

# Road Traffic (Amendment) Bill

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**Bill No. 13/2019.**

*Read the first time on 6 May 2019.*

A BILL

*intituled*

An Act to amend the Road Traffic Act (Chapter 276 of the 2004 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## Short title and commencement

1. This Act is the Road Traffic (Amendment) Act 2019 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

### 5 Amendment of section 35

2. Section 35 of the Road Traffic Act (called in this Act the principal Act) is amended by deleting subsection (3) and substituting the following subsections:

10 “(3) Any person who contravenes subsection (1) or (2) shall be guilty of an offence and shall be liable on conviction as follows:

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both;

15 (b) where the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 years or to both.

(3A) For the purposes of subsection (3) and section 35AA, a person is a repeat offender in relation to an offence under subsection (3) if the person who is convicted, or found guilty, of an offence under that subsection (called the current offence) for contravening subsection (1) or (2) —

20 (a) has been convicted or found guilty on at least one other earlier occasion of an offence under subsection (3) for contravening the same provision as the current offence; or

25 (b) has (whether before, on or after the date of commencement of section 2 of the Road Traffic (Amendment) Act 2019) been convicted or found guilty on at least one other earlier occasion of an offence under subsection (3) as in force immediately before that date for contravening the same provision as the current offence.”.

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### **New section 35AA**

3. The principal Act is amended by inserting, immediately after section 35, the following section:

**“Court to order forfeiture of vehicle for person driving motor vehicle without driving licence**

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**35AA.**—(1) Where a person convicted of an offence under section 35(3) (committed on or after the date of commencement of section 3 of the Road Traffic (Amendment) Act 2019) is a repeat offender and it is proved to the satisfaction of a court that a motor vehicle has been used in the commission of the offence, the court is to, on the application of the Public Prosecutor, make an order for the forfeiture of the motor vehicle, unless —

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(a) the court is satisfied that —

(i) the person convicted is not the owner of the motor vehicle; and

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(ii) the driver of the motor vehicle in relation to which the offence is committed had driven the motor vehicle without the consent of the owner; or

(b) the court has other good reasons for ordering otherwise.

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(2) Any motor vehicle in respect of which there has been or there is reasonable cause to suspect that there has been committed (on or after the date of commencement of section 3 of the Road Traffic (Amendment) Act 2019) an offence under section 35(3), may be seized by any police officer or the Registrar or any officer authorised in writing by the Registrar.

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(3) If there is no prosecution with regard to an offence under section 35(3), any motor vehicle seized pursuant to subsection (2) in relation to the offence must be released at the end of one month starting from the date of seizure if it is not earlier released.”.

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## **Amendment of section 35A**

### **4. Section 35A of the principal Act is amended —**

(a) by inserting, immediately after subsection (7), the following subsection:

5 “(7A) If —

(a) a person is a holder of a driving licence authorising the person to drive a motor vehicle of a particular class or description; and

10 (b) the person’s driving licence is revoked under this section when the person is a new driver in respect of that licence,

15 then every other driving licence authorising the person to drive a motor vehicle of any other class or description is deemed to be revoked as well unless the person is then not a new driver in respect of that other driving licence.”; and

(b) by inserting, immediately after subsection (8), the following subsection:

20 “(9) For the purposes of subsection (7A), a person is a new driver in relation to any driving licence during the initial period —

25 (a) starting on the date of the grant of the driving licence to the person under section 35(6), or under section 36(2) in the circumstances described in section 36(2)(a)(ii); and

30 (b) ending on the eve of the first anniversary of the grant of the driving licence as mentioned in paragraph (a).”.

## Repeal and re-enactment of section 35B

5. Section 35B of the principal Act is repealed and the following section substituted therefor:

### “Licensee may make representations against revocation of driving licence

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**35B.**—(1) To revoke a person’s driving licence under section 35A, the Deputy Commissioner of Police must first give a notice to the person concerned —

(a) stating that the Deputy Commissioner of Police proposes to revoke the person’s driving licence on such date (called in this section the proposed revocation date) being at least 4 weeks after the date of giving the notice;

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(b) setting out the reasons for revoking the person’s driving licence; and

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(c) specifying the period (being at least 4 weeks after the date of giving the notice) within which representations or objections with respect to the proposed revocation may be made.

(2) Then, the Deputy Commissioner of Police may, after considering any representations or objections which are duly made within the period mentioned in subsection (1)(c) and not withdrawn by the person concerned, revoke the person’s driving licence on the proposed revocation date.

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(3) The Deputy Commissioner of Police must immediately inform the person concerned of his decision under subsection (2).

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(4) However, the Deputy Commissioner of Police may, on his own initiative, rescind the revocation of a person’s driving licence and reinstate the person’s driving licence, after re-considering any representations or objections made by that person within the period mentioned in subsection (1)(c).

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(5) In relation to reinstating a person’s driving licence under subsection (4) —

(a) the Deputy Commissioner of Police must regard the person as still satisfying all the requirements relating to the grant of the driving licence; and

(b) from that reinstatement, the driving licence reinstated must be regarded as being continuously in force starting on the date of its grant, disregarding any break because of the revocation of the driving licence.

(6) This section applies only in relation to a notice given by the Deputy Commissioner of Police under subsection (1) on or after the date of commencement of section 5 of the Road Traffic (Amendment) Act 2019, and section 35B as in force immediately before that date continues to apply in relation to a notice given by the Deputy Commissioner of Police under that section before that date.”.

#### **Amendment of section 35C**

6. Section 35C of the principal Act is amended —

(a) by inserting, immediately after the words “require the licence” in subsection (1), the words “(if not issued in electronic form)”; and

(b) by inserting, immediately after the words “surrender the driving licence” in subsection (2), the words “(if not issued in electronic form)”.

#### **Amendment of section 43**

7. Section 43 of the principal Act is amended by deleting subsection (4) and substituting the following subsections:

“(4) If any person who is disqualified as mentioned in subsection (3) drives on a road a motor vehicle or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, the person drives on a road a motor vehicle of that class or description, the person shall be guilty of an offence and shall be liable on conviction as follows:

(a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both;

- (b) where the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 years or to both.

(4A) For the purposes of subsection (4), a person is a repeat offender in relation to an offence under that subsection if the person who is convicted, or found guilty, of an offence under that subsection —

- (a) has been convicted or found guilty on at least one other earlier occasion of an offence under that subsection; or

- (b) has (whether before, on or after the date of commencement of section 7 of the Road Traffic (Amendment) Act 2019) been convicted or found guilty on at least one other earlier occasion of an offence under subsection (4) as in force immediately before that date.”.

#### **Amendment of section 45**

8. Section 45(1) of the principal Act is amended by deleting the words “may suspend a driving licence of a person for a period not exceeding 3 years” and substituting the words “may, in such prescribed circumstances, suspend a driving licence of a person not exceeding a prescribed period (which period does not exceed 5 years)”.

#### **Repeal and re-enactment of section 46**

9. Section 46 of the principal Act is repealed and the following section substituted therefor:

##### **“Licensee may make representations against suspension of driving licence**

46.—(1) To suspend a person’s driving licence under section 45, the Deputy Commissioner of Police must first give a notice to the person concerned —

- (a) stating that the Deputy Commissioner of Police proposes to suspend the person’s driving licence on

such date (called in this section the proposed suspension date) being at least 4 weeks after the date of giving the notice;

5 (b) setting out the reasons for suspending the person's driving licence; and

(c) specifying the period (being at least 4 weeks after the date of giving the notice) within which representations or objections with respect to the proposed suspension may be made.

10 (2) Then, the Deputy Commissioner of Police may, after considering any representations or objections which are duly made within the period mentioned in subsection (1)(c) and not withdrawn by the person concerned —

15 (a) suspend the person's driving licence on the proposed suspension date; or

(b) postpone the proposed suspension date to a later date if the person represents to the Deputy Commissioner of Police that the person will attend a prescribed course on safe driving, and suspend the person's driving licence on the later date on completion of that course.

20 (3) The Deputy Commissioner of Police must immediately inform the person concerned of his decision under subsection (2).

25 (4) However, the Deputy Commissioner of Police may, on his own initiative, rescind the suspension of a person's driving licence, after re-considering any representations or objections made by that person within the period mentioned in subsection (1)(c).



(5) This section applies only in relation to a notice given by the Deputy Commissioner of Police under subsection (1) on or after the date of commencement of section 9 of the Road Traffic (Amendment) Act 2019, and section 46 as in force immediately before that date continues to apply in relation to a notice given by the Deputy Commissioner of Police under that section before that date.”.

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### **Amendment of section 47**

**10.** Section 47 of the principal Act is amended —

- (a) by inserting, immediately after the words “require the licence” in subsection (1), the words “(if not issued in electronic form)”; and
- (b) by inserting, immediately after the words “surrender the driving licence” in subsection (2), the words “(if not issued in electronic form)”.

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### **Amendment of section 47C**

**11.** Section 47C of the principal Act is amended —

- (a) by inserting, immediately after subsection (1), the following subsection:

“(1A) At the start of or during any police investigation into the possible commission on or after the date of commencement of section 11 of the Road Traffic (Amendment) Act 2019 by a person of any offence under section 64, 67 or 116, the Deputy Commissioner of Police may suspend the driving licence of the person.”;

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- (b) by deleting paragraph (a) of subsection (2) and substituting the following paragraphs:

“(a) an offence under section 65 or 65A;

(aa) an offence under section 64, 66 or 67 as in force immediately before the date of commencement of section 11 of the Road Traffic (Amendment) Act 2019;”;

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- (c) by inserting, immediately after the words “subsection (1)” in subsections (3), (4), (8) and (9), the words “or (1A)”; and
- (d) by deleting the words “under subsection (1) on account of any offence referred to in subsection (2)” in subsection (10) and substituting the words “under subsection (1) or (1A) on account of any offence mentioned in subsection (2) or (1A), respectively”.

### **Amendment of section 47E**

**12.** Section 47E of the principal Act is amended —

- (a) by deleting the words “12 months” and substituting the words “2 years”; and
- (b) by deleting the words “3 years” and substituting the words “4 years”.

### **Amendment of section 64**

**13.** Section 64 of the principal Act is amended —

- (a) by deleting the word “he” in subsection (1) and substituting the words “the person (called the offender)”;
- (b) by deleting the words “and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both” in subsection (1);
- (c) by deleting subsections (2) and (3) and substituting the following subsections:

“(2) If death is caused to another person by the driving of a motor vehicle by the offender, the offender shall be punished with the following on conviction of an offence under subsection (1):

- (a) with imprisonment for a term of not less than 2 years and not more than 8 years;

- (b) where the person is a repeat offender, with imprisonment for a term of not less than 4 years and not more than 15 years;
  - (c) where the offender is a serious offender in relation to such driving, with imprisonment for a term of not less than one year and not more than 2 years, in addition to any punishment under paragraph (a) or (b);
  - (d) where the offender is a serious repeat offender in relation to such driving, with imprisonment for a term of not less than 2 years and not more than 4 years, in addition to any punishment under paragraph (a) or (b).
- (2A) If grievous hurt is caused to another person by the driving of a motor vehicle by the offender, the offender shall be punished with the following on conviction of an offence under subsection (1):
- (a) with imprisonment for a term of not less than one year and not more than 5 years;
  - (b) where the person is a repeat offender, with imprisonment for a term of not less than 2 years and not more than 10 years;
  - (c) where the offender is a serious offender in relation to such driving, with a fine of not less than \$2,000 and not more than \$10,000 and with imprisonment for a term of not less than 6 months and not more than one year, in addition to any punishment under paragraph (a) or (b);
  - (d) where the offender is a serious repeat offender in relation to such driving, with a fine of not less than \$5,000 and not more than \$20,000 and with imprisonment for a term of not less than one year and not more

than 2 years, in addition to any punishment under paragraph (a) or (b).

5 (2B) If hurt is caused to another person by the driving of a motor vehicle by the offender, the offender shall on conviction of an offence under subsection (1) —

(a) be liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both;

10 (b) where the person is a repeat offender, be liable to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 4 years or to both;

15 (c) where the offender is a serious offender in relation to such driving, be liable to a fine of not less than \$2,000 and not more than \$10,000 or to imprisonment for a term not exceeding 12 months or to both, in addition to any punishment under paragraph (a) or (b); or

20 (d) where the offender is a serious repeat offender in relation to such driving, be punished with a fine of not less than \$5,000 and not more than \$20,000 and with imprisonment for a term not exceeding 2 years, in addition to any punishment under paragraph (a) or (b).

25 (2C) In any other case involving the driving of a motor vehicle by the offender, the offender shall on conviction of an offence under subsection (1) —

30 (a) be liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both;

35 (b) where the person is a repeat offender, be liable to a fine not exceeding \$10,000 or to

imprisonment for a term not exceeding 2 years or to both;

- (c) where the offender is a serious offender in relation to such driving, be liable to a fine of not less than \$2,000 and not more than \$10,000 or to imprisonment for a term not exceeding 12 months or to both, in addition to any punishment under paragraph (a) or (b); or 5
- (d) where the offender is a serious repeat offender in relation to such driving, be punished with a fine of not less than \$5,000 and not more than \$20,000 and with imprisonment for a term not exceeding 2 years, in addition to any punishment under paragraph (a) or (b). 10  
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(2D) A court convicting a person of an offence under subsection (1) in the following cases is to, unless the court for special reasons thinks fit to not order or to order otherwise, order that the person be disqualified from holding or obtaining a driving licence for a disqualification period of not less than the specified period corresponding to that case: 20

- (a) for an offender or a repeat offender in subsection (2)(a) or (b) — 10 years; 25
- (b) for a serious offender in subsection (2)(c) — 12 years;
- (c) for a serious repeat offender in subsection (2)(d) who has been convicted (whether before, on or after the date of commencement of section 13 of the Road Traffic (Amendment) Act 2019) on only one earlier occasion of any specified offence — 15 years; 30

(d) for an offender or a repeat offender in subsection (2A)(a) or (b) — 8 years;

(e) for a serious offender in subsection (2A)(c) — 10 years;

5 (f) for a serious repeat offender in subsection (2A)(d) who has been convicted (whether before, on or after the date of commencement of section 13 of the Road Traffic (Amendment) Act 2019) on only one earlier occasion of any specified offence — 13 years;

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(g) for a serious offender in subsection (2B)(c) — 2 years;

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(h) for a serious repeat offender in subsection (2B)(d) who has been convicted (whether before, on or after the date of commencement of section 13 of the Road Traffic (Amendment) Act 2019) on only one earlier occasion of any specified offence — 5 years;

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(i) for a serious offender in subsection (2C)(c) — 2 years;

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(j) for a serious repeat offender in subsection (2C)(d) who has been convicted (whether before, on or after the date of commencement of section 13 of the Road Traffic (Amendment) Act 2019) on only one earlier occasion of any specified offence — 5 years.

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(2E) A court convicting a person for an offence under subsection (1) in the following cases is to, unless the court for special reasons thinks fit to order a shorter disqualification period, order that the person be disqualified from holding or obtaining a driving

licence for life starting on the date of the person's conviction:

- (a) a serious repeat offender in subsection (2)(d) who has been convicted (whether before, on or after the date of commencement of section 13 of the Road Traffic (Amendment) Act 2019) on 2 or more earlier occasions of any specified offence; 5
- (b) a serious repeat offender in subsection (2A)(d) who has been convicted (whether before, on or after the date of commencement of section 13 of the Road Traffic (Amendment) Act 2019) on 2 or more earlier occasions of any specified offence; 10 15
- (c) a serious repeat offender in subsection (2B)(d) who has been convicted (whether before, on or after the date of commencement of section 13 of the Road Traffic (Amendment) Act 2019) on 2 or more earlier occasions of any specified offence; 20
- (d) a serious repeat offender in subsection (2C)(d) who has been convicted (whether before, on or after the date of commencement of section 13 of the Road Traffic (Amendment) Act 2019) on 2 or more earlier occasions of any specified offence. 25 30

(3) A person is a repeat offender in relation to an offence under subsections (2)(b), (2A)(b), (2B)(b) and (2C)(b), respectively, if the person in the respective subsection has been convicted (whether before, on or after the date of commencement of section 13 of the Road Traffic (Amendment) 35

Act 2019) on at least one other earlier occasion of any of the following offences:

- (a) an offence under subsection (1);
- (b) an offence under section 63, 65 or 116;
- 5 (c) an offence under this section, or section 65 or 66, as in force immediately before the date of commencement of section 13 of the Road Traffic (Amendment) Act 2019;
- (d) an offence under section 279, 304A, 336, 337 or 338 of the Penal Code (Cap. 224) where the act constituting the offence involves the use of a motor vehicle.”; and

10 (d) by inserting, immediately after subsection (5), the following subsections:

15 “(6) Despite the Criminal Procedure Code (Cap. 68), a District Court or a Magistrate’s Court has jurisdiction to try any offence under this section and has power to impose the full punishment specified in this section.

20 (7) In this section and section 65 —

“disqualification period”, for an offender convicted of an offence under subsection (1), means a period starting on the later of the following dates:

- 25 (a) the date of the offender’s conviction;
- (b) the date of the offender’s release from imprisonment, if the offender is sentenced to imprisonment;

30 “grievous hurt” has the same meaning as in section 320 (except paragraph (aa)) of the Penal Code;

“serious offender” means an offender who is convicted of an offence under section 67 or



70(4) in relation to the offender’s driving which is an offence under subsection (1);

“serious repeat offender” means an offender who —

(a) is convicted of an offence under section 67 or 70(4) in relation to the offender’s driving which is an offence under subsection (1); and 5

(b) has been convicted on at least one other earlier occasion of a specified offence; 10

“specified offence” means —

(a) an offence under section 67, 68 or 70(4); or

(b) an offence under section 67 as in force immediately before the date of commencement of section 17 of the Road Traffic (Amendment) Act 2019.”. 15

#### **Amendment of section 65**

14. Section 65 of the principal Act is amended —

(a) by deleting the word “he” and substituting the words “the person (called the offender)”;

(b) by deleting the words “and shall be liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both”; and 25

(c) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections: 30

“(2) If death is caused to another person by the driving of a motor vehicle by the offender, the offender shall on conviction of an offence under subsection (1) —

5           (a) be liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 years or to both;

10           (b) where the person is a repeat offender, be liable to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 6 years or to both;

15           (c) where the person is a serious offender in relation to such driving, be punished with imprisonment for a term not exceeding 2 years, in addition to any punishment under paragraph (a) or (b); or

20           (d) where the offender is a serious repeat offender in relation to such driving, be punished with imprisonment for a term not exceeding 4 years, in addition to any punishment under paragraph (a) or (b).

25           (3) If grievous hurt is caused to another person by the driving of a motor vehicle by the offender, the offender shall on conviction of an offence under subsection (1) —

          (a) be liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both;

30           (b) where the person is a repeat offender, be liable to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 4 years or to both;

35           (c) where the person is a serious offender in relation to such driving, be punished with a fine of not less than \$2,000 and not more

than \$10,000 and with imprisonment for a term not exceeding 12 months, in addition to any punishment under paragraph (a) or (b); or

- (d) where the offender is a serious repeat offender in relation to such driving, be punished with a fine of not less than \$5,000 and not more than \$20,000 and with imprisonment for a term not exceeding 2 years, in addition to any punishment under paragraph (a) or (b). 5  
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(4) If hurt is caused to another person by the driving of a motor vehicle by the offender, the offender shall on conviction of an offence under subsection (1) —

- (a) be liable to a fine not exceeding \$2,500 or to imprisonment for a term not exceeding 12 months or to both; 15

- (b) in the case of a repeat offender, be liable to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both; 20

- (c) where the person is a serious offender in relation to such driving, be liable to a fine of not less than \$2,000 and not more than \$10,000 or to imprisonment for a term not exceeding 12 months or to both, in addition to any punishment under paragraph (a) or (b); or 25

- (d) where the offender is a serious repeat offender in relation to such driving, be punished with a fine of not less than \$5,000 and not more than \$20,000 and with imprisonment for a term not exceeding 2 years, in addition to any punishment under paragraph (a) or (b). 30  
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(5) In any other case involving the driving of a motor vehicle by the offender, the offender shall on conviction of an offence under subsection (1) —

(a) be liable to a fine not exceeding \$1,500 or to imprisonment for a term not exceeding 6 months or to both;

(b) where the person is a repeat offender, be liable to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 12 months or to both;

(c) where the person is a serious offender in relation to such driving, be liable to a fine of not less than \$2,000 and not more than \$10,000 or to imprisonment for a term not exceeding 12 months or to both, in addition to any punishment under paragraph (a) or (b); or

(d) where the offender is a serious repeat offender in relation to such driving, be punished with a fine of not less than \$5,000 and not more than \$20,000 and with imprisonment for a term not exceeding 2 years, in addition to any punishment under paragraph (a) or (b).

(6) A court convicting a person of an offence under subsection (1) in the following cases is to, unless the court for special reasons thinks fit to not order or to order otherwise, order that the person be disqualified from holding or obtaining a driving licence for a disqualification period of not less than the specified period corresponding to that case:

(a) for an offender or a repeat offender in subsection (2)(a) or (b) — 8 years;

(b) for a serious offender in subsection (2)(c) — 10 years;

- (c) for a serious repeat offender in subsection (2)(d) who has been convicted (whether before, on or after the date of commencement of section 14 of the Road Traffic (Amendment) Act 2019) on only one earlier occasion of any specified offence — 13 years; 5
- (d) for an offender or a repeat offender in subsection (3)(a) or (b) — 5 years;
- (e) for a serious offender in subsection (3)(c) — 7 years; 10
- (f) for a serious repeat offender in subsection (3)(d) who has been convicted (whether before, on or after the date of commencement of section 14 of the Road Traffic (Amendment) Act 2019) on only one earlier occasion of any specified offence — 10 years; 15
- (g) for a serious offender in subsection (4)(c) — 2 years; 20
- (h) for a serious repeat offender in subsection (4)(d) who has been convicted (whether before, on or after the date of commencement of section 14 of the Road Traffic (Amendment) Act 2019) on only one earlier occasion of any specified offence — 5 years; 25
- (i) for a serious offender in subsection (5)(c) — 2 years;
- (j) for a serious repeat offender in subsection (5)(d) who has been convicted (whether before, on or after the date of commencement of section 14 of the Road Traffic (Amendment) Act 2019) on only 30

one earlier occasion of any specified offence — 5 years.

5 (7) A court convicting a person for an offence under subsection (1) in the following cases is to, unless the court for special reasons thinks fit to order a shorter disqualification period, order that the person be disqualified from holding or obtaining a driving licence for life starting on the date of the person's conviction:

10 (a) a serious repeat offender in subsection (2)(d) who has been convicted (whether before, on or after the date of commencement of section 14 of the Road Traffic (Amendment) Act 2019) on 2 or  
15 more earlier occasions of any specified offence;

20 (b) a serious repeat offender in subsection (3)(d) who has been convicted (whether before, on or after the date of commencement of section 14 of the Road Traffic (Amendment) Act 2019) on 2 or  
more earlier occasions of any specified offence;

25 (c) a serious repeat offender in subsection (4)(d) who has been convicted (whether before, on or after the date of commencement of section 14 of the Road Traffic (Amendment) Act 2019) on 2 or  
30 more earlier occasions of any specified offence;

35 (d) a serious repeat offender in subsection (5)(d) who has been convicted (whether before, on or after the date of commencement of section 14 of the Road Traffic (Amendment) Act 2019) on 2 or

more earlier occasions of any specified offence.

(8) A person is a repeat offender in relation to an offence punishable under subsections (2)(b), (3)(b), (4)(b) and (5)(b), respectively, if the person in the respective subsection has been convicted (whether before, on or after the date of commencement of section 14 of the Road Traffic (Amendment) Act 2019) on at least one other earlier occasion of any of the following offences:

- (a) an offence under subsection (1);
- (b) an offence under section 63, 64 or 116;
- (c) an offence under this section, or section 64 or 66, as in force immediately before the date of commencement of section 14 of the Road Traffic (Amendment) Act 2019;
- (d) an offence under section 279, 304A, 336, 337 or 338 of the Penal Code where the act constituting the offence involves the use of a motor vehicle.

(9) Any police officer may arrest without warrant any person committing an offence under this section.

(10) Despite the Criminal Procedure Code, a District Court or a Magistrate's Court has jurisdiction to try any offence under this section and has power to impose the full punishment specified in this section.”.

## **New section 65AA**

**15.** The principal Act is amended by inserting, immediately after section 65, the following section:

**“Court to order forfeiture of motor vehicle for reckless or dangerous driving, etc.**

**65AA.**—(1) Where any person has been convicted of an offence under —

(a) section 64(1) as a serious offender in section 64(2)(c) or (2A)(c), or as a serious repeat offender in section 64(2)(d) or (2A)(d); or

(b) section 65(1) as a serious offender in section 65(2)(c) or (3)(c), or as a serious repeat offender in section 65(2)(d) or (3)(d),

and it is proved to the satisfaction of a court that a motor vehicle has been used in the commission of the offence, the court is to, on the application of the Public Prosecutor, make an order for the forfeiture of the motor vehicle, unless the court is satisfied that —

(c) the person who has committed the offence is not the owner of the motor vehicle; and

(d) the person who has committed the offence had used the motor vehicle without the consent of the owner.

(2) Where any person has been convicted of an offence under section 64(1) as an offender or a repeat offender in section 64(2)(a) or (b), or section 26(2) of the Police Force Act (Cap. 235) (which offence is committed on or after the date of commencement of section 15 of the Road Traffic (Amendment) Act 2019), and it is proved to the satisfaction of a court that a motor vehicle has been used in the commission of the offence, the court is to, on the application of the Public Prosecutor, make an order for the forfeiture of the motor vehicle, unless —



(a) the court is satisfied that —

- (i) the person who has committed the offence is not the owner of the motor vehicle; and
- (ii) the person who has committed the offence had used the motor vehicle without the consent of the owner; or

(b) the court has other good reasons for ordering otherwise.

(3) Any motor vehicle in respect of which there has been or there is reasonable cause to suspect that there has been committed an offence mentioned in subsection (1) or (2), may be seized by any police officer or the Registrar or any officer authorised in writing by the Registrar.

(4) If there is no prosecution with regard to an offence mentioned in subsection (1) or (2), any motor vehicle seized pursuant to subsection (3) in relation to the offence must be released at the end of one month starting from the date of seizure if it is not earlier released.

(5) In this section, a repeat offender, a serious offender or a serious repeat offender, in relation to an offence under section 64 or 65, has the same meaning as in section 64 or 65, respectively.”.

### **Repeal of section 66**

**16.** Section 66 of the principal Act is repealed.

### **Amendment of section 67**

**17.** Section 67 of the principal Act is amended —

- (a) by deleting “\$1,000” in subsection (1) and substituting “\$2,000”;
- (b) by deleting “\$5,000” in subsection (1) and substituting “\$10,000”;
- (c) by deleting the words “6 months” in subsection (1) and substituting the words “12 months or to both”;

- (d) by deleting “\$3,000” in subsection (1) and substituting “\$5,000”;
- (e) by deleting “\$10,000” in subsection (1) and substituting “\$20,000”;
- 5 (f) by deleting the words “12 months” in subsection (1) and substituting the words “2 years”;
- (g) by deleting subsection (2) and substituting the following subsections:

10 “(2) Subject to sections 64(2D) and (2E) and 65(6) and (7), a court convicting a person for an offence under this section in the following cases is to, unless the court for special reasons thinks fit to not order or to order otherwise, order that the person be disqualified from holding or obtaining a driving licence for a period of not less than the specified period corresponding to that case, starting on the date of the person’s conviction or, where the person is sentenced to imprisonment, on the date of the person’s release from prison:

20 (a) for a first offender — 2 years;

(b) for a repeat offender — 5 years.

25 (2A) Subject to sections 64(2D) and (2E) and 65(6) and (7), where a court convicts a person for an offence under subsection (1) and the person has been convicted (whether before, on or after the date of commencement of section 17 of the Road Traffic (Amendment) Act 2019) on 2 or more earlier occasions of an offence under subsection (1), section 68, or subsection (1) as in force immediately before the date of commencement of section 17 of the Road Traffic (Amendment) Act 2019, the court is to, unless the court for special reasons thinks fit to order a shorter period of disqualification, order that the person be disqualified

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from holding or obtaining a driving licence for life starting on the date of the person’s conviction.”; and

- (h) by inserting, immediately after subsection (3), the following subsection:

“(4) In this section, a repeat offender means a person who is convicted of an offence under this section and who has been convicted (whether before, on or after the date of commencement of section 17 of the Road Traffic (Amendment) Act 2019) on one other earlier occasion of —

(a) an offence under subsection (1) or section 68; or

(b) an offence under subsection (1) as in force immediately before the date of commencement of section 17 of the Road Traffic (Amendment) Act 2019.”.

### **Amendment of section 67A**

**18.** Section 67A of the principal Act is amended —

- (a) by deleting the words “convicted on at least 2 previous occasions of any one or more of the offences under sections 43(4), 47(5), 47C(7), 63(4), 64(1), 66(1), 67(1) and 70(4) is again convicted of an offence under section 43(4), 47(5), 47C(7), 63(4), 64(1), 66(1), 67(1) or 70(4)” in subsection (1) and substituting the words “convicted of one or more specified offences is again convicted of any one of the specified offences (whether or not the same specified offence)”;

- (b) by deleting sub-paragraph (i) of subsection (1)(b) and substituting the following sub-paragraph:

“(i) such offender causes any serious injury or death to another person when committing —

(A) whether before, on or after the date of commencement of section 18 of the Road Traffic (Amendment) Act 2019, the offence under section 43(4), 47(5), 47C(7), 63(4), 64(1) or 67(1);

(B) on or after the date of commencement of section 18 of the Road Traffic (Amendment) Act 2019, the offence under section 65(1) or 68(1); or

(C) the offence under section 43(4), 64(1), 66(1) or 67(1) as in force immediately before the date of commencement of section 18 of the Road Traffic (Amendment) Act 2019; or”; and

(c) by deleting subsection (3) and substituting the following subsection:

“(3) In subsection (1) —

“serious injury” has the same meaning as in section 47D;

“specified offence” means an offence under —

(a) section 43(4), 47(5), 47C(7), 63(4), 64(1), 67(1) or 70(4) that is committed whether before, on or after the date of commencement of section 18 of the Road Traffic (Amendment) Act 2019;

(b) section 65(1) or 68(1) that is committed on or after the date of commencement of section 18 of the

Road Traffic (Amendment) Act 2019;  
or

- (c) section 43(4), 64(1), 66(1) or 67(1) as in force immediately before the date of commencement of section 18 of the Road Traffic (Amendment) Act 2019.”. 5

**Amendment of section 74**

**19.** Section 74(3) of the principal Act is amended by deleting the words “and shall be liable on conviction to a fine not exceeding \$200”. 10

**Amendment of section 84**

**20.** Section 84 of the principal Act is amended —

- (a) by deleting the words “, structure or animal” in subsection (1) and substituting the words “or structure”; 15
- (b) by deleting the words “, or injured animal, of the damage or injury caused to the vehicle, structure or animal (as the case may be)” in subsection (1)(b) and substituting the words “of the damage caused to the vehicle or structure”;
- (c) by inserting, immediately after subsection (2), the following subsections: 20

“(2A) Where owing to the presence of a motor vehicle on a road an accident occurs resulting in injury or death to any animal, the driver of the motor vehicle must stop the vehicle if he has reasonable grounds to believe that — 25

- (a) the animal has an owner; or
- (b) the presence of the injured or dead animal on the road is likely to pose any safety hazard to the other road users. 30

(2B) The driver mentioned in subsection (2A) who is involved in the accident must —

5 (a) if requested to do so by any person at the scene of the accident having reasonable grounds for so requesting the driver's particulars, provide the driver's particulars to that person;

10 (b) if no person mentioned in paragraph (a) is present at the scene of the accident, the driver must take reasonable steps to inform the owner of the injured or dead animal (if any) of the injury or death caused to the animal and provide that owner with the driver's particulars; and

15 (c) if the presence of the injured or dead animal is likely to pose any safety hazard to other road users, the driver must as far as the circumstances permit, take reasonable steps to alert other road users of the obstruction and immediately inform a police officer of the obstruction.”; and

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(d) by deleting the definition of “animal” in subsection (6).

### **New section 139AA**

25 **21.** The principal Act is amended by inserting, immediately after section 139, the following section:

#### **“Court may take into account compounded offences for purposes of sentencing**

30 **139AA.** For the purpose of determining the appropriate sentence for an offence committed by a person under this Act, a court may take into account, as an aggravating factor, any offence that has been compounded (whether before, on or after the date of commencement of section 21 of the Road Traffic

(Amendment) Act 2019) under this Act before the date of the sentencing.”.

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## EXPLANATORY STATEMENT

This Bill seeks to amend the Road Traffic Act (Cap. 276) for the following main purposes:

- (a) to rationalise the penalties for certain offences according to the harm caused by the driver of a motor vehicle;
- (b) to enhance the penalties for certain offences;
- (c) to introduce a minimum disqualification period (relating to the holding or obtaining of a driving licence) for certain offences;
- (d) to allow an immediate suspension of a driving licence for certain offences;
- (e) to allow for the forfeiture of a motor vehicle for certain offences;
- (f) to enhance the regulatory regime relating to the suspension or revocation of a driving licence;
- (g) to allow the courts to take into account certain offences as being aggravating factors for the purpose of sentencing.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 35 by enhancing certain penalties provided in that section.

Clause 3 inserts a new section 35AA to allow the court to order the forfeiture of a motor vehicle in relation to a repeat offender who is convicted of an offence under section 35(3). However, the court cannot forfeit the motor vehicle if the court is satisfied that the person who committed the offence is not the owner of the motor vehicle and the driver of the motor vehicle had driven it without the consent of the owner.

Clause 4 amends section 35A by deeming that if the driving licence of a person authorising the person to drive a motor vehicle of a particular class or description is revoked when the person is a new driver in respect of that licence, any other driving licence of the person authorising the person to drive a motor vehicle of any other class or description will also be revoked, unless the person is then not a new driver in respect of that other driving licence.

Clause 5 repeals and re-enacts section 35B on revoking of driving licences. Under the new section 35B, in order to revoke a person’s driving licence under

section 35A, the Deputy Commissioner of Police (called the DCP) must first give notice to the person concerned stating that the DCP proposes to revoke the person's driving licence on the proposed revocation date being at least 4 weeks after the date of giving the notice. The notice must also set out the reasons for revoking the person's driving licence and specify that period (being at least 4 weeks after the date of giving the notice) within which representations or objections with respect to the proposed revocation may be made.

Then, the DCP may, after considering any representations or objections which are duly made and not withdrawn by the person concerned within the specified period, revoke the person's driving licence on the proposed revocation date. The DCP must immediately inform the person concerned of his decision. However, the DCP may, on his own initiative, rescind the revocation of a person's driving licence and reinstate the person's driving licence, after re-considering any representations or objections made by that person within the period allowed for the person to make representations or objections. To give an example, if a person makes representations on the date just before the end of the period that the person is allowed to make representations, the DCP can still decide to revoke the person's driving licence at the end of that period. However, the DCP may, on his own initiative, rescind the revocation of the person's driving licence and reinstate the person's driving licence, after re-considering any representations or objections made by the person during the period allowed for the person to make representations or objections.

Clause 6 amends section 35C by requiring a person whose licence has been revoked under section 35A to surrender the driving licence (that is not issued in electronic form) to the DCP.

Clause 7 amends section 43 by enhancing certain penalties provided in that section.

Clause 8 amends section 45(1) by empowering the DCP, under certain prescribed circumstances, to suspend a driving licence of a person for a prescribed period not exceeding 5 years.

Clause 9 repeals and re-enacts section 46 on suspension of driving licences. Under the new section 46, in order to suspend a person's driving licence under section 45, the DCP must first give notice to the person concerned stating that the DCP proposes to suspend the person's driving licence on the proposed suspension date being at least 4 weeks after the date of giving the notice. The notice must also set out the reasons for suspending the person's driving licence and specify that period (being at least 4 weeks after the date of giving the notice) within which representations or objections with respect to the proposed suspension may be made.

Then, the DCP may, after considering any representations or objections which are duly made and not withdrawn by the person concerned within the specified



period, suspend the person's driving licence on the proposed suspension date. Alternatively, the DCP may postpone the proposed suspension date to a later date if the person represents to the DCP that the person will attend a prescribed course on safe driving, and suspend the person's driving licence on the later date on completion of that course. The DCP must immediately inform the person concerned of his decision. However, the DCP may, on his own initiative, rescind the suspension of a person's driving licence after re-considering any representations or objections made by that person within the period allowed for the person to make representations or objections.

Clause 10 amends section 47 by requiring a person whose licence has been suspended under section 45 to surrender the driving licence (that is not issued in electronic form) to the DCP.

Clause 11 amends section 47C by enlarging the categories of offences in respect of which the DCP may immediately suspend the driving licence of certain persons who have committed such offences.

Clause 12 amends section 47E by enhancing the penalties for an offence under section 47(5) or 47C(7).

Clause 13 amends section 64 by specifying the penalties for an offence under that section according to the harm caused by the driver of the motor vehicle and the driver's prior convictions. If the driver of a motor vehicle who drives a motor vehicle on a road is convicted of an offence under that section in respect of the driving of a motor vehicle on a road, and the driver is also convicted of an offence under section 67 or 70(4) in relation to such driving, the driver is subject to additional punishments. The punishments will depend on whether the offender is a repeat offender and whether the offender has been convicted on an earlier occasion of a specified offence.

Under the amended section 64, a court that convicted a person of an offence under subsection (1) can in certain cases order that the person be disqualified from holding or obtaining a driving licence for a period starting on the date of the person's conviction, or the date of the person's release from prison. The amended section 64 sets different disqualification periods for different offenders. These serve as a guide to the court as the court retains discretion whether to order the disqualification or depart from what is in the section.

Clause 14 amends section 65 by specifying the penalties for an offence under that section according to the harm caused by the driver of the motor vehicle. If the driver of a motor vehicle who drives a motor vehicle on a road is convicted of an offence under that section in respect of the driving of a motor vehicle on a road, and the driver is also convicted of an offence under section 67 or 70(4) in relation to such driving, the driver is subject to additional punishments. The punishments will depend on whether the offender is a repeat offender and whether the offender has been convicted on an earlier occasion of a specified offence.

Under the amended section 65, a court that convicted a person of an offence under subsection (1) must in certain cases order that the person be disqualified from holding or obtaining a driving licence for a period starting on the date of the person's conviction, or the date of the person's release from prison.

Clause 15 inserts a new section 65AA that empowers the court, on the application of the Public Prosecutor, to order the forfeiture of a motor vehicle in relation to persons who have been convicted of certain offences.

Clause 16 repeals section 66.

Clause 17 amends section 67 by enhancing the penalties prescribed under that section. The clause also empowers a court to order a person who has committed an offence under that section to be disqualified from holding or obtaining a driving licence for certain prescribed periods starting on the date of the person's conviction, or the date of the person's release from prison.

Clause 18 amends section 67A by extending the types of offences for which a court may impose enhanced penalties under certain circumstances.

Clause 19 amends section 74(3) by removing the prescribed penalty for a person who is convicted of an offence under section 74(1). The new penalty will be that specified in section 131.

Clause 20 amends section 84 to provide for the obligations of a driver who is involved in an accident which results in an injury, or the death, of an animal. The definition of animal is also removed as the current definition is too restrictive.

Clause 21 inserts a new section 139AA which allows a court, for the purpose of determining the appropriate sentence for an offence committed by a person under the Act, to take into account, as an aggravating factor, any offence that has been compounded (whether before, on or after the date of commencement of that clause) under the Act before the date of the sentencing.

## EXPENDITURE OF PUBLIC MONEY

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

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