

No. RT-11036/79/2016-MVL
Government of India
Ministry of Road Transport and Highways
Transport Bhawan, 1 Parliament Street, New Delhi_

Dated the 13th July, 2020

1. The Principal Secretaries/Secretaries, Departments of Transport of all the States/UTs.
2. The Transport Commissioners of all the States/Union Territories

Subject: Registration / Driving Licence concerns for Road Building and Rehabilitation equipment's and Heavy Earth Moving Machineries (HEMM) under Central Motor Vehicle Rules (CMVR), 1989.

Sir,

I am directed to refer to this Ministry's letter of even number dated 09th October 2019 and to write that the Ministry has received following representations:

- A. Representation regarding Road Building and Rehabilitation Equipment-wherein concern regarding registration of cold recycling machines and soil stabilization machine (road building and rehabilitation equipment) under Central Motor Vehicle Rules (CMVR), 1989 has been raised. Following reasons have been mentioned for the usage of the Equipment:-
 - i. Cold milling machines are used to salvage the crust of the existing bituminous pavement to recover the asphalt material and re-use them to conserve aggregate and bitumen and save the associates costs of mining and crushing. Also the extracted bitumen leads to saving of bituminous thus saving of forex.
 - ii. The work is awarded to the concessionaire by the employer is within a given range of chainage. Therefore, these equipment work in a defined region.
 - iii. The operating speed of the above mentioned equipment is 5-10 kmph and these equipment are deployed at the work site through trailers.
- B. Representation regarding of Heavy Earth Moving Machineries (HEMM) - wherein concern regarding registration of HEMM equipment and their operation has been raised. HEMM such as Dumpers, Payloaders, Shovels ,Drill Master, Bulldozers, Motor Grader and Rock breakers are also categorised as "OFF THE ROAD" operated and maintained with in mine boundary under sole management, supervision and control of Mines Manager and never used outside mine boundary;

2. Your attention is drawn to

- a. Section 2 (28) of the Motor Vehicles Act ,1988 for the definition of a Motor Vehicle-

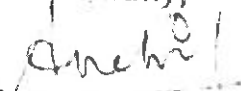
" Motor Vehicle" or Vehicle" means any mechanically propelled vehicle adapted for use upon roads whether the power of propulsion is transmitted thereto from an external or internal source and includes a chassis to which a body has not been attached and a trailed; but does not include a vehicle running upon fixed rails or a vehicle of a special type adapted for use only in a factory or in any other enclosed premises or a vehicle having less than four wheels fitted with engine capacity of not exceeding twenty-five cubic centimeters.

- b. Section 3(1) of the Motor Vehicles Act ,1988 for necessity for driving Licence-

"No person shall drive a motor vehicle in any public place unless he holds an effective driving licence issued to him authorising him to drive the vehicle; and no person shall so drive a transport vehicle [other than '[a motor cab or motor cycle] hired for his own use or rented under any scheme made under sub-section (2) of section 75] unless his driving licence specifically entitles him so to do."

3. The issue had been discussed in the 56th meeting of the CMVR-TSC wherein it was opined that cold milling machine, cold recycler and soil stabilizers are not covered under the definition of the Motor Vehicles Act, 1988 and that the type approval of the machine is also not made.
4. On the similar lines HEMM such as Dumpers, Payloaders, Shovels, Drill Master, Bulldozers, Motor Grader and Rock breakers are not covered under the definition of the Motor Vehicles Act, 1988 and may not be insisted for registration under the Motor Vehicles Act, 1988.
5. It is requested not to seek the registration of Road building and Rehabilitation equipment (wheeled cold milling machine, wheeled soil stabilizers machine, wheeled cold recycler equipment machine etc.) as these special purpose construction equipment and HEMM such as Dumpers, Payloaders, Shovels ,Drill Master, Bulldozers, Motor Grader and Rock breakers as special purpose mining equipment and further, that they are transported from one location to another through carriage on another vehicles, and do not ply on road themselves.
6. Further, equipment used with-in the mining premises are operated by the specialists and not to insisted on driving with a Driving Licence till the time these equipment come to the public place.

Yours faithfully,


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of India

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