

Bihar Motor Transport Vehicles Toll Act, 1992

20 of 1992

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An Act to provide for the levy of toll on certain Motor Vehicles entering in the State of Bihar and for matters connected therewith or incidental thereto. Be it enacted by the Legislature of the State of Bihar in the Forty-Third Year of the Republic of India as follows-

1. Assented to by the Governor on dated 17.8.1992.

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Bihar Motor Transport Vehicles Toll Act, 1992.
- (2) It shall extend to the whole of the State of Bihar.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette appoint.

2. Definition :-

In this Act unless the context otherwise requires-

- (a) "Barrier" means barrier established under Section 4 of the Act;
- (b) "Day" means a calendar day;
- (c) "Motor Transport Vehicles" means Stage Carriage, Contract Carriage or Goods Carriage as defined in the Motor Vehicles Act,

1988 (Central Act 59 of 1988);

(d) "Operator" means any person whose name is entered in the permit in respect of the Motor Transport Vehicles as the holder thereof and includes any person for the time being in charge of the vehicle;

(e) "Toll" means the toll levied under Section 3 of the Act;

(f) "Toll Tax Officer" means such officer or officers as the State Government may, by notification in the Official Gazette, appoint to be the Toll Tax Officer for the whole of the State of Bihar or for any area or areas thereof for the purposes of this Act and includes Taxation Officer appointed under the 1[Bihar Motor Vehicles Taxation Act, 1930 (Act No.2of1930);and

(g) Words and expressions used and not defined in this Act but defined in the Motor Vehicles Act, 1988 or Central Motor Vehicles Rules, 1989 or Bihar Motor Vehicles Rules, 1940 shall have the respective meaning assigned to them in the said Act or Rules as amended from time to time.

1. Now, Bihar Motor Vehicles Taxation Act, 1994 (Act 8 of 1994).

3. Levy Of Toll :-

(1) There shall be levied and paid to the State Government toll on every Motor Transport Vehicle registered outside the State and plying under a permit granted or deemed to have been granted under the Motor Vehicles Act, 1988 entering the limits of Bihar State at such rate not exceeding Rs. 200/- per vehicle per day as the State Government may, by notification in the Official Gazette, specify from time to time:

Provided that where toll has been paid in respect of the entry of the vehicle no toll shall be levied for any subsequent entry thereof the same day;

(2) The toll shall be paid by the operator of the Motor Transport Vehicle.

4. Establishment Of Barriers :-

For the purpose of collection of toll, the State Government shall, by notification in the Official Gazette, establish barrier at such places as may be specified in the notification.

5. Prohibition Of Entry Without Paying Toll :-

The Motor Transport Vehicles liable to pay toll under Section 3 of

the Act shall not be allowed to enter or ply in the State unless the toll is paid and the Toll Tax Officer shall have the powers to prevent the entry or plying of such vehicles in contravention of provisions of this Act.

6. Power To Stop And Seize :-

(1) Whenever so required by the Toll Tax Officer or any other person authorised by him in this behalf, the driver of a Motor Transport Vehicle shall stop the vehicle, whether at the barrier or any other place within the State and keep it stationary for a reasonable period in order to enable the Toll Tax Officer or the person so authorised, as the case may be, to satisfy himself that the toll, if payable, has been paid and that other provisions of this Act have been complied with.

(2) When the Toll Officer or the person authorised by him under sub-section (1) has reason to believe-

(a) that the toll has not been paid, he may detain the vehicle or any part or accessory thereof which is considered sufficient in his opinion for realisation of the toll until the toll is paid, or

(b) that any breach of the provisions of this Act has been committed, detain the vehicle or any part or accessory thereof which is considered sufficient in his opinion for realisation of the toll and also for maximum amount of penalty leviable under Section 7, until cash security equivalent to such amount is furnished:

Provided that no action under this sub-section shall be taken unless the operator of the vehicle has been given a reasonable opportunity of being heard.

(3) The vehicle so detained or the security so deposited shall be dealt with in such manner as may be prescribed by Rule.

7. Penalty :-

(1) Whenever the Toll Tax Officer is satisfied after making such enquiry, as he may deem necessary, that any person has committed any of the provisions of this Act or the rules made thereunder, he may order that such person shall pay by way of penalty in addition to the toll, if any, payable by him a sum not exceeding two hundred and fifty rupees:

(2) Any person aggrieved by an order made under this section may within 30 days of the communication of such order to him, prefer an appeal against such order to such appellate authority as may be prescribed and the order of such authority shall be final.

8. Manner Of Levy, Payment And Collection Of Toll Etc :-

(1) Toll shall be levied, paid and collected in such manner as may be prescribed by Rules.

(2) Without prejudice to the provisions of sub-section (1) any toll, penalty or other dues recoverable under this Act which are not paid within fifteen days of their becoming due may be realised as arrears of land revenue.

9. Power Of State Government To Exempt From Toll :-

The State Government may, by notification in the Official Gazette, subject to such condition, if any and for such period as may be specified in the notification, exempt in whole or in part any motor transport vehicle or any class of motor transport vehicle from the payment of toll.

10. Protection Of Action Taken In Good Faith :-

No suit, prosecution or other legal proceeding shall lie against any person for anything which is done in good faith or purported to be done, in pursuance of the provisions of this Act and the Rules made thereunder.

11. Power To Make Rules :-

The State Government may by notification in the Official Gazette make rules for carrying out the purpose of this Act, and the rules made thereunder.