, 1988.
- 2.2) The Department of Road Transport and Highways, Ministry of Shipping, Road Transport and Highways, Government of India, New Delhi have reconsidered the matter to find a way out to provide a suitable two wheeler to the persons with disability without compromising on their safety, as well as safety of other road users.
- 2.3) In exercise of powers conferred under third proviso to section 52 of Motor Vehicles Act, 1988, the Government of India have now granted exemption for allowing alter-

ation in motor cycles (defined in section 2 (27) of the Act) for use of physically challenged persons by the concerned State Governments, in the manner specified in the Annexure attached with the order, subject to the following conditions :-

- (i) Retro fitted vehicles should not be categorized of "Invalid Carriage" as these vehicles, will not be meeting the definition of "Invalid Carriage" given under section 2 (18) of the Motor Vehicles Act, 1988
- (ii) Even after adding the side car on the left side of the Scooter the seating capacity will remain same and the side car should not be utilized for carrying luggages.
- (iii) Such permission may be given to the person with disability if he is the owner of the altered vehicle
- (iv) Such permission should not be considered if prototyped vehicle is available in the market.
- (v) Permission for alteration should be valid if the person with disability is driving the vehicle
- (vi) It will be the personal responsibility Of the person with disability to keep the vehicle in fit condition / drive it carefully so that there may not be any safety hazard
- (vii) Permission will be subject to obtaining a medical fitness certificate from the competent medical authority to drive the vehicle.
- (viii) Person with disability has to give the driving test and obtain necessary permission from the Licensing Authority to drive the altered vehicle. Ability of the person with disability should be considered while deciding his ability to drive a vehicle with prescribed modifications, A person with loco motor disability is required to have the modification in the specified vehicle as prescribed by specialist Doctor in Physical Medicine and Rehabilitation (PMR) / Orthopaedic Surgeon.
- (ix) Necessary entry in the RC about the alteration will be made by the concerned Registering Authority
- (x) Permission will stand withdrawn once the vehicle is sold to some other party.
- (xi) Valid certificate of retro fitment kit from authorized Test Agency will be produced.
- (xii) Valid certificate of authorized workshop for the fitment of approved retro fitment kit will be produced.
- (xiii) Above alteration should be permitted only in the non transport vehicles.

2.5) Apart from the above the Union Government have also requested all the States / UT Governments to consider the cases relating to Retro fitment of side cars in two wheelers / fitment of additional two wheels at the rear on both the sides as per the procedure prescribed therein such as approval of retro-fitment / adaptation kit, requirements (of the retro-fitment / adaptation kit such as functional brake test, functional grade ability test, fixing of retro-reflective tape and identification symbol carrying in the vehicle etc.,) approval of workshops for the fitment of approved kits, types of physical disabilities etc., The technical information to be submitted by the retro-fitment kit manufacturers has also been given in Annexure - A.

2.6) It is further informed that as per the conditions specified in the above notification the "retro-fitment kit manufacturers" should obtain and produce a valid certificate of retro-fitment kit from authorized Test Agency (prescribed under rule 126 of Central Motor Vehicles Rules, 1989). So also the workshops which are identified by the kit manufacturers shall obtain certificate of authorization for the fitment of approved retro-fitment kits and shall carry out the fitment on behalf of the manufacturers on the basis of competence, availability of necessary equipments, experience in the relevant field, trained man power, etc., And the workshops which are engaged in carrying out the fitment on behalf of the manufacturers of the kits shall obtain approval of workshop.

3) The Zonal Officers are requested to acknowledge receipt of this circular. The Regional Transport Officers / Motor Vehicles Inspectors shall send their acknowledgments to the Zonal Officers who shall keep them in their file.

Sd/-C.P.Singh.

Principal Secretary / Transport Commissioner
and Road Safety Commissioner, Chennai-5

Copy to : All officers in State Transport Authority

Copy to : Secretary State Transport Appellate Tribunal, Chennai-104

Copy to : PCs of PS/Transport Commissioner, Joint Transport Commissioner (A), JTC(R), and JTC (RS), Chennai-5,

Copy to : ADS, "S" Section for e-mailing the communication to the concerned as above.

Copy to : All Personal Assistants to State Transport Authority

Copy to : Stock file of H2

Copy to: Deputy Secretary to Government,

Home (Tr.VI I) Department, Secretariat,

Chennai-9 with reference to Letter No. 58703/Tr.VI/07, dated: 06.10.08

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//By order//

Personal Assistant to STA