LEGAL NOTICE NO. 14

THE NATIONAL TRANSPORT AND SAFETY AUTHORITY ACT

(Cap. 404)

THE NATIONAL TRANSPORT AND SAFETY (OPERATION OF COMMERCIAL VEHICLES) REGULATIONS, 2026

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THE NATIONAL TRANSPORT AND SAFETY AUTHORITY ACT

(Cap. 404)

IN EXERCISE of the powers conferred by section 54 of the National Transport and Safety Authority Act, the Cabinet Secretary for Roads and Transport makes the following Regulations—

THE NATIONAL TRANSPORT AND SAFETY AUTHORITY (OPERATION OF COMMERCIAL VEHICLES) REGULATIONS, 2026

Citation and commencement.

1. These Regulations may be cited as the National Transport and Safety Authority (Operation of Commercial Vehicles) Regulations, 2026, and shall come into operation as follows—

(a) paragraphs (d) and (h) of regulation 9, on the 1st July, 2026; and

(b) all the other regulations, on the date these Regulations are published in the *Gazette*.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

"carrier or operator" means the corporate body or person with operational responsibility over the commercial vehicle on a day-to-day basis either as the registered owner of the vehicle or pursuant to the terms of a contract or franchise agreement with the registered owner of the vehicle;

"corporate body" means a limited liability company registered under the Companies Act and includes a co-operative society registered under the Co-operative Societies Act and a society registered under the Societies Act;

Cap. 486.

Cap. 490.
Cap. 108.

"owner" means the registered owner of the commercial vehicle;

"retro-reflective markings" means the markings on a surface or a device from which, when directionally illuminated, a relatively large portion of the incident radiation is retro-reflected;

"third-party insurance cover" means an insurance policy by that name issue din respect to a public service vehicle pursuant to the provisions of the Insurance (Motor Vehicle Third-Party Risks) Act; and

Cap. 405.

"underride protection device" means a device installed on or near the rear or side of a commercial vehicle that prevents or limits the

distance that the front end of a vehicle striking the rear of the vehicle with the device will slide under the rear of the impacted vehicle.

Object and purpose of the Regulations.

3. The object and purpose of these Regulations is to provide a framework for the regulation, management and safe operation of commercial vehicles.

Application of the Regulations.

4. These Regulations shall apply to all commercial vehicles whose tare weight is above three thousand and forty-eight kilogrammes operating on a public road in Kenya.

Commercial vehicles to be workplaces under Cap. 236A.

5. A commercial vehicle shall be deemed to be a workplace within the meaning assigned to "workplace" under section 2 of the Occupational Safety and Health Act.

Licensing of commercial vehicle owners, carriers and operators.

6. (1) A commercial vehicle owner, carrier or operator shall not operate or permit another person to operate a commercial vehicle without a valid commercial vehicle operator licence issued by the Authority.

(2) A commercial vehicle operator licence shall be valid for one year and shall be renewed annually upon payment of the prescribed fee contained in the First Schedule.

(3) A person applying for a commercial vehicle operator licence shall submit an application together with copies of the following documents—

(a) certificate of registration as company under the Companies Act, or a co-operative society under the Co-operative Societies Act, a business name under the Registration of Business Names Act or national identification for individuals;

Cap. 486.
Cap. 490.
Cap. 499.

(b) Personal Identification Number certificate issued under the Tax Procedures Act;

Cap. 469B.

(c) physical address of office.

Responsibilities of commercial vehicle owners, carriers and operators.

7. A holder of a commercial vehicle operator licence shall—

(a) maintain the commercial vehicle in a proper and fit mechanical condition for the safe operation of the vehicle and shall keep maintenance record for each of the commercial vehicles for a minimum of two years;

(b) only employ qualified drivers for the operation of the commercial vehicles;

(c) undertake regular road safety awareness of the employed drivers;

(d) put in place mechanisms to ensure that employed drivers do not drive for more than the maximum driving hours prescribed under section 66A of the Traffic Act;

Cap. 403.

(e) submit a preliminary report of any accident that results in death to the Authority within twenty hours of the occurrence of the accident that shall include—

(i) the driver's details;

(ii) the vehicle registration details;

(iii) the maintenance record of the vehicle; and

(iv) the circumstances, if known, that led to the accident.

Licensing of commercial vehicles.

8. (1) A person shall not operate a commercial vehicle in respect of which a valid commercial vehicle road licence has not issued by the Authority.

(2) A commercial vehicle road licence shall be valid for one year and shall be renewed annually.

(3) An applicant for a commercial vehicle road licence shall submit the application to the Authority and submit the following—

(a) a copy of a valid commercial vehicle operator licence in the name of the applicant;

(b) a valid inspection certificate issued not more than thirty days before the date of the application; and

(c) proof of ownership of the commercial vehicle in respect of which the commercial vehicle road licence is being applied for.

Commercial service vehicles.

9. (1) Each commercial vehicle shall—

(a) have at minimum, a third-party insurance cover;

(b) have a valid vehicle inspection certificate;

(c) have installed a speed limiter conforming to the applicable Kenyan Standard as stipulated by the Kenya Bureau of Standards;

(d) have installed a vehicular telematic system conforming to the Kenya standard KS 2295:2023 as stipulated by the Kenya Bureau of Standards;

(e) have retro-reflective contour markings with a minimum width of two inches that conform to Kenya standard KNWA 3006:2024 as stipulated by the Kenya Bureau of Standards as illustrated in the Second Schedule;

(f) carry an efficient fire extinguisher that is maintained in perfect order and be carried in such a position to be readily available for use at any time;

(g) carry a first aid kit sufficient to deal with any reasonable emergency; and

(h) have installed underride protection devices on the rear and side of commercial vehicles where applicable conforming to the applicable Kenyan Standard as stipulated by the Kenya Bureau of Standards.

(2) The carrier or owner of a commercial vehicle or trailer shall cause to be painted or otherwise marked in the English language in a conspicuous position on the right or offside of every such vehicle in letters of not less than one inch in height which shall all times be kept clearly legible—

(a) the name and address of the owner of the vehicle;

(b) the registered tare weight of the vehicle; and

(c) the maximum weight that the vehicle is authorised to carry.

Commercial service vehicle drivers.

10. (1) A driver of a commercial vehicle shall—

(a) ensure that they are duly licensed to drive the class of commercial vehicle that they are driving;

(b) not exceed the prescribed maximum driving hours;

(c) adhere to traffic laws, regulations and safety standards while driving; and

(d) conduct pre-inspection and post-inspection trips to check for mechanical issues, safety hazards and ensure compliance of the vehicle with regulation 7 and immediately report any issue to the owner or carrier or operator of a commercial vehicle.

(2) In case of a breakdown the driver shall immediately place on the road not less than fifty metres from the commercial vehicle two reflecting triangles of such construction and dimensions as may be prescribed, one ahead of the vehicle and one behind it, so that each reflecting triangle is clearly visible to drivers approaching the commercial vehicle from ahead or behind as the case may be.

Loading and cargo securement.

11. (1) All cargo transported by a heavy commercial vehicle must be contained, covered, immobilised or secured so that it cannot leak from, spill from, blow off, fall from, fall through or otherwise be dislodged from the vehicle.

(2) Any portion of a load of—

(a) sand, gravel, crushed stone, ore, or salt, or any mixture of them, or whole stones;

(b) waste; or

(c) shredded scrap metal,

that is carried by a vehicle on a public rad and not enclosed by the vehicle or a load container must be covered with a covering that meets the following requirements.

(3) The covering required under subregulation (2) shall—

(a) be made of tarpaulin, canvas, wire mesh, netting or other material capable of containing the load within the vehicle or load container; or

(b) be secured to the vehicle or load container in such manner that it cannot separate from the vehicle or load container.

(4) A commercial vehicle load shall—

(a) not endanger the safety of other road users and vehicles;

(b) not cause damage to public roads or structures along the road;

(c) not obstruct the driver's view or jeopardise the vehicle's stability or operation; and

(d) not cover or obscure lights, reflectors or the vehicle's registration plate.

Parking.

12. (1) No carrier or owner shall request, require or allow a driver to park and no driver shall park on undesignated parking areas including but not limited to roadsides, road reserves, roadways, bridges or tunnels.

(2) For purposes of subregulation (1), where no designated areas have been provided, the driver shall ensure that the vehicle is parked at least two metres from the edge f the road or roadside so as not to block pedestrian ways or obstruct the view of other road users or affect the safe operation of the road.

Safety audits.

13. (1) The Authority may conduct safety audits on any carrier, operator or owner and he commercial vehicle driver.

(2) The safety audits shall include—

(a) an examination of the qualification of the driver of a commercial vehicle;

(b) an examination of the duty status of the driver of a commercial vehicle; and

(c) an examination of the maintenance records of the commercial vehicle.

Power of Authority to tow stalled vehicles.

14. (1) The Authority or a road authority may tow or remove a heavy commercial vehicle that has stalled or broken down on a road or arrange for a third party to tow or remove such a vehicle at the owner's, operator's or carrier's expense if, in the opinion of the Authority, such a vehicle poses a risk to the safety of other road users.

(2) The cost referred to in subregulation (1) shall be recoverable as a civil debt:

Provided that the Authority or the road authority shall ensure that any person engaged to tow or remove the stalled commercial vehicle on the road shall charge a standard fee that is reasonable and based on the distance travelled from the place where the commercial vehicle broke down or stalled to the place directed for delivery by the Authority.

Power of Authority to suspend or revoke licences issued under these Regulations.

15. (1) The Authority may suspend or revoke any licence issued under these Regulations in instances where the licence holder fails or neglects to comply with the provisions of these Regulations.

(2) Before the Authority suspends or revokes any licence, the Authority shall ensure that the licence holder has been given adequate notice in writing of the intended action and reasons thereof and opportunity to defend themselves.

Appeals.

16. A person aggrieved by a decision of the Authority taken under these Regulations may, within fourteen days of receiving the decision, appeal to the Appeals Board.

Offences and penalties.

17. A person who operates or drives a heavy commercial vehicle in breach of any provision of these Regulations 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.

Revocation. Sub. Leg.

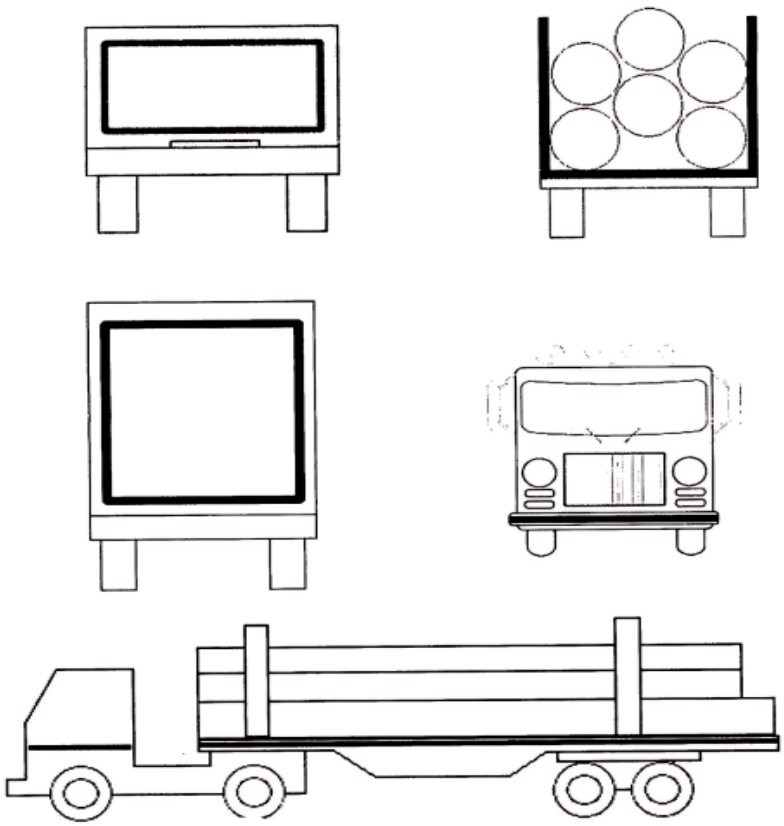
18. The National Transport and Safety Authority (Operation of Commercial Vehicles) Regulations are revoked.

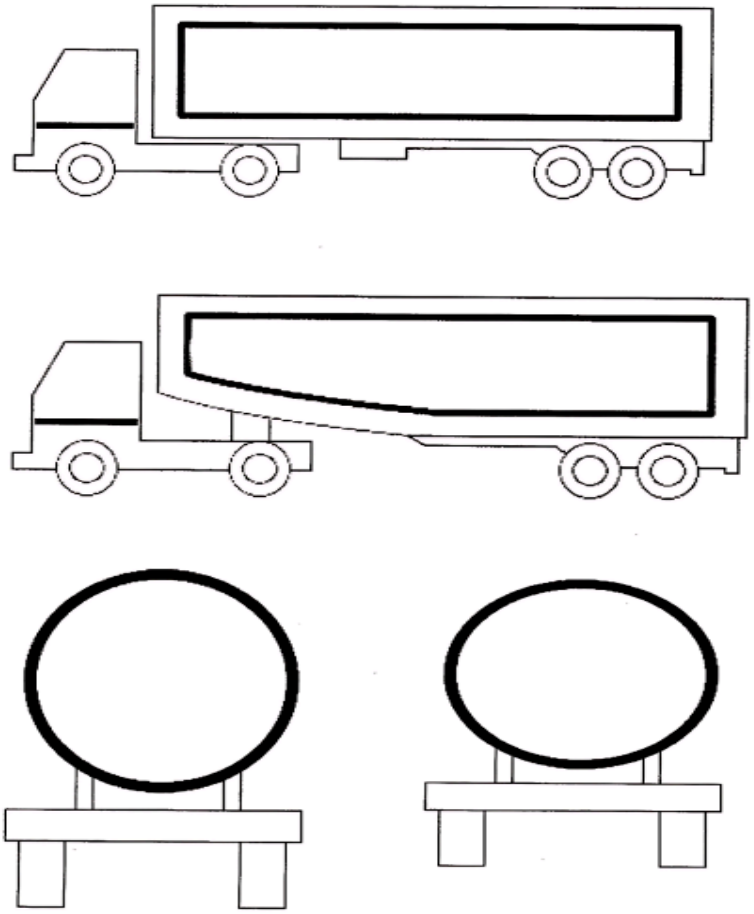
FIRST SCHEDULE *[r. 6(2)]*

	Application	*Fee*
1.	Application and renewal fee for a commercial vehicle operator licence	Ksh. 2,000
2.	Application and renewal fee for commercial vehicle road licence per vehicle	Ksh. 500

SECOND SCHEDULE [*r. 9(1)(e)*]

Retro-reflective markings for heavy commercial vehicles and their trailers





Made on the 9th February, 2026.

DAVIS CHIRCHIR,
Cabinet Secretary for Roads and Transport.

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