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REPUBLIC OF KENYA

PARLIAMENT

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SENATE BILLS  
(*Bill No. 38 of 2023*)

**THE PUBLIC TRANSPORT  
(MOTORCYCLE REGULATION) BILL,  
2023**



(A Bill published in the Kenya *Gazette* Supplement No. 158 of 1<sup>st</sup> September, 2023 and passed by the Senate, with amendments, on 5<sup>th</sup> December, 2024)

**THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION)  
BILL, 2023**

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*Clause*

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### **SCHEDULE**

**THE PUBLIC TRANSPORT (MOTORCYCLE REGULATION) BILL,  
2023**

**A Bill for**

**AN ACT of Parliament to provide for the regulation of the  
*bodaboda* industry and for connected purposes.**

**ENACTED** by the Parliament of Kenya, as follows—

**PART I – PRELIMINARY**

Short title.

**1.** This Act may be cited as the Public Transport (Motorcycle Regulation) Act, 2023.

Interpretation.

**2.** In this Act –

No. 33 of 2012.

“Authority” means the National Transport and Safety Authority established under section 3 of the National Transport and Safety Authority Act;

“Board” means the County Motorcycle Transport and Safety Board established under section 4;

“*bodaboda*” means a motorcycle used for commercial purposes;

“commercial purposes” means the use of a *bodaboda* for any trade or business;

“contract” means a written or oral agreement between the owner of a motorcycle and a rider which provides the terms and conditions of engagement, including wages, working hours, duties and responsibilities and other relevant matters;

“county executive committee” has the meaning assigned to it in section 2 of the County Governments Act,

No. 17 of 2012

2012;

“county government” has the same meaning assigned to it in the County Governments Act, 2012;

“cubic capacity” means the volume of cylinder of a motorcycle engine;

“customer care” means the provision of courteous and professional services to customers;

“designated parking” means parking areas or zones set aside by county governments for motorcycles;

“delivery motorcycle” means a motorcycle that is designed or adapted primarily for the transportation of goods or other items, including any motorcycle that is used for the purpose of delivery or courier services;

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“insurance” means a contract of insurance issued by an insurance company registered under the Insurance Act;

“lane-splitting” means the riding of a motorcycle on a public road at a speed not exceeding fifteen kilometres per hour between rows of stationary motor vehicles or, if the motor vehicles are in motion, at a speed which exceeds the speed of those motor vehicles;

“motorcycle” means any mechanically propelled vehicle with less than four wheels the weight of which unladen does not exceed eight hundred kilograms and operated for commercial purposes;

“owner” means the registered owner of a motorcycle;

“passenger” means a person being transported on a motorcycle for commercial purposes;

“reflective jacket” means a vest or jacket made of reflective material worn by a rider or passenger for

visibility purposes; and

“rider” means the person operating or person in control of a motorcycle.

Application.

3. This Act shall apply to all motorcycles used for commercial purposes including public transport services.

## **PART II - REGULATION OF MOTORCYCLES**

Roles of the County executive committee member.

4. (1) The county executive committee member shall be responsible for the regulation, management, and coordination of all matters relating to the motorcycle transport sector within the county.

(2) Without prejudice to the generality of subsection (1), the county executive committee member shall—

- (a) develop policies, regulations, and guidelines on motorcycle transport and safety matters within the county;
- (b) manage and control motorcycle transport services within the county, including registration and licensing of motorcycle riders, designate parking and routes;
- (c) ensure compliance with the provisions of this Act and any other laws related to the transport sector within the county;
- (d) conduct research and collect data on transport and safety matters within the county; and
- (e) develop and implement programs to promote road safety, including training and civic education of riders and passengers.

Appointment of Board.

5. The county executive member may delegate the functions under section 4 to a Board.

Composition of the  
Board.

6. (1) The Board shall consist of—

- (a) a chairperson appointed by the county governor;
- (b) the county executive committee member responsible for matters relating to transport;
- (c) the county executive committee member responsible for matters relating to finance;
- (d) the County Attorney or their representative;
- (e) the County Police Commander or a representative designated in writing;
- (f) six persons appointed by the county executive committee member responsible for matters relating to transport as follows —
  - (i) two persons representing *bodaboda* riders;
  - (ii) two persons representing *bodaboda* owners; and
  - (iii) two persons representing Cooperative Societies in the county.

(2) While making the appointments under subsection (6), the county executive committee member shall —

- (a) take in to consideration the one third gender rule and ensure that the youth and persons with disabilities are represented in the membership of the Board; and
- (b) consider the diversity in respect to the qualifications of the persons being

appointed.

Qualifications for  
appointment.

7. (1) A person qualifies to be appointed as the Chairperson of the Board if that person—

- (a) holds a degree from a university recognized in Kenya;
- (b) has at least five years' experience in matters relating to transport;
- (c) has resided in the county for a period of not less than five years.; and
- (d) meets the requirements of Chapter Six of the Constitution

(2) A person qualifies to be appointed as a member of the Board, if the person—

- (a) meets the requirements of Chapter Six of the Constitution;
- (b) has not been convicted of a criminal offence which attracts imprisonment for a term not exceeding six months;
- (c) has not been adjudged bankrupt or entered into a composition or arrangement with the creditors of the person;
- (d) is not disqualified under any other written law from appointment as such;
- (e) in the case of a member under paragraph (f) has at least a post secondary education qualification; and
- (f) in the case of a member under paragraph (g), has at least a secondary school qualification.

Tenure of office.

8. (1) The chairperson and members of the Board, shall hold office for a term of three years and may be eligible for re-appointment for an additional final term of three years.



(2) Notwithstanding the provisions of subsection (1), the chairperson or a member of the Board may be removed from office if that person—

- (a) has been absent from three consecutive meetings of the Committee without justifiable cause or the written permission of the chairperson;
- (b) is adjudged bankrupt or enters into a composition or arrangement with the creditors of the person;
- (c) is convicted of an offence involving anti-economic crimes or corruption;
- (d) becomes incapable of carrying out the functions of their office due to an infirmity of mind or body;
- (e) violates Chapter Six of the Constitution; or
- (f) fails to disclose any interest in a matter under consideration by the Board as provided for under this Act.

Remuneration of the Board.

9. The chairperson and the members of the Board shall be paid such sitting allowances or other remuneration for expenses as recommended by the Salaries and Remuneration Commission.

Vacancy.

10. (1) The office of the chairperson or a member of the Board shall become vacant if the holder—

- (a) dies;
- (b) resigns from office in writing addressed to the county executive committee member;
- (c) is absent from three consecutive meetings of the Board without good cause; or

(d) is removed from office under subsection (2).

(2) A person may be removed as a chairperson or member of the Board if that person—

- (a) is absent without permission of the chairperson or the county executive committee member from three consecutive meetings of the Board;
- (b) contravenes the provisions Chapter Six of the Constitution;
- (c) is incapacitated by prolonged physical or mental illness and is unable to discharge the duties of his or her office;
- (d) is convicted of an offence and imprisoned for a term of more than six months;
- (e) fails to comply with the provisions of the Act relating to disclosure of interest; or
- (f) is adjudged bankrupt or enters into a composition scheme or arrangement with his or her creditors.

Committees of the Board.

**11.** The Board may establish such committees as it may consider necessary for the performance of its functions and the exercise of its powers under the Act.

Conduct of affairs and business of the County Committee.

**12.** (1) The conduct of affairs and business of the Board shall be in accordance with the First Schedule of this Act.

(2) Subject to subsection (1), the Board may amend its own procedures for the better carrying out of its functions.

Registration of motorcycle riders.

**13.** (1) A person who wishes to operate a motorcycle for commercial purposes in a county shall

register it in accordance with the Act.

(2) An application for registration shall be made to the county executive committee member in the prescribed form and shall be accompanied by the prescribed fee.

(3) The county executive committee member shall issue a certificate of registration to the applicant if it is satisfied that the motorcycle meets the requirements prescribed under this Act.

(4) The certificate of registration shall be renewed annually upon payment of the prescribed fee.

(5) The county executive committee member shall submit a copy of the register to the Authority every three months.

Power to suspend or  
revoke certificate of  
registration.

**14.** (1) The county executive committee member may suspend or revoke any certificate of registration issued under this Act on the grounds that the owner of the motorcycle or the rider of the motorcycle has failed or neglected to comply with the provisions of the Act.

(2) Prior to suspension of the certificate of registration under subsection (1), the county executive committee member shall—

- (a) inform the holder of a registration certificate of the reasons for the proposed suspension or revocation; and
- (b) give the holder of a registration certificate an opportunity to be heard in respect to the proposed suspension or revocation.

Cooperative Societies  
Membership.

Cap. 490.

**15.** (1) A person who owns a motorcycle for commercial purposes shall register with a Cooperative Society that relates to motorcycle riders and owners recognised under the Cooperative Societies Act.

(2) Each Cooperative Society shall provide proof of registration of an owner confirming their membership to the county executive committee member.

(3) For purposes of this Act, the membership of an owner to a Cooperative Society shall not be for purposes of forming a gang or cartel by the owners or the riders who work for them.

Training of riders.

**16.** (1) A person shall not operate a motorcycle unless they have successfully completed a training course approved by the Authority.

(2) The Authority shall ensure that training courses in authorized driving schools include training on—

- (a) safe and defensive riding techniques;
- (b) traffic laws and regulations;
- (c) customer care and etiquette;
- (d) handling of emergency situations;
- (e) basic motorcycle maintenance; and
- (f) security awareness and precautions.

(3) Upon completion of the training course, a rider shall be provided with a certificate.

(4) The county executive committee member may provide for the manner in which the training may be offered in the local languages in the county.

Responsibilities of an owner.

**17.** (1) Every owner of a motorcycle operating for commercial purposes shall not cause or permit any person to ride their motorcycle unless such person is the holder of a valid driving licence or a valid provisional licence endorsed in respect of that class of motorcycles and a valid employment contract.

(2) Every owner shall issue to the rider—

- (a) two helmets which comply with the standards established by the Kenya Bureau of Standards and are of the prescribed colour;
- (b) two reflective jackets which are of the prescribed colour.

(3) The helmet and the reflector jacket provided in subsection (2) shall have the registration number of the motorcycle embossed on the helmet and jacket.

(4) Every owner shall ensure —

- (a) no structural modifications to the motorcycle are undertaken that may obstruct the visibility of the rear number plates;
- (b) no structural modifications to the motorcycle are undertaken that may affect the safe operation of the motorcycle;
- (c) no modifications to the exhaust system or any other noise abatement device of a motorcycle are done so as to cause the noise emitted by the motorcycle to be above that emitted by the motorcycle as originally manufactured.

Responsibilities of a rider.

**18.** (1) Every rider of a two-wheeled motorcycle shall—

- (a) have a valid driving license issued by the Authority;
- (b) have a certificate of registration issued by the county executive committee member;
- (c) ensure that they shall not ride or carry a

person on a motorcycle without the prescribed protective gear properly fastened;

- (d) not carry more than one adult passenger at a time;
- (e) ensure that a passenger is carried on a proper seat with foot rests securely fixed to the motorcycle behind the seat of the rider;
- (f) ensure that a passenger sits astride the motorcycle;
- (g) ensure that the headlights of the motorcycle are on at all times when riding;
- (h) ensure that a load exceeding fifty kilograms and an adult passenger are not carried at the same time;
- (i) keep the protective gear in a clean, dry and generally wearable condition;
- (j) ensure that the rear number plates are visible at all times;
- (k) overtake on the right hand side and not overtake in the same lane occupied by vehicle being overtaken;
- (l) observe traffic lights;
- (m) observe all traffic rules as provided under the Traffic Act;
- (n) not park in undesignated areas.

(2) Every rider of a three wheeled motorcycle shall—

- (a) not ride a motorcycle unless that person has a valid driving licence issued by the Authority;
- (b) not ride a motorcycle that has not been

duly registered under this Act;

- (c) not ride a motorcycle without properly wearing a seat belt or carry passengers who have not properly worn their seat belts;
- (d) not carry more than three passengers;
- (e) ensure that the headlights of the motorcycle are on at all times when riding;
- (f) overtake on the right hand side and not to overtake in the same lane occupied by the vehicle being overtaken;
- (g) observe traffic lights;
- (h) not to lane split where other motor vehicles are traveling at a speed exceeding ten kilometers per hour or in public roads near junctions, interchanges, turnoffs, or highway entries and exits;
- (i) keep the seat belts in a clean, dry and generally wearable condition; and
- (j) observe all traffic rules as provided under the Traffic Act.

Cap. 403.

Responsibilities of a passenger.

**19.** (1) Every passenger on a two-wheeled motorcycle shall —

- (a) properly wear a helmet and reflective jacket whenever being carried;
- (b) not board or be carried on a motorcycle that already has a passenger except as provided in subsection (2) and Section 22;
- (c) not board or be carried on a motorcycle that is carrying any load exceeding fifty

kilograms; and

(d) sit astride in the seat fixed behind the rider's seat.

(2) For the purposes of this Act, a child who is less than thirteen years old may be carried together with an adult passenger provided the child is seated between the rider and the adult passenger.

(3) Every passenger in a three wheeled motorcycle shall—

(a) wear seatbelt whenever being carried; and

(b) not board or be carried on a motorcycle that already has the maximum number of passengers prescribed under section 22.

(4) Every passenger who is carried on a two- wheeled motorcycle without wearing a helmet and reflective jacket commits an offence and is liable under this Act.

Employment  
Contracts.

**20.** (1) Every owner of a motorcycle who engages the services of a rider shall enter into a written contract with the rider.

(2) The contract shall provide for—

(a) the terms and conditions;

(b) the duration of the contract;

(c) the remuneration and benefits of the rider;

(d) the working hours and overtime arrangements; and

(e) the procedures for the termination of the contract.

(3) The county executive committee member shall develop model contracts for use by owners of



motorcycles and riders.

Engine capacity.

**21.** No person shall use or operate a three-wheeled motorcycle with an engine capacity exceeding two hundred and fifty cubic capacity on a public road unless authorized by the county executive committee member.

Carriage of  
Passengers.

**22.** (1) A two-wheeled motorcycle rider shall carry only one passenger.

(2) A three-wheeled motorcycle rider shall carry only three passengers.

(3) The passenger capacity in subsection (1) and subsection (2) shall not include a child who is less than thirteen years old travelling with an adult passenger.

Carriage of Loads.

**23.** (1) A motorcycle rider shall not carry a load—

- (a) whose width projects more than fifteen centimeters beyond the outside end of the handle bars;
- (b) whose height is more than two metres from the ground;
- (c) whose weight is more than fifty kilograms;
- (d) which projects to the rear beyond the maximum overall length of the motorcycle more than sixty centimeters. The rear extremity of the load must be plainly indicated by a conspicuous red marker during the day and by a red light at night.

(2) The rider of a motorcycle carrying loads shall

ensure that no part of the load carried drags on the road.

(3) For the purpose of this Act the term “load” excludes luggage carried by a passenger provided such luggage does not exceed ten kilograms in weight and does not project more than fifteen centimeters beyond the outside end of the handle bars.

(4) The luggage in sub-section (3) may be carried together with the passenger provided the luggage is properly secured between the rider and the passenger.

Motorcycle  
ambulances.

**24.** (1) The county executive committee member may establish regulations for the use of motorcycle ambulances.

(2) Motorcycle ambulances shall be equipped with medical equipment and supplies approved by the relevant national and county health authority.

(3) Motorcycle ambulances shall be operated by trained medical personnel who hold valid medical licenses and are registered with the relevant national and county health authority.

(4) Motorcycle ambulances shall be fitted with distinctive markings and lights for identification and to alert other road users.

(5) Motorcycle ambulances shall comply with all other provisions of this Act relating to motorcycles, including but not limited to registration, insurance, and safety requirements.

(6) The county executive committee member shall monitor the use of motorcycle ambulances to ensure compliance with the regulations and requirements set out in this Act.

(7) No person shall operate a motorcycle as an ambulance unless compliant with the provisions of this

Act and any relevant laws and regulations.

(8) Any person who violates the regulations and requirements set out in this section commits an offence.

Delivery  
motorcycles.

**25.** (1) Delivery motorcycles shall be distinguished from passenger motorcycles and shall be subject to regulations issued by the county executive committee member.

(2) The county executive committee member may issue special licenses for delivery motorcycles subject to compliance with the requirements for registration, insurance, and safety.

(3) The owner or rider of a delivery motorcycle shall ensure that the motorcycle is fitted with appropriate storage compartments to prevent loss or damage to goods in transit.

(4) The county executive committee member may designate specific routes and parking areas for delivery motorcycles.

(5) Delivery motorcycle shall not carry passengers or be used for any purpose other than the transportation of goods.

Unauthorized goods.

No. 4 of 1994.  
Cap. 114.

**26.** (1) A person shall not transport any unauthorized goods including contraband or goods restricted under the Narcotic Drugs and Psychotropic Substances (Control) Act and the Firearms Act on a motorcycle.

(2) Any person found to be carrying unauthorized goods on a motorcycle commits an offence and is liable under this Act.

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*The Public Transport (Motorcycle Regulation) Bill, 2023*

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Insurance.

**27.** Every owner of a motorcycle shall have at the minimum a motor commercial public service vehicle insurance cover.

Security.

**28.** (1) Every owner of a motorcycle shall ensure that the vehicle is fitted with a security device approved by the county executive committee member.

(2) The security device referred to in sub-section (1) shall include a tracking device that allows for real-time monitoring of the location of the motorcycle.

(3) The county executive committee member shall establish and maintain a database of all security devices approved for use on motorcycle in the county.

(4) The owner or rider of a motorcycle shall ensure that the security device is functional at all times and shall report any malfunction or damage to the device to the county executive committee member.

(5) The collection, processing, and use of data obtained through the security device shall be subject to the provisions of the Data Protection Act.

No. 24 of 2019.

### **PART III – OFFENCES AND PENALTIES**

Carriage of persons  
intending to commit  
an offence.

**29.** (1) Any rider who knowingly and intentionally carries a person or persons who are intending to commit an offence, shall be held strictly liable for any offence committed by the said person or persons.

(2) For the purposes of this section, the term “offence” shall include any criminal act or activity as defined by Penal Code or any other relevant law.

(3) The rider shall be liable to pay any fines or penalties arising from the offence committed by the said person or persons, in addition to any penalties

imposed by this Act.

(4) This section shall not apply where the rider was unaware or had no reasonable grounds to believe that the person or persons being carried were intending to commit an offence.

Riding on pavements  
and opposite  
direction.

**30.** (1) Any person who rides a motorcycle on a pavement or pedestrian walkway, or in any other area that is not designated for motorcycle use commits an offence.

(2) Any person who rides a motorcycle in the opposite direction of traffic flow on a one-way street or a designated lane commits of an offence.

(3) Any person found guilty of an offence under this section shall be liable on conviction to a fine not exceeding Ksh. 20,000 or to imprisonment for a term not exceeding six months or to both.

Ganging up by riders.

**31.** (1) Any rider who participates in ganging up with other riders in an attempt to intimidate, threaten or harm another person in the event of an incident, including but not limited to an accident, commits of an offence.

(2) Upon conviction, the offender shall be liable to a fine not exceeding Ksh 100,000 or to imprisonment for a term not exceeding one year, or to both.

(3) The county executive committee member shall work in collaboration with the relevant law enforcement agencies to ensure that any such incidents are investigated and prosecuted in accordance with this provision.

(4) This provision shall apply to all motorcycle riders and passengers operating on public roads within the county.

General penalties.

**32.** A person who contravenes any provision of this Act and whose penalty is not provided for elsewhere under this Act, commits an offence and is liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding six months, or both.

#### **PART IV – MISCELLANEOUS**

Powers of inspection and enforcement.

**33.** (1) The Board and an authorized officer appointed by the Board shall have the power to inspect any motorcycle for the purpose of ensuring compliance with this Act.

(2) The owner or rider of a motorcycle shall cooperate with an authorized officer conducting an inspection under this section and shall provide all necessary documents and information.

(3) A rider shall ensure that while operating and prior to inspection by an authorized officer, the motorcycle shall-

- (a) have a valid insurance;
- (b) be mechanically fit;
- (c) have the prerequisite protective gear as defined under Section 21 of this Act; and
- (d) any other requirements as may be prescribed by the Board from time to time.

(4) An authorized officer may require the owner or rider of a motorcycle to produce proof of registration, insurance, and any other documents required by this Act.

(5) An authorized officer may issue a notice of non-compliance to the owner or rider of a motorcycle found

to be in violation of this Act, specifying the nature of the violation and requiring the violation to be rectified within a specified period.

County legislation.

**34.** Nothing in this Act shall preclude county governments from enacting legislation related to regulation of motorcycles within its county.

Regulations.

**35.** The Cabinet Secretary responsible for matters relating to transport may make regulations for the better carrying into effect of the provisions of this Act.

Consequential amendments.

**36.** Sections 21 and 22 of the National Transport and Safety Act are repealed.

**SCHEDULE**

**s. 6E**

**CONDUCT OF BUSINESS AND AFFAIRS OF  
BOARD**

Meetings of the Board.

1. (1) The Board shall meet at least once in every three months to conduct the business of the Board.

(2) The Chairperson shall convene the ordinary meetings of the Board.

(3) Despite the provisions of subparagraph (1), the Chairperson shall, upon a written request by at least five members, convene a special meeting of the Board at any time where the chairperson considers it expedient for the transaction of the business.

(4) Unless three quarters of the total number of the members of the Board otherwise agree, at least fourteen days written notice of every meeting shall be given to every by the respective Secretary.

(5) The quorum for the conduct of the business of the Board shall be five members.

(6) The chairperson shall preside at every meeting of the Board at which the Chairperson is present and in the Chairperson's absence, the members present shall elect one person from their number to preside over the meeting and that person shall have all the powers of the Chairperson.

(7) Unless a unanimous decision is reached, a decision on any matter before the Board shall be by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairperson or person presiding over the meeting shall have a casting vote.

(8) The proceedings of the Board shall not be invalidated by reason of a vacancy within its membership.

(9) Subject to provisions of this Schedule, the Board may determine its own procedure and for the attendance of other persons at its meetings thereof.

Disclosure of Interest.

2. (1) If a member of the Board is directly or indirectly interested in any matter before the Council or the county e-waste committee and is present at the respective meeting at which the matter is the subject of consideration, that member shall, at the



meeting and as soon as reasonably practicable after the commencement thereof, disclose the member's interest in the matter and shall not take part in the deliberations relating to the matter, or vote on, the matter.

(2) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

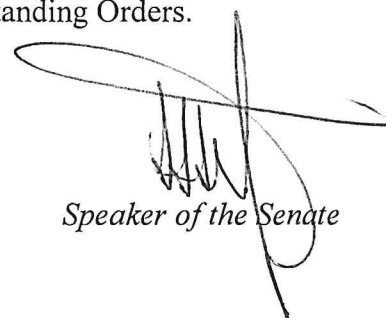
*The Public Transport (Motorcycle Regulation) Bill, 2023*

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I certify that this printed impression is a true copy of the Bill as passed by the Senate on Thursday, 5<sup>th</sup> December, 2024.

*For: Ef*  
*Clerk of the Senate*

Endorsed for presentation to the National Assembly in accordance with the provisions of standing order 161 of the Senate Standing Orders.

  
*Speaker of the Senate*

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