



IMO STATE OF NIGERIA

2011, LAW NO. 14

A law to establish the Imo State Traffic Management Authority to control and manage traffic and for other connected matters

Long Title

BE IT ENACTED by the House of Assembly of Imo State of Nigeria as follows:-

Enactment

1. This Law may be cited as the Imo State Traffic Management Law, 2011.

*Citation/
Commencement*

2. In this Law, unless the context otherwise requires:-

Interpretation

"Authority" means the Imo State Traffic Management Authority.

"Commissioner" means the Commissioner for Transportation.

"Financial Year" means every period of twelve months terminating on the 31st day of December or the period as approved in that years budget.

"Government" means Government of Imo State.

"Governor" means Governor of Imo State.

"House of Assembly" means Imo State House of Assembly.

"Member" means a uniformed, non-uniformed or honorary public member of the Authority.

"State" means Imo State of Nigeria.

"Traffic Major" means volunteer traffic controller.

3.(1) There is established a body to be known as the Imo State Traffic Management Authority (referred to in this Law as the "Authority").

*Establishment of
the Authority*

- (2) The Authority shall –
- (a) be a body corporate with perpetual succession and a common seal;
 - (b) have powers to sue and be sued in its corporate names and;
 - (c) be capable of holding, purchasing, acquiring and disposing of moveable or immovable properties, for the purpose of exercising its functions specified in this Law.
4. The Authority shall discharge functions relating generally to – *Functions of the Authority*
- (a) controlling traffic and enforcing state and national laws that govern the safe use of vehicles on roads in Imo State;
 - (b) reducing the incidence and severity of road traffic accidents;
 - (c) Identifying, developing, promoting, and maintaining new or alternative methods of traffic management and road safety;
 - (d) determining and apprehending road traffic offenders;
 - (e) conducting highly visible day and night traffic patrols to enforce traffic rules and regulations and clear the highways of obstruction;
 - (f) provide emergency towing services for broken down vehicles;
 - (g) co-operating with Local, National, International bodies, Agencies or group engaged in road safety activities or in the prevention of Accidents on the highways;
 - (h) safeguarding vehicles and pedestrians in the construction zones and highways and streets;
 - (i) safeguarding school children through school children crossing and school site zones;

- (j) safeguarding highways from encroachment from the activities of market, roadside trading, street hawking and arms begging;
- (k) employing mobile and random breath testing methods to deter drunk driving;
- (l) maintaining a register of traffic violators;
- (m) doing anything for the purpose of advancing the skill of persons employed by the Authority or the efficiency of the equipment of the Authority or the manner in which the equipment is operated including the provision of facilities for training, education and research.

5. (1) There shall be an Advisory Board for the Authority.

*Establishment and
composition of the
Advisory Board*

(2) The Advisory Board shall consist of –

- a) the permanent Secretary of the Ministry of Transportation as Chairman;
- b) one representative of the Nigerian Police Imo State Command;
- c) one representative of the Federal Road Safety Commission;
- d) one representative of the State Ministry of Justice;
- e) one representative of the State Ministry of finance.
- f) one representative each of the NARTO or transport related unions;
- g) one representative of the State Ministry of works;
- h) one representative of ALGON;
- i) The Chief Executive of the Authority as Secretary;

- (3)(a) The Governor shall appoint 3 non statutory members of the Advisory Board each of whom shall come from each of the 3 senatorial zones of the State.
 - (b) The Governor shall appoint the Chairman of the Advisory Board subject to the ratification of the House of Assembly.
 - (4) All members of the Advisory Board except the Chief Executive Officer shall serve as part time members.
 - (5) The members of the Advisory Board shall hold office for a period of three (3) years and may be re-appointed for another three (3) years but shall not be eligible for another reappointment.
 - (6) Notwithstanding anything to the contrary in the letter by which a member of the Advisory Board is appointed, he may at anytime resign his appointment under his hand and signature by a letter addressed to the Governor, and the membership of the person concerned shall terminate on the date of receipt of the letter of resignation by the Governor.
 - (7) The Governor may at any time remove any member from office; if in his opinion, it is in the interest of the Authority or State for such member to be removed from the Advisory Board.
6. There shall be paid to the members of the Advisory Board such remuneration as the Governor may determine. *Remuneration of Members*
 7. The Chairman and any other five (5) members of the Board shall constitute quorum. *Quorum at Advisory Board Meeting*
 - 8.(1) The Advisory Board shall be charged with the responsibility for:- *Powers of the Commissioner*
 - a) Reviewing progress of the programmes of the Authority;

- b) recommending changes and additions to current programmes, especially annual work plan;
 - c) identifying areas of Inter-departmental/Inter-governmental/Cooperation;
 - d) identifying areas of expertise that can be applied to specific problems;
 - e) offering technical advice to the Governor on traffic management issues.
9. Subject to the provisions of this Law, the Commissioner may give to the Authority general or specific directives as to the policy to be followed in the exercise of his powers or as to performance of its functions and in appropriate cases the Commissioner may make regulations or order for the purposes of the provisions of this Law and the Authority shall comply with and give effect to such directives, regulations orders.
- 10.(1) There shall be a Chief Executive Officer of the Authority who shall be appointed by the Governor and shall be a person possessing sound knowledge and ability in the organisation and administration of policies in road traffic management and transport, security and safety.
- (b) A person to be appointed Chief Executive Officer of the Authority shall possess not less than B.Sc or its equivalent in Transport related discipline and shall have not less than 10 years cognate experience.
- (2) There shall be a General Manager of the Authority and shall be a person possessing sound knowledge of ability in the organisation and administration of road traffic management and transportation, security and safety matters.
- (3) There shall be a Secretary/Legal Adviser to the Authority who shall be responsible to the Chief Executive Officer for the discharge of his functions and shall in particular be responsible for the following:

*Powers of the
Commissioner*

*Chief Executive
Officer of the
Authority*

General Manager

*Secretary/Legal
Adviser to the
Authority*

- a) Providing legal advice and
 - b) Generally performing all other duties affecting the Authority as may be specifically assigned to him by the Chief Executive Officer.
- (4) The Chief Executive Officer shall subject to this law
- a) exercise general supervision and control over members of the Authority;
 - b) direct the activities of members of the Authority;
 - c) provide a focal point for traffic management/safety programmes information, execution and funding in the state;
 - d) management of the Authority's finances: and;
 - e) deploy the human and material resources of the Authority in such manner as will best ensure the attainment of the aims and objectives of this law.
- 11.(1) In the exercise of the functions conferred on the Authority, members of the Authority shall have powers to arrest and prosecute traffic offenders reasonably suspected of having committed any of the following offences specified under the second schedule to this law,
- (2) In the discharge of the functions of the Authority under this law, a member of the Authority shall have power to –
- a) Arrest any person suspected of committing or having committed an offence under this law;
 - b) Impound any vehicle by which an offence under this law is reasonably suspected to have been committed until the case is determined or disposed of;
 - c) remove and detain any vehicle which has been parked in a manner that causes an obstruction on a highway until the case is determined or disposed of;

*Duties of the Chief
Executive Officer*

*Powers of the
Authority under
the second
schedule.*

- d) tow and park impounded vehicles in the approved premises of the Authority;
- e) declare an offender wanted when he or she fails to report to answer charges against him or her under this law;
- (3) After the first 24 hours of impounding a vehicle, the driver or owner of the vehicle shall be liable to pay custody fees for every day during which the vehicle is detained, provided that if the driver or owner of the vehicle fails to reclaim the vehicle within the period of six weeks, the impounded vehicle shall be vested in the Imo State Government which reserves the right to dispose of such vehicle as it deems fit.
- (4) Any person who contravenes any of the provision of the subsection of this section or commits any offence under the law shall be liable on conviction to penalty specified in the relevant sections of the enactment concerned with the offence or, as the case may be, in respect of offences specified in the second scheduled to this law.
- (5)(a) For the purposes of determining traffic offenders this law empowers the Authority to introduce the penalty point rating and apply the points contained in the third column of the Second Schedule for each traffic offence.
- (b) A cumulative number of penalty points in excess for any offender, accumulated in one or more arrests would lead to the seizure of such an offender's drivers licence for a period of six months in the first instance.
- (6) Any person suspected of having committed an offence to which this section applies and who refuses without lawful excuse to give an authorised officer any information demanded or gives a false name or address or any other false information to an authorised officer, shall be liable on summary conviction to a fine of ₦5,000.00 or an imprisonment of six months.

Chief
Officer

the
under

(7) Persons suspected to have committed an offence under this law may be prosecuted in any magistrates' court or mobile court in the state.

(8) Notwithstanding the provisions of subsection (4) of this section, the court convicting an offender under this Law may impose a term of imprisonment not exceeding six months in lieu of any of the penalties provided for in the second schedule to this law.

12.(1) For the purpose of speedy trials of traffic offenders under this law, there shall be established within the state, mobile courts to be presided over by Magistrates who shall sit at places to be determined from time to time for the purposes of imposing fines or imprisonments in respect of the offenders as set out in the second schedule to this law.

*Establishment of
Mobile Traffic
Court*

(2) The proceedings of the Mobile Courts shall be held in public, unless the Magistrate considers that in the interest of Justice private sitting of the Mobile Court shall be held.

(3) Notwithstanding the provisions of this Section, a traffic offender may wish to pay the stipulated fines on the tickets to the designated Bank Account in lieu of court trial.

(4) All accounts kept by the Registrar shall be audited at such time and in such manner as the Auditor General of Imo State may require.

13.(1) Any fine imposed on any person as set out in the Second Schedule to this law shall be paid either on the spot where it is imposed by a Mobile Court or within twenty four hours where imposed by a Road Traffic Officer on Patrol. The offender in both instances shall obtain an official ticket showing the offence committed and the amount of fine paid thereof.

*Traffic Fines
Ticket*

(2) The vehicle of any person who commits any offence under this law shall be impounded in the approved premises of the authority until the said fine is paid.

(3) On the default of such an offender to pay the fine, a charge shall be preferred against him in the Mobile Court or any other Court where appropriate

14.(1) Members of staff of the Authority shall bear such ranks and designations as may be assigned to them within the following grades:

Ranks of Staff of
the Authority

- (a) Chief Executive Officer
- (b) General Manager
- (c) Deputy General Manager
- (d) Assist. General Manager
- (e) Chief Road Traffic Officer
- (f) Assistant Chief Road Traffic Officer
- (g) Principal Road Traffic Officer
- (h) Senior Road Traffic Officer
- (i) Road Traffic Officer I
- (j) Road Traffic Officer II
- (k) Trainee Traffic Officer
- (l) Chief Traffic Assistant
- (m) Assistant Chief Traffic Assistant
- (n) Principal Traffic Assistant I
- (o) Principal Traffic Assistant II
- (p) Senior Traffic Assistant
- (q) Higher Traffic Assistant
- (r) Traffic Assistant I
- (s) Traffic Assistant II
- (t) Chief Patrol man
- (u) Assistant Chief Patrol man

ment of
ffic

Fines

- (v) Senior Patrol man
 - (w) Patrol Man
 - (x) Assistant Patrol man
- (2) The entry qualification for the appointment of every staff shall be in accordance with the rules made by the Authority for the purpose but shall not be less than:
- (a) a minimum entry qualification of Senior Secondary School Certificate or its equivalent;
 - (b) Certificate of medical fitness from a government hospital.
- (3) Uniformed members of staff of the Authority in addition to the conditions prescribed in section 4(2) above shall also include:
- (a) physically fit;
 - (b) minimum height of 1.67 meters (5ft 6 inches) for the males; and
 - (c) of minimum height of 1.62 meters (5ft 4 inches) for the females.
- 15.(1) A person shall, before he or she is appointed as a member of the Authority, be required to declare his interest, if any, in any transport or other business organisation undertaking transportation of passengers, or goods or engaged in the repairs and maintenance of vehicles or manufacturing or sale of any equipment used by the authority.
- (2) A member of the Board or staff of the Authority who acquires any financial interest in any organisation undertaking transportation of passengers or goods or engaged in the repairs and maintenance of vehicles or in the production or sale of any equipment used by the Authority shall, within one month of such acquisition give notice thereof in writing to the Authority specifying the interest so acquired and the Authority may after taking into consideration all the circumstances of the case, decide whether –

*Declaration of
Interest by
Member/staff*

- (a) to retain him as a member of the Board or staff of the Authority or
 - (b) to remove him from such membership/employment; or
 - (c) attach any condition to his membership/employment.
16. The Authority shall provide for the use of members of staff such equipment as the Authority may consider for the efficient discharge of the functions conferred by and under the law, including the provision of uniforms, identification cards, retro-reflective jackets, raincoats, high powered motor-cycles, patrol cars, ambulance recovery vehicles, two-way mobile radio, telephone sets, computers, rescue tools and powerful torches.
- 17.(1) The Authority shall operate in the entire state.
- (2) For the administration of this law, the Authority shall create operational zones in the three (3) Senatorial districts of the state with the headquarters in the state capital.
- (3) The Authority may deploy to each operational zone such number of traffic control personnel as it may deem sufficient for enforcing the provisions of this law within the operational zone.
18. A uniformed or non-uniformed staff of the Authority or an honorary public member shall not, when on duty, be liable for any act validly done by him in the exercise of his duty and within the limit of the powers conferred on him by this law or any rules or regulations made thereunder.
- 19.(1) Service by staff of the Authority under this law shall be deemed to be public service of the Imo State Government.
- (2) The Chief Executive Officer may require any person employed as a staff of the Authority to undergo such course of training related to the functions of the Authority, under this law and at such institutions or organisations, as the Chief Executive Officer may from time to time decide.

Provision of equipments and Materials

Jurisdiction and operational Zones

Immunity of Staff

staff to be regarded as persons in the Public Service of Imo State

tion of
by
r/staff

20.(1) Every staff of the Authority shall have allocated to him, a service number which shall be prefixed against his name in the register of staff to be kept by the Authority.

Allocation of
service numbers

(2) The service number shall be the identity number of the staff and shall be affixed in the case of a uniformed member of staff above the breast pocket of his shirt or such other conspicuous part of his uniform, as the Authority may decide.

(3) A uniformed staff of the Authority shall be in his uniform whenever he is on duty in his office or on the road.

21.(1) The funds and resources of the Authority shall consist of
(a) Such sums or other advances by way of loan, or grants to the Authority by the state government.

Finances of the
Authority/Funds
and Resources of
the Authority

(b) the sums or property whatsoever as may from time to time be advanced by way of loan or grants to the Authority by any other Government Agency or Institution, or international Organisation or private foundation or any person whatsoever.

(c) the sums of or other property whatsoever as may from time to time be advanced by way of loans or grants to the Authority by any other Government Agency or Institution any International organisation or Private Foundation or any person whatsoever.

(d) all other sums or property whatsoever which may in any manner become payable to or vested in the Authority in respect of its power and duties or of any matter incidental thereto under the law.

22.(1) The Authority shall keep proper accounts of all its transactions in such a form as the Governor may direct, being a form that shall conform with the best standard commercial practice.

Accounts

- of
members
- of the
Funds
sources of
priority
- (2) The form of accounts shall be such as to secure the provision of separate information in respect of each of the main activities and departments of the Authority.
 - (3) The accounts shall be audited annually by external auditors appointed by the Governor from a list of approved Auditors provided by the Auditor-General of the State.
 - (4) The Authority shall within six months after the end of each financial year, furnish the Governor and the House of Assembly –
 - (a) a copy of the audited account of the Authority
 - (b) a copy of the general report and full report of the External Auditor; and
 - (c) a detailed report of the state of affairs of the Authority for the financial year, including a statement of the change in the general reserve fund arising from the activities of the Authority during the year reported upon.
 - (5) The Authority shall cause audited account and the Annual Report of the Authority to be published in the State Government Official Gazette after complying with sub section(4) of this section and available, on demand to the public.
23. The Authority shall operate accounts with a reputable Bank or Banks in the state and the signatories to the account shall be the Chief Executive Officer and Head of Accounts.
- nts

Operation of Bank
Account

SCHEDULES

FIRST SCHEDULE

Advisory Board Proceedings

1. The Board may make Standing Orders regulating the proceedings of the Board or any committee thereof.
2. The quorum of the Board shall be six and the quorum of any committee of the Board shall be determined by the Board.
3. At any time while the office of the Chairman is vacant or the Chairman is, in the opinion of the Board, temporarily or permanently unable to perform his functions, reference in the schedule to the Chairman shall be construed accordingly; a quorum.
4. (1) Subject to the provisions of any applicable Standing Orders, the Board shall meet whenever summoned by the Chairman; and if the Chairman is required so to do by notice given to him by not less than four other members, he shall summon a meeting of the Board to be held within twenty-one days from the date of which the notice is given.

(2) At any meeting of the Board, the Chairman or, in his absence, any member duly appointed by the Board shall preside at the meeting.
- 5.(3) Where the Board wishes to obtain the advice of any person on a particular matter, the Board may co-opt him as a member for such period as it thinks fit, but a person who is a member by virtue of this sub paragraph shall not be entitled to vote at any meeting of the Board and will not count towards.

(5)(1) The Board may appoint one or more committees to carry out, on behalf of the Board such of its functions as the Board may determine.

- (2) A committee appointed under this sub paragraph shall consist of the number of persons determined by the Board and not more than one-third ($\frac{1}{3}$) of those persons may be persons who are not members of the Board; and a person other than a member of the Board shall hold office of the committee in accordance with the terms of the instrument by which he is appointed.
- (3) The fixing of the seal of the Board shall be authenticated by the signature of the Chairman or some other member authorised generally or specifically by the Board to act for that purpose.

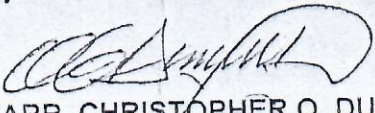
SECOND SCHEDULE
Traffic offences and Penalties

	Violation	Code	Penalty		
			Point	Fine N	Additional
Conditions (General)					
1.	Driving without a Driver's Licence	LCG -01	2	2,000	Impound vehicle
2.	Driving of any vehicle by a person under 18	LCG-02	2	2,000	Impound vehicle
3.	Learner driving without Learner's permit	LCG-03	2	2,000	Dislodge driver
4.	Learner driving on major highway	LCG-04	3	2,000	Dislodge driver
5.	Learner driving and unaccompanied by a licensed driver	LCG-05	3	2,000	Impound vehicle
6.	Driving an unlicensed vehicle	LCG-06	3	2,500	Impound vehicle
7.	Driving with fake number plates	LCG-07	4	4,000	Impound vehicle
8.	Driving a vehicle with unauthorised or defective reflective number plate	LCG-08	2	2,000	Impound vehicle
Licence Conditions (Commercial)					
9.	Not painting a commercial vehicle in approved colours	LCG-01	4	5,000	Enforce painting
10.	Violation of route by commercial vehicle	LCG-02	2	2,000	
11.	Non-display of route and route Number on vehicle	LCG-03	2	2,000	
Traffic Signs and Markings					
12.	Disobeying traffic control personnel or traffic signs	TSM-01	1	2,000	
13.	Disobeying traffic lights	TSM-02	4	5,000	
14.	Parking on yellow line on any public highway	TSM-03	2	2,000	
15.	Vehicle crossing double yellow line	TSM-04	3	5,000	
16.	Staying within the yellow junction box (off-side rule).	TSM-05	2	2,000	
17.	Failure to yield to right of way of pedestrians at a zebra crossing	TSM-06	4	5,000	
18.	Failure to give way to traffic on the left at a roundabout	TSM-07	2	2,500	

Vehicle Defect					
19.	Driving motorcycles/3-wheelers with non-functional lamps	VDF-01	1	1,000	Effect repairs
20.	Driving private motor vehicles with non-functional lamps	VDF-02	2	3,000	Effect repairs
21.	Driving commercial vehicles with non-functional lamps	VDF-03	4	5,000	Effect repairs
22.	Driving trailers, tankers and tippers with non functional lamps	VDF-04	4	10,000	Effect repairs
Alcohol and Drug					
23.	Driving under the influence of alcohol/drugs	ALD-01	2	2,000	Impound vehicle
24.	Smoking while driving	ALD-02	1	2,000	
Motorcycle Riders					
25.	Riding of motorcycle without crash helmet for rider and passenger	MCL-01	1	1,000	
26.	Riding a motorcycle without a Driving Permit	MCL-02	2	2,000	Impound motorcycle
27.	Riding motorcycle against traffic or through road median	MCL-03	4	5,000	
28.	Conveying more than one passenger at any given time	MCL-04	3	2,000	Dislodge extra
29.	Installation of musical gadgets on a motorcycle	MCL-05	3	5,000	Impound the set
30.	Alteration of manufacturers specification, on motorcycle (e.g. handle bar/seat/horn/leg rest)	MCL-06	3	5,000	
31.	Motorcyclist resisting arrest	MCL-07	4	2,500	
Speed Violation					
32.	Exceeding prescribed speed limit	SPV-01	2	2,500	
33.	Tailgating an emergency vehicle	SPV-02	4	5,000	
34.	Failure of slow moving vehicle to keep to the right lane.	SPV-03	2	2,500	
Miscellaneous Traffic Fines					
35.	Assault on a traffic Officer	MTF-01	4	5,000	Prosecute in court
36.	Driving in a direction prohibited by the Road Traffic Law	MTF-02	4	25,000	Impound


37.	Illegal U-turns	MTF-03	2	2,000	Driver Training
38.	Wrongful overtaking of other vehicles	MTF-04	2	2,000	Driver Training
39.	Overloading of commercial vehicle or trailer	MTF-05	2	2,000	Dislodge
40.	Driving on the highway/walkways or kerbs	MTF-06	4	10,000	Move away
41.	Parking on the highway/walkway or kerbs	MTF-07	2	5,000	
42.	Parking or stopping to pick passengers by a commercial vehicle other than at a designated bus-stop.		2	20,000	Driver Training
43.	Bullion vehicle driving in a direction prohibited by the Road Traffic Law.	MTF-08			
43.	Bullion vehicle driving in a direction prohibited by the Road Traffic Law.	MTF-09	4	50,000	Impound
44.	Abandoned vehicle on highway	MTF-10	4	5,000	Impound
45.	Causing obstruction on highway	MTF-11	3	2,500	Impound
46.	Commuter hanging on tailboard of moving vehicle	MTF-12	3	5,000	Dislodge
47.	Driving vehicles with doors left open.	MTF-13	2	2,500	
48.	Making or receiving phone calls when driving	MTF-14	2	2,500	
49.	Driving without a strapped seat belt for both driver and front seat passenger.	MTF-15	1	1,000	Strap on seat
50.	Failure to display reflective warning triangle sign at point of breakdown.	MTF-16	4	10,000	
51.	Motorist resisting arrest.	MTF-17	4	10,000	
Storage and Custody Charges					
1.	Storage charges for impounded cars, jeeps and mini-buses per day			500	
2.	Storage charges for impounded motorcycles and 3-wheelers per day			200	

This printed impression has been carefully compared by me with the Bill which has been passed by the House of Assembly and found by me to be a true and correct printed copy of the said Bill.


BARR. CHRISTOPHER O. DURU
Clerk/Perm Sec of the House of Assembly
Imo State of Nigeria

Assented to by me this 30th day of Dec., 2011




OWELLE ROCHAS ANAYO OKOROCHA, OON
Governor
Imo State of Nigeria

Assent withheld by me this day of, 2011

OWELLE ROCHAS ANAYO OKOROCHA, OON
Governor
Imo State of Nigeria

Passed again by the Imo House of Assembly by two-thirds majority this
Day of, 2011.



RT. HON. CHIEF BEN UWAJIMOGU
Speaker
Imo State House of Assembly