

Road Traffic (Amendment) Bill

Bill No. 22/2014.

Read the first time on 4th August 2014.

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 may be cited as the Road Traffic (Amendment) Act 2014 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of section 2

2. Section 2(1) of the Road Traffic Act (referred to in this Act as the principal Act) is amended —

(a) by inserting, immediately after the definition of “cart”, the following definition:

10 ““Commissioner of Police” means the public officer appointed under section 6(1) of the Police Force Act (Cap. 235);”;

(b) by deleting the definition of “Minister” and substituting the following definition:

15 ““Minister” means —

(a) except as provided in paragraphs (b) and (c), the Minister charged with the responsibility for transport;

20 (b) for the purposes of the whole of Parts II and III and sections 75(1), 112(1), (3) and (4), 113(1) and (2), 114(1), 116(2), 121(2) and 143(3) and (11), the Minister charged with the responsibility for home affairs; and

25 (c) for the purposes of sections 131B(7), 132(7), 135(2), 140(1) and (2), 142 and 142A(1), the Minister charged with the responsibility for transport or the Minister charged with the responsibility for home affairs, as appropriate;”;

30 and

(c) by inserting, immediately after the definition of “public service vehicle”, the following definition:

““registered medical practitioner” has the same meaning as in the Medical Registration Act (Cap. 174);”.

Amendment of section 35

3. Section 35 of the principal Act is amended —

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(a) by deleting subsection (4) and substituting the following subsection:

“(4) An application for a grant or renewal of a driving licence shall be made in such form as the Deputy Commissioner of Police may design and utilise.”;

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(b) by deleting subsection (6) and substituting the following subsections:

“(6) Subject to the provisions of this Part as to tests of competence to drive and as to the physical fitness of applicants for driving licences, the Deputy Commissioner of Police shall, upon payment of the prescribed fee (if any), grant a licence to any person who —

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(a) applies for it in the prescribed manner; and

(b) declares in writing that the person is not disqualified by any reason (age or otherwise) from obtaining the licence.

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(6A) The Deputy Commissioner of Police may, upon payment of the prescribed fee (if any), renew the driving licence of any person who holds a driving licence authorising him to drive a class or description of a motor vehicle if the Deputy Commissioner of Police is satisfied that the person has passed the whole or such part of the prescribed test of competence to drive that class or description of vehicle as the Deputy Commissioner of Police may require.”;

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(c) by inserting, immediately after the words “subsection (6)” in subsection (7), the words “or renew a licence under subsection (6A)”;

(d) by inserting, immediately after the word “grant” in subsection (7)(b), the words “or renew”;

(e) by deleting subsection (10) and substituting the following subsections:

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

(a) a driving licence granted to a person who is, or a renewed driving licence of a person who becomes, a citizen or permanent resident of Singapore remains in force for the lifetime of that person; and

10 (b) a driving licence granted to, or a renewed driving licence of, a person who is not a citizen or permanent resident of Singapore remains in force for a period of 5 years beginning on the date of such grant or renewal, as the case may be, or such shorter period as the Deputy Commissioner of Police may specify in any particular case.

15 (10A) Notwithstanding subsection (10) but subject to the other provisions of this Act, a driving licence referred to in subsection (10)(a) or (b) ceases to be in force when the person who holds the driving licence attains any of the prescribed ages applicable to the person, unless before attaining such age —

20 (a) the person undergoes the prescribed medical examination and is duly certified by a registered medical practitioner as being physically fit to drive a motor vehicle of the class or description in that licence; and

25 (b) the person passes the whole or such part of the prescribed test of competence to drive as the Deputy Commissioner of Police may require for the person to drive a motor vehicle of the class or description in that licence.”;

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- (f) by deleting subsection (12);
- (g) by deleting the words “, or may renew it for a period shorter than that provided for in subsection (10)(a) or (b),” in subsection (13);
- (h) by deleting subsection (16) and substituting the following subsection: 5

“(16) Where a person’s driving licence has ceased to be in force for a period of 3 years or more, the Deputy Commissioner of Police must not grant another driving licence to the person authorising him to drive a class or description of motor vehicle unless — 10

(a) the person passes the test of competence to drive referred to in section 36(1); or

(b) the Deputy Commissioner of Police is satisfied that, at any time within 3 years before the date that the person applies for the other driving licence, the person held a driver’s certificate or licence granted by the competent authority in any country other than Singapore authorising the person to drive a motor vehicle of that class or description.”; 15 20

(i) by inserting, immediately after the word “grant” in subsection (19), the words “or renew”; and

(j) by inserting, immediately after subsection (19), the following subsection: 25

“(20) In this section, “permanent resident of Singapore” means a person who holds a valid entry permit under section 10 of the Immigration Act (Cap. 133) or a valid re-entry permit under section 11 of that Act.”. 30

Amendment of section 35A

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

(a) by inserting, immediately after the words “this Act” in subsection (2), the words “, and providing for the circumstances where any points so awarded may be cancelled or disregarded”;

(b) by deleting subsections (3) and (4) and substituting the following subsections:

“(3) The Deputy Commissioner of Police may, under subsection (1), regard a person as not competent to drive a motor vehicle, or establish that it would not be in the interests of public safety for a person to continue to hold a driving licence, if that person is awarded, within a prescribed period, points prescribed for the commission of an offence or offences under this Act that are equal to or in excess of the maximum number of points prescribed (called the revocation threshold).

(4) The rules made under subsection (2) must —

(a) specify the number of points to be awarded for an offence under this Act, including points that distinguish between different offences under this Act or the circumstances in which any offence is committed or both;

(b) specify when points may be awarded in respect of an offence under this Act, and the circumstances under which points awarded may be cancelled or disregarded for the purposes of subsection (1); and

(c) specify the revocation threshold, the period over which the revocation threshold is calculated, and such other matters as are required to be prescribed for the purposes of this section.”; and

(c) by deleting the words “maximum number at which the Deputy Commissioner of Police may revoke the driving

licence of such person” in subsection (5) and substituting the words “revocation threshold”.

Amendment of section 35C

5. Section 35C of the principal Act is amended by deleting subsection (3) and substituting the following subsection: 5

“(3) Any person whose driving licence has been revoked under section 35A shall not drive a motor vehicle of the class or description which the revoked licence had authorised that person to drive until that person is granted a new driving licence authorising that person to drive a motor vehicle of that class or description.”. 10

Amendment of section 36

6. Section 36 of the principal Act is amended —

(a) by deleting subsection (2) and substituting the following subsection: 15

“(2) Notwithstanding subsection (1), the Deputy Commissioner of Police may grant a driving licence to an applicant who satisfies the Deputy Commissioner of Police that —

(a) at any time within 3 years before the date that the applicant makes the application, the applicant — 20

(i) has held a driving licence which has ceased to be in force under section 35(10A); or 25

(ii) has held a driver’s certificate or licence granted by the competent authority in any country other than Singapore authorising the applicant to drive a motor vehicle of the class or description which the applicant would be authorised to drive by the licence applied for; and 30

(b) the applicant passes the whole or such part of the test of competence to drive referred to in subsection (1) or such other prescribed test of competence to drive, as the Deputy Commissioner of Police may require.”;

(b) by deleting the words “Subject to subsection (6), for” in subsection (3) and substituting the word “For”;

(c) by deleting subsection (6); and

(d) by deleting the section heading and substituting the following section heading:

“Prescribed test of competence to drive for grant of driving licence”.

Amendment of section 37

7. Section 37 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsection:

“(1) On an application for the grant of a driving licence, the applicant must make a declaration in writing as to whether the applicant is suffering from —

(a) any prescribed disease or physical disability; or

(b) any other disease or physical disability which is likely to cause the driving by the applicant of a motor vehicle (of the class or description which the applicant would be authorised by the licence to drive) to be a source of danger to the public.”; and

(b) by deleting subsection (9).

Repeal and re-enactment of section 38

8. Section 38 of the principal Act is repealed and the following section substituted therefor:

“Recognition of foreign driving licences and driving permits

38.—(1) Despite not holding a valid driving licence but subject to the provisions of this Act, it shall be lawful for a holder of a valid foreign driving licence to drive in Singapore, for a period of 12 months commencing from the date of his last entry into Singapore, a motor vehicle of the class or description which the foreign driving licence authorises him to drive. 5

(2) However, subsection (1) does not apply where the holder of the foreign driving licence — 10

(a) is a citizen or permanent resident of Singapore; or

(b) is a work pass driver.

(3) If at any time a holder of a valid foreign driving licence becomes —

(a) a citizen or permanent resident of Singapore; or 15

(b) a work pass driver,

then subsection (1) shall apply to that holder of a foreign driving licence for the prescribed period instead of the 12-month period in subsection (1).

(4) Despite not holding a valid driving licence, it shall be lawful for — 20

(a) a member of a visiting force; or

(b) a member of a civilian component of such visiting force,

who holds a driving permit issued to him by a competent authority of the country of the visiting force to drive in Singapore a motor vehicle belonging to the country of the visiting force which is of the class or description specified in the driving permit. 25

(5) In this section —

“civilian component” and “visiting force” have the same respective meanings as in the Visiting Forces Act (Cap. 344); 30

“permanent resident of Singapore” means a person who holds a valid entry permit under section 10 of the Immigration Act or a valid re-entry permit under section 11 of that Act;

5 “prescribed period” means the period prescribed, starting from —

(a) for a person referred to in subsection (3)(a), the date on which the person is granted a certificate of citizenship under the Constitution of the Republic of Singapore or an entry permit under the Immigration Act, whichever first happens; or

10 (b) for a person referred to in subsection (3)(b), the date on which the person is issued with a work pass under the Employment of Foreign Manpower Act (Cap. 91A);

15 “work pass driver” means the holder of a work pass issued under the Employment of Foreign Manpower Act who drives a motor vehicle carrying passengers or goods or both —

20 (a) for hire or reward; or

(b) because of or under a contract of employment.”.

Amendment of section 45

9. Section 45 of the principal Act is amended —

25 (a) by inserting, immediately after the words “this Act” in subsection (2), the words “, and providing for the circumstances where any points so awarded may be cancelled or disregarded”;

(b) by deleting subsections (3) and (4) and substituting the following subsections:

30 “(3) The Deputy Commissioner of Police may, under subsection (1), regard a person as not competent to drive a motor vehicle, or establish that it would not be in the interests of public safety for a person to continue to hold

a driving licence, if that person is awarded, within a prescribed period, points prescribed for the commission of an offence or offences under this Act that are equal to or in excess of the maximum number of points prescribed (called the suspension threshold). 5

(4) The rules made under subsection (2) must —

(a) specify the number of points to be awarded for an offence under this Act, including points that distinguish between different offences under this Act or the circumstances in which any offence is committed or both; 10

(b) specify when points may be awarded in respect of an offence under this Act, and the circumstances under which points awarded may be cancelled or disregarded for the purposes of subsection (1); and 15

(c) specify the suspension threshold, the period over which the suspension threshold is calculated, and such other matters as are required to be prescribed for the purposes of this section.”; and 20

(c) by deleting the words “maximum number at which the Deputy Commissioner of Police may suspend the driving licence of such person” in subsection (5) and substituting the words “suspension threshold”. 25

Amendment of section 47C

10. Section 47C(2) of the principal Act is amended by deleting the words “or 304A” in paragraph (d) and substituting the words “, 304A or 338”.

Amendment of section 48

11. Section 48 of the principal Act is amended —

(a) by inserting, immediately after the word “granting” in paragraph (a), the words “and renewal”; 30

(b) by deleting paragraph (i) and substituting the following paragraph:

5 “(i) to prescribe the circumstances in which a person may be required to be certified by a registered medical practitioner as fit to drive a vehicle, or may be required by the Deputy Commissioner of Police to pass any prescribed test of competence to drive, before the granting or renewal of the person’s driving licence.”; and

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

15 “(2) The Minister may by such rules confer on the Deputy Commissioner of Police a discretion to waive, in any particular case, the application of any of those rules to or in relation to any person subject to such conditions as the Deputy Commissioner of Police may impose.”.

Repeal and re-enactment of section 60

20 **12.** Section 60 of the principal Act is repealed and the following section substituted therefor:

“Appeal to Minister or Commissioner of Police

25 **60.—**(1) Any person aggrieved by the refusal of the Deputy Commissioner of Police to grant or renew any licence that may be granted or renewed under this Part may, within 14 days after receiving the written notification to him of the refusal, appeal in writing —

- (a) in the case of a driving school licence, to the Minister; or
- (b) in the case of an instructor’s licence, to the Commissioner of Police.

30 (2) The decision of the Minister or the Commissioner of Police (as the case may be) in an appeal under subsection (1) is final.”.

Amendment of section 62A

13. Section 62A of the principal Act is amended by deleting the words “age of 70 years” and substituting the words “prescribed age”.

Repeal and re-enactment of section 65B

14. Section 65B of the principal Act is repealed and the following section substituted therefor: 5

“Use of mobile communication device while driving

65B.—(1) A driver of a motor vehicle who uses a mobile communication device while the motor vehicle is in motion on a road or in a public place is guilty of an offence and is liable on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 6 months or to both. 10

(2) Where a person who is convicted or found guilty of an offence under subsection (1) is a repeat offender, the person is liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both. 15

(3) In this section —

“communicative function” means any of the following functions:

- (a) sending or receiving oral or written messages; 20
- (b) sending or receiving electronic documents;
- (c) sending or receiving still or moving images;
- (d) sending or receiving audio or video files;
- (e) providing access to the Internet;

“mobile communication device” includes a mobile telephone and any hand-held device which is designed or capable of being used for a communicative function; 25

“repeat offender”, in relation to an offence under subsection (1), means a person who is convicted or found guilty of that offence (called the current offence) and who was previously convicted or found guilty of — 30

- (a) an offence under subsection (1); or
- (b) an offence under section 65B as in force immediately before the date of commencement of section 14 of the Road Traffic (Amendment) Act 2014,

on at least one previous occasion before the date on which the person is convicted or found guilty of the current offence;

“use”, in relation to a mobile communication device, means to hold it in at least one hand while operating any of its functions.”.

Amendment of section 70

15 **15.** Section 70(1) of the principal Act is amended by deleting the words “at a hospital” in paragraph (b) and substituting the words “to a registered medical practitioner, at such place as may be determined by the police officer,”.

Amendment of section 72

16. Section 72 of the principal Act is amended —

- (a) by deleting the words “prescribed by the Minister” in the definition of “breath test” in subsection (1) and substituting the words “approved by the Deputy Commissioner of Police”;
- (b) by inserting, immediately after subsection (1), the following subsections:

25 “(1A) Once a device is approved by the Deputy Commissioner of Police for the purposes of the definition of “breath test” in subsection (1), he must, as soon as practicable, cause to be published in the *Gazette* a notification specifying each device so approved by him.

30 (1B) However, failure to comply with subsection (1A) in respect of any device does not invalidate the approval for that device.”; and

- (c) by inserting, immediately after the words “sections 67 to 71B” in the section heading, the word “, etc.”.

Amendment of section 74

17. Section 74 of the principal Act is amended —

- (a) by deleting the word “Minister” in subsections (1) and (2) and substituting in each case the words “Deputy Commissioner of Police”; and 5
- (b) by inserting, immediately after subsection (2), the following subsections:

“(2A) Once a type of protective helmet is approved by the Deputy Commissioner of Police for the purposes of subsections (1) and (2), he must, as soon as practicable, cause to be published in the *Gazette* a notification specifying each type of protective helmet so approved by him. 10

(2B) However, failure to comply with subsection (2A) in respect of any type of protective helmet does not invalidate the approval for that type of protective helmet.”. 15

Amendment of section 75

18. Section 75 of the principal Act is amended by deleting subsection (1) and substituting the following subsection: 20

“(1) The Minister may make rules requiring, subject to such exceptions as may be prescribed, any person driving or riding in a motor vehicle to wear a seat belt of a type approved by the Deputy Commissioner of Police under section 76(1).”.

Amendment of section 76

19. Section 76 of the principal Act is amended —

- (a) by deleting the word “Minister” in subsection (1) and substituting the words “Deputy Commissioner of Police”; and 30
- (b) by inserting, immediately after subsection (2), the following subsections:

“3) Once a type of seat belt is approved by the Deputy Commissioner of Police for the purposes of subsection (1) and section 75(1), he must, as soon as practicable, cause to be published in the *Gazette* a notification specifying each type of seat belt so approved by him.

(4) However, failure to comply with subsection (3) in respect of any type of seat belt does not invalidate the approval for that type of seat belt.”.

Amendment of section 81

20. Section 81 of the principal Act is amended —

(a) by deleting subsections (1) and (1A) and substituting the following subsections:

“(1) Where the driver of a motor vehicle is alleged or is suspected to be guilty of an offence under this Act, the owner of the motor vehicle, when required by a police officer or an employee of the Authority to do so, must give to the police officer or the Authority’s employee, within 14 days after being so required, such information as to —

(a) the identity and address of the person who was driving the motor vehicle at or about the time of the alleged offence; and

(b) the driving licence held by that person.

(1A) An owner of a motor vehicle who fails to give the information required of the owner under subsection (1) is guilty of an offence unless the owner proves, on a balance of probabilities, that the owner did not know and could not with reasonable diligence have ascertained the information required.

(1B) Where the owner of a motor vehicle who is guilty of an offence under subsection (1A) holds a driving licence, and the driver of the motor vehicle is alleged or suspected to be guilty of an offence specified in Part I of

the Third Schedule, the owner of the motor vehicle is presumed, until the contrary is proved, to be driving the motor vehicle at the time of the occurrence of the second-mentioned offence.

(1C) For the purposes of subsection (1A), where the owner of the motor vehicle is a company, a partnership or an unincorporated body, the owner is not deemed to have discharged the burden of proving that it could not, with reasonable diligence, have ascertained the information required under subsection (1) unless the owner also proves, on a balance of probabilities, that —

(a) it had kept a proper and accurate record as required under subsection (8); but

(b) the record shows no person having been permitted by the owner to drive the motor vehicle at or about the time of the alleged offence.”;

(b) by deleting subsection (2) and substituting the following subsection:

“(2) Where the driver of a motor vehicle is alleged or is suspected to be guilty of an offence under this Act, any other person who was or should have been in charge of the motor vehicle, when required by a police officer or an employee of the Authority to do so, must give to the police officer or the Authority’s employee, within 14 days after being so required, any information which the person has power to give, and which may lead to the identification of the driver, and if that person fails to do so, that person is guilty of an offence.”; and

(c) by deleting the words “subsection (1)” in subsection (7) and substituting the words “subsection (1A)”.

Amendment of section 83

21. Section 83 of the principal Act is amended —

(a) by deleting the words “7 days” in subsection (3)(a)(i) and substituting the words “14 days”; and

5 (b) by inserting, immediately after the words “set out in” in the definition of “specified offence” in subsection (6), the words “Part II of”.

Amendment of section 84

22. Section 84 of the principal Act is amended —

10 (a) by deleting subsections (1) and (2) and substituting the following subsections:

“(1) Where an accident occurs owing to the presence of a motor vehicle on a road and the accident results in damage or injury to any person, vehicle, structure or animal, the driver of the motor vehicle must stop the motor vehicle and the driver must do such of the following as may be applicable:

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(a) the driver 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;

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(b) if no person referred to in paragraph (a) is present at the scene of the accident, the driver must take reasonable steps to inform the owner (if any) of the damaged vehicle or structure, or injured animal, of the damage or injury caused to the vehicle, structure or animal (as the case may be), and provide that owner with the driver’s particulars.

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(2) The driver of the motor vehicle referred to in subsection (1) must report the accident at a police station or to a police officer as soon as reasonably practicable

within 24 hours after the accident unless either of the following has occurred:

- (a) the driver has provided the driver’s particulars to a person referred to in subsection (1)(a);
 - (b) the owner referred to in subsection (1)(b) has contacted the driver.”; and
- (b) by deleting subsection (6) and substituting the following subsection:
- “(6) In this section —
- “animal” means any horse, cattle, ass, mule, sheep, pig, goat or dog;
 - “particulars”, in relation to a driver of a motor vehicle, means the name and address of the driver of the motor vehicle, the name and address of the owner of the motor vehicle, and the identification marks of the motor vehicle.”.

Amendment of section 132

23. Section 132(1) of the principal Act is amended by deleting the words “prescribed notice” and substituting the word “notice”.

Amendment of section 133

24. Section 133 of the principal Act is amended —

- (a) by deleting the word “prescribed” in subsection (1); and
- (b) by deleting the word “Minister” in subsection (7)(a) and substituting the words “Deputy Commissioner of Police”.

Repeal and re-enactment of section 134

25. Section 134 of the principal Act is repealed and the following section substituted therefor:

“Forms of notices for purposes of sections 132 and 133

134. Each of the following may design and utilise forms of notices for the purposes of sections 132 and 133:

- (a) the Deputy Commissioner of Police;
 (b) the Registrar of Vehicles.”.

Repeal and re-enactment of Third Schedule

5 **26.** The Third Schedule to the principal Act is repealed and the following Schedule substituted therefor:

“THIRD SCHEDULE

Sections 81(1B) and 83(6)

SPECIFIED OFFENCES

PART I

- 10 1. Sections 63(4), 65, 73(2), 74(3), 113(6), 120(4), 122 and 127(5).
 2. Section 121(6) for contravening any of the following provisions of the Road Traffic (Pedestrian Crossings) Rules (R 24):
 Rules 4, 5, 6, 7, 9, 10(1) and 11(1).
 15 3. Section 131 for acting in contravention of any of the following provisions of the Road Traffic Rules (R 20):
 Rules 2(1), 3, 5, 6, 7, 8, 11, 12(2), 13(1) and (2)(a) and (b), 14, 17, 18, 19, 23, 28(1), 29, 30, 33(1) and (2), 34 and 35(1).
 4. Section 131 for acting in contravention of any of the following provisions of the Road Traffic (Expressway Traffic) Rules (R 23):
 20 Rules 4, 5, 6(1), 7, 8, 9, 12(1), 13(d) to (h) and 14(1)(a) and (b).
 5. Rule 7 of the Road Traffic (Motor Vehicles, Speed Limiters) Rules (R 39).
 6. Rule 10 of the Road Traffic (Motor Vehicles, Wearing of Seat Belts) Rules 2011 (G.N. No. S 688/2011) for contravening rule 4 or 5 of those
 25 Rules.

PART II

1. Sections 11A(3) and (4), 34E(4) and 122.
 2. Section 120(4) (for failing to comply with section 120(3)) read with rule 8 of the Road Traffic (Traffic Signs) Rules (R 33).
 30 3. Section 131 for acting in contravention of rule 26A of the Road Traffic Rules.

4. Rules 5(1) and 6(1) of the Road Traffic (Collection of Toll at Woodlands and Tuas Checkpoints) Rules (R 12).
5. Rules 4(2), 7(1) and (6), 8(1) and (2) and 13(1) of the Road Traffic (Electronic Road Pricing System) Rules 2011 (G.N. No. S 97/2011).
6. Any offence of parking a motor vehicle or of causing or permitting a motor vehicle to stand, wait or be parked in contravention of any rules made under this Act.” 5

Miscellaneous amendments

27. The principal Act is amended —

- (a) by deleting the word “Minister” wherever it appears in the following provisions and substituting in each case the words “Commissioner of Police”: 10

Sections 35(19), 35B(3) and (5), 46(3) and (5), 47C(8) and (9) and 53(4) and (6);

- (b) by inserting, immediately after the words “section 38(1)” in section 47F(4), the words “or (3)”; 15

- (c) by deleting the words “section 38(2)” in section 47F(4) and substituting the words “section 38(4)”; and

- (d) by deleting the words “medical practitioner” wherever they appear in the following provisions and substituting in each case the words “registered medical practitioner”: 20

Sections 71(1) and (2), 71A(4), 71B(1) and section heading and 72(1) (definition of “authorised analyst”) and (3).

Savings and transitional provisions

28.—(1) Every breath alcohol analyser or other device prescribed by the Minister under section 72(1) of the principal Act in force immediately before the date of commencement of section 16(a) shall, on and after that date, be deemed to be a breath alcohol analyser or other device approved by the Deputy Commissioner of Police under section 72(1) of the principal Act as amended by section 16(a). 25 30

(2) Any protective helmet of a type approved by the Minister under section 74(1) and (2) of the principal Act in force immediately before the date of commencement of section 17(a) shall, on and after that

date, be deemed to be a protective helmet of a type approved by the Deputy Commissioner of Police under section 74(1) and (2), respectively, of the principal Act as amended by section 17(a).

5 (3) Any seat belt of such description as is prescribed by the Minister under section 75(1) of the principal Act in force immediately before the date of commencement of section 18 shall, on and after that date, be deemed to be a seat belt of a type approved by the Deputy Commissioner of Police under section 76(1) of the principal Act as amended by section 19(a).

10 (4) Any seat belt of a type approved by the Minister under section 76(1) of the principal Act in force immediately before the date of commencement of section 19(a) shall, on and after that date, be deemed to be a seat belt of a type approved by the Deputy Commissioner of Police under section 76(1) of the principal Act as
15 amended by section 19(a).

(5) Any form of notice prescribed by the Minister charged with the responsibility for transport, or the Minister charged with the responsibility for home affairs, under section 134 of the principal Act in force immediately before the date of commencement of
20 section 25 shall, on and after that date, be deemed to be a form of notice designed and utilised by the Registrar of Vehicles or the Deputy Commissioner of Police, as the case may be, for the purposes of sections 132 and 133 of the principal Act as amended by sections 23 and 24.

25 (6) For a period of 2 years after the date of commencement of any provision of this Act, the Minister charged with the responsibility for the subject matter in the provision may, by rules, prescribe such additional provisions of a savings or transitional nature consequent on the enactment of that provision as the Minister may consider
30 necessary or expedient.

EXPLANATORY STATEMENT

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

- (a) to clarify and extend the power of the Deputy Commissioner of Police (the DCP) in relation to matters under Part II of the Act, which deals with the licensing of drivers;
- (b) to empower the Commissioner of Police (the CP) to hear appeals from the decisions of the DCP related to the licensing of drivers and driving instructors, in place of the Minister charged with the responsibility for home affairs;
- (c) to restrict the length of time that a holder of a work pass issued under the Employment of Foreign Manpower Act (Cap. 91A) can drive in Singapore on a foreign licence where he is driving a motor vehicle that carries passengers or goods;
- (d) to expand the scope of the offence of using a mobile telephone while driving;
- (e) to introduce a rebuttable presumption that an owner of a motor vehicle who fails to provide the particulars of the driver of a motor vehicle as required of the owner, was driving the motor vehicle at the time of the occurrence of an offence specified in Part I of the Third Schedule; and
- (f) to introduce a new requirement for a driver whose motor vehicle was involved in an accident to take reasonable steps to inform and provide his particulars to the owner (if any) of the damaged vehicle or structure or injured animal, even if the owner was not present at the scene of the accident, and to make a police report of the accident unless he was contacted by the owner.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) —

- (a) to include new definitions of “Commissioner of Police” and “registered medical practitioner” which are used in the various provisions of the Act referred to in clause 27(a) and (d), respectively; and
- (b) to make consequential amendments to the definition of “Minister” following the amendments to the Act referred to in clauses 17(a), 19(a), 24(b) and 25.

Clause 3 amends section 35 —

- (a) to empower the DCP to design and utilise the application forms for the grant and renewal of a driving licence;
- (b) to clarify that the prescribed fee referred to in subsection (6) may not be imposed for the grant of certain categories of driving licences, and to provide for the declaration referred to in that subsection to be made in writing;
- (c) by inserting a new subsection (6A) to clarify that the DCP's power to renew a driving licence is subject to the payment of the prescribed fee and upon the holder of the driving licence passing the whole or such part of the prescribed test of competence to drive as the DCP may require;
- (d) to clarify that the power of the DCP to grant a driving licence extends to a renewal of that licence, and that the DCP may renew a driving licence for a period shorter than 5 years;
- (e) by inserting a new subsection (10A) to clarify that the validity of a driving licence, whether granted to a person who is a citizen or permanent resident of Singapore (whose licence remains in force for the person's lifetime) or a person who is not a citizen or permanent resident of Singapore (whose licence remains in force for up to 5 years), is subject to the holder of the licence satisfying the DCP that the holder is physically fit and passes the whole or such part of the prescribed test of competence to drive as the DCP may require upon attaining any of the applicable prescribed ages; and
- (f) to make other amendments of a technical nature.

Clause 4 amends section 35A which currently provides the Minister with the power to make the Road Traffic (New Drivers) Rules (Cap. 276, R 32) (NDR). Following the amendments, the NDR will not only specify the revocation threshold and the circumstances when demerit points may be awarded for an offence under the Act, the NDR will also provide the circumstance where any points so awarded may be cancelled or disregarded. The amendments also provide more specificity on the matters which should be prescribed in the NDR.

Clause 5 amends section 35C(3) to clarify that a person whose driving licence has been revoked under section 35A must not drive a motor vehicle of the class or description referred to in his revoked licence until he has been granted a new driving licence authorising him to drive a motor vehicle of that class or description.

Clause 6 amends section 36 to clarify in subsection (2) that 2 categories of applicants do not need to pass the test of competence to drive referred to in subsection (1) but may be required by the DCP to pass a part of that test or such other prescribed test of competence to drive as the DCP may require. These applicants are as follows:

- (a) those that have held a driver's certificate or licence issued by a competent authority in any country other than Singapore at any time within 3 years before the date of the application;
- (b) those who held a driving licence and whose licence has, within 3 years before the date of application, ceased to be in force under the new section 35(10A).

Clause 6 further amends section 36 to remove the requirement in subsection (6) for persons applying for a provisional motor cycle licence to complete a prescribed course of training.

Clause 7 amends section 37 —

- (a) to provide for the declaration referred to in subsection (1) to be made in writing; and
- (b) to delete subsection (9) as a consequence of the insertion of the new section 35(10A), thereby making subsection (9) redundant.

Clause 8 repeals and re-enacts section 38 which makes it lawful for a holder of a valid foreign driving licence (as defined in section 2 of the principal Act) who is neither a citizen nor permanent resident of Singapore, and who is resident outside Singapore but is temporarily in Singapore to drive up to a period of 12 months commencing from his last date of entry. Following the amendments, it will no longer be lawful for a holder of a foreign driving licence who (a) holds a work pass under the Employment of Foreign Manpower Act, and (b) drives a motor vehicle carrying passengers or goods or both, for hire or reward or because of or under a contract of employment, to drive in Singapore on the basis of his foreign driving licence beyond the prescribed grace period.

Clause 9 amends section 45 which currently provides the Minister with the power to make the Road Traffic (Driver Improvement Points System) Rules (Cap. 276, R 25) (DIPS Rules). Following the amendments, the DIPS Rules will continue to specify the suspension threshold and the circumstances when demerit points may be awarded for an offence under the Act, and also provide the circumstances where any points so awarded may be cancelled or disregarded. The amendments also provide more specificity on the matters which should be prescribed in the DIPS Rules.

Clause 10 amends section 47C(2) to include the offence under section 338 of the Penal Code (Cap. 224) (which relates to causing grievous hurt by an act which endangers life or the personal safety of others) as being an offence in respect of which the DCP may immediately suspend the driving licence of a person.

Clause 11 amends section 48 —

- (a) to clarify that the Minister may make rules —
 - (i) to regulate the renewal of a driving licence; and

- (ii) to prescribe the circumstances in which a person may be required to be certified by a registered medical practitioner as fit to drive a vehicle, or the circumstances where a person may be required by the DCP to pass such prescribed test of competence to drive, before granting or renewing a driving licence; and
- (b) to clarify that the Minister may, by rules, confer on the DCP a discretion to waive in any particular case, the application of any rules to or in relation to any person subject to such conditions as the DCP may impose.

Clause 12 repeals and re-enacts section 60 to empower the Commissioner of Police, instead of the Minister charged with the responsibility for home affairs, to hear appeals from the refusal of the DCP to grant or renew an instructor's licence. Appeals from the refusal of the DCP to grant or renew a driving school licence will continue to be heard by the Minister charged with the responsibility for home affairs.

Clause 13 amends section 62A to allow for the maximum age of a person for driving certain categories or classes of motor vehicles to be prescribed.

Clause 14 repeals and re-enacts section 65B which deals with the offence of using a mobile telephone whilst the motor vehicle is in motion on a road or in a public place. The new section 65B clarifies that the scope of the offence covers all hand-held devices which are designed or capable of being used for a communicative function. It also extends the offence to the use by the driver of the hand-held device's non-communicative functions. The maximum penalties for the offence (a fine of \$1,000 or a term of imprisonment of 6 months or both for first-time offenders, or a fine of \$2,000 or a term of imprisonment of 12 months or both for repeat offenders) remain unchanged.

Clause 15 amends section 70(1) to allow a police officer to require an arrested person to provide to a registered medical practitioner, at such place as may be determined by the police officer, a blood specimen for a laboratory test.

Clause 16 amends section 72 —

- (a) to empower the DCP, instead of the Minister charged with the responsibility for home affairs, to approve the device to be used for a breath test;
- (b) to insert a new subsection (1A) which provides for the publication of the approved device as soon as practicable after the DCP has approved the device to be used for a breath test; and
- (c) to insert a new subsection (1B) which provides that the failure to comply with the new subsection (1A) does not invalidate the approval for that device.

Clause 17 amends section 74 —

- (a) to empower the DCP, instead of the Minister charged with the responsibility for home affairs, to approve the type of protective helmets to be (i) worn by motorcyclists and their pillion riders, and (ii) imported or sold;
- (b) to insert a new subsection (2A) which provides for the publication of the approved type of protective helmet as soon as practicable after the DCP has approved the type of protective helmet; and
- (c) to insert a new subsection (2B) which provides that the failure to comply with the new subsection (2A) does not invalidate the approval for that type of protective helmet.

Clause 18 makes a consequential amendment to section 75 because it is the DCP, instead of the Minister charged with the responsibility for home affairs, who approves the type of seat belt for the purposes of sections 75(1) and 76(1).

Clause 19 amends section 76 —

- (a) to empower the DCP, instead of the Minister charged with the responsibility for home affairs, to approve the type of seat belt meant for sale or which is in the possession of any person for sale;
- (b) to insert a new subsection (3) which provides for the publication of the approved type of seat belt as soon as practicable after the DCP has approved the type of seat belt; and
- (c) to insert a new subsection (4) which provides that the failure to comply with the new subsection (3) does not invalidate the approval for that type of seat belt.

Clause 20 amends section 81 to introduce a rebuttable presumption which applies where the owner of a motor vehicle fails, within 14 days, to respond to a request under section 81(1) to provide the particulars of the driver who was driving his motor vehicle at or about the time of the alleged or suspected offence specified in Part I of the Third Schedule.

The new section 81(1A) clarifies that an owner of a motor vehicle who fails to provide the information required of him under section 81(1) is guilty of an offence unless he proves on a balance of probabilities that he did not know and could not with reasonable diligence have ascertained the information required.

The new section 81(1B) provides that where an owner of a motor vehicle who holds a driving licence is guilty of not providing the information required of him under section 81(1), and the driver of the motor vehicle is alleged or suspected to be guilty of an offence specified in Part I of the Third Schedule, the owner will be presumed, until the contrary is proved, to be driving the motor vehicle at or about

the time of the occurrence of the alleged offence specified in Part I of the Third Schedule.

The new section 81(1C) provides for the circumstances where an owner who is a company, a partnership or an unincorporated body is deemed to have discharged its burden of proving that it could not with reasonable diligence have ascertained the information required of it under section 81(1).

Clause 21 amends section 83 to extend the time for furnishing a statutory declaration under the section to 14 days.

Clause 22 amends section 84(1) and (2) which imposes a duty on a driver whose motor vehicle was involved in an accident to provide his particulars to any person having reasonable grounds for so requesting. The amendments introduce a further duty for the driver whose motor vehicle was involved in an accident to take reasonable steps to inform and provide his particulars to the owner of the damaged vehicle or structure or injured animal, even if no person requested for his particulars at the scene of the accident. It also imposes a duty for the driver whose motor vehicle was involved in an accident to make a police report within 24 hours of the accident unless he has already provided his particulars to a person so requesting, or where no person requested for his particulars at the scene of the accident, he was contacted by the owner. The clause also amends section 84(6) by inserting a new definition of “particulars”.

Clause 23 is a consequential amendment to section 132(1) as a result of the amendment to section 134 which empowers the DCP or the Registrar of Vehicles to design and utilise forms of notices for the purposes of sections 132 and 133.

Clause 24 amends section 133 to empower the DCP personally, instead of the Minister charged with the responsibility for home affairs, to authorise a police officer not below the rank of sergeant to cancel traffic notices.

Clause 25 repeals and re-enacts section 134 to remove the present requirement for the Minister to prescribe forms used for the purposes of sections 132 and 133, and to empower the DCP or the Registrar of Vehicles, as the case may be, to design and utilise such forms.

Clause 26 repeals and re-enacts the Third Schedule to introduce a new Part I which contains the list of offences to which the new rebuttable presumption referred to in section 81(1B) will apply. Part II of the Third Schedule maintains and further particularises the existing list of offences to which section 83(6) presently applies.

Clause 27 contains miscellaneous amendments —

- (a) to empower the CP, instead of the Minister charged with the responsibility for home affairs, to hear appeals from the decision of the DCP under various provisions in the Act;

- (b) to amend the cross-references, contained in section 47F, to section 38 as a result of the amendments made to section 38 by clause 8; and
- (c) to amend all references in the Act from “medical practitioner” to “registered medical practitioner”.

Clause 28 relates to savings and transitional provisions.

EXPENDITURE OF PUBLIC MONEY

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