

Road Traffic (Amendment) Bill

Bill No. 24/2002.

Read the first time on 8th July 2002.

A BILL

intituled

An Act to amend the Road Traffic Act (Chapter 276 of the 1997 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 may be cited as the Road Traffic (Amendment) Act 2002 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 35

2. Section 35 of the Road Traffic Act (referred to in this Act as the principal Act) is amended —

(a) by deleting subsection (7) and substituting the following subsections:

10 “(7) Subject to the provisions of this Act and the rules, unless earlier revoked or surrendered —

(a) a driving licence or a renewal thereof granted to a person who is a citizen or permanent resident of Singapore shall remain in force for the lifetime of that person; and

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(b) a driving licence or a renewal thereof granted to a person who is not a citizen or permanent resident of Singapore shall remain in force for a period not exceeding 5 years from the date of such grant.

20 (7A) Subsection (7) shall not apply to a provisional licence referred to in section 36(3).

(7B) In subsection (7), “permanent resident” means a person who is not subject to any restriction as to his period of residence in Singapore imposed under the Immigration Act (Cap. 133).”; and

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(b) by deleting the words “for a period of one year only notwithstanding that the applicant has elected to renew it for 3 years” in the 2nd, 3rd and 4th lines of subsection (8) and substituting the words “for a period shorter than that provided for in subsection (7)(a) or (b)”.

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Amendment of section 37

3. Section 37 of the principal Act is amended by inserting, immediately after subsection (8), the following subsection:

“*(9)* Subject to the provisions of this Act and the rules, a driving licence or a renewal thereof referred to in section 35(7)(*a*) or (*b*) shall cease to be valid when the licence holder attains any of the prescribed ages, unless he has, before attaining such age, undergone the prescribed medical examination and is duly certified by a medical practitioner as being fit to drive a motor vehicle.”

Amendment of section 45

4. Section 45 of the principal Act is amended by inserting, immediately after subsection (8), the following subsection:

“*(9)* In addition to the power conferred on the Deputy Commissioner of Police by subsection (1), if a person who holds a driving licence —

(*a*) fails to comply with any process of court issued against him in respect of any offence committed by him under this Act or the rules or any written law specified in Part II of the First Schedule; or

(*b*) is arrested under a warrant of court in connection with an offence under this Act or the rules or any written law specified in Part II of the First Schedule and the offence has not been tried and determined by the court,

the Deputy Commissioner of Police may, as he thinks fit, suspend the driving licence held by that person until he is satisfied that that person has complied with the process of court referred to in paragraph (*a*) or until the offence referred to in paragraph (*b*) has been tried and determined by the court, as the case may be.”

Amendment of section 47

5. Section 47(3) of the principal Act is amended by inserting, immediately after the word “and”, the words “, in the case only of a driving licence suspended under section 45(1),”.

Amendment of section 47C

6. Section 47C of the principal Act is amended —

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

5 “(1B) Where a person drives a motor vehicle on a road or
 other public place and whilst so driving causes any serious
 injury or death to another person and thereafter fails to render
 any assistance as required under section 84(3), the Deputy
 Commissioner of Police may, where the first-mentioned person
 is charged for the offence under section 84(6) for failing to
 comply with section 84(3), suspend his driving licence from the
 date on which he is first charged for the offence, and the
 suspension shall remain in force until the offence is tried and
 10 determined by a court.”; and

- (b) by deleting the words “subsection (1) or (1A)” in the 2nd line of
 subsection (2) and substituting the words “subsection (1), (1A) or
 (1B)”.

Amendment of section 62A

15 **7.** Section 62A of the principal Act is amended —

- (a) by deleting the words “Subject to subsection (2), a person” in the
 1st line of subsection (1) and substituting the words “A person”;
 and
 (b) by deleting subsections (2) and (3).

Amendment of section 84

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

- (a) by deleting the words “subsection (3)” in the 1st line of
 subsection (7) and substituting the words “subsection (6) arising
 from his failure to comply with subsection (3)”;
 25 (b) by inserting, immediately after subsection (7), the following
 subsection:

“(7A) Where a person is convicted of an offence under
 subsection (6) arising from his failure to comply with
 subsection (3), the court convicting him shall —

- 30 (a) if satisfied that he had in driving or attempting to
 drive a motor vehicle at the time of the accident
 referred to in subsection (3) caused any serious injury
 or death to another person; and

(b) unless the court for special reasons thinks fit to order otherwise,

make an order disqualifying him from holding or obtaining a driving licence —

5 (i) for a period of not less than 12 months from the date of his conviction or, where he is sentenced to imprisonment, from the date of his release from prison; or

(ii) for such longer period as the court thinks fit.”;

10 (c) by deleting paragraph (b) of subsection (8) and substituting the following paragraph:

“(b) an offence under subsection (6) arising from his failure to comply with subsection (3),”; and

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

“(9) Any police officer may arrest without warrant any person who is reasonably suspected of having failed to comply with subsection (3).”.

Savings

20 **9.** This Act shall not affect any driving licence which was granted or renewed before the date of commencement of this Act and which, on that date remains in force, and the relevant provisions of the principal Act in force immediately before that date shall continue to apply to such a driving licence until its expiration, as if this Act had not been enacted.

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EXPLANATORY STATEMENT

This Bill seeks to amend the Road Traffic Act (Cap. 276).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 35 to change the periods of validity for driving licences granted under that section.

Subject to the conditions specified in the Act and the rules —

- (a) a driving licence or a renewal thereof granted to a person who is a citizen or permanent resident (as defined in the new subsection (7B)) of Singapore will remain in force for the lifetime of that person; and
- (b) a driving licence or a renewal thereof granted to a person who is not a citizen or permanent resident of Singapore will remain in force for a period not exceeding 5 years from the date of such grant.

The Deputy Commissioner of Police retains the power to refuse to grant or renew a driving licence, or to renew a driving licence for a period shorter than that provided for in the new subsection (7)(a) or (b) if the holder of the driving licence or (as the case may be) the applicant for the grant or renewal of the driving licence —

- (a) has not complied with any process of court issued against him in respect of any offence committed by him under the Act or the rules or any written law specified in Part II of the First Schedule; or
- (b) has, pursuant to a warrant of court, been arrested in connection with an offence under the Act or the rules or any written law specified in Part II of the First Schedule and the offence has not been tried and determined by the court.

Clause 3 amends section 37 to provide that subject to the provisions of the Act and the rules, a driving licence or a renewal thereof referred to in the new section 35(7)(a) or (b) (inserted by clause 2) will cease to be valid when the licence holder attains any of the prescribed ages, unless he has, before attaining such age, undergone the prescribed medical examination and is duly certified by a medical practitioner as being fit to drive a motor vehicle.

Clause 4 amends section 45 to empower the Deputy Commissioner of Police to suspend a driving licence if the licence holder —

- (a) fails to comply with any process of court issued against him in respect of any offence committed by him under the Act or the rules or any written law specified in Part II of the First Schedule; or
- (b) is arrested under a warrant of court in connection with an offence under the Act or the rules or any written law specified in Part II of the First Schedule and the offence has not been tried and determined by the court.

This is to enable the Deputy Commissioner of Police to deal with errant drivers who hold driving licences of the periods of validity specified in the new section 35(7)(a) and (b).

The provisions of section 46 (under which a licence holder may show cause against the suspension of his licence) and section 47 (under which a licence holder is required to surrender his licence upon its suspension) will apply when the Deputy Commissioner of Police suspends a driving licence under the new section 45(9).

Clause 5 makes a consequential amendment to section 47(3) arising from the amendment made by clause 4 to section 45.

Clause 6 amends section 47C to empower the Deputy Commissioner of Police to suspend the driving licence of any person who, while driving a motor vehicle on a road or other public place, causes any serious injury or death to another person and who thereafter fails to render the assistance required of him under section 84(3).

The suspension will take effect from the date on which he is first charged for an offence under section 84(6) (for failing to render the assistance required of him under section 84(3)) and the suspension will remain in force until the offence is tried and determined by a court.

Clause 7 amends section 62A by deleting subsections (2) and (3), which are obsolete provisions.

Clause 8 amends section 84 —

- (a) by inserting a new subsection (7A) to empower the court, upon convicting a person of an offence under subsection (6) arising from his failure to render the assistance required of him under subsection (3) in connection with an accident, to disqualify that person from holding or obtaining a driving licence for a mandatory minimum period of 12 months if that person had, in driving or attempting to drive a motor vehicle at the time of the accident, caused serious injury or death to another person; and
- (b) by deleting and substituting subsection (8)(b) to make an offence under subsection (6) a seizeable offence if the offence arises from the failure on the part of the offender to render the assistance required of him under subsection (3) in connection with an accident.

Clause 9 is a savings provision.

By virtue of this clause, the Bill will not affect the period of validity of any driving licence which was granted or renewed before the date of commencement of the Bill and which remains in force at that date. Such a driving licence will continue to be valid until its expiry date. Thereafter, it will be renewed with the appropriate period of validity as provided for in the new section 35(7)(a) or (b) (introduced by clause 2).

EXPENDITURE OF PUBLIC MONEY

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