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GOVERNMENT OF KERALA

Transport(B) Department

NOTIFICATION

No.178/B2/2018/Tran.

Dated, Thiruvananthapuram,

13<sup>th</sup> June, 2018

30<sup>th</sup> Idavam, 1193

23<sup>rd</sup> Jyaishta, 1940

The following draft rules further to amend the Kerala Motor Vehicles Rules, 1989, which the Government of Kerala propose to make in exercise of the powers conferred by clause (e) of section 176 of the Motor Vehicles Act 1988(Central Act 59 of 1988) is hereby published for general information as required by sub-section (1) of section 212 of the said Act.

Notice is hereby given that the said draft will be taken up for consideration on or after thirty days from the date of publication of this notification in the Gazette and that objections or suggestions, if any, that may be received from any person in respect of the draft rules on or before the period specified above will be considered by the Government. Objections or suggestions, if any, in duplicate, shall be addressed to the Secretary to Government, Transport Department, Government Secretariat, Thiruvananthapuram.

DRAFT RULES

1. *Short title and commencement* .- (1) These rules may be called the Kerala Motor Vehicles (..... Amendment) Rules, 2018.

(2) They shall come into force at once.

2. *Amendment to the Rules.*- In the Kerala Motor Vehicles Rules, 1989, after rule 391, the following rule shall be inserted, namely:-

*"391 A. Prohibition against release of motor vehicle involved in accident.-*

(1) No court shall release a motor vehicle involved in an accident resulting in death or bodily injury or damage to property, when such vehicle is not covered by the policy of insurance against third party risks taken in the name of owner or when the owner fails to furnish copy of such insurance policy despite demand by investigating police officer, unless and until the owner furnishes sufficient security to the satisfaction of the court to pay compensation that may be awarded in a claim case arising out of such accident.

(2) Where the motor vehicle is not covered by a policy of insurance against third party risks, or when the owner of the motor vehicle fails to furnish copy of such policy in circumstance mentioned in sub-rule(1), the motor vehicle shall be sold off in public auction by the Magistrate having jurisdiction over the area where accident occurred, on expiry of three months of the vehicle being taken in possession by the investigating police officer, and proceeds thereof shall be deposited with the Claims Tribunal having jurisdiction over the area in question, within fifteen days for the purpose of satisfying the compensation that may have been awarded, or may be awarded in a claim case arising out of such accident.

By order of the Governor,

K R JYOTHILAL,

*Principal Secretary to Government.*