

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 2016.

(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 “certificate of insurance” the following definition:

‘ “Chairman of a Municipal Council” means the Chairman of a Municipal Council referred to in section 2 of the Local Government Ordinance 1961 [*Sabah No. 11 of 1991*] and subsection 2(1) of the Local Authorities Ordinance 1996 [*Sarawak Cap. 20*] and includes the Deputy Chairman of the Municipal Council;’;

(b) in the definition of “traffic warden”—

(i) by substituting for the words “or the Perbadanan Putrajaya” the words “, the Perbadanan Putrajaya, the President of a Municipal Council or the Chairman of a Municipal Council”; and

(ii) in the national language text, by substituting for the full stop a semicolon; and

(c) by inserting after the definition of “President” the following definition:

‘ “President of a Municipal Council” means the President as defined in section 2 of the Local Government Act 1976 [*Act 171*].’.

Amendment of section 3

3. Section 3 of the principal Act is amended—

(a) in the national language text, in subsection (4), by substituting for the word “beberapa” the words “sekian bilangan”; and

(b) by inserting after subsection (4A) the following subsection:

“(4B) The President of a Municipal Council or the Chairman of a Municipal Council may appoint such number of persons in the service of the Municipal Council as he considers necessary or expedient for the purposes of this Act to be traffic wardens and may, after consultation with the Inspector General of Police, prescribe uniforms for such officers.”.

Amendment of section 3A

4. Section 3A of the principal Act is amended—

(a) by substituting for the shoulder note the following shoulder note:

“Authorization to Mayor, President of a Municipal Council, Chairman of a Municipal Council, officers of City Council or Municipal Council, etc.”;

(b) by inserting after subsection (3) the following subsections:

“(3A) The Minister may, by order published in the *Gazette*, upon application being made by the President of a Municipal Council or the Chairman of a Municipal Council, authorize the President of the Municipal Council, the Chairman of the Municipal Council and the officers or persons in the service of the Municipal Council to exercise the powers conferred and to perform the duties imposed by this Act on the President of the Municipal Council, the Chairman of the Municipal Council or traffic warden, as the case may be.

(3B) An order made under subsection (3A) may limit the powers to be conferred on and the duties to be performed by the President of a Municipal Council, the Chairman of a Municipal Council and the officers or persons in the service of the Municipal Council.

(3C) Upon authorization being made under subsection (3A), the President of a Municipal Council, the Chairman of a Municipal Council and the officers or persons in the service of the Municipal Council may exercise the powers conferred and perform the duties imposed by this Act on the President of a Municipal Council, the Chairman of a Municipal Council or traffic warden, as the case may be.”; and

(c) in subsection (4)—

(i) by substituting for the full stop a semicolon; and

(ii) by inserting after the definition of “Mayor of a City Council” the following definition:

“Municipal Council” means a Municipal Council for a local authority area that has been declared and determined in accordance with paragraph 3(d) of the Local Government Act 1976, paragraph 6(1)(cc) of the Local Government Ordinance 1961 and paragraph 3(1)(e) of the Local Authorities Ordinance 1996.’.

Substitution of section 4

5. The principal Act is amended by substituting for section 4 the following section:

“Powers and duties of Dato Bandar, the Perbadanan Putrajaya, President of Municipal Council, *etc.*”

4. The powers and duties of the Dato Bandar, the Perbadanan Putrajaya, President of a Municipal Council, the Chairman of a Municipal Council and traffic wardens under this Act shall not be exercised outside or in respect of offences committed outside the Federal Territory of Kuala Lumpur, the Federal Territory of Putrajaya or outside the jurisdiction of the Municipal Council, respectively.”.

Amendment of section 17

6. Subsection 17(1) of the principal Act is amended by renumbering paragraphs (*bb*) and (*bc*) as paragraphs (*ba*) and (*bb*) respectively.

Amendment of section 35

7. Section 35 of the principal Act is amended—

- (a) in subsections (1) and (4), by substituting for the word “shall” the word “may”;
- (b) in subsection (2), by inserting after the words “this Act” the words “or a person who has been compounded under this Act and has paid the compound”; and
- (c) by deleting subsections (8) and (8A).

Amendment of section 35A

8. Section 35A of the principal Act is amended—

- (a) in subsection (1), by substituting for the word “shall” the word “may”;

- (b) in subsection (2), by inserting after the word “thereunder” the words “or a person who has been compounded under this Act and has paid the compound”; and
- (c) by deleting subsections (6) and (7).

Substitution of section 37

9. The principal Act is amended by substituting for section 37 the following section:

“Suspension or revocation of driving licence

37. (1) Upon the suspension or revocation of a driving licence under section 35 or upon the revocation of a probationary driving licence under section 35A, the Director General shall give the person concerned a notice in writing notifying that person of the suspension or revocation, as the case may be, and shall require that person to surrender the driving licence within twenty-one days from the date of service of such notice.

(2) At the end of the period of suspension under subsection 35(1), a driving licence surrendered to the Director General under subsection (1) shall be returned to the holder and the points awarded against him, if any, shall be cancelled.

(3) Notwithstanding this section, when a person’s driving licence is suspended or revoked under section 35 or 35A, the Director General may refuse or suspend any dealing or transaction applicable to that person under this Act.”.

Amendment of section 52

10. Section 52 of the principal Act is amended by deleting the words “or traffic warden” wherever appearing.

Amendment of section 53A

11. Subsection 53A(1) of the principal Act is amended in the English language text, by substituting for the word “shall” the word “may”.

Amendment of section 65

12. Section 65 of the principal Act is amended—

- (a) in subsections (1), (3), (5), (6) and (7), by inserting after the words “the Perbadanan Putrajaya” wherever appearing the words “, the President of a Municipal Council, the Chairman of a Municipal Council”; and
- (b) in subsection (4), by inserting after paragraph (c) the following paragraph:
 - “(ca) the President of a Municipal Council or the Chairman of a Municipal Council, if the motor vehicle was caused to be removed by a traffic warden or any officer in the service of the Municipal Council;”.

Amendment of section 120

13. Subsection 120(1) of the principal Act is amended—

- (a) by renumbering paragraph (cc) as paragraph (ca); and
- (b) by inserting after the renumbered paragraph (ca) the following paragraph:
 - “(cb) the President of a Municipal Council or the Chairman of a Municipal Council or the officers of the Municipal Council specially authorized in writing by name or by office in that behalf by the President of a Municipal Council or the Chairman of a Municipal Council;”.

Amendment of section 123

14. Section 123 of the principal Act is amended in subsection (1), by substituting for the words “or the Perbadanan Putrajaya” the words “, the Perbadanan Putrajaya, the President of a Municipal Council or the Chairman of a Municipal Council”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Road Transport Act 1987 (“Act 333”) to strengthen the enforcement powers under Act 333 by expanding the powers of the traffic warden which is currently assigned to the Mayor of City Council, the officers or persons in the service of City Council and the Perbadanan Putrajaya to the local authorities specifically to the Municipal Council.

This Bill also seeks to provide for the improvement on the implementation and the effectiveness of the system of awarding points to prevent the commission of certain road traffic offences and to ensure that a person who has committed a road traffic offence will not become a repeat offender.

2. *Clause 1* contains the short title and provision on the commencement of the proposed Act.

3. *Clause 2* seeks to amend section 2 of Act 333 to insert new definitions and to amend certain definitions used in Act 333.

4. *Clause 3* seeks to amend section 3 of Act 333 to insert a provision that empowers the President of a Municipal Council or the Chairman of a Municipal Council to appoint such number of persons in the service of the Municipal Council as traffic wardens.

5. *Clause 4* seeks to amend section 3A of Act 333 to introduce new subsections (3A), (3B) and (3C) into that section to authorize the President of a Municipal Council, the Chairman of a Municipal Council and the officers or persons in the service of the Municipal Council to exercise and perform certain powers and duties under Act 333.

6. *Clause 5* seeks to amend section 4 of Act 333 to provide that the President of a Municipal Council, the Chairman of a Municipal Council and traffic wardens shall only exercise the powers under Act 333 within the jurisdiction of the respective Municipal Council.

7. *Clauses 7* and *8* seek to amend sections 35 and 35A of Act 333 respectively. With this amendment, the Minister may make rules establishing a system of awarding points not only in respect of a person who has committed certain offences under Act 333 but also for any person who has paid the compound under the rules.

8. *Clause 9* seeks to substitute section 37 of Act 333 to provide for the procedures for the suspension or revocation of a driving licence or a probationary driving licence under section 35 or 35A, as the case may be.

9. *Clause 10* seeks to amend section 52 of Act 333 to provide that the traffic warden will no longer be responsible to conduct an inspection when an accident occurs.

10. *Clause 12* seeks to amend section 65 of Act 333 to empower the President of a Municipal Council or the Chairman of a Municipal Council to remove broken down and abandoned vehicles on a road.

11. *Clause 13* seeks to amend section 120 of Act 333 to empower the President of a Municipal Council, the Chairman of a Municipal Council or the officers of the Municipal Council specially authorized in writing by the President of a Municipal Council or the Chairman of a Municipal Council to compound certain offences under Act 333.

12. *Clause 14* seeks to amend section 123 of Act 333 to provide that the officers or persons in the service of the Municipal Council who is not in uniform when performing his duties shall produce identification document to declare his office and establishing his identity.

13. 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)3019]