

A BILL

*i n t i t u l e d*

An Act to amend the Commercial Vehicles Licensing Board Act 1987.

[ ]

**ENACTED** by the Parliament of Malaysia as follows:

**Short title and commencement**

**1.** (1) This Act may be cited as the Commercial Vehicles Licensing Board (Amendment) Act 2022.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

**Amendment of section 2**

**2.** The Commercial Vehicles Licensing Board Act 1987 [*Act 334*], which is referred to as the “principal Act” in this Act, is amended in section 2—

(a) by inserting after the definition of “public service vehicle” the following definition:

‘ “p-hailing vehicle” means a motor vehicle used for the carriage of goods on any journey in consideration of a charge for each of the goods, in which the arrangement,

booking or transaction, and the charge for such journey are facilitated through an electronic mobile application provided by an intermediation business;’; and

- (b) in the definition of “intermediation business”, by inserting after the words “e-hailing vehicle” the words “or a p-hailing vehicle”.

#### **Amendment of section 14**

3. Section 14 of the principal Act is amended by inserting after subsection (6) the following subsection:

“(7) For the purpose of this Act, a p-hailing vehicle shall be a goods vehicle and subject to an intermediation business licence issued under Part IVA.”.

#### **Amendment of section 21A**

4. Subparagraph 21A(1)(b)(i) of the principal Act is amended by inserting after the word “passengers” the words “or total volume of goods”.

#### **New Part IVB**

5. The principal Act is amended by inserting after Part IVA the following Part:

“PART IVB

INTERNATIONAL CIRCULATION OF COMMERCIAL VEHICLES

#### **Permit, licence, etc., under international agreement**

**26H.** (1) For the purpose of giving effect to any international agreement in relation to the facilitation of the international circulation of any commercial vehicles, the Minister may make such rules as may be expedient or necessary for carrying out this Part.

(2) Without prejudice to the generality of subsection (1), rules may be made for the following purposes:

- (a) to recognize the permits, licences, passes, certificates or other official documents for any commercial vehicles brought temporarily into Malaysia by persons residing abroad and intending to make only a temporary stay in Malaysia, including loading and unloading of goods or passengers and transit;
- (b) to regulate the permits, licences, passes, certificates or other official documents for any commercial vehicles brought temporarily abroad by persons residing in Malaysia and intending to make only a temporary stay abroad, including loading and unloading of goods or passengers and transit;
- (c) to regulate the use, operation and technical requirements of the commercial vehicles referred to in subparagraphs (a) and (b), including—
  - (i) the extent, hours, frequency and routes or areas to be used or serviced;
  - (ii) the type and form of documents to be carried and information to be displayed on each commercial vehicles; and
  - (iii) the accounts, documents and records in connection with this section to be kept and produced on demand for inspection and verification; and
- (d) to prescribe the fees or charges payable in connection with this section and the manner of payment thereof.”.

#### **Amendment of section 34**

**6.** Subsection 34(2) of the principal Act is amended—

- (a) in paragraph (f), by deleting the word “and”;

(b) in subparagraph (g)(v), by substituting for the full stop the words “; and”; and

(c) by inserting after paragraph (g) the following paragraph:

“(h) to a p-hailing vehicle.”.

## **Transitional**

7. Any person who was operating or providing any service relating to an intermediation business in respect of goods vehicle service before the date of coming into operation of this Act, shall make an application for a licence in accordance with Part IVA of the principal Act within one year from the date of coming into operation of this Act.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Commercial Vehicles Licensing Board Act 1987 (“Act 334”). The proposed Act seeks *inter alia*, to expand the regulation in respect of the licensing of intermediation business to goods vehicle service and to provide the power to give effect to any international agreement for facilitating the international circulation of any commercial vehicles.

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

3. *Clause 2* seeks to introduce new definition of “p-hailing vehicle” and to incorporate p-hailing vehicle into the definition of “intermediation business”.

4. *Clause 3* seeks to insert subsection (7) into section 14 of Act 334 to provide that a p-hailing vehicle shall be a goods vehicle which is subject to an intermediation business licence issued under Part IVA.

5. *Clause 4* seeks to amend subparagraph 21A(1)(b)(i) of Act 334 to include the total volume of goods as a part of the documents required for renewal of a licence.

6. *Clause 5* seeks to introduce a new Part IVB into Act 334 to empower the Minister to make rules to facilitate the international circulation of any commercial vehicles pursuant to any international agreement.

7. *Clause 6* seeks to amend subsection 34(2) of Act 334 to exclude a p-hailing vehicle from the application of section 34.

8. *Clause 7* seeks to provide for transitional provision.

*FINANCIAL IMPLICATIONS*

This Bill will not involve the Government in any extra financial expenditure.

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