

Road Traffic (Amendment) Bill

Bill No. 8/2021.

Read the first time on 5 April 2021.

A BILL

intituled

An Act to amend the Road Traffic Act regarding road safety, passenger transport security and vehicles taxes, and to make related and consequential amendments to the Active Mobility Act 2017, the Rapid Transit Systems Act and certain other Acts.

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 2021 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

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

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

10 ““competency test certificate”, for a class or description of test-needed-to-ride-on-road vehicle, means —

15 (a) for any road-only PAB — a certificate granted under section 47H(1) certifying that an individual has passed the prescribed test of competence for that class or description of power-assisted bicycle; or

20 (b) for any other test-needed-to-ride-on-road vehicle, which is either a bicycle or power-assisted bicycle — a certificate granted under section 23F of the Active Mobility Act 2017 certifying that an individual has passed the test of competence prescribed under that Act for that class or description of bicycle or power-assisted bicycle;”;

25 (b) by deleting “132(7),” in paragraph (c) of the definition of “Minister”;

30 (c) by inserting, immediately after the definition of “power-assisted bicycle”, the following definition:

““prescribed test of competence”, in relation to riding a test-needed-to-ride-on-road vehicle on a road, means —

(a) for any road-only PAB — a test of subject matter prescribed by rules made under section 48 to test an individual’s knowledge of safe driving or riding practices and law on public paths and roads; or 5

(b) for any other test-needed-to-ride-on-road vehicle — a test of subject matter prescribed by regulations made under the Active Mobility Act 2017 to test, for the purposes of Division 2A of Part 3 of that Act, an individual’s knowledge of safe driving or riding practices and law on public paths and roads;”; 10 15

(d) by inserting, immediately after the definition of “road”, the following definition: 20

““road-only PAB” means a power-assisted bicycle that —

(a) is within a class or description that is prescribed in rules made under section 48 for the purposes of section 47G(1); and 25

(b) is not intended for use on any public path within the meaning of the Active Mobility Act 2017;”; and

(e) by inserting, immediately after the definition of “street-hail service licensee”, the following definitions: 30

““test authority”, for a class or description of a road-only PAB, means an individual designated by the Minister charged with the responsibility for law and order to be a test 35

authority for that class or description of test-needed-to-ride-on-road vehicle;

“test-needed-to-ride-on-road vehicle” means —

(a) a bicycle or power-assisted bicycle within a class or description of bicycle or power-assisted bicycle that is prescribed for the purposes of Division 2A of Part 3 of the Active Mobility Act 2017; or

(b) a road-only PAB;”.

Amendment of section 6C

3. Section 6C of the principal Act is amended by deleting subsection (3) and substituting the following subsection:

“(3) This section and all rules made under this section continue in force until the end of 24 August 2027.”.

Amendment of section 11

4. Section 11 of the principal Act is amended —

(a) by deleting the words “him to pay to the Registrar” in subsection (9) and substituting the words “the person to also pay”; and

(b) by inserting, immediately after subsection (9), the following subsection:

“(9A) The amount of tax undercharged which is ordered under subsection (9) to be paid may be recovered according to the law for the time being in force for the recovery of fines.”.

Amendment of section 11AA

5. Section 11AA of the principal Act is amended —

(a) by deleting the words “him to pay to the Registrar” in subsection (8) and substituting the words “the person to also pay”; and

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

“(8A) The amount of the vehicular emissions tax, or the tax payable under section 11(1)(a), which has been undercharged and ordered under subsection (8) to be paid may be recovered according to the law for the time being in force for the recovery of fines.”.

Repeal and re-enactment of section 11B

6. Section 11B of the principal Act is repealed and the following section substituted therefor:

“Taxes and fees payable upon loss of exempt status

11B.—(1) This section applies to and in relation to any vehicle in respect of which a relevant impost is otherwise payable upon the first registration, continued registration or the keeping or use on roads, of the vehicle, if not for any of the following events (whether happening before, on or after the date of commencement of section 6 of the Road Traffic (Amendment) Act 2021):

- (a) the operation of section 14 which is repealed by the Road Traffic (Amendment) Act 2021;
- (b) an exemption under section 33;
- (c) an exemption under any order made under section 142.

(2) Upon the happening, on or after the date of commencement of section 6 of the Road Traffic (Amendment) Act 2021, of a disqualifying event for a relevant impost relating to a vehicle which has not ceased to be kept or used on any road in Singapore and has not been destroyed or removed from Singapore, a tax is payable as follows:

- (a) upon the happening of the earlier of the following:
 - (i) at the end of one month after the disqualifying event for the relevant impost happens;

(ii) the re-registration of the vehicle after the disqualifying event for the relevant impost;

(b) at the end of any period of extension allowed by the Registrar for payment of that tax.

5 (3) The tax under subsection (2) is payable and recoverable from the person who is keeping or using the vehicle when the disqualifying event happens for a relevant impost with respect to that vehicle.

10 (4) The tax under subsection (2) with respect to a vehicle is as follows, whichever being applicable:

15 (a) where the disqualifying event relates to any tax payable under section 11 upon the first registration of a vehicle — an amount worked out in the prescribed manner, which must not exceed the amount of the tax that would have been payable under section 11(1)(a) on the first registration of the vehicle if not for an event in subsection (1)(a), (b) or (c);

20 (b) where the disqualifying event relates to any levy payable under section 10A — an amount worked out in the prescribed manner, which must not exceed the amount of the levy that would have been payable under section 10A(2) on the first registration of the vehicle with a permit if not for an event in subsection (1)(a), (b) or (c);

25 (c) where the disqualifying event relates to any other relevant impost — an amount worked out in the prescribed manner, which must not exceed the total amount of the relevant impost that would have been payable if the event in subsection (1)(a), (b) or (c) did not happen.

30 (5) To avoid doubt, a vehicle to which this section applies may be the subject of different disqualifying events for different relevant imposts.

35 (6) To ascertain the relevant impost that was not payable upon the first registration, continued registration or the keeping or use

on roads, of the vehicle concerned, any rebate from that relevant impost that may be claimed under section 11 when the vehicle was first registered must be reckoned.

(7) Any person who gives any incorrect information in relation to any matter affecting the amount of tax chargeable under this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months, and the court shall order the person to pay the amount of tax which has been undercharged.

(8) The amount of the tax under this section which has been undercharged and ordered under subsection (7) to be paid may be recovered according to the law for the time being in force for the recovery of fines.

(9) The Registrar may compound any offence punishable under subsection (7) by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$1,000 and the amount of the tax undercharged, and may before judgment stay or compound any proceedings thereunder.

(10) In this section —

“disqualifying event”, in relation to a relevant impost for a vehicle, means any of the following, whichever happens first:

- (a) the expiry of any period the relevant impost is not payable with respect to the vehicle because of an event in subsection (1)(a), (b) or (c);
- (b) the cancellation of the registration of the vehicle under section 27(1) or (1A);
- (c) the first breach of any condition (whether a condition precedent or a condition subsequent) that the exemption described in subsection (1)(a), (b) or (c) with respect to the vehicle is subject;

“relevant impost”, in relation to any vehicle, means any of the following taxes, fees or levies otherwise payable in

respect of the vehicle if not for an event in subsection (1)(a), (b) or (c):

- (a) any fee payable under section 10;
- (b) any levy payable under section 10A(2);
- (c) any tax payable under section 11;
- (d) any carbon emission tax payable under section 11AA as in force immediately before 1 January 2018, or any vehicular emission tax payable under that section as in force on or after that date.”.

Repeal of section 14

7. Section 14 of the principal Act is repealed.

Amendment of section 27

8. Section 27 of the principal Act is amended —

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

“(1A) In addition to subsection (1), the Registrar may cancel the registration of a vehicle registered under any particular class, category or description or purpose of use if the Registrar is satisfied that —

- (a) the vehicle has been so permanently altered (on or after the date of commencement of section 8 of the Road Traffic (Amendment) Act 2021 and whether in the course of repair or otherwise) so as to render its construction, weight and equipment or condition such that the vehicle no longer conforms to the class, category or description it is registered under; or
- (b) the use of the vehicle has so materially changed (on or after the date of commencement of section 8 of the Road

Traffic (Amendment) Act 2021) such that the use of the vehicle does not conform to the purpose of use it is registered for.”;

- (b) by inserting, immediately after the words “subsection (1)” in subsection (2), the words “or (1A)”;
- (c) by inserting, immediately after the words “the Registrar may approve” in subsection (2), the words “unless the vehicle is re-registered within that period”.

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Amendment of heading to Part II

9. Part II of the principal Act is amended by inserting, immediately after the word “DRIVERS” in the Part heading, the words “AND RIDERS”.

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New Division heading of Part II and new section 34F

10. Part II of the principal Act is amended by inserting, immediately above section 35, the following Division heading and section:

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*“Division 1 — Driving of motor vehicles except
test-needed-to-ride-on-road vehicles*

Application of Division

34F. This Division does not apply to or in relation to the riding of any test-needed-to-ride-on-road vehicle on any road.”.

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Amendment of section 35A

11. Section 35A of the principal Act is amended by deleting subsection (8).

Repeal of section 41

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12. Section 41 of the principal Act is repealed.

Amendment of section 42

13. Section 42 of the principal Act is amended by deleting subsections (1) and (2) and substituting the following subsections:

“(1) Where a person (called in this section the offender) is convicted of —

(a) an offence under this Act or any other written law in connection with the driving of a motor vehicle; or

5 (b) an offence under this Act or any other written law and —

(i) at the time of the commission of the offence, the offender was the driver or was in charge of a motor vehicle on a road or other public place;

10 (ii) the person against whom the offence was committed was the driver of another vehicle on the road or public place, a passenger in that other vehicle or a pedestrian on the road or public place;

15 (iii) the court convicting the offender of the offence is satisfied that the commission of the offence arose from or was connected with a dispute between the offender and that other person over the use of the road or public place; and

20 (iv) having regard to the circumstances under which the offence was committed and the behaviour of the offender, the court is of the opinion that it is undesirable for the offender to continue to be allowed to drive a motor vehicle,

25 the court may, in addition to imposing on the offender the punishment provided for such offence, make an order disqualifying the offender from holding or obtaining a driving licence for life or for such period as the court may think fit.

30 (2) Subsection (1) is subject to any provision in this Act expressly providing otherwise.”.

Amendment of section 45

14. Section 45 of the principal Act is amended —

- (a) by deleting the words “3 years” in subsection (1) and substituting the words “5 years”; and
- (b) by deleting subsection (8).

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New Division 2 and new Division heading of Part II

15. The principal Act is amended by inserting, immediately after section 47F, the following Division and Division headings:

*“Division 2 — Competency test for riding
test-needed-to-ride-on-road vehicle on road*

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Unauthorised riding of test-needed-to-ride-on-road vehicle

47G.—(1) An individual commits an offence if the individual —

- (a) rides on a road a test-needed-to-ride-on-road vehicle;
- (b) is not granted a competency test certificate for that class or description of test-needed-to-ride-on-road vehicle certifying that the individual has passed the prescribed test of competence for that class or description of test-needed-to-ride-on-road vehicle; and
- (c) is not excluded under subsection (2) or not exempted from this provision under section 142.

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(2) Subsection (1) does not apply to an individual riding a test-needed-to-ride-on-road vehicle in circumstances prescribed in rules made under section 48.

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(3) An individual who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both; but

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- (b) where the individual is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

Grant of competency test certificate for road-only PAB

5 **47H.**—(1) Subject to subsection (2), the test authority may, on the application under subsection (3) by an individual, grant the individual a competency test certificate in respect of riding any road-only PAB certifying that the individual has passed the prescribed test of competence for the road-only PAB.

10 (2) The test authority may grant under subsection (1) an individual a competency test certificate certifying that the individual has passed the prescribed test of competence for riding a road-only PAB if, and only if, the test authority is satisfied that the individual —

15 (a) has attended and successfully completed, not earlier than a prescribed time before that application is made, a prescribed test of competence relating to the road-only PAB; and

20 (b) is not below the minimum riding age (if prescribed) for the purposes of section 62 relating to the road-only PAB.

(3) An application for a competency test certificate relating to a road-only PAB must —

25 (a) be in the form and manner the test authority requires;

(b) be accompanied by an application fee, if prescribed;

(c) state the description of the road-only PAB that is the subject of the application; and

30 (d) contain an undertaking to take, or a declaration that the applicant has attended and successfully completed (as the case may be) a prescribed test of competence to ride the road-only PAB that is the subject of the application.

(4) The test authority may refuse to consider an application under subsection (3) that is incomplete or not made in accordance with this section.

(5) To avoid doubt, a competency test certificate may be granted in a digital form, consisting of evidence of the grant of the competency test certificate using information relating to the individual granted the competency test certificate that is displayed on a mobile communication device or other electronic device.

Validity of competency test certificate for road-only PAB

47I.—(1) Subject to this section, every competency test certificate granted under section 47H(1) to an individual for a road-only PAB remains in force —

(a) for the period specified in the competency test certificate; or

(b) for the natural life of the individual if no period in paragraph (a) is specified.

(2) A test authority may cancel a competency test certificate granted under section 47H(1) to an individual for a road-only PAB if —

(a) the test authority is satisfied that the competency test certificate had been obtained by the individual by fraud or misrepresentation; or

(b) the prescribed test of competence for the road-only PAB has so materially changed after the grant of the competency test certificate as to affect the assessment of the individual's continued competency to ride the road-only PAB.

(3) A competency test certificate granted under section 47H(1) to an individual may be cancelled by a test authority under subsection (2) by the test authority giving notice to the individual concerned of the cancellation.

(4) A competency test certificate that is cancelled under subsection (2) is void from the date of cancellation specified in the notice under subsection (3).

Unlawful use of competency test certificate for road-only PAB

47J.—(1) A person commits an offence if the person —

- (a) has in the person's possession, without lawful authority or a reasonable excuse, an article so resembling a competency test certificate granted under section 47H(1) as to be calculated to deceive;
- (b) alters a competency test certificate which is granted under section 47H(1) in a way that is calculated to deceive;
- (c) dishonestly alters or uses a competency test certificate granted under section 47H(1); or
- (d) dishonestly lends, or allows another person to use, a competency test certificate granted under section 47H(1).

(2) A person who is guilty of an offence under subsection (1) 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.

Allowing untested rider, etc., on road

47K.—(1) Subject to this Act, a person commits an offence if —

- (a) the person employs, or intentionally or negligently allows, an individual to ride on a road a test-needed-to-ride-on-road vehicle of a class or description;
- (b) the individual in paragraph (a) is not granted a competency test certificate for that class or description of test-needed-to-ride-on-road vehicle and is not excluded under section 47G(2); and

- (c) the person knows that, or is negligent as to whether, the individual is not granted a competency test certificate for that class or description of test-needed-to-ride-on-road vehicle.

(2) To avoid doubt, subsection (1) does not apply to a person who carries on at any premises a business of selling test-needed-to-ride-on-road vehicles allowing, in the course of that business and for the purpose of selling the vehicle, a customer of the business concerned at the customer's request to ride a test-needed-to-ride-on-road vehicle within any part of those premises not comprising a road.

(3) An individual who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both; but
- (b) where the individual is a repeat offender, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

(4) For the purposes of subsection (3), an individual is a repeat offender in relation to an offence under subsection (1) if the individual who is convicted, or found guilty, of an offence under subsection (1) has been convicted or found guilty on at least one other earlier occasion of an offence under subsection (1).

Production of competency test certificate

47L.—(1) A police officer or a duly authorised person may, for the purpose of ensuring that any test-needed-to-ride-on-road vehicle that is being or may be used on a road complies with this Act, at any time order the rider of the vehicle to produce the rider's competency test certificate for examination or other identity documents so as to enable the police officer or duly authorised person (as the case may be) to ascertain —

- (a) the identity of the rider; and
- (b) the authority by which the competency test certificate was granted.

(2) A rider of a vehicle to whom an order under subsection (1) is given who refuses or neglects to comply with the order commits an offence and shall be liable on conviction —

5 (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; but

 (b) where the individual is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

10 (3) However, subsection (2) does not apply if within 48 hours after an order is given to a rider of a vehicle under subsection (1), the rider produces the competency test certificate in person at any police station or other place that is specified by the police officer or duly authorised person (as the case may be) at the time the order was given.

15 (4) An individual to whom a digital competency test certificate is granted who holds, or produces or carries a mobile communication device or other electronic device on which the digital competency test certificate is displayed for the purpose of complying with an order under subsection (1) to produce a competency test certificate, is taken to have produced a competency test certificate for that purpose.

20 (5) However, a digital competency test certificate is not displayed for the purpose of complying with an order under subsection (1) to produce or carry a competency test certificate if —

25 (a) the screen of the mobile communication device or other electronic device on which it is purportedly displayed is unable to be read by the person to whom it is displayed due to cracking, dimming, dirt or any other fault, damage or obstruction;

30 (b) the individual fails or refuses to comply with a reasonable request by the person to whom it is purported to be displayed to facilitate the reading, copying or scanning of the whole or any part of the digital competency test certificate; or

- (c) the holder of the digital competency test certificate refuses to comply with a reasonable direction to refresh the display of the digital competency test certificate.

(6) To avoid doubt, an individual who displays or purports to display a digital competency test certificate is not required to give or hand over, to the person who is requiring the competency test certificate to be produced or handed over, the mobile communication device or other electronic device on which the digital competency test certificate is displayed or purported to be displayed. 5
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(7) An individual is a repeat offender in relation to an offence under subsection (2) if the individual who is convicted, or found guilty, of an offence under subsection (2) has been convicted or found guilty on at least one other earlier occasion of an offence under subsection (2). 15

(8) A reference to a duly authorised person in this section or section 47M or 47N is a reference to an individual appointed under this subsection by the Minister as an authorised person for the purposes of that section, is authorised by the Minister to exercise any powers under that section and is acting within that authorisation. 20

Production of false, etc., competency test certificate

47M. An individual riding a test-needed-to-ride-on-road vehicle on a road who, in purported compliance with any order given to the individual under section 47L(1) by a police officer or duly authorised person — 25

- (a) produces to a police officer or duly authorised person —

- (i) a competency test certificate that is altered in a way that is calculated to deceive (whether or not it was already a false document before the alteration or it was altered by the individual), knowing that it is so altered; 30

(ii) an article resembling a competency test certificate and calculated to deceive, knowing that the article is not a competency test certificate; or

5 (iii) a competency test certificate that was not granted to the individual, knowing that it was not so granted to that individual; and

10 (b) with the intention of dishonestly inducing the police officer or duly authorised person to accept it as genuine,

commits an offence 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.

Power to seize competency test certificate

15 **47N.**—(1) A police officer or duly authorised person may, with no other authority than this section, seize a competency test certificate or an article resembling a competency test certificate if —

20 (a) the competency test certificate or article is produced to the police officer or duly authorised person (as the case may be) pursuant to an order under section 47L(1) or otherwise, by an individual who represents it as a competency test certificate granted to that individual; and

25 (b) the police officer or duly authorised person (as the case may be) has reason to believe that —

(i) the competency test certificate is unlawfully in the possession of that individual who produced it; or

30 (ii) the competency test certificate or article is evidence of the commission of an offence under section 47J(1) or 47M, or section 23H(1) or 47(4A) of the Active Mobility Act 2017.

(2) Every competency test certificate seized under subsection (1) must be forwarded to the relevant authority who issued the competency test certificate, and the relevant authority may —

- (a) return the competency test certificate to the individual who produced it, if the relevant authority is satisfied that the competency test certificate was lawfully in the possession of the individual who produced it; or
- (b) in any other case, deal with it in such manner as the test authority thinks fit.

(3) However, the authority conferred by subsection (1) to seize a competency test certificate or any article resembling a competency test certificate does not extend to a mobile communication device or other electronic device on which a digital competency test certificate is displayed.

Division 3 — Miscellaneous

Amendment of section 48

16. Section 48(1) of the principal Act is amended —

(a) by inserting, immediately after the words “driving licences” wherever they appear in paragraphs (a) and (e), the words “under section 35 or competency test certificates under section 47H(1)”; and

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

“(b) with respect to the nature of tests of competence to drive a motor vehicle or ride a road-only PAB on roads, the administration of the tests of competence, and evidence of the result of attending and successfully completing any such test;”.

Amendment of section 62

17. Section 62 of the principal Act is amended —

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

5 “(1) A person must not do the following:

(a) ride on a road a test-needed-to-ride-on-road vehicle when the person is below the prescribed minimum riding age (if any) for riding such a vehicle on a road;

10 (b) drive on a road any other motor vehicle when the person is below 18 years of age.”;

(b) by inserting, immediately after the words “driving licence” in subsection (3), the words “or competency test certificate”; and

15 (c) by inserting, immediately after the words “on driving” in the section heading, the words “or riding”.

Amendment of section 67A

18. Section 67A(1) of the principal Act is amended by deleting the words “one or” and substituting the words “2 or”.

Amendment of section 74

19. Section 74 of the principal Act is amended —

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

25 “(1A) The driver of a motor cycle (called in this section the motor cycle rider) must not drive the motor cycle where a person is being carried on the motor cycle (called in this section the pillion) so driven by the motor cycle rider unless the pillion is wearing securely on his or her head a protective helmet of a type approved by the Deputy Commissioner of Police.”;

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

“(3) Any person who contravenes subsection (1) or (1A) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; but

(b) where the person is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(3A) A person is a repeat offender in relation to an offence under subsection (3) if the person who is convicted, or found guilty, of such an offence under that subsection (called the current offence) of contravening subsection (1) or (1A) has (whether before, on or after the date of commencement of section 19 of the Road Traffic (Amendment) Act 2021) been convicted or found guilty, on at least one other earlier occasion before the date on which the person is convicted or found guilty of the current offence, of the same offence of contravening subsection (1) or (1A).”;

(c) by deleting “\$500” and “\$1,000” in subsection (4) and substituting “\$1,000” and “\$2,000”, respectively; and

(d) by inserting, immediately after the words “3 months” in subsection (4), the words “or to both”.

Amendment of section 81

20. Section 81 of the principal Act is amended —

(a) by deleting subsection (3) and substituting the following subsections:

“(3) A person required under subsection (1) or (2) by a police officer, an employee of the Authority or an

outsourced enforcement officer to give information commits an offence if —

(a) the person —

(i) provides, or causes or permits to be provided, any information in connection with the requirement, which is false or misleading in a material particular; and

(ii) knows or ought reasonably to know that, or is reckless as to whether, the information is false or misleading in a material particular; or

(b) the person intentionally alters, suppresses or destroys any information which the person is required under subsection (1) or (2) to give, for the purpose of not leading to the identification of the driver.

(3A) A person commits an offence if the person pretends, or falsely represents (by word or conduct) himself or herself, to be a person who was driving the motor vehicle at or about the time of an alleged offence that is the subject of a requirement made under subsection (1) or (2), knowing that he or she was not the driver of the motor vehicle.

(3B) A person who is guilty of an offence under subsection (3) or (3A) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.”;

(b) by deleting subsection (7A);

(c) by deleting the words “a proper and accurate record of each occasion on which it” in subsection (8) and substituting the words “(and to that end designate at least one of its responsible officers to ensure keeping) a proper and accurate record of each occasion on which the owner”;

- (d) by deleting the words “6 months” in subsection (9)(b) and substituting the words “12 months”; and
- (e) by inserting, immediately after subsection (9), the following subsection:

“(10) In subsection (8), “responsible officer” means — 5

(a) for a company, the person for the time being holding the office of chairperson, managing director or company secretary of, or any position analogous to any of those offices in, the company; 10

(b) for a partnership, any partner of the partnership; or

(c) for an unincorporated body of persons, the person for the time being holding the office of president, secretary or treasurer of the governing body or a committee (or an equivalent body) of, or any position analogous to any of those offices in, the body of persons, 15 20

and includes any person carrying out the duties of any such office mentioned in paragraph (a), (b) or (c) if that office is vacant.”.

Amendment of section 83

21. Section 83 of the principal Act is amended — 25

- (a) by deleting the words “132 or” wherever they appear in subsections (1)(a) and (3)(a); and
- (b) by deleting the words “, as the case may be,” in subsections (1)(a) and (3)(a)(i).

Amendment of section 116

22. Section 116(7) of the principal Act is amended by deleting the words “not exceeding 6 months and shall also be punished with a fine of not less than \$1,000 and not more than \$2,000 and, in the case of a second or subsequent conviction, with imprisonment for a term not exceeding 12 months and with a fine of not less than \$2,000 and not more than \$3,000” and substituting the words “not exceeding 12 months and shall also be punished with a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, with imprisonment for a term not exceeding 2 years and with a fine not exceeding \$10,000”.

Amendment of section 117

23. Section 117 of the principal Act is amended by inserting, immediately after subsection (6), the following subsection:

“(7) Despite subsections (1) and (3), a court need not make an order for the forfeiture of a vehicle that has been seized by the police if it is proved to the satisfaction of the court that the person who committed the offence under section 116(7) involving the vehicle —

(a) is not the owner of the vehicle; and

(b) had used the vehicle without the consent of the owner.”.

Repeal and re-enactment of section 127B and new section 127C

24. Section 127B of the principal Act is repealed and the following sections substituted therefor:

“Screening, etc., bus passengers and entrants to bus interchanges

127B.—(1) It is a condition of entry to any bus or bus interchange that a bus passenger of the bus or an entrant to the bus interchange must, if asked by a police officer or an approved person anywhere in or in the immediate vicinity of the bus or bus interchange, do one or more of the following for the purpose of

ensuring the security or safety of persons who are or may be on board the bus or at the bus interchange:

- (a) undergo any form of security screening mentioned in subsection (2);
- (b) undergo a frisk search; 5
- (c) permit an inspection to be made of the personal property of the bus passenger or entrant;
- (d) permit a search through any bag, container or other receptacle or any garments removed in accordance with subsection (2). 10

(2) To ensure the security or safety of persons who are or may be on board a bus or at any bus interchange, a police officer or an approved person may ask a bus passenger of the bus or an entrant to the bus interchange to do one or more of the following:

- (a) walk through a screening detector; 15
- (b) pass the personal property of the bus passenger or entrant through an X-ray machine;
- (c) allow the police officer or approved person to pass a hand-held scanner in close proximity to the personal property of the bus passenger or entrant; 20
- (d) allow the police officer or approved person to inspect the personal property of the bus passenger or entrant;
- (e) produce or empty the contents of any bag, container or other receptacle in the possession or apparently in the immediate control of the bus passenger or entrant; 25
- (f) turn out the bus passenger's or entrant's pockets or remove all articles from the bus passenger's or entrant's clothing, and allow the police officer or approved person to inspect them;
- (g) remove any coat, jacket, gloves, shoes or hat or any other thing worn or carried by the bus passenger or entrant, which may be conveniently removed and that is specified by the police officer or approved person, 30

and allow the police officer or approved person to inspect the coat, jacket, gloves, shoes or hat or other thing;

5 (h) open an article for inspection and allow the police officer or approved person to inspect it.

10 (3) To ensure the security or safety of persons who are or may be on board a bus or at any bus interchange, a police officer or a senior approved person may also ask a bus passenger of the bus or an entrant to the bus interchange to do one or more of the following:

(a) undergo a frisk search;

(b) allow the police officer or senior approved person to pass a hand-held scanner in close proximity to the bus passenger or entrant.

15 (4) To avoid doubt, a police officer or an approved person may make a request to a bus passenger of a bus or an entrant to a bus interchange to do anything under subsection (2)(d), (e), (f), (g) or (h) if the police officer or approved person (as the case may be) reasonably considers it necessary to make such a request
20 under that provision, whether or not the bus passenger or entrant or the personal property of the bus passenger or entrant has been subjected to screening or a frisk search under subsection (2)(a), (b) or (c) or (3).

25 (5) Without limiting subsection (6), where a bus passenger of a bus or an entrant to a bus interchange refuses —

(a) to permit to be screened or inspected under subsection (2) or (3) by a police officer or an approved person —

30 (i) the personal property of the bus passenger or entrant; or

(ii) any bag, container or other receptacle in the possession or apparently in the immediate control of the bus passenger or entrant;

(b) to allow a police officer or an approved person under subsection (2) or (3) to pass a hand-held scanner in close proximity to the bus passenger or entrant or personal property of the bus passenger or entrant; or

(c) to undergo a frisk search under subsection (3) by a police officer or a senior approved person,

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the police officer or approved person (as the case may be) may order the bus passenger or entrant to immediately leave the bus or bus interchange (as the case may be) and with that personal property, bag, container or receptacle, as the case may be.

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(6) An individual commits an offence if the individual, without reasonable excuse, refuses or fails to comply with any request or order of a police officer or an approved person under subsection (2), (3) or (5).

(7) An individual who is guilty of an offence under subsection (6) shall be liable on conviction to a fine not exceeding \$1,000.

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(8) However, it is not an offence under subsection (6) for any individual to refuse to comply with any request or order made or given by —

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(a) a police officer who is not in uniform and who fails to declare his or her office; or

(b) an approved person who fails to declare his or her office and, in the case of an outsourced enforcement officer, who also refuses to produce his or her identification card on demand being made by that individual.

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(9) In this section and section 127C —

“approved person”, in relation to any bus or bus interchange, means any of the following individuals who is authorised by the Authority in writing to exercise any power under this section at or in relation to the bus or bus interchange concerned:

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(a) an officer or employee of the Authority;

(b) a member of an auxiliary police force in uniform;

(c) an employee of —

(i) a bus operator holding a Class 1 bus service licence (within the meaning of the Bus Services Industry Act 2015) to provide a bus service using the bus; or

(ii) a bus interchange operator holding a bus interchange licence (within the meaning of the Bus Services Industry Act 2015) to operate the bus interchange;

(d) a security officer (within the meaning of the Private Security Industry Act) engaged by the bus operator or bus interchange operator mentioned in paragraph (c);

(e) an outsourced enforcement officer;

“bus interchange” means a terminal or station with purpose-built facilities for the commencement or termination of one or more bus services and for the boarding or alighting of bus passengers;

“bus passenger”, in relation to any bus, means an individual carried on board the bus, and includes —

(a) an individual boarding or intending to board the bus for the purpose of travelling on board the bus as a passenger; and

(b) a driver, fare collector or an inspector while carrying out work or on duty on board the bus in that capacity, or intending to board the bus for the purpose of carrying out that work or duty;

“entrant”, in relation to any bus interchange, means an individual who is about to enter the bus interchange, and includes an individual who is within the bus interchange, whether or not a bus passenger;

“frisk search” means a search of an individual conducted by quickly running the hands over the individual’s outer clothing;

“hand-held scanner” means a device that may be passed over or around an individual or an individual’s personal property to detect metal, dangerous objects or explosive or other hazardous substances;

“identification card”, in relation to an outsourced enforcement officer, means an identification card issued under section 11(3) of the Land Transport Authority of Singapore Act to the officer;

“inspecting an article” includes handling the article, opening it and examining or moving its contents;

“personal property”, in relation to an individual, means things carried by the individual or things apparently in the immediate control of the individual, but does not include clothing being worn by the individual;

“senior approved person”, in relation to any bus or bus interchange, means an approved person who is authorised by the Authority in writing to exercise any power under this section at or in relation to the bus or bus interchange concerned, as follows:

(a) a member of an auxiliary police force in uniform;

(b) a security officer (within the meaning of the Private Security Industry Act) engaged by —

(i) a bus operator holding a Class 1 bus service licence (within the meaning of the Bus Services Industry Act 2015) to provide a bus service using the bus; or

(ii) a bus interchange operator holding a bus interchange licence (within the meaning of the Bus Services Industry Act 2015) to operate the bus interchange;

(c) an outsourced enforcement officer.

Bringing dangerous items into bus or bus interchange

5 **127C.**—(1) It is also a condition of entry to any bus or bus interchange that a bus passenger of the bus or an entrant to the bus interchange must not take into or possess when on board the bus or in the bus interchange a dangerous item.

10 (2) A bus passenger of a bus or an entrant to a bus interchange must not take a dangerous item on board the bus or into the bus interchange unless the bus passenger or entrant (as the case may be) has the express permission of a police officer or an approved person to do so.

15 (3) An individual who contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

20 (4) However, it is not an offence under subsection (3) if the individual disposes of the dangerous item before boarding the bus or entering the bus interchange.

25 (5) In this section, “dangerous item” means any of the following:

30 (a) any pistol, gun, stun gun, taser, firearm or other object or a thing that, if used in the way for which it is or was designed or adapted, is or was capable of being aimed at a target and causing hurt or injury —

 (i) by propelling a bullet, shot or other projectile;
 or

 (ii) by discharging any corrosive substance or poison,

 by means of a burning propellant, compressed air or other compressed gas, or an explosive force (however caused);

35 (b) a marine flare and signal, landing flare, highway fuse, smoke generator, distress signal or other pyrotechnic

device intended for signalling, warning, rescue or similar purposes;

- (c) a firework, grenade, ammunition or any explosive device or explosive substance;
- (d) an axe, or a sword, dagger, spear or spearhead; 5
- (e) any petroleum or any substance prescribed to be a flammable material for the purposes of the Fire Safety Act;
- (f) a hazardous substance or corrosive substance;
- (g) any other article or substance which is capable of posing a risk to health, safety, property or the environment and is prescribed under section 140 by the Minister as a dangerous item.”. 10

Repeal of section 132

- 25. Section 132 of the principal Act is repealed. 15

Amendment of section 133

- 26. Section 133(7) of the principal Act is amended —
 - (a) by deleting the words “by name, by notification in the *Gazette*, made by the” in paragraph (a) and substituting the words “by a”; and 20
 - (b) by deleting the words “by name, by notification in the *Gazette*, made” in paragraph (b).

Amendment of section 134

- 27. Section 134 of the principal Act is amended by deleting the words “sections 132 and” wherever they appear (including the section heading) and substituting in each case the word “section”. 25

Amendment of section 139AA

- 28. Section 139AA of the principal Act is amended by deleting the words “whether before,”.

Related amendments to Active Mobility Act 2017

29. The Active Mobility Act 2017 is amended —

- (a) by inserting, immediately after the words “public paths” in the definition of “prescribed test of competence” in section 2(1), the words “, and also on roads where lawful to ride the vehicle on a road”; and
- (b) by deleting paragraph (b) of section 23F(1) and substituting the following paragraph:

“(b) is not below —

(i) the prescribed minimum riding age (if applicable) relating to that test-needed-to-drive vehicle which is a motorised personal mobility device; or

(ii) the minimum age prescribed under section 62(1) of the Road Traffic Act where the vehicle is a test-needed-to-ride-on-road vehicle within the meaning of that Act.”.

Related amendment to Parking Places Act

30. Section 13 of the Parking Places Act is amended by deleting subsection (3) and substituting the following subsection:

“(3) A person required under subsection (1) by the Superintendent or an officer authorised by the Superintendent to act in that behalf to give information commits an offence if —

(a) the person —

(i) provides, or causes or permits to be provided, any information in connection with the requirement, which is false or misleading in a material particular; and

(ii) knows or ought reasonably to know that, or is reckless as to whether, the information is false or misleading in a material particular; or

- (b) the person intentionally alters, suppresses or destroys any information which the person is required under subsection (1) to give, for the purpose of not leading to the identification of the driver,

and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.”.

Related amendment to Rapid Transit Systems Act

31. Section 23A of the Rapid Transit Systems Act is repealed and the following section substituted therefor:

“Screening, etc., train passengers or entrants to railway premises

23A.—(1) It is a condition of entry to any train or railway premises that a train passenger of the train or an entrant to those premises must, if asked by a police officer or an approved person anywhere in or in the immediate vicinity of the train or railway premises, do one or more of the following for the purpose of ensuring the security or safety of persons who are or may be on board the train or on the railway premises:

- (a) undergo any form of security screening mentioned in subsection (2);
- (b) undergo a frisk search;
- (c) permit an inspection to be made of the personal property of the train passenger or entrant;
- (d) permit a search through any bag, container or other receptacle or any garments removed in accordance with subsection (2).

(2) To ensure the security or safety of persons who are or may be on board a train or on any railway premises, a police officer or an approved person may ask a train passenger of the train or an entrant to the railway premises to do one or more of the following:

- (a) walk through a screening detector;

- (b) pass the personal property of the train passenger or entrant through an X-ray machine;
- (c) allow the police officer or approved person to pass a hand-held scanner in close proximity to the personal property of the train passenger or entrant;
- (d) allow the police officer or approved person to inspect the personal property of the train passenger or entrant;
- (e) produce or empty the contents of any bag, container or other receptacle in the possession or apparently in the immediate control of the train passenger or entrant;
- (f) turn out the train passenger's or entrant's pockets or remove all articles from the train passenger's or entrant's clothing, and allow the police officer or approved person to inspect them;
- (g) remove any coat, jacket, gloves, shoes or hat or any other thing worn or carried by the train passenger or entrant, which may be conveniently removed if worn and that is specified by the police officer or approved person, and allow the police officer or approved person to inspect the coat, jacket, gloves, shoes or hat or other thing;
- (h) open an article for inspection and allow the police officer or approved person to inspect it.

(3) To ensure the security or safety of persons who are or may be on board a train or on any railway premises, a police officer or a senior approved person may also ask a train passenger of the train or an entrant to the railway premises to do one or more of the following:

- (a) undergo a frisk search;
- (b) allow the police officer or senior approved person to pass a hand-held scanner in close proximity to the train passenger or entrant.

(4) To avoid doubt, a police officer or an approved person may make a request to a train passenger of a train or an entrant to a railway premises to do anything under subsection (2)(*d*), (*e*), (*f*), (*g*) or (*h*) if the police officer or approved person (as the case may be) reasonably considers it necessary to make such a request under that provision, whether or not the train passenger or entrant or the personal property of the train passenger or entrant has been subjected to screening or a frisk search under subsection (2)(*a*), (*b*) or (*c*) or (3).

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(5) Without limiting subsection (6), where any train passenger of a train or entrant to any railway premises refuses —

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(*a*) to permit to be screened or inspected under subsection (2) or (3) by a police officer or an approved person —

(i) the personal property of the train passenger or entrant; or

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(ii) any bag, container or other receptacle in the possession or apparently in the immediate control of the train passenger or entrant;

(*b*) to allow a police officer or an approved person under subsection (2) or (3) to pass a hand-held scanner in close proximity to the train passenger or entrant or personal property of the train passenger or entrant; or

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(*c*) to undergo a frisk search under subsection (3) by a police officer or a senior approved person,

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the police officer or approved person (as the case may be) may order the train passenger or entrant (as the case may be) to immediately leave the train or railway premises and with that personal property, bag, container or receptacle, as the case may be.

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(6) An individual commits an offence if the individual, without reasonable excuse, refuses or fails to comply with any request or order of a police officer or an approved person under subsection (2), (3) or (5).

(7) An individual who is guilty of an offence under subsection (6) shall be liable on conviction to a fine not exceeding \$1,000.

(8) However, it is not an offence under subsection (6) for any individual to refuse to comply with any request or order made or given by —

(a) a police officer who is not in uniform and who fails to declare his or her office; or

(b) an approved person who fails to declare his or her office and, in the case of an outsourced enforcement officer, who also refuses to produce his or her identification card on demand being made by that individual.

(9) In this section —

“approved person”, in relation to any train or railway premises, means any of the following individuals who is authorised by the Authority in writing to exercise any power under this section at or in relation to the train or those railway premises:

(a) an officer or employee of the Authority;

(b) a member of an auxiliary police force in uniform;

(c) an employee of a licensee authorised to operate a rapid transit system using that train or railway premises;

(d) a security officer (within the meaning of the Private Security Industry Act) engaged by a licensee mentioned in paragraph (c);

(e) an outsourced enforcement officer;

“entrant”, in relation to any railway premises, means an individual who is about to enter the railway premises, and includes an individual who is within the railway premises, whether or not a train passenger;

“frisk search” means a search of an individual conducted by quickly running the hands over the individual’s outer clothing;

“hand-held scanner” means a device that may be passed over or around an individual or an individual’s personal property to detect metal, dangerous objects or explosive or other hazardous substances;

“identification card”, in relation to an outsourced enforcement officer, means an identification card issued under section 11(3) of the Land Transport Authority of Singapore Act to the officer;

“inspecting an article” includes handling the article, opening it and examining or moving its contents;

“personal property”, in relation to an individual, means things carried by the individual or things apparently in the immediate control of the individual, but does not include clothing being worn by the individual;

“railway premises” includes a bicycle parking facility or vehicle set down facility adjoining the railway premises;

“senior approved person”, in relation to any train or railway premises, means an approved person who is authorised by the Authority in writing to exercise any power under this section at or in relation to the train or railway premises concerned, as follows:

(a) a member of an auxiliary police force in uniform;

(b) a security officer (within the meaning of the Private Security Industry Act) engaged by a licensee authorised to operate a rapid transit system using that train or railway premises;

(c) an outsourced enforcement officer;

“train passenger”, in relation to any train, means an individual carried on board the train, and includes —

- (a) an individual boarding or intending to board the train for the purpose of travelling on board the train as a passenger; and
- (b) a driver, fare collector or an inspector while carrying out work or on duty on board the train in that capacity, or intending to board the train for the purpose of carrying out that work or duty.”.

Amendment of Road Traffic (Amendment) Act 2019

32. Section 8 of the Road Traffic (Amendment) Act 2019 is repealed.

Saving and transitional provisions

33.—(1) Section 4 does not apply to or in relation to an order made under section 11(9) of the principal Act before the date of commencement of section 4.

(2) Section 5 does not apply to or in relation to an order made under section 11AA(8) of the principal Act before the date of commencement of section 5.

(3) Section 8 applies to and in relation to a vehicle registered whenever under the principal Act under any particular class, category or description or purpose of use.

(4) Section 13 does not apply to any offence committed before the date of commencement of that section.

(5) Section 20(c) does not apply to an occasion to which a record required to be kept under section 81(8) of the principal Act relates if the occasion happened more than 6 months before the date of commencement of section 20(c).

(6) For a period of 2 years after the date of commencement of section 3, 4, 5, 6, 7 or 8, the Minister charged with the responsibility for land transport may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

(7) For a period of 2 years after the date of commencement of any other provision of this Act, the Minister charged with the responsibility for law and order may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

5

EXPLANATORY STATEMENT

This Bill seeks to amend the Road Traffic Act for the following main purposes:

- (a) to require riders of certain types of vehicles which are not motor cars to undergo a test of competence and be granted a competency test certificate before riding the vehicle on roads;
- (b) to make improvements with respect to recovery of road taxes and other like charges;
- (c) to refine powers to improve detection of traffic offenders;
- (d) to extend the facility to set up a regulatory framework for the undertaking of trials and use on Singapore roads of autonomous motor vehicles (also commonly known as driverless vehicles);
- (e) to enhance bus passenger transport security.

The Bill also makes related and consequential amendments to the Active Mobility Act 2017, the Rapid Transit Systems Act with respect to rail passenger transport security, the Parking Places Act and the Road Traffic (Amendment) Act 2019.

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) to introduce new definitions to support amendments in clause 15.

Clause 3 amends section 6C which presently empowers the Transport Minister to make rules to modify the application of specified provisions of the Act or its subsidiary legislation in respect of wholly driverless cars, or those substantially outfitted with automated vehicle technologies such that the vehicle's occupant is not expected to actively monitor the vehicle's behaviour or performance.

As the facility to modify the Act is a deviation from the principle that only an Act of Parliament can amend an Act of Parliament, there is a "sunset" arrangement for rules made under section 6C. Section 6C and the rules continue in force only

for a period of 5 years starting on the date of commencement of section 6 of the Road Traffic (Amendment) Act 2017.

Clause 3 extends this temporary power to make such modifying rules until 24 August 2027. Without the amendment, the power expires 5 years after the date of commencement of section 6 of the Road Traffic (Amendment) Act 2017, which is 24 August 2022.

Clauses 4 and 5 amend sections 11 and 11AA in a similar way. They amend the sections to enable recovery of undercharged taxes as a fine. Today, these sums of undercharged taxes are ordered to be paid at the time of conviction and the defaulter is imprisoned for contempt.

Clause 6 repeals and re-enacts section 11B to impose liability for a wider range of vehicle taxes, levies and fees for vehicles (called relevant imposts) exempted from the requirement of payment of these relevant imposts when the basis for the exemption ends.

Examples of the taxes are the tax that would have been payable under section 11(1)(a) (commonly called the additional registration fee or ARF), the levy payable under section 10A(2) (commonly called the certificate of entitlement levy or COE levy), and the vehicular emissions tax payable under section 11AA.

An example of such an exemption is that granted to school buses or a vehicle registered in the name of a diplomatic agent, consular officer, an international organisation or a disabled person. The exemption may be subject to conditions, such as for a specified period, or based on the use of the vehicle or the status of the registered vehicle owner.

The new section 11B provides that upon the happening, on or after the date of commencement of clause 6 of a disqualifying event relating to a vehicle which is exempt, a tax is payable. That tax is payable and recoverable from the person who is keeping or using the vehicle at the happening of the disqualifying event with respect to that vehicle.

A “disqualifying event”, in relation to a relevant impost for a vehicle, is defined to mean any of the following, whichever happens first:

- (a) the expiry of any period the relevant impost is not payable with respect to the vehicle;
- (b) the cancellation of the registration of the vehicle under section 27(1) or (1A);
- (c) the first breach of any condition (whether a condition precedent or a condition subsequent) that the exemption with respect to the vehicle is subject.

The tax under the new section 11B(2) is an amount to be calculated according to a formula prescribed by subsidiary legislation. However, the amount must not

exceed the total amount of the relevant impost that would have been payable upon the first registration, continued registration or the keeping or use on roads, of the vehicle concerned, if not for the exemption.

Any person who gives any incorrect information in relation to any matter affecting the amount of tax chargeable under the new section 11B faces criminal prosecution and punishment on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months. In addition, the court is to order the offender to pay to the Registrar of Vehicles the amount of tax undercharged.

Clause 7 repeals section 14 which presently contains a closed list of vehicles described as exempt from all taxes under Part I.

Clause 8 amends section 27 by conferring an additional power on the Registrar of Vehicles to cancel the registration of a vehicle registered under any particular class, category or description or purpose of use if the Registrar is satisfied that —

- (a) the vehicle has been so permanently altered on or after the commencement of clause 8 (whether in the course of repair or otherwise) so as to render its construction, weight and equipment or condition such that the vehicle no longer conforms to the class, category or description it is registered under; or
- (b) the use of the vehicle has so materially changed on or after the commencement of clause 8 such that the use of the vehicle does not conform to the purpose of use it is registered for.

Clause 9 amends the heading to Part II because of the new Division 2 of Part II inserted by clause 15.

Clause 10 subdivides Part II into 3 Divisions. The clause inserts a new Division 1 heading to Part II and a new section 34F, to make clear that the present provisions in Part II do not apply to or in relation to the riding of any test-needed-to-ride-on-road vehicle on any road, but apply to any driving licence for driving motor cars, lorries, etc., on roads.

Clause 11 deletes section 35A(8) as a consequence of the repeal of section 132 by clause 25.

Clause 12 repeals section 41 as the provision is obsolete.

Clause 13 first amends section 42(1) to make clear that the court has power to order an individual convicted of an offence under the Act or other written law that is in connection with the driving of a motor vehicle to be disqualified from holding or obtaining a driving licence for life or for such period as the court may think fit. For example, the driver may be committing an offence of using a handphone when driving.

Next, section 42(2) is amended by removing the list of offences in the Penal Code, a conviction of which enables the court to disqualify the convicted person

from driving. The court has the discretion to impose a driving disqualification of a duration the court deems fit, so long as the conditions in section 42(2)(a) to (d) are met, where the offence is that under the Act or any written law, even if the offence is not in connection with the driving of a motor vehicle.

Clause 14 amends section 45 which relates to the power of a Deputy Commissioner of Police to suspend a person's driving licence if the person's record (as kept by the Deputy Commissioner of Police) as a driver of motor vehicles or the person's conduct or habits as such driver establish that it would not be in the interests of public safety for him or her to hold a valid driving licence or that the person is not competent to drive a motor vehicle.

The power to suspend is presently capped at no longer than 3 years. The power is expanded to suspend a person's driving licence for a period not exceeding 5 years.

Clause 15 introduces a new Division 2 of Part II relating to riding tests for certain classes or descriptions of test-needed-to-ride-on-road vehicles which may be ridden on roads. The new Division 2 consists of new sections 47G to 47N.

The new section 47G makes it an offence for an individual to ride a test-needed-to-ride-on-road vehicle of a class or description on a road if the individual is not granted a competency test certificate from a test authority for that class or description of test-needed-to-ride-on-road vehicle certifying that the individual has passed the prescribed test of competence for that class or description of vehicle.

The penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both. However, if the individual is a repeat offender, the penalty is raised to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 12 months or both.

A test-needed-to-ride-on-road vehicle is defined by amendments in clause 2 to mean any of the following bicycles or power-assisted bicycles:

- (a) a bicycle or power-assisted bicycle that is within a class of bicycles or power-assisted bicycles that is prescribed for the purposes of Division 2A of Part 3 of the Active Mobility Act 2017. In other words, a test-needed-to-ride-on-road vehicle is within a class of bicycles or power-assisted bicycles that is also prescribed to be a test-needed-to-drive vehicle for riding on public paths, for the purposes of Division 2A of Part 3 of the Active Mobility Act 2017;
- (b) a power-assisted bicycle that is prescribed in rules made under section 48 for the purposes of the new section 47G(1) and is not intended for use on any public path (called a road-only PAB).

The competency test certificate to ride on a road a bicycle or power-assisted bicycle that is a test-needed-to-ride-on-road vehicle is also defined by clause 2.

For a test-needed-to-ride-on-road vehicle that is also a test-needed-to-drive vehicle for the purposes of Division 2A of Part 3 of the Active Mobility Act 2017, the competency test certificate is the certificate granted under section 23F of that Act certifying that an individual has passed the prescribed test of competence for that class or description of bicycle or power-assisted bicycle. The prescribed test of competence under that Act will cover riding on public paths as well as roads, by way of amendments in clause 29.

However, where the test-needed-to-ride-on-road vehicle is a road-only PAB, the competency test certificate is a certificate granted under the new section 47H(1) certifying that an individual has passed the prescribed test of competence for that power-assisted bicycle.

The new section 47H provides for the granting of a competency test certificate by a test authority for a road-only PAB. The test authority is to be designated by the Home Affairs Minister.

A competency test certificate for a road-only PAB certifies that the individual has passed the prescribed test of competence for that class or description of test-needed-to-ride-on-road vehicle. It will be granted only if the test authority is satisfied that the individual has attended and successfully completed a prescribed test of competence relating to the road-only PAB that is the subject of the application, and is not below the prescribed minimum riding age, if applicable. The individual must have passed the prescribed test of competence relating to the road-only PAB within a prescribed time before the application for the competency test certificate for a road-only PAB.

The new section 47I deals with the validity of a competency test certificate for a road-only PAB. They generally remain in force for the lifetime of the rider unless there is a validity period specified in the competency test certificate.

However, a test authority may cancel a competency test certificate granted to an individual for a road-only PAB if the test authority is satisfied that the competency test certificate had been obtained by the individual by fraud or misrepresentation, or the prescribed test of competence for the road-only PAB has so materially changed after the grant of the competency test certificate as to affect the assessment of the individual's continued competency to ride the road-only PAB.

Once a competency test certificate for a road-only PAB is cancelled or expires, the individual to whom it was granted stops being regarded as holding or granted such a certificate and he or she is not authorised to ride the road-only PAB on a road.

The new section 47J sets out offences concerned with the improper use or falsifying of a competency test certificate for a road-only PAB. The penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 12 months or both.

The new section 47K makes it an offence for a person to employ, or intentionally or negligently allow, an individual to ride a test-needed-to-ride-on-road vehicle of a class or description on a road, being an individual who is not granted a competency test certificate for that class or description of test-needed-to-ride-on-road vehicle, with the knowledge or negligent as to whether, the individual is not granted a competency test certificate for that class or description of test-needed-to-ride-on-road vehicle.

The penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both. However, if the person is a repeat offender, the penalty is raised to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 12 months or both.

The new section 47L empowers a police officer or a duly authorised person to order the rider of the vehicle to produce his or her competency test certificate for examination.

The new section 47M makes it an offence to produce a false competency test certificate for a test-needed-to-ride-on-road vehicle with dishonest intent. The penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 12 months or both. There are special provisions that deal with the production of digital competency test certificates for a test-needed-to-ride-on-road vehicle, similar to what has been enacted in 2020 in amendments to the Active Mobility Act 2017 for digital competency test certificates in respect of test-needed-to-drive vehicles.

The new section 47N empowers a police officer or a duly authorised person to seize a competency test certificate or an article resembling a competency test certificate if the competency test certificate or article is produced to the police officer or duly authorised person pursuant to a request under the new section 47L or otherwise by an individual who represents it as a competency test certificate granted to that individual, and the police officer or duly authorised person (as the case may be) has reason to believe that the competency test certificate is unlawfully in the possession of that individual who produced it, or the competency test certificate or article is evidence of the commission of an offence under the new section 47J(1) or 47M, or section 23H(1) or 47(4A) of the Active Mobility Act 2017.

Clause 16 amends section 48 to expand the power to make rules to cover the prescribed test of competence for a road-only PAB.

Clause 17 amends section 62 connected with a minimum driving age. The amendment provides 2 minimum driving ages. The first is that for riding a test-needed-to-ride-on-road vehicle on a road. The age will be prescribed by rules made under section 140. The other age is 18 years for driving any other motor vehicles on a road, which is the position today.

Section 62(3) is also amended to provide that the burden of establishing his or her age will rest on the applicant for a driving licence or competency test certificate.

Clause 18 amends section 67A on enhanced penalties for repeated driving offences. The court's power to mete out enhanced penalties is changed to where a person has been convicted of 2 or more specified offences and not one or more such offences.

Clause 19 amends section 74 to create a new offence involving a pillion on a motor cycle. Where a pillion is being carried on a motor cycle driven by another, the driver is prohibited from driving the motor cycle unless the pillion is wearing securely on his or her head a protective helmet of a type approved by the Deputy Commissioner of Police.

The penalty is a fine not exceeding \$1,000 or imprisonment for a term not exceeding 3 months or both. For a repeat offender, the penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both.

Clause 20 amends section 81 (on the duty to give information for the identification of the driver who may have committed an offence) in 3 ways.

First, the offence in section 81(3) of wilfully or recklessly furnishing any false or misleading information is replaced by 2 offences. The first is the offence of —

- (a) providing, or causing or permitting to be provided, any information in connection with the requirement, which is false or misleading in a material particular where the person knows or ought reasonably to know that, or is reckless as to whether, the information is false or misleading in a material particular; or
- (b) intentionally altering, suppressing or destroying any information which the person is required to give, for the purpose of not leading to the identification of the driver.

The other new offence is where a person pretends, or falsely represents (by word or conduct) himself or herself, to be a person who was driving the motor vehicle at or about the time of an alleged offence, knowing that he or she was not the driver of the motor vehicle.

The penalty is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 12 months or both.

The second amendment extends the period that an owner of a motor vehicle that is a company, a partnership or an unincorporated body of persons must keep a proper and accurate record of each occasion on which the owner permits any person to drive the motor vehicle. The period is increased from 6 months to 12 months.

Finally, section 81 is amended in relation to an owner of a motor vehicle that is a company, a partnership or an unincorporated body of persons, by imposing the duty to designate at least one of its responsible officers to ensure keeping a proper and accurate record of each occasion on which the owner permits any person to drive the motor vehicle. If no designation is made, the company, partnership, etc., cannot avail itself a defence in section 81(1A).

A responsible officer for a company is defined to mean the person for the time being holding the office of chairperson, managing director or company secretary of, or any position analogous to any of those offices in, the company.

A responsible officer for a partnership is defined to mean a partner of the partnership.

A responsible officer for an unincorporated body of persons is defined to mean the person for the time being holding the office of president, secretary or treasurer of the governing body or a committee (or an equivalent body) of, or any position analogous to any of those offices in, the body of persons.

Clause 21 amends the cross-references in section 83(1)(a) and (3)(a) as a consequence of the repeal of section 132 by clause 25.

Clause 22 amends the punishment in section 116(7) for the offence of promoting or taking part in a competition or trial of speed involving the use of vehicles on a road, without a permit from the Deputy Commissioner of Police.

The penalty is raised from imprisonment not exceeding 6 months and a fine between \$1,000 and \$2,000 and, in the case of a second or subsequent conviction, with imprisonment for a term not exceeding 12 months and with a fine between \$2,000 and \$3,000, to imprisonment not exceeding 12 months and a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, imprisonment for a term not exceeding 2 years and a fine not exceeding \$10,000.

Clause 23 amends section 117 which deals with the forfeiture of vehicles used to commit an offence under section 116(7). The amendment provides that it is no longer mandatory for the court to forfeit the vehicle in all cases if it is proved to the satisfaction of the court that the person who committed the offence under section 116(7) involving the vehicle is not the owner of the vehicle and had used the vehicle without the consent of the owner.

Clause 24 repeals and re-enacts section 127B to better provide on buses and at bus interchanges arrangements for the security or safety of persons on buses and at bus interchanges.

A bus interchange is defined to mean a terminal or station with purpose-built facilities for the commencement or termination of one or more bus services and for the boarding or alighting of bus passengers. For example, the bus terminus can be a bus interchange for the purpose of the new section 127B.

The new section 127B provides for inspection and search of any baggage or other thing carried by a bus passenger or an entrant to the bus interchange. The new section 127B provides likewise when the individual is on the bus or within the bus interchange. The inspection and search can extend to the person or property apparently in the immediate control of the individual when the individual is on the bus or within the bus interchange.

The new section 127B makes it a condition of entry to any bus or bus interchange that a bus passenger or an entrant who is about to enter or is in the bus or bus interchange must, if asked, either to undergo any form of security screening or a frisk search, permit an inspection to be made of the bus passenger's or entrant's personal property, or allow a search through any bag, container or other receptacle or any garments removed.

An entrant may be asked to undergo these measures by a police officer (whether or not in uniform), or by approved persons. An approved person is either an officer or employee of the Land Transport Authority of Singapore (LTA), a member of an auxiliary police force in uniform, an employee of a holder of a Class 1 bus service licence under the Bus Services Industry Act 2015, a security officer (within the meaning of the Private Security Industry Act) engaged by the licence holder, or an outsourced enforcement officer. In addition, each approved person must be authorised by the LTA in writing to exercise any power under the new section 127B at or in relation to the specific bus or bus interchange.

The powers that a police officer or approved persons can exercise include the power to require a bus passenger or an entrant to any bus interchange to walk through a screening detector, to pass the bus passenger's or entrant's personal property through an X-ray machine, or to pass a hand-held scanner in close proximity to the bus passenger's or entrant's personal property.

Other powers include asking a bus passenger or an entrant to any bus interchange to allow the police officer or approved person to inspect the bus passenger's or entrant's personal property, to produce or empty the contents of any bag, container or other receptacle in the possession or apparently in the immediate control of the bus passenger or entrant, or to remove one or more garments worn by the bus passenger or entrant as specified by the police officer or approved person, and allow the police officer or approved person to inspect the garments.

However, the power to require a bus passenger or an entrant to a bus interchange to undergo a frisk search or to pass a hand-held scanner in close proximity to the bus passenger or entrant are powers which are reserved to be exercised by a police officer and certain approved persons only. These approved persons (called senior approved persons) are either an auxiliary police officer in uniform or a security officer (within the meaning of the Private Security Industry Act) engaged by a licensee which is a bus operator holding a Class 1 bus service licence (within the meaning of the Bus Services Industry Act 2015) to provide a

bus service using the bus, or a bus interchange operator of the bus interchange, or an outsourced enforcement officer who is appointed by the LTA.

If a bus passenger or an entrant to any bus interchange refuses to permit to be screened or inspected by a police officer or an approved person the bus passenger's or entrant's personal property or any bag, container or other receptacle in the possession or apparently in the immediate control of the bus passenger or entrant, or to allow a police officer or an approved person to pass a hand-held scanner in close proximity to the personal property of the bus passenger or entrant, the police officer or approved person (as the case may be) may order the bus passenger or entrant to immediately leave the bus or bus interchange and with that personal property, bag, container or receptacle.

A bus passenger or an entrant to any bus interchange who refuses to allow a police officer or senior approved person to pass a hand-held scanner in close proximity to the bus passenger or entrant or to undergo a frisk search by a police officer or senior approved person may similarly be ordered to immediately leave the bus or bus interchange.

It is also an offence for an individual, without reasonable excuse, to refuse or fail to comply with any request or order of a police officer or an approved person. The punishment on conviction is a fine not exceeding \$1,000.

Clause 24 also introduces a new section 127C which makes it an offence to take a dangerous item on board a bus or into a bus interchange unless the bus passenger or entrant (as the case may be) has the express permission of a police officer or an approved person to do so. The penalty for the offence is a fine not exceeding \$5,000. However, it is not an offence if the individual disposes of the dangerous item before boarding the bus or entering the bus interchange.

A dangerous item is defined to mean various things, ranging from guns and firearms, fireworks, pyrotechnic material, explosive devices and explosive, flammable or corrosive substances as well as weapons like axes and daggers. The Transport Minister has power to add on to the list by rules in the *Gazette*.

Clause 25 repeals section 132 as the Traffic Police no longer issues on-the-spot tickets for road traffic offences but offers composition for road traffic offences that are not prosecuted in court.

Clause 26 amends section 133(7) to remove the need to appoint officers by name in the *Gazette*.

Clause 27 amends section 134 as a consequence of the repeal of section 132 by clause 25.

Clause 28 amends section 139AA so that a sentencing court, when determining the appropriate sentence for an offence committed by a person under the Act, may take into account as an aggravating factor, any offence that has been compounded

on or after (and not before) the date of commencement of section 21 of the Road Traffic (Amendment) Act 2019).

Clause 29 makes 2 related amendments to the Active Mobility Act 2017 in connection with the competency tests for test-needed-to-ride-on-road vehicles.

The first amends the definition of “prescribed test of competence” in relation to driving or riding a test-needed-to-drive vehicle on a public path so that it is a test that covers riding on public paths and roads. This is because a test-needed-to-ride-on-road vehicle can also be a test-needed-to-drive vehicle for the purposes of Division 2A of Part 3 of the Active Mobility Act 2017.

The other amendment is to the conditions under which a competency test certificate may be granted under section 23F of the Active Mobility Act 2017. There is a minimum age in section 62 (as amended by clause 17) for riders on roads of a road-only PAB.

Clause 30 deletes and substitutes section 13(3) of the Parking Places Act so that the offence and penalty are similar to that in the new section 81(3) of the Road Traffic Act as inserted by clause 20.

Clause 31 repeals and re-enacts section 23A of the Rapid Transit Systems Act to better provide on trains and railway premises arrangements for the security or safety of persons on any train or railway premises (whether or not passengers of a rapid transit system).

The present section 23A provides for inspection and search of any baggage or other thing carried by the person or apparently in the immediate control of the person at any railway premises.

The new section 23A provides likewise when the individual is on a train or within railway premises. The inspection and search extend to the person or property apparently in the immediate control of the individual when the individual is on the train or within the railway premises.

The new section 23A makes it a condition of entry to any train or railway premises that a train passenger or an entrant who is about to enter or is in the train or on the railway premises must, if asked, either to undergo any form of security screening or a frisk search, permit an inspection to be made of the train passenger’s or entrant’s personal property, or allow a search through any bag, container or other receptacle or any garments removed.

An entrant may be asked to undergo these measures by a police officer (whether or not in uniform), or by approved persons. An approved person is either an LTA officer or employee, a member of an auxiliary police force in uniform, an employee of the rapid transit system licensee, a security officer (within the meaning of the Private Security Industry Act) engaged by the licensee, or an outsourced enforcement officer. In addition, each approved person must be

authorised by the LTA in writing to exercise any power under the new section 23A at or in relation to the specific train or railway premises.

The powers that a police officer or approved persons can exercise on any train or railway premises include the power to require a train passenger or entrant to any railway premises to walk through a screening detector, to pass the train passenger's or entrant's personal property through an X-ray machine, or to pass a hand-held scanner in close proximity to the train passenger's or entrant's personal property.

Other powers include asking a train passenger or an entrant to any railway premises to allow the police officer or approved person to inspect the train passenger's or entrant's personal property, to produce or empty the contents of any bag, container or other receptacle in the possession or apparently in the immediate control of the train passenger or entrant, or to remove one or more garments worn by the train passenger or entrant as specified by the police officer or approved person, and allow the police officer or approved person to inspect the garments.

However, the power to require a train passenger or an entrant to a railway premises to undergo a frisk search or to pass a hand-held scanner in close proximity to the train passenger or entrant are powers which are reserved to be exercised by a police officer and certain approved persons only. These approved persons (called senior approved persons) are either an auxiliary police officer in uniform, a security officer (within the meaning of the Private Security Industry Act) engaged by a rapid transit system licensee using the train or railway premises or an outsourced enforcement officer who is appointed by the LTA.

If a train passenger or an entrant to any railway premises refuses to permit to be screened or inspected by a police officer or an approved person the train passenger's or entrant's personal property or any bag, container or other receptacle in the possession or apparently in the immediate control of the train passenger or entrant, or to allow a police officer or an approved person to pass a hand-held scanner in close proximity to the personal property of the train passenger or entrant, the police officer or approved person (as the case may be) may order the train passenger or entrant to immediately leave the train or railway premises and with that personal property, bag, container or receptacle.

A train passenger or entrant to any railway premises who refuses to allow a police officer or a senior approved person to pass a hand-held scanner in close proximity to the train passenger or entrant or to undergo a frisk search by a police officer or a senior approved person may similarly be ordered to immediately leave the train or railway premises.

It is also an offence for an individual, without reasonable excuse, to refuse or fail to comply with any request or order of a police officer or an approved person. The punishment on conviction is a fine not exceeding \$1,000.

Clause 32 repeals the amendment to section 45 made by section 8 of the Road Traffic (Amendment) Act 2019, because of clause 14.

Clause 33 contains saving and transitional provisions. The clause further empowers the Transport Minister and the Home Affairs Minister, respectively, to make regulations prescribing additional provisions of a saving or transitional nature consequent on the enactment of any provision in the Bill, as the Minister concerned may consider necessary or expedient. The Minister concerned has power to do so only within 2 years after the date of commencement of the provision.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
