

RENT A MOTOR CYCLE SCHEME, 1997

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RENT A MOTOR CYCLE SCHEME, 1997

¹1 . Vide S.O. 375 (E), dated 12th May, 1997. Published in the Gazette of India. Extra. Pt II. see, 3(i). dated 12th May, 1997. In exercise of powers conferred by section 75 of the Motor Vehicles Act. 1988 (59 of 1988). Central Government hereby makes the following scheme for regulating the business of renting of Motor Cycles to persons desiring to drive the motor cycles for their own use and matters connected therewith, namely:-

1. Short title, commencement and application :-

- (i) This scheme may be called Rent a Motor Cycle Scheme. 1997.
- (ii) It shall come into force on the date of its publication in the Official Gazette.
- (iii) It shall apply to motor cycles to which permit have been issued under sub-section (1) of section 74 of the Act and operating under a licence granted in terms of para 6.

2. Definitions :-

In this scheme unless the context otherwise requires :-

- (i) "Act" means Motor Vehicles Act. 1988 (59 of 1988):

(ii) "Form" means a form appended to this scheme:

(iii) "licence" means a licence granted or renewed under paragraph 6 to engage in the business of renting of motor cycles to persons desiring to drive the motor cycles themselves for their own use :

(iv) "licensing tuthority" means the State Transport Authority constituted under sub- section (1) of section 68 of the Act :

(v) "operator" means the holder of permit issued under sub-section (1) of section 74 of the Act in respect of not less than 5 motor cycles .

(vi) "scheme" means the Rent a Motor Cycle Scheme, 1997.

3. Licensing of operator :-

No person shall engage himself in the business of rent- ing a motor cycle under this scheme without a licence.

4. Application for grant or renewal of licence :-

An application for the grant or renewal of a licence under paragraph 6 shall be made in Form 1 to the licensing authority having jurisdiction in the area in which he resides or has his principal place of business and shall be accompanied by a fee of rupees one thousand.

5. Scrutiny of application :-

A licensing authority shall, before granting or renew- ing a licence take into consideration the following, namely :-

(i) That applicant has a good moral character and has intimate knowledge of passenger transport business:

(ii) That the applicant has necessary facilities for the housing, maintenance and repair of his vehicles, sanitary block and reception room ;

(iii) That the applicant has at least one telephone which is accessible throughout day and night:

(iv) That the financial resources of the applicant are sufficient to provide for the continued maintenance of motor cycle and for the efficient management of the establishment:

(v) That the applicant maintains not less than 5 motor cycles duly covered by permits issued under sub-section (1) of section 74 of the Act. with comprehensive insurance, fitness certificates, motor

vehicles tax paid upto date.

6. Grant of licence :-

The licencing authority may, on receipt of an application under paragraph 4 and after satisfying himself that the applicant has complied with the requirements of paragraph 5, grant or renew the licence in Form 2 : Provided that no application for licence shall be refused by the licensing authority unless the applicant is given an opportunity of being heard and reasons for such refusal are given in writing by the licencing authority.

7. Duration of licence :-

A licence granted or renewed under paragraph 6 shall be valid for a period of five years from the date of grant or renewal.

8. General conditions to be observe by the holder of the licence :-

The holder of the licence shall.-

(i) maintain a register with a separate page for each vehicle containing the particulars specified in Form 3 and where a motor cycle is hired by a foreign national, shall maintain a register in Form 4 :

(ii) not shift the principal place of business mentioned in the licence without the prior approval in writing of the licensing, authority which granted the licence :

(iii) keep the premises and all the records and register maintained and the motor cycles open for inspection at all reasonable times by the licensing authority or by any person not below- the rank of motor vehicle inspector as may be authorized in this behalf by the licencing authority ;

(iv) submit from time to time, to the licensing authority such information and return as may be called for by it :

(v) display at prominent place in its main office and its branch office, the licence issued in original and certified copies thereof, attested by the licensing authority :

(vi) maintain in their main office and branch offices at a conspicuous place a "Complaint Book" in the Form 5 with serially numbered pages in triplicate. The licensee shall despatch the duplicate copy of complaint, if any, to the licensing authority by registered post expeditiously and in any case not later than 3 days ;

(vii) maintain a suggestion box in the main office and branch offices and forward their suggestion received with their comments, if any. to the licencing authority once a month.

9. Collection of hire charges :-

The holder of a licence shall collect the hire charges from a foreign national or non-resident India only in foreign exchange and shall hold for the purpose a licence to transact in foreign exchange.

10. Duties and responsibilities of the hirer of motor cycles :-

(1) It shall be the duty of every hirer to keep the holder of the licence, informed of his movements from time to time.

(2) If an individual or company has hired the vehicle, as leader of the tourist party, it shall be the duty of such leader of the party to keep the holder of the licence informed of the movements of each vehicle, from time to time.

11. Power of licensing authority to suspend or cancel the licence :-

(1) The licensing authority shall, on being satisfied after giving the holder of the licence, an opportunity of being heard, that he has-

(i) failed to comply with the provisions of paragraph 8 or 9 : or

(ii) failed to maintain the motor cycle in compliance with the provisions of the Act and rules: or

(iii) any one of his employees has misbehaved with customers ; or

(iv) any complaint against the licences by any hirer has been proved beyond reasonable doubt, suspend the licence for specified period or cancel the licence.

(2) Where the licence is liable to be cancelled or suspended and the licensing authority is of opinion that having regard to the circumstances of the case, it would not be necessary or expedient to cancel or suspend the licence ; if the holder of the licence agrees to pay the fine that the may be imposed by the licensing authority, then notwithstanding anything contained in clause (1), the licensing authority may, instead of cancelling or suspending the licence as the case may be, recover from the holder of the licence. the said fine.

(3) For the purpose of recovery of the sum of money agreed upon, the State Government may, by notification in the Official Gazette, specify the amount recoverable for each day of suspension of the licence and specify the time within which the sum of money agreed upon is payable, failing which the orders passed under clause (1) shall be implemented.

(4) When the licence is suspended or cancelled under clause (1), the holder of the licence shall surrender the licence to the licencing authority.

12. Appeals :-

¹ .-Any person aggrieved by any order of the licensing authority under Paragraph 6 or Paragraph 11, may within thirty days of the receipt of the order, appeal to the State Transport Appellate Tribunal

1. Substituted for " 12 . Appeals .-Any person aggrieved by any order of the licensing authority under paragraph 6 or paragraph 11, may within 30 days of the receipt of the order, appeal to the Secretary to Government of India in charge of Transport Department. ", vide " RENT A MOTOR CYCLE SCHEME, 1997" Dt.26th March, 1998 Published in Ministry of Surface Transport (Transport Wing), Noti. No. S.O.257(E), dated March 26, 1998, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 26th March, 1998, p. 2, No. 193 [F. No. RT-11045/1/97-MVL] [L]

13. Procedure for appeal :-

(1) An appeal under rule 12 shall be preferred in duplicate in the form of a memorandum setting forth the ground of objection, to the order of the licensing authority and shall be accompanied by a fee as may be specified by the State Government, by notification in the Official Gazette.

¹(2) The State Transport Appellate Tribunal may after giving an opportunity to the parties to be heard and after such enquiry as it may deem necessary, pass appropriate orders.

² (3) The State Transport Appellate Tribunal shall dispose of an appeal under Paragraph 12 within a period of ninety days from the date on which such appeal is filed;

1. Substituted for " (2) The appellate authority may after giving an opportunity to the parties to be heard and after such inquiry as it may deem necessary, pass appropriate orders. ", vide " RENT A

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2. Inserted vide " RENT A MOTOR CYCLE SCHEME, 1997" Dt.26th March, 1998 Published in Ministry of Surface Transport (Transport Wing), Noti. No. S.O. 257(E), dated March 26, 1998, published in the Gazette of India, Extra., Part II, Section 3(ii), dated 26th March, 1998, p. 2, No. 193 [F. No. RT-11045/1/97-MVL] [L]

14. Voluntary surrender of the licence :-

The holder of a licence may at any time surrender the licence issued to him to the licensing authority which granted the licence and, on such surrender the licensing authority- shall cancel the licence. The holder of the licence before surrendering the licence shall clear the dues referred to in clause (2) of paragraph 11.