



Ministerial Statement to the House of Assembly

Update Introduction of Roadside Sobriety Testing

By

The Hon. Shawn G. Crockwell, JP, MP
Minister of Tourism Development and
Transport

Monday, March 16th, 2015

Mr. Speaker, I rise to provide an update on the Ministry of Tourism Development and Transport progress with the implementation of Roadside Sobriety Testing in Bermuda.

Mr. Speaker, The Transport Control Department, with the assistance of the Bermuda Road Safety Council, the Bermuda Police Service and other agencies have completed the research on roadside sobriety testing and its viability in Bermuda. The working group reviewed relevant legislation and schemes in several other jurisdictions and the research also included identifying an approved testing device that is most suitable for use in Bermuda.

Mr. Speaker, the working group proposed that the following three legislative amendments to the Motor Car Act 1951 could be implemented in the short term which would have the greatest impact on our roads to sustain life; amend the legislation to allow “test before arrest” for roadside breathalyzers, amend to create provisions on preliminary breath testing and amend to provide an approved instrument order so the proposed breathalyzer may be used by the police to administer preliminary testing. However, through further consultation with the Attorney General’s Chamber and consideration of constitutional issues related to “testing before arrest”, Roadside Sobriety Testing will be introduced as an alternative substantive testing method to the existing testing that currently is administered at the Hamilton Police Station.

Mr. Speaker, the selected handheld testing device is the *Drager Alcotest 7510 Unit* and the unit has to be capable of being used as evidence in court. Therefore, the Transport Control Department is making the necessary arrangement for the manufacture to provide local demonstrations on the use of the unit and verification on its suitability for the intended purposes. The manufacturer’s

presentation will be part of the on-going consultation with the Bermuda Police Service, Health, Magistrates Courts, the Bar Council and the DPP's Chambers on the intended use of the unit as a substantive testing device.

Mr. Speaker, the introduction of the handheld testing unit will not require legislative amendments and once we have completed the verification of the unit and it is deemed acceptable by the Bermuda Police Service, we will lay an Order approving the said instrument and if there are no identified issue we intend to lay the Order in May 2015.

In the meanwhile, urge all Bermuda residents to drive responsibly and have consideration for the safety of themselves and other road users.

Thank You, **Mr. Speaker!**