

A BILL

i n t i t u l e d

An Act to amend the Road Transport Act 1987.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Road Transport (Amendment) Act 2012.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Amendment of section 2

2. The Road Transport Act 1987 [*Act 333*], which is referred to as the “principal Act” in this Act, is amended in section 2—

(a) by inserting after the definition of “driving licence” the following definition:

“electric bicycle” means cycles with pedal assistance which are equipped with an auxiliary electric motor having a maximum continuous rated power of

0.25 kW, of which the output is progressively reduced and finally cut off as the vehicle reaches a speed of 25 km/h or sooner if the cyclist stops pedalling;’;

- (b) in the English language text in the definition of “electronic motor vehicle”, by substituting for the word “electronic” the word “electric”; and
- (c) in the definition of “traffic”, by inserting after the words “bicycles,” the words “electric bicycles.”.

Amendment of section 5

3. Subsection 5(1) of the principal Act is amended—

- (a) in paragraph (a), by inserting after the words “three thousand” the words “five hundred”;
- (b) in paragraph (e), by substituting for the words “exceeds three thousand” the words “does not exceed three thousand five hundred”; and
- (c) in paragraph (f), by inserting after the words “three thousand” the words “five hundred”.

Amendment of section 14

4. Subsection 14(4) of the principal Act is amended by inserting after the words “be liable to a fine” the words “of not less than three hundred ringgit and”.

Amendment of section 15

5. Subsection 15(4) of the principal Act is amended by substituting for the words “not exceeding” the words “of not less than three hundred ringgit and not more than”.

Amendment of section 17

6. Subsection 17(1) of the principal Act is amended by inserting after paragraph (bb) the following paragraph:

- “(bc) in relation to a class or category of motor vehicles required to undergo periodic inspection under Part IIA, the inspection certificate issued under section 66c is produced;”.

Amendment of section 26

7. Subsection 26(2) of the principal Act is amended by substituting for the words “not exceeding one thousand” the words “of not less than three hundred ringgit and not more than two thousand”.

Amendment of section 35

8. Subsection 35(8) of the principal Act is amended by substituting for the words “section 119” the words “section 53, 53A, 115A or 119, as the case may be, unless criminal proceedings have been instituted for that offence”.

Amendment of section 35A

9. Subsection 35A(6) of the principal Act is amended by substituting for the words “section 119” the words “section 53, 53A, 115A or 119, as the case may be, unless criminal proceedings have been instituted for that offence”.

Amendment of section 40

10. Subsection 40(1) of the principal Act is amended by substituting for the words “not exceeding one thousand” the words “of not less than three hundred ringgit and not more than two thousand”.

Amendment of section 53A

11. Section 53A of the principal Act is amended—

(a) in subsection (1), by substituting for the word “forthwith” the words “as soon as reasonably practicable”; and

(b) by substituting for subsection (3) the following subsection:

“(3) The notice issued under subsection (1) shall—

(a) contain the following particulars:

(i) the date, time and location of the offence;

- (ii) the offence committed;
 - (iii) a recorded image of the motor vehicle's registration number plate;
 - (iv) a recorded image of the motor vehicle; and
 - (v) an offer to compound or a request to appear in court; and
- (b) be digitally signed by the issuing authority.”.

Amendment of section 54

12. Section 54 of the principal Act is amended—

- (a) in the shoulder note, by inserting after the word “pedal” the words “and electric bicycle”; and
- (b) in subsection (1), by inserting after the word “bicycles” the words “, electric bicycles”.

Amendment of section 56

13. Section 56 of the principal Act is amended—

- (a) by inserting after subsection (2) the following subsection:

“(2A) A vocational licence issued under this Part shall be valid for the period specified in the vocational licence unless it is sooner revoked under subsection (4) or (4A).”;
- (b) in paragraph (4)(a), by inserting after the words “any disease” the words “, conduct as may be prescribed”; and
- (c) by inserting after subsection (4) the following subsection:

“(4A) Without prejudice to subsection (4), a vocational licence issued under this Part shall—

 - (a) be suspended if the driving licence issued under section 27 is suspended under section 32, 35 or 36;

(b) be revoked if the driving licence issued under section 27 is revoked under section 35.”.

Amendment of section 59

14. Subsection 59(9) of the principal Act is amended by substituting for the words “not exceeding two thousand” the words “of not less than three hundred ringgit and not more than two thousand”.

Amendment of section 66A

15. Subsection 66A(2) of the principal Act is amended by substituting for the words “not exceeding five thousand” the words “of not less than three hundred ringgit and not more than five thousand”.

New section 76A

16. The principal Act is amended by inserting after section 76 the following section:

“Authorized left turns

76A. (1) Notwithstanding a red signal or other traffic sign indicating a place where traffic must stop at any traffic junction, any person driving a motor vehicle on a road may turn left at the traffic junction in accordance with any traffic sign authorizing such left turn that has been lawfully sited on such road after stopping before the marked stop line on the road to ascertain that it is safe to do so.

(2) For the purpose of subsection (1), the Minister may, after consultation with the Minister charged with the responsibility for works, make rules relating to the movement of motor vehicles and pedestrians and the erection of traffic signs at such authorized left turn traffic junctions.

(3) An appropriate authority may, with the approval of the Minister charged with the responsibility for works in relation to a Federal road and designated Federal Territory road, and in any case after consultation with the Chief Police Officer,

establish such traffic signs as it considers appropriate, and shall execute any works (including the placing, erection and maintenance of traffic signs) required in connection with such authorized left turn traffic junctions.

(4) Any person who contravenes this section or any rules made under this section in relation to an authorized left turn shall be guilty of an offence and shall on conviction be liable to a fine of not less than three hundred ringgit and not more than two thousand ringgit.”.

Amendment of section 79

17. Section 79 of the principal Act is amended—

(a) in the English language text in the shoulder note, by substituting for the word “neglet” the word “neglect”;

(b) in subsection (1)—

(i) by inserting after the words “police officer in uniform” the words “, a road transport officer in uniform”;

(ii) by inserting after the words “by such police officer” the words “, road transport officer”; and

(iii) by substituting for the words “not exceeding five hundred” the words “of not less than three hundred ringgit and not more than two thousand”; and

(c) in subsection (2)—

(i) by inserting after the words “subsection (1)” the words “and section 76A”; and

(ii) by substituting for the words “not exceeding five hundred” the words “of not less than three hundred ringgit and not more than two thousand”.

Amendment of section 88

18. Subsection 88(1) of the principal Act is amended—

(a) in paragraph (d), by inserting after the words “bicycles,” the words “electric bicycles,”; and

(b) in paragraph (p), by inserting after the words “pedal bicycles,” the words “electric bicycles,”.

Amendment of section 112

19. Subsection 112(3) of the principal Act is amended by inserting after the word “bicycle” the words “, electric bicycle”.

Amendment of section 115A

20. Subsection 115A(1) of the principal Act is amended by substituting for the word “forthwith” the words “as soon as reasonably practicable”.

Amendment of section 118

21. Section 118 of the principal Act is amended in the shoulder note by deleting the words “and signature”.

Amendment of Second Schedule

22. The Second Schedule to the principal Act is amended by substituting for paragraph (iii) the following paragraph:

“(iii) Subject to section 76A, failing to obey a red signal at the traffic sign”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Road Transport Act 1987 (“Act 333”).

2. *Clause 1* contains the short title and the power of the Minister to appoint the commencement date of the proposed Act.

3. *Clause 2* seeks to amend section 2 of Act 333 to introduce a new definition of “electric bicycle” and to amend certain existing definitions used in Act 333.

4. *Clause 3* seeks to amend subsection 5(1) of Act 333 to increase the unladen weight of invalid carriages, motor cars heavy and motor cars respectively.
5. *Clauses 4* and *5* seek to amend subsections 14(4) and 15(4) of Act 333 respectively to provide for a minimum fine of three hundred ringgit for offences under those sections.
6. *Clause 6* seeks to amend subsection 17(1) of Act 333 to empower a Director to refuse to grant a motor vehicle licence in relation to a class or category of motor vehicles required to undergo periodic inspection under Act 333 if the inspection certificate issued under section 66c of Act 333 is not produced.
7. *Clause 7* seeks to amend subsection 26(2) of Act 333 to provide for a minimum fine of three hundred ringgit and to increase the maximum fine to two thousand ringgit for offences under that section.
8. *Clauses 8* and *9* seek to amend subsections 35(8) and 35A(6) of Act 333 respectively to provide that a person who fails to settle the penalty prescribed for the relevant offence within three months from the issuance of the notice under section 53, 53A, 115A or 119, as the case may be, shall be deemed to have committed the said offence unless criminal proceedings have been instituted for that offence.
9. *Clause 10* seeks to amend subsection 40(1) of Act 333 to provide for a minimum fine of three hundred ringgit and to increase the maximum fine to two thousand ringgit for offences under that section.
10. *Clause 11* seeks to amend section 53A of Act 333 to allow notices under that section to be served as soon as reasonably practicable and to clarify the contents of such notices.
11. *Clause 12* seeks to amend section 54 of Act 333 to extend the provisions relating to certain driving offences to electric bicycles.
12. *Clause 13* seeks to amend section 56 of Act 333 to clarify the validity period of a vocational licence. This *clause* also seeks to empower the Director to suspend and revoke a vocational licence if the driving licence issued under section 27 of Act 333 is suspended or revoked under section 32, 35 or 36 of Act 333.
13. *Clauses 14* and *15* seek to amend subsections 59(9) and 66A(2) of Act 333 respectively to provide for a minimum fine of three hundred ringgit for offences under those sections.
14. *Clause 16* seeks to introduce a new section 76A into Act 333 to provide for authorized left turns.
15. *Clause 17* seeks to amend subsections 79(1) and 79(2) of Act 333 respectively to empower a road transport officer to regulate traffic other than a police officer and traffic warden. This *clause* also seeks to provide for a minimum fine of three hundred ringgit and to increase the maximum fine to two thousand ringgit for offences under those subsections.

16. *Clause 18* seeks to amend paragraphs 88(1)(d) and (p) of Act 333 to empower the Minister to make rules relating to electric bicycles.

17. *Clause 19* seeks to amend subsection 112(3) of Act 333 to empower a police officer, road transport officer and traffic warden to detain an electric bicycle if an offence is committed within his view.

18. *Clause 20* seeks to amend subsection 115A(1) of Act 333 to allow notices under that section to be served as soon as reasonably practicable.

19. *Clause 22* seeks to amend the Second Schedule to Act 333 consequent to the introduction of the new section 76A into Act 333.

20. Other amendments not specifically dealt with in this Statement are minor or consequential in nature.

FINANCIAL IMPLICATIONS

This Bill will involve the Government in extra financial expenditure the amount of which cannot at present be ascertained.

[PN(U²)2867]