

Shared Mobility Enterprises (Control and Licensing) Bill

Bill No. 2/2020.

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SHARED MOBILITY ENTERPRISES (CONTROL AND LICENSING) ACT 2020

(No. of 2020)

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A BILL

intituled

An Act with respect to shared mobility services and to make consequential and related amendments to the Land Transport Authority of Singapore Act (Chapter 158A of the 1996 Revised Edition), the Parking Places Act (Chapter 214 of the 2014 Revised Edition) and the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018).

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

PART 1
PRELIMINARY

Short title and commencement

5 **1.** This Act is the Shared Mobility Enterprises (Control and Licensing) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

General interpretation

2.—(1) In this Act, unless the context otherwise requires —

“applicant” means an applicant for or to renew a licence;

10 “authorised officer”, for any provision of this Act, means an officer or employee of the LTA who is appointed as an authorised officer under section 7 for the purposes of that provision;

15 “bicycle”, “power-assisted bicycle” and “personal mobility device” have the meanings given by the Active Mobility Act 2017 (Act 3 of 2017);

“business” includes any business, whether or not carried on for profit;

20 “chief executive officer”, in relation to a licensee, means an individual (by whatever name described) who —

 (a) is in the direct employment of, or acting for or by arrangement with, the licensee; and

25 (b) is principally responsible for the management and conduct of the business of the licensee insofar as it relates to providing a shared mobility service,

and includes an individual for the time being performing all or any of the functions or duties of a chief executive officer;

30 “class licence” means a class licence determined under an order made under section 17(1) (including as varied under section 18);

“class licensee” means a person to which a class licence applies;

- “corporation” means any body corporate formed or incorporated or existing in or outside Singapore and includes any foreign company within the meaning of the Companies Act (Cap. 50);
- “director” has the meaning given by section 4(1) of the Companies Act; 5
- “general public” includes a section of the public;
- “granted” or “grant”, for a licence, includes granted or grant on renewal and deemed granted;
- “licence” means a licence granted under Part 3; 10
- “licensee” means a person to whom a licence is granted under this Act but does not include a class licensee;
- “limited liability partnership” has the meaning given by the Limited Liability Partnerships Act (Cap. 163A);
- “LTA” means the Land Transport Authority of Singapore established under the Land Transport Authority of Singapore Act (Cap. 158A); 15
- “mobility scooter” and “motorised wheelchair” have the meanings given by the Active Mobility Act 2017;
- “mobility vehicle” means a mobility scooter or a motorised wheelchair; 20
- “modification” or “modify”, in relation to the conditions of a licence, includes deleting or varying and substituting a condition, and adding a condition;
- “officer”, in relation to an applicant or a class licensee or licensee, means — 25
- (a) where the applicant, class licensee or licensee is a body corporate (including a limited liability partnership) —
 - (i) an individual for the time being holding the office of chairperson, director, partner, chief executive officer, manager or company secretary (as the case may be) of the body or 30

any position analogous to any of those offices;
or

(ii) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

(b) where the applicant, class licensee or licensee is a partnership (including a limited partnership), a partner of the partnership; or

(c) where the applicant, class licensee or licensee is an unincorporated association (other than a partnership), an individual for the time being holding the office of president, secretary or member (as the case may be) of the committee of the unincorporated association, or any position analogous to any of those offices,

and includes any person carrying out the duties of any such office referred to in paragraph (a), (b) or (c) if the office is vacant;

“park”, in respect of a vehicle, means to bring the vehicle to a stationary position and cause it to wait for any purpose;

“partner”, in relation to a limited partnership, includes a limited partner in the limited partnership;

“premises” means a building or structure (whether permanent or temporary) or part of such a building or structure, and includes any immediately adjoining space or land necessary for access to, or the enjoyment of occupants of, the building or structure;

“provider”, in relation to a shared mobility service, means the person who provides the shared mobility service;

“public authority” means —

(a) any ministry, department or Organ of State of the Government; or

(b) any body established by or under any public Act to perform a public function;

“public place” means any land or premises in Singapore —

(a) which is, or is on —

(i) any State land;

(ii) any land under the control or management of a public authority; or

(iii) any land which is under lease from a public authority to another person other than another public authority or to the Government, and is prescribed by the Minister, by order in the *Gazette*, as a public place for the purposes of this Act; and

(b) to which members of the public have access as of right or by virtue of express or implied permission and without payment of a fee,

and includes a public path within the meaning given by the Active Mobility Act 2017;

“public service vehicle” has the meaning given by the Road Traffic Act (Cap. 276);

“Regulations” means any regulations made under section 48;

“regulatory action” means any action that may be taken by the LTA —

(a) under section 29(1) or (2) against a licensee or class licensee; or

(b) under section 30(2) against a former licensee or former class licensee;

“representative”, for a provider of a shared mobility service using a type of vehicle, means an individual (whether or not an employee or officer of the provider) who —

(a) is directly involved in the day-to-day management of the provision of that shared mobility service;

(b) has access to and is authorised to provide any information relating to the shared mobility service that is required by or under this Act; and

5

(c) is authorised to represent for the purposes of this Act the provider of the shared mobility service in providing that service;

“road” has the meaning given by section 2(1) of the Road Traffic Act;

“safety directive” means a directive given under section 26;

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“safety incident”, in relation to a shared mobility service, means —

(a) any situation where an individual —

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(i) dies as a result of an occurrence associated with the riding of a vehicle used in the provision of that service; or

(ii) is injured or incapacitated as a result of an occurrence associated with the riding of a vehicle used in the provision of that service; or

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(b) any situation where any immovable property is destroyed or seriously damaged as a result of an occurrence associated with the riding of a vehicle used in the provision of that service,

and “occurrence” includes an accident or a near-accident;

“shared mobility service” has the meaning given by section 3;

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“standard of performance” means a standard of performance issued or approved by the LTA under section 24, and includes any such standard of performance as amended from time to time under that section;

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“under-aged rider” has the meaning given by the Active Mobility Act 2017;

“unincorporated association” means a society or body unincorporate which, under any written law, may sue or be

sued, or hold property, in the name of an officer of the society or body duly appointed for that purpose;

“vehicle” means —

- (a) a bicycle;
- (b) a power-assisted bicycle; 5
- (c) a personal mobility device;
- (d) a mobility vehicle; or
- (e) any other vehicle (whether mechanically propelled or otherwise) that is designed to transport people only (with or without carry-on baggage) and is ordinarily not permitted by law to be used on a road, 10

and does not include a motor car or motor cycle, a heavy or light locomotive, a motor tractor or a public service vehicle which is a bus, private hire car or taxi;

“vehicle location device” means a device that is capable of transmitting signals about the approximate location of a vehicle for reception by another device. 15

(2) In this Act, “improperly park a vehicle in a public place”, for a type of vehicle, means parking, or permitting to remain at rest without a rider, the vehicle undocked outside an area that is — 20

- (a) demarcated (by a marking or traffic sign or other signboard) for parking of vehicles of that type; and
- (b) provided by any licensee, class licensee, the Government or a public authority for the parking of vehicles of that type. 25

(3) To avoid doubt, a reference in this Act to an offence under this Act or a provision of this Act includes a reference to an offence under the Regulations or to a provision of the Regulations, as the case may be.

Meaning of “shared mobility service” and associated terms

3.—(1) In this Act, unless the context otherwise requires —

“booking”, in relation to a shared mobility service, means a
 booking for a vehicle used in the provision of that service to
 be hired for riding by an individual on wholly or partly in a
 public place;

“hire”, for a vehicle, does not include hiring the vehicle under a
 hire-purchase agreement but includes any of the following:

(a) the hire of a vehicle for use on a single occasion, or
 the hire of a vehicle or different vehicles on multiple
 occasions within a fixed period;

(b) the hire of the vehicle as a free gift, or with the supply
 of any other goods or services as a free gift;

(c) the hire of the vehicle as a prize in any lottery, raffle,
 draw, game or competition held in Singapore;

(d) the hire of the vehicle to the general public as a free
 example or demonstration of a shared mobility
 service;

(e) the hire (with or without consideration) of the vehicle
 to an employee for the performance of employment
 duties or an outworker under an outwork
 arrangement;

“hirer” includes a prospective hirer of a vehicle;

“outwork arrangement” means a contract, an agreement,
 understanding or other arrangement of any kind (whether
 written or unwritten) with a contractor —

(a) under which an individual (whether or not in the
 course of business or providing other services)
 performs work contracted to be performed under
 that contract, agreement, understanding or other
 arrangement for the contractor; and

(b) that is not a contract of employment;

“outworker” means an individual who performs work under an outwork arrangement;

“provide a shared mobility service” means providing a shared mobility service in the course of business, whether or not the primary function of the business is connected to shared mobility services;

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“shared mobility service” means —

(a) a service provided using vehicles of a type prescribed by Regulations, under which an individual —

(i) can hire on-demand a vehicle of that type when it is standing or exposed undocked in a public place for hire by the general public to ride on wholly or partly in a public place, and can end the hiring of the vehicle undocked in or at any public place;

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(ii) can hire on-demand a vehicle of that type when it is standing or exposed undocked (whether or not in a public place) for hire by the general public or otherwise to ride on wholly or partly in a public place, and can end the hiring of the vehicle either undocked or docked in or at any place, whether or not a public place;

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(iii) can hire a docked vehicle of that type to ride on wholly or partly in a public place, and can end the hiring of the vehicle either undocked or docked in or at any place, whether or not a public place;

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(iv) can make a booking to hire as described in sub-paragraph (i), (ii) or (iii) a vehicle of that type to ride on wholly or partly in a public place, whether immediately or at a later time; or

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(b) a service that involves facilitating the making and taking of bookings to hire as described in paragraph (a)(i), (ii) or (iii) any vehicle of a type prescribed by Regulations,

5 but excludes any service of a kind that the Regulations prescribe is not a shared mobility service.

(2) In this Act, a vehicle is treated as undocked if the vehicle is parked or permitted to remain at rest without a rider in or at a place —

(a) that is outdoors or in an unenclosed shelter; and

10 (b) other than in or at a vehicle docking station or installation that —

(i) is attached permanently to the ground; and

(ii) is installed or provided by a person for the exclusive use of that person's customers and can only be used
15 by those customers.

(3) In this Act, a vehicle is treated as docked if the vehicle is parked or permitted to remain at rest without a rider in circumstances not described in subsection (2).

(4) For the purpose of determining whether a person provides a
20 shared mobility service in Singapore, it does not matter —

(a) that a booking is obtained or communicated remotely by means of an electronic device or other means not directly provided by the person who provides the service; or

(b) that the provider of the shared mobility service is located
25 outside Singapore, if the vehicle hired under that service is hired for riding wholly or partly within Singapore.

Purposes of Act

4. The purposes of this Act are to regulate the provision of shared mobility services so as —

30 (a) to facilitate the delivery of safe, reliable, efficient and customer-focused shared mobility services in Singapore;

- (b) to address indiscriminate parking of vehicles in public places arising from the provision of shared mobility services; and
- (c) to enable the development and operation of innovative and accessible shared mobility services which contribute to the mobility and safety of people in Singapore. 5

Application of Act

5.—(1) This Act binds the Government, but nothing in this Act renders the Government liable to prosecution for an offence under this Act. 10

(2) To avoid doubt, no person is immune from prosecution for any offence under this Act by reason only that the person is engaged to provide services to the Government or is acting in any other similar capacity for, or on behalf of, the Government.

Administration of Act

6.—(1) It is the function of the LTA to exercise licensing and regulatory functions in accordance with this Act with respect to the provision in Singapore of shared mobility services, and to otherwise administer this Act. 15

(2) No liability shall lie personally against any member, officer or employee of the LTA or any other person acting under the direction of the LTA for anything done or intended to be done in good faith and with reasonable care in the execution or purported execution of this Act. 20

Authorised officers

7.—(1) The LTA may, in relation to any provision of this Act, appoint any of its officers or employees to be an authorised officer for the purposes of that provision, either generally or in a particular case. 25

(2) The LTA may delegate the exercise of all or any of the powers conferred or duties imposed upon it by any provision of this Act (except the power of delegation conferred by this subsection) to any authorised officer, subject to such conditions or limitations as the 30

LTA may specify; and any reference in that provision of this Act to the LTA includes a reference to such an authorised officer.

PART 2

UNAUTHORISED ACTIVITIES

5 **Unauthorised shared mobility service**

8.—(1) A person commits an offence if the person provides in Singapore a shared mobility service when the person —

- (a) is not authorised to do so by a licence or class licence; and
- (b) is not exempt from this section under section 47 in relation to that service.

(2) The offence under subsection (1) is a strict liability offence.

(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

(4) For the purposes of this section —

- (a) a licensee is not authorised by its licence to provide a shared mobility service during the period the licence is suspended under section 29; and
- (b) a class licensee is not authorised by its class licence to provide a shared mobility service during the period the application of the class licence to that class licensee is suspended under section 29.

Unauthorised vehicle used for shared mobility services

9.—(1) A person commits an offence if the person provides in Singapore a shared mobility service —

- (a) using vehicles which are the type, or the model of a type of vehicles, proscribed by Regulations; and

(b) when the person is not exempt from this section under section 47 in relation to that service.

(2) The offence under subsection (1) is a strict liability offence.

(3) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

(4) For the purposes of this section, it is not material whether the accused is a licensee or class licensee.

PART 3

SHARED MOBILITY SERVICES LICENSING

Division 1 — Licences

Application for or to renew licence

10.—(1) An application for or to renew a licence must be made to the LTA in accordance with this section.

(2) An application for or to renew a licence must —

(a) be in the form and manner the LTA specifies;

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

(c) contain —

(i) an address in Singapore at which notices and other documents under this Act for the applicant may be served; or

(ii) the name and address of one or more persons in Singapore authorised by the applicant to accept on the applicant's behalf service of notices and other documents under this Act;

(d) state the type of vehicle used or to be used in the provision of the shared mobility service; and

(e) be accompanied by the prescribed information and any other additional information that the LTA requires to decide on the application.

5 (3) In addition, an application to renew a licence must be made no later than a prescribed period before the date of expiry of the licence, unless otherwise allowed by the LTA in any particular case which must then be treated as a late renewal application.

(4) The LTA may refuse to consider an application for or to renew a licence —

10 (a) that is incomplete or not made in accordance with this section;

(b) where an inspection mentioned in subsection (5) in relation to the application is refused; or

(c) where a safety directive is in force.

15 (5) Upon receiving an application for or to renew a licence, the LTA may carry out, or arrange to be carried out by any authorised officer, such investigations and inquiries in relation to the application as the LTA considers necessary for a proper consideration of the application, which may include an inspection of either or both the
20 following:

(a) the land or premises on or at which the applicant intends either or both the following:

(i) to provide the shared mobility service in the application;

25 (ii) to place any vehicle or carry out any activity in connection with the provision of that shared mobility service;

(b) any vehicle, equipment or other thing which the applicant intends to use to provide the shared mobility service in the
30 application.

(6) A person commits an offence if the person, being an applicant for the grant of a licence —

- (a) provides, or causes or permits to be provided, any document or information in connection with the application, which is false in a material particular; and
- (b) knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular. 5

(7) A person who is guilty of an offence under subsection (6) 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.

Grant of licences

11.—(1) After considering any application under section 10 for or to renew a licence, the LTA may — 10

(a) on payment of —

- (i) the applicable licence fee (if prescribed), grant the applicant a licence authorising the applicant to provide a shared mobility service; or 15
- (ii) a renewal fee and, in the case of a late renewal application a late renewal fee (if prescribed), renew the licence; or

(b) refuse to grant or renew the licence, as the case may be.

(2) In deciding whether an applicant should be granted a licence, or the applicant's licence should be renewed, and the conditions to impose or modify, the LTA must have regard, and give such weight as the LTA considers appropriate, to all of the following matters: 20

(a) whether the applicant is or is not —

- (i) intending to provide any other shared mobility service; or 25
- (ii) a holder of another licence or a class licensee;

(b) the demand for the shared mobility service in the application;

(c) the existence of other licensees providing a shared mobility service using the same type of vehicle proposed in the application; 30

- (d) the existence of other licensees providing a shared mobility service using other types of vehicles;
- (e) the design, safety and roadworthiness of the vehicles to be used by the applicant in providing the shared mobility service;
- (f) the adequacy of parking places for the type of vehicles proposed to be used in providing the shared mobility service in the application;
- (g) whether the applicant does or does not have (or is likely or unlikely to have) the financial capacity and ability to provide the shared mobility service in the application according to this Act and the applicable standards of performance;
- (h) whether the applicant is a corporation, partnership, limited liability partnership or an unincorporated association;
- (i) whether the applicant and where necessary, whether every officer of the applicant is a suitable person to be involved in the management and operation of providing the shared mobility service in the application;
- (j) whether the applicant has nominated or will nominate at least one individual who satisfies the prescribed qualifications as a representative if a licence is granted;
- (k) whether it is otherwise contrary to the public interest for the licence to be granted to the applicant.

(3) For the purpose of determining whether or not a person or an individual mentioned in subsection (2)(i) is a suitable person to be involved in the management and operation of providing a shared mobility service, the LTA must have regard, and give such weight as the LTA considers appropriate, to all of the following matters:

- (a) the person's or individual's relevant knowledge, competency and experience in matters connected with providing such a service;
- (b) any evidence of the exercise of any power under section 29 or 30 —

- (i) in relation to the person or individual for committing an offence under this Act, or for contravening any direction given under this Act; or
 - (ii) in relation to a licensee holding, or a former licensee which held, a licence of which the individual is or was an officer when the power was exercised; 5
 - (c) any evidence of the exercise of any power under section 8P of the Parking Places Act (Cap. 214) (as in force before the date of commencement of section 51(5)) in relation to a person holding a licence granted under Part 3 of that Act to provide a licensable service, of which the individual is or was an officer when that power was exercised; 10
 - (d) any prior conviction for committing (whether before, on or after the date of commencement of this Part) any of the following offences: 15
 - (i) an offence under Part 3 of the Parking Places Act (or regulations made under that Part) as in force before the date of commencement of section 51(5);
 - (ii) an offence under this Act;
 - (iii) an offence under section 32A of the Street Works Act (Cap. 320A) or section 23B, 28 or 58A of the Active Mobility Act 2017; 20
 - (iv) any other offence involving fraud or dishonesty, whether or not the conviction was in a Singapore court; 25
 - (v) any relevant offence under any written law;
 - (e) any previous occasion where the person or individual accepted any composition sum offered under any written law for an offence mentioned in paragraph (d).
- (4) To avoid doubt, the LTA is not confined to consideration of the matters specified in subsection (2) or (3) and may take into account such other matters and evidence as may be relevant. 30
- (5) Without affecting subsection (1), the LTA may grant a renewal of a licence (of any class) with or without modifying the conditions of

the licence, but section 14(2), (3) and (4) does not apply to or in relation to granting a renewal of a licence with modifications to the conditions of the licence.

5 (6) The LTA may subdivide licences it grants under this section into classes, such as according to any of the following, and may grant the licence accordingly:

(a) the construction or type of vehicle used in providing the shared mobility service authorised by the licence;

(b) the type of shared mobility service;

10 (c) the number of vehicles used or intended to be used in providing the shared mobility service authorised by the licence;

(d) the place where the shared mobility service is being or is to be provided.

15 **Periodic fee for licence and licence validity**

12.—(1) Every licence granted under this Part is valid for the period specified in the licence and is in force unless the licence is earlier suspended or revoked under section 29.

20 (2) For every period prescribed (which must not exceed the validity of a licence), the licensee granted that licence must pay to the LTA, not later than the date prescribed, a periodic fee prescribed for that licence.

25 (3) If a licensee fails to pay the periodic fee in accordance with subsection (2), the LTA may, by written notice, require the licensee to make good the default.

(4) Every licence must be in the form the LTA determines.

Conditions of licences

30 **13.**—(1) In granting a licence to any person, the LTA may impose such conditions as the LTA considers requisite or expedient having regard to the purposes of this Act.

(2) In particular, in granting a licence to a provider of a shared mobility service, the LTA may impose conditions —

- (a) fixing the type of vehicles which may be made available by the licensee for hiring in the provision of the shared mobility service authorised by the licence;
- (b) fixing the maximum or minimum number, or both, of the vehicles which the licensee, during the validity period of the licence or any part of that period —
 - (i) may offer or expose for hiring; or
 - (ii) may allow the hiring of which to end undocked, or both;
- (c) fixing the area in Singapore within which the licensee may provide the shared mobility service authorised by the licence;
- (d) requiring a serial number to be engraved on or affixed to every vehicle used or to be used by the licensee to provide the shared mobility service authorised by the licence;
- (e) requiring the licensee to provide parking spaces for the type of vehicles used or to be used by the licensee in providing the shared mobility service authorised by the licence;
- (f) requiring the licensee to take, so far as is reasonably practicable, such measures as are necessary to ensure that, for every vehicle hired from the licensee in the course of providing the shared mobility service, the rider of the vehicle has attended and successfully completed a prescribed test of competence to ride the vehicle which is the subject of the hiring;
- (g) requiring the licensee —
 - (i) to appoint, and ensure that at all times there is appointed, one or more persons in Singapore authorised by the licensee to accept on the licensee's behalf service of notices and other documents under this Act; and

(ii) to provide the name, address and contact details of the person or persons appointed as required by sub-paragraph (i);

(h) requiring the licensee —

5 (i) to nominate, and ensure that at all times there is nominated, one or more representatives each of whom satisfies the prescribed qualifications; and

(ii) to provide the name, address and contact details of the representative or representatives so nominated;

10 (i) requiring the furnishing of a performance bond, guarantee or any other form of security of such amount and on such terms and conditions as the LTA may determine —

15 (i) to secure compliance by the licensee with any condition attached to the licence or any standard of performance applicable to the licensee;

(ii) to meet any financial penalty arising out of any regulatory action started or likely to start against the licensee, or both; or

20 (iii) to meet any cost or expenses which the LTA may reasonably incur in moving and disposing of vehicles that were used by a former licensee in providing shared mobility services and are abandoned in public places;

25 (j) requiring the licensee to undergo (at its own cost) such audit as the LTA may require to ascertain the licensee's compliance with —

(i) the provisions of this Act or a standard of performance applicable to the licensee;

30 (ii) the conditions of the licence granted to that licensee; or

(iii) a direction given under this Act or a safety directive; and

- (k) prohibiting the collection of deposits from hirers of vehicles used in the provision of the shared mobility service by the licensee.

(3) An audit referred to in subsection (2)(j) must be carried out by authorised officers or other officers of the LTA or such qualified individuals approved by the LTA for that purpose.

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Modifying conditions of licence

14.—(1) Subject to this section, it is lawful for the LTA to modify the conditions of a licence without compensating the licensee concerned.

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(2) Before modifying any condition of a licence, the LTA must give notice to the licensee holding that licence —

- (a) stating that the LTA proposes to make the modification in the manner as specified in the notice; and
- (b) specifying the time (being not less than 14 days from the date of service of notice on the licensee) within which the licensee may make written representations to the LTA with respect to the proposed modification.

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(3) Upon receiving any written representation referred to in subsection (2), the LTA must consider that representation and may —

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- (a) reject the representation;
- (b) amend the proposed modification of any condition of a licence in such manner as the LTA thinks fit having regard to the representation; or
- (c) withdraw the proposed modification.

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(4) Where —

- (a) the LTA rejects any written representation under subsection (3)(a);
- (b) the LTA amends any proposed modification to any condition of a licence under subsection (3)(b); or

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(c) no written representation is received by the LTA within the time specified in subsection (2)(b), or any written representation made under that subsection is subsequently withdrawn,

5 the LTA must issue a written direction to the licensee in question requiring the licensee, within the time specified by the LTA, to give effect to the modification as specified in the notice under subsection (2) or as amended by the LTA, as the case may be.

Modifying licence conditions on licensee's application

10 **15.**—(1) A licensee may apply to the Authority to modify any condition of the licensee's licence mentioned in section 13(2)(b), and no other condition.

(2) An application under subsection (1) must —

- (a) be in the form and manner the LTA determines;
- 15 (b) be accompanied by an application fee, if prescribed; and
- (c) be accompanied by such prescribed information and any other additional information that the LTA requires to decide on the application.

(3) However, an application under subsection (1) must be made no later than 9 months (or such longer or shorter period as may be prescribed in substitution) before the date of expiry of the licence concerned.

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(4) The LTA may refuse to consider an application under subsection (1) to modify the condition of the licensee's licence where the application is incomplete or not made in accordance with this section.

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(5) After considering any application under subsection (1) and whether a safety directive is in force, the LTA may do either of the following:

- 30 (a) on payment of a fee (if prescribed) to modify a licence condition in subsection (1), modify other relevant conditions of the licence and grant the licensee the modification applied for;

(b) refuse to modify the licence condition in the application.

(6) Sections 11(2), (3), (4) and (5) and 13(2)(i) apply, with the necessary modifications, to every application under subsection (1) as if the application were an application for or to renew a licence.

(7) A person commits an offence if the person, being an applicant under subsection (1) to modify any condition of the licensee's licence — 5

(a) provides, or causes or permits to be provided, any document or information in connection with the application which is false in a material particular; and 10

(b) knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular.

(8) A person who is guilty of an offence under subsection (7) 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. 15

Restriction on transfer and surrender of licence

16.—(1) A licence, and any rights, benefits or privileges under the licence, are not transferable or assignable to any other person unless —

(a) the licence contains a condition authorising the transfer or assignment; and 20

(b) the LTA consents in writing to the transfer or assignment.

(2) Any consent under subsection (1) may be given subject to compliance with such conditions as the LTA thinks fit to impose, which may include conditions modifying, or requiring or otherwise providing for the making of modifications to, the conditions of the licence; but section 14(2), (3) and (4) does not apply to or in relation to these modifications to the conditions of the licence. 25

(3) A transfer or an assignment, or purported transfer or assignment, of a licence, or of any rights, benefits or privileges under the licence, is void and of no effect — 30

(a) if the licence is not capable of transfer or assignment;

(b) if the transfer or assignment, or purported transfer or assignment, is in breach of a condition of the licence; or

(c) if there has, before the transfer or assignment or purported transfer or assignment, been a contravention of a condition subject to compliance with which the consent required by subsection (1) is given.

(4) Every licence is not capable of being surrendered without the written consent of the LTA, and any surrender or purported surrender of a licence is void if it is without such consent.

Division 2 — Class licences

Class licence

17.—(1) The LTA may, with the approval of the Minister, by order in the *Gazette* determine a class licence that authorises a person to which the order applies to provide a shared mobility service or a class or description of shared mobility service without a licence granted under Part 3 —

(a) for a specified period or indefinitely, or to an extent specified in that order; and

(b) subject to such conditions as may be specified in that order.

(2) To avoid doubt, there may be more than one class licence determined, and according (but not limited) to any of the following:

(a) the construction or type of vehicle used in providing a shared mobility service;

(b) the type of shared mobility service;

(c) the number of vehicles used or intended to be used in providing a shared mobility service;

(d) the place where a shared mobility service is being or is to be provided.

(3) An order under subsection (1) continues in force, unless it is revoked, for such period as may be specified in the order.

(4) The provision of a shared mobility service by a class licensee to which an order under subsection (1) applies is deemed authorised by this Act if it is done in accordance with the conditions of the order.

Variation and revocation of class licence

18.—(1) Subject to this section, the LTA may, with the approval of the Minister and by order in the *Gazette*, vary a class licence determined under an order made under section 17 by — 5

- (a) varying or revoking any condition specified in the order; or
- (b) specifying additional conditions of the order.

(2) Before varying a class licence determined under an order made under section 17(1) or revoking such an order, the LTA must, unless it considers it impractical or undesirable in the circumstances of the case, cause to be published, in accordance with subsection (3), a written notice that — 10

- (a) states that the LTA proposes to vary the class licence, or to end the class licence; 15
- (b) describes the proposed variation or ending; and
- (c) invites interested persons to make representations about the proposed variation or ending by a specified date that is at least 14 days after the date of publication of the notice. 20

(3) A notice under subsection (2) must be published on the LTA's website or in one or more other forms that are readily accessible by the public.

(4) The LTA must, before varying a class licence determined under an order under subsection (1) or revoking such an order, give due consideration to any representations made to the LTA pursuant to the notice given in accordance with subsection (2). 25

Conditions applicable to class licensee

19.—(1) Without limiting section 17(1) or 18, the conditions subject to which a class licensee may provide a shared mobility service under a class licence may include any of the following requirements: 30

- (a) to do or not to do such things as are specified or are of a description specified, except insofar as the LTA consents to the class licensee doing or not doing them;
- 5 (b) to refer for determination by the LTA such questions arising under the class licence or are of a description specified;
- (c) to take, so far as is reasonably practicable, such measures as are necessary to ensure that, for every vehicle hired from the class licensee in the course of providing a shared mobility service, the rider of the vehicle has attended and successfully completed a prescribed test of competence to ride the vehicle which is the subject of the hiring;
- 10 (d) to provide information and reports to the LTA about the class licensee and the shared mobility service it provides;
- 15 (e) to provide the LTA —
 - (i) an address in Singapore at which notices and other documents under this Act for the class licensee may be served; or
 - 20 (ii) the name and address of one or more persons in Singapore authorised by the class licensee to accept on the class licensee's behalf service of notices and other documents under this Act;
- (f) to nominate, and ensure that at all times there is nominated, one or more representatives each of whom satisfies the prescribed qualifications, and to provide the LTA the name, address and contact details of the representative or representatives so nominated.

25 (2) In particular, a class licence may provide that the class licence applies to a person subject to a condition precedent that requires that
 30 person —

- (a) to notify the LTA about the person's identity and other particulars about the shared mobility services provided by the person; and
- (b) to pay a charge to the LTA for receiving the notification.

PART 4

BUSINESS OPERATION REQUIREMENTS

*Division 1 — Management controls and record-keeping***Change in management of licensee**

20.—(1) It is a condition of every licence that the licensee to whom the licence is granted must notify the LTA of, where the licensee is a corporation, partnership, limited liability partnership or an unincorporated association — 5

(a) the resignation or removal of any officer of the corporation, partnership, limited liability partnership or unincorporated association (as the case may be) within the prescribed period after the date of resignation or removal, as the case may be; or 10

(b) the death of any of its officers within the prescribed period after the date the licensee becomes aware of that death. 15

(2) To avoid doubt, this section applies even though a licence is suspended pursuant to section 29.

Accounts and statements

21.—(1) A licensee must —

(a) in respect of the whole or part (as the case may be) of every financial year, prepare such accounts and statements as are specified in, or ascertained in accordance with, the Regulations; 20

(b) retain the accounts and statements prepared in accordance with paragraph (a) for 5 years after the end of the period to which they relate; 25

(c) within the prescribed period after the close of a financial year of the licensee, give the LTA those accounts and statements duly audited by an auditor approved by the LTA; and 30

(d) keep and retain records, where the records are relevant to the preparation of the accounts and statements of the

licensee mentioned in paragraph (a), for such period and in such manner as prescribed in the Regulations.

(2) A licensee must not prepare any accounts or statements required by subsection (1) in such a way that they do not correctly record and explain the matters or things to which they relate.

(3) A licensee —

(a) who is subject to any requirement under subsection (1) or (2); and

(b) who intentionally or negligently contravenes the requirement,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(4) Regulations may be made to vary the period mentioned in subsection (1)(b).

Record-keeping and giving information

22.—(1) A licensee must —

(a) keep and retain, for such period as may be prescribed, records, where the records are relevant to monitoring or evaluating, under this Act, an aspect of the shared mobility service as specified in the licence granted to the licensee; and

(b) give to the LTA, within the period and in the manner specified in the licence, information that is relevant to monitoring or evaluating, under this Act, an aspect of the shared mobility service as specified in the licence granted to the licensee.

(2) A class licensee providing a shared mobility service to which an order under section 17 (including as varied under section 18) applies must —

(a) keep and retain, for such period as may be prescribed, records where the records are relevant to monitoring or evaluating, under this Act, an aspect of the shared mobility service as specified in the order; and

(b) give to the LTA, within the period and in the manner prescribed, information that is relevant to monitoring or evaluating, under this Act, an aspect of the shared mobility service as specified in the order.

(3) A person who is subject to a requirement under subsection (1) or (2) to keep and retain or give any record or information commits an offence if the person — 5

(a) intentionally or negligently contravenes the requirement under subsection (1) or (2) to keep, retain or give;

(b) intentionally alters, suppresses or destroys any record or information which the person is required under subsection (1) or (2) to keep, retain or give; or 10

(c) who, in keeping, retaining or giving the record or information required under subsection (1) or (2), makes any statement which the person knows to be false in a material particular, or recklessly makes such a statement. 15

(4) A person who is guilty of an offence under subsection (3) shall be liable on conviction to a fine not exceeding \$10,000.

Monitoring improper parking by hirers

23.—(1) A licensee providing a shared mobility service using a type of vehicles may enter into an information sharing arrangement with another licensee providing a shared mobility service using the same or different type of vehicles to share or exchange information held by the licensees for the purpose of subsection (4). 20

(2) Under an information sharing arrangement mentioned in subsection (1), each party to the arrangement, despite any other Act, is authorised — 25

(a) to request and receive information held by the other party to the arrangement; and

(b) to disclose information to the other party, 30

but only to the extent that the information is reasonably necessary to assist in the exercise of any power under subsection (4).

(3) However, the information to which an information sharing arrangement mentioned in subsection (1) may relate is limited to the following:

5 (a) information concerning possible improper parking in public places by hirers of vehicles which were hired from licensees who are party to the arrangement;

(b) information about hirers in respect of whom a power under subsection (4) has been exercised by any licensee which is party to the arrangement;

10 (c) other information prescribed.

(4) Every licensee —

15 (a) is entitled to refuse to hire or further hire for a period not exceeding a prescribed period to any individual any undocked vehicle used by the licensee to provide a shared mobility service where the licensee has reasonable grounds to believe that the individual persistently improperly parks vehicles (whether or not hired from the same licensee) in public places; and

20 (b) must refuse to hire or further hire to a particular individual for a period not exceeding a prescribed period any undocked vehicle used by the licensee to provide a shared mobility service, where directed by the LTA under section 25.

25 (5) For the purpose of subsection (4), an individual seeking at any time in a year to hire to ride an undocked vehicle (called vehicle *A*) from a licensee may be treated by the licensee as an individual who persistently improperly parks vehicles in public places if, pursuant to an information sharing arrangement mentioned in subsection (1), the licensee reasonably believes the individual to have, upon ending any hiring of a vehicle from the licensee or another licensee, improperly parked in any public place a vehicle on at least 3 earlier occasions within the year —

30 (a) where any vehicle involved in the earlier occasions is of the same type as vehicle *A* or is of a prescribed class within which vehicle *A* falls; and

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(b) after disregarding all other occasions of improper parking in public places before that year.

(6) Despite subsection (5), if an individual is refused by a licensee under subsection (4) the hire or further hire of a vehicle, all occasions which counted towards that refusal must be disregarded for the purposes of subsequent determinations by any licensee as to whether that individual is or is not an individual who persistently improperly parks vehicles in public places.

(7) Regulations may be made to vary, for any year, the number of occasions mentioned in subsection (5).

Division 2 — Standards of performance and directions

Standards of performance for licensees and class licensees

24.—(1) The LTA may —

(a) issue one or more standards of performance applicable to licensees or class licensees, or specified types of licensees or class licensees;

(b) approve as a standard of performance applicable to licensees or class licensees, or specified types of licensees or class licensees, any document prepared by a person other than the LTA if the LTA considers the document as suitable for this purpose; or

(c) amend or revoke any standard of performance issued under paragraph (a) or approved under paragraph (b),

with respect to all or any of the matters in subsection (2) or (3), as the case may be.

(2) The matters for the purposes of subsection (1) include any of the following:

(a) the design, construction, use and deployment of the vehicles owned or made available by a licensee or class licensee in providing a shared mobility service;

(b) measures directed towards ensuring the maintenance of and keeping safe and roadworthy vehicles made available

by a licensee or class licensee in providing the shared mobility service;

- 5 (c) the extent, hours and general level of service by the licensee or class licensee to hirers, including hirer handling-related facilities, systems and services;
- (d) measures to deal with customer complaints and lost property found in vehicles made available by the licensee or class licensee in providing the shared mobility service, and the processes to handle and dispose of these complaints and property;
- 10 (e) measures to deal with safety and safety incidents and accidents involving vehicles made available by the licensee or class licensee in providing the shared mobility service, and reporting to the LTA those safety incidents and accidents;
- 15 (f) measures to discourage indiscriminate parking by hirers of vehicles in public places at the end of hiring, which may include prices and the use of geo-fencing technology;
- (g) measures necessary for —
- 20 (i) the installation, maintenance and keeping in a state of good and serviceable repair vehicle location devices affixed to each vehicle used or to be used to provide shared mobility services; and
- (ii) locating, distributing and collecting vehicles parked or apparently abandoned in public places;
- 25 (h) performance standards relating to the provision of shared mobility services and the quality of other aspects of the provision of the shared mobility service, such as minimum service levels, and performance outcomes for regularity and accessibility of the shared mobility service and of customer information and service;
- 30 (i) the provision of estimates, publication and display of deposits and hiring charges (including payment

surcharges) for or in connection with the provision of the shared mobility service;

- (j) measures necessary for licensees to deal with any plague, epidemic, fire, flood, earthquake or disaster (natural or otherwise) or any public emergency; 5
- (k) other performance standards relating to shared mobility services.

(3) A standard of performance may, in particular, specify the duties and obligations of any licensee or class licensee in relation to its business operation insofar as it relates to the provision of shared mobility services in Singapore. 10

(4) If any provision in any standard of performance is inconsistent with any provision of this Act or the Regulations, that provision, to the extent of the inconsistency —

- (a) is to have effect subject to this Act and the Regulations; or 15
- (b) having regard to this Act and the Regulations, is not to have effect.

(5) Where a standard of performance is issued, approved, amended or revoked by the LTA under subsection (1), the LTA must —

- (a) give notice of the issue, approval, amendment or revocation (as the case may be) of the standard of performance to every licensee or class licensee to whom the standard of performance applies; 20
- (b) specify in the notice mentioned in paragraph (a) the date of issue, approval, amendment or revocation, as the case may be; and 25
- (c) ensure that, so long as the standard of performance remains in force, copies of that standard of performance, and of all amendments to that standard of performance, are available for inspection, free of charge, by the licensees or class licensees to whom the standard of performance applies. 30

(6) No standard of performance, no amendment to an approved standard of performance, and no revocation of any approved standard of performance, has any force or effect as an approved standard of

performance until the notice relating thereto is given in accordance with subsection (5).

(7) A standard of performance issued or approved under this section does not have legislative effect.

5 (8) Subject to subsection (9), every licensee and class licensee must comply with the standards of performance applicable to the licensee or class licensee.

10 (9) The LTA may, for such time as the LTA may specify, waive the application of any standard of performance or part of a standard of performance, issued or approved under this section to any particular licensee or class licensee.

Directions affecting licensees and class licensees

25.—(1) The LTA may give a direction to a licensee or class licensee for or in respect of —

15 (a) locating, distributing or collecting from public places of vehicles used by the licensee or class licensee to provide shared mobility services authorised by the licensee's licence or class licence, as the case may be;

20 (b) the safety or roadworthiness of the vehicles used in connection with the provision of shared mobility services authorised by the licensee's licence or class licence, as the case may be; or

25 (c) any matter affecting the interests of the public in connection with the shared mobility service provided by the licensee or class licensee.

(2) A direction given under subsection (1) —

30 (a) may require the licensee or class licensee concerned (according to the circumstances of the case) to do, or to refrain from doing, for a specified period, things specified in the direction or things that are of a description specified in the direction, including (for a licensee) refusing to hire or further hire vehicles to any particular hirer;

(b) takes effect at such time, being the earliest practicable time, as is determined by or under that direction; and

(c) may be revoked at any time by the LTA.

(3) However, a direction requiring a licensee or class licensee to refuse to hire or further hire vehicles to a particular hirer —

(a) must not have an expiry date that is longer than the prescribed period mentioned in section 23(4)(b); and

(b) may only be given with respect to an individual who is convicted of, or has accepted a composition sum offered with respect to, any of the following offences committed or allegedly committed on or after the date of commencement of this section:

(i) an offence under section 21 or 22 of the Active Mobility Act 2017;

(ii) an offence under section 5A of the Road Traffic Act;

(iii) an offence under the Parking Places Act or any rules made under that Act involving improper parking of vehicles hired from any licensee or class licensee.

(4) A direction under this section continues in force until the earlier of the following occurs:

(a) the expiry date (if any) stated in the direction is reached;

(b) the LTA revokes the direction.

(5) Before exercising any powers under subsection (1), the LTA must, unless the LTA in respect of any particular direction considers that it is not practicable or desirable, give written notice to the licensee or class licensee concerned —

(a) stating that the LTA intends to give a direction to the licensee or class licensee under this section and the nature of the direction; and

(b) specifying the time (being not less than 14 days after the date of service of the notice on the licensee or class licensee) within which written representations may be made to the LTA with respect to the proposed direction.

(6) However, subsection (5) does not apply where —

(a) a safety directive is in force and the proposed direction is occasioned by the directive; or

(b) the LTA, in respect of any particular direction, considers that it is not practicable or desirable to comply with subsection (5).

(7) The LTA may, after considering any written representation made pursuant to subsection (5)(b), decide to give or not to give the direction as the LTA considers appropriate.

(8) The LTA must serve on the licensee or class licensee concerned a notice of its decision under subsection (7).

(9) Every licensee or class licensee must comply with every direction given under this section to the licensee or class licensee as soon as it takes effect.

(10) No civil or criminal liability is incurred by the licensee or class licensee, or an officer, employee or agent of the licensee or class licensee, for doing or omitting to do any act, if the act is done or omitted to be done with reasonable care and in good faith and for the purpose of complying with or giving effect to a direction given under this section.

Division 3 — Safety directives

Safety directives

26.—(1) The Minister may, and in accordance with subsections (2), (3), (4) and (5), give such safety directives of general application as may be necessary to alleviate or minimise any risk —

(a) of death of, or a serious injury to, any individual from the provision of any shared mobility service; or

(b) of serious damage to any property from the provision of any shared mobility service.

(2) The Minister may give a safety directive made under this section to all or any of the following, individually or as a class:

(a) a licensee;

- (b) a class licensee;
- (c) a provider of a shared mobility service which is exempt under section 47.

(3) In making a safety directive under this section, it is not necessary for the Minister to give any person who may be affected by the directive a chance to be heard before the directive is given. 5

(4) A safety directive may be in force for a period not exceeding 6 months unless earlier revoked under subsection (5), and may be renewed by the Minister once only for a further period not exceeding 6 months. 10

(5) The Minister may, at any time when any safety directive is in force, revoke the safety directive by giving notice of that revocation in the same manner as the directive was given.

(6) So far as any safety directive is inconsistent with any Regulations, the safety directive prevails. 15

How safety directive is given

27.—(1) A safety directive is binding on the person or class of persons to whom it is addressed and given.

(2) A safety directive that is addressed to a person is sufficiently given if it is served in the manner prescribed in section 46. 20

(3) A safety directive that is addressed to a class of persons is sufficiently given if it is —

- (a) served on each of the persons in the class in the manner prescribed in section 46; or

- (b) published both — 25

- (i) in a daily newspaper circulating in Singapore or in any other news media that, in the opinion of the LTA, will be most likely to bring the directive to the attention of the persons who belong to the class; and

- (ii) on the LTA's official website. 30

(4) Once such a safety directive is made and given under this section, the Minister must also publish the making of the directive in a

manner that the Minister thinks will secure adequate publicity for the fact of making and giving of the safety directive.

(5) However, failure to publish a safety directive under subsection (4) does not invalidate the directive.

5 (6) A safety directive that is given —

(a) in accordance with subsection (2) takes effect when it is served;

(b) in accordance with subsection (3)(a) takes effect when it is served on all the persons in the class in question; and

10 (c) in accordance with subsection (3)(b) takes effect at the beginning of the day after the date on which subsection (3)(b) has been complied with.

General duty to comply with safety directives

15 **28.**—(1) A safety directive may require the person it binds (according to the circumstances of the case) to do, or to refrain from doing, for a specified period, things specified in the directive or things that are of a description specified in the directive, including stop providing a shared mobility service within any part of Singapore.

20 (2) A person to whom a safety directive is given and who is required by the directive to do, or to refrain from doing, for a specified period, things specified in the directive or things that are of a description specified in the directive, commits an offence if the person intentionally or negligently fails to comply with the directive.

25 (3) A person who is guilty of an offence under subsection (2) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.

PART 5

ENFORCEMENT

*Division 1 — Regulatory action***Suspension or revocation, etc., of licence or class licence**

- 29.—(1)** Subject to section 31, if the LTA is satisfied that — 5
- (a) a licensee or class licensee is contravening or not complying with, or has contravened or failed to comply with —
 - (i) any of the conditions of its licence or, in the case of a class licensee, any condition of its class licence; 10
 - (ii) any provision of this Act or the Regulations applicable to the licensee or class licensee, contravention of or non-compliance with which is not an offence under this Act;
 - (iii) any provision of a standard of performance applicable to the licensee or class licensee; or 15
 - (iv) any direction given to the licensee or class licensee under section 25 or subsection (2)(c), (e) or (g);
 - (b) the licensee or class licensee has gone or is likely to go into compulsory or voluntary liquidation other than for the purpose of amalgamation or reconstruction; 20
 - (c) the licensee or class licensee has made any assignment to, or composition with, its creditors or if a corporation, is unable to pay its debts;
 - (d) the licensee or class licensee is not providing an adequate and satisfactory shared mobility service; 25
 - (e) the licensee or class licensee, or an officer of the licensee or class licensee, is convicted of any offence under —
 - (i) this Act or the Regulations; or

(ii) section 23B, 28 or 58A of the Active Mobility Act 2017,

committed during the term of the licence or class licence, as the case may be;

5 (f) the licence had been obtained by the licensee by fraud or misrepresentation;

(g) any part of the periodic licence fee required by section 12 is in arrears; or

(h) the public interest of Singapore requires,

10 the LTA may revoke (without any compensation) the licensee's licence, with or without forfeiting the whole or part of any performance bond, guarantee or other form of security furnished by the licensee under this Act or disapply the class licence with respect to that class licensee.

15 (2) However, the LTA may, in lieu of revoking a licensee's licence or disapplying a class licence with respect to a class licensee under subsection (1), do (without compensation) any one or more of the following:

(a) censure the licensee or class licensee in writing;

20 (b) modify any condition of the licence;

(c) direct the licensee or class licensee —

25 (i) to do, or to refrain from doing, such things as are specified in a direction to rectify any contravention or non-compliance mentioned in subsection (1)(a); or

30 (ii) to remove, within a period specified in the direction, from all public places vehicles used by the licensee or former licensee or class licensee or former class licensee (as the case may be) in providing shared mobility services when the licence is not in force or the class licence is disappplied;

(d) suspend the licence or the application of the class licence (as the case may be) for not more than 6 months;

- (e) direct the licensee or class licensee to pay, within a period specified in a direction, a financial penalty of such amount as the LTA thinks fit, but not exceeding the maximum specified in subsection (6);
- (f) direct the furnishing by the licensee of any performance bond, guarantee or other form of security, or an additional performance bond, guarantee or other form of security, for all or any of the following:
 - (i) to secure compliance by the licensee with any condition attached to the licence; 10
 - (ii) to secure compliance by the licensee with any standard of performance applicable to the licensee;
 - (iii) for the purpose of meeting any financial penalty arising out of any regulatory action started or likely to start against the licensee; 15
 - (iv) to meet any cost or expense which the LTA may reasonably incur in moving and disposing of vehicles that were used by a former licensee in providing shared mobility services and are abandoned in public places; 20
- (g) order the reduction of the maximum or an increase of the minimum number, or both, of vehicles which the licensee, during the validity period of the licence or any part of that period —
 - (i) may offer or expose undocked for hiring in or at a public place; or 25
 - (ii) may allow the hiring of which to end in or at a public place undocked,
 or both.

(3) Where any financial penalty is imposed on a licensee for contravening or not complying with — 30

- (a) any condition attached to the licence; or

(b) any standard of performance applicable to the licensee, any performance bond, guarantee or other form of security furnished by the licensee to secure compliance by the licensee with any condition attached to the licence or any standard of performance applicable to the licensee must not be forfeited by the LTA for that contravention or non-compliance except to the extent to pay the financial penalty.

(4) In taking any regulatory action under this section in relation to the conviction of a licensee or any person for a criminal offence, the LTA may accept the licensee's or person's conviction as final.

(5) For the purposes of subsection (1)(c), a corporation is unable to pay its debts if it is a corporation which is deemed to be so unable under section 254(2) or 351(2) (as the case may be) of the Companies Act or section 125(2) of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018).

(6) The higher of the following is the maximum financial penalty that a licensee or class licensee may be directed under subsection (2)(e) to pay:

(a) \$100,000 for each instance of the contravention or non-compliance which is the subject of the regulatory action;

(b) 10% of the annual turnover of the licensee's or class licensee's business derived from or attributable to providing a shared mobility service, as ascertained from the licensee's or class licensee's latest audited accounts.

Regulatory action can continue despite licence expiry, etc.

30.—(1) Subject to section 31, if regulatory action under section 29 has started against a licensee or class licensee, and the LTA does not take any regulatory action before the date of expiry of the licensee's licence or the date the class licence stops applying for reasons other than the LTA discontinuing the regulatory action or the ending of the class licence, then despite the expiry or stoppage —

(a) the regulatory action may continue and the LTA may exercise any powers under subsection (2) in relation to the

former licensee or former class licensee if satisfied of any ground mentioned in section 29(1); and

- (b) any performance bond, guarantee or any other form of security furnished under section 13(2)(i) by the former licensee does not need to be discharged or refunded until the conclusion of that regulatory action. 5

(2) The LTA may, if satisfied of any ground mentioned in section 29(1), do (without compensation) any one or more of the following:

- (a) censure the former licensee or former class licensee in writing; 10
- (b) direct the former licensee or former class licensee —
 - (i) to do, or to refrain from doing, such things as are specified in a direction to rectify any contravention or non-compliance mentioned in section 29(1)(a) by the former licensee or former class licensee when the licence or class licence was in force; or 15
 - (ii) to remove, within a period specified in the direction, from all public places vehicles used by the former licensee or former class licensee in providing shared mobility services; 20
- (c) direct the former licensee or former class licensee to pay, within a period specified in a direction, a financial penalty of such amount as the LTA thinks fit, but not exceeding the maximum specified in subsection (4). 25

(3) Where any financial penalty is imposed on a former licensee for contravening or not complying with —

- (a) any condition attached to the licence that expired; or
- (b) any standard of performance that was applicable to the former licensee, 30

any performance bond, guarantee or other form of security furnished by the former licensee to secure compliance by the former licensee with any condition attached to that licence or any standard of performance applicable to the former licensee may be forfeited by the

LTA for that contravention or non-compliance to the extent to pay the financial penalty.

(4) The higher of the following is the maximum financial penalty that a former licensee or former class licensee may be directed under subsection (2)(c) to pay:

(a) \$100,000 for each instance of the contravention or non-compliance which is the subject of the regulatory action;

(b) 10% of the annual turnover of the former licensee's or former class licensee's business derived from or attributable to providing a shared mobility service, as ascertained from the latest audited accounts of the former licensee or former class licensee.

(5) Section 29(4) and (5) applies to regulatory action under this section as it applies to any regulatory action under that section.

Proceedings for regulatory action

31.—(1) Before exercising any powers under section 29(1) or (2) or 30(2), the LTA must give written notice to the licensee or class licensee or former licensee or former class licensee concerned —

(a) stating that the LTA intends to take regulatory action against the licensee or class licensee or former licensee or former class licensee;

(b) specifying the type of action in section 29(1) or (2) or 30(2) that the LTA proposes to take, and each instance of contravention or non-compliance that is the subject of the action; and

(c) specifying the time (being not less than 14 days from the date of service of notice on the licensee or class licensee, or former licensee or former class licensee, as the case may be) within which written representations may be made to the LTA with respect to the proposed action.

(2) The LTA may, after considering any written representation under subsection (1)(c), decide to take such regulatory action in section 29(1) or (2) or 30(2) as the LTA considers appropriate.

(3) Where the LTA has made any decision under subsection (2) against any licensee or class licensee, the LTA must serve on the licensee or class licensee, or former licensee or former class licensee, concerned a notice of its decision.

(4) Subject to section 39, a decision to revoke a licence or disapply a class licence under section 29(1), or to impose a regulatory action in section 29(2) or 30(2), which is specified in the notice given under subsection (3), takes effect from the date on which that notice is given, or on such other date as may be specified in the notice.

(5) Any suspension or revocation of any licence or disapplication of a class licence under section 29 with respect to a licensee or class licensee does not affect —

(a) the enforcement by any person of any right or claim against the licensee or class licensee or the former licensee or former class licensee, as the case may be; or

(b) the enforcement by the licensee or class licensee or the former licensee or former class licensee (as the case may be) of any right or claim against any person.

(6) All financial penalties imposed under section 29(2) or 30(2) must be paid into the Consolidated Fund.

Division 2 — Enforcement powers

Purpose for which enforcement powers are exercisable by authorised officers

32.—(1) An authorised officer may exercise the powers set out in this Division for any of the following purposes:

(a) to determine compliance with this Act and the Regulations, including whether an offence under this Act or the Regulations has been committed;

(b) to determine compliance with any condition of a licence or class licence;

(c) to determine whether information provided to the LTA under a provision of this Act or its subsidiary legislation is correct;

(d) to investigate whether there are grounds for taking any regulatory action against a licensee or class licensee.

(2) To avoid doubt, nothing in this Division limits section 39 of the Land Transport Authority of Singapore Act with respect to an offence under this Act or the Regulations.

Powers of entry, etc., at premises

33.—(1) An authorised officer may, in accordance with subsection (2), enter any premises occupied by a relevant person which the authorised officer reasonably believes to be used for or in connection with the provision of any shared mobility service, and do all or any of the following at the premises:

(a) to examine any thing or observe any activity conducted in or on the premises;

(b) to search the premises and any thing in or on the premises;

(c) to make a still or moving image or recording of the premises and any thing in or on the premises;

(d) to inspect any document in the premises and take extracts from, or make copies of, any such document;

(e) to take into or onto the premises such equipment and materials as the authorised officer requires for the purpose of exercising powers in relation to the premises;

(f) to operate electronic equipment in or on the premises;

(g) to secure a thing for a period not exceeding 24 hours if the thing is found in or on the premises, where the authorised officer believes on reasonable grounds that —

(i) the thing is evidential material relevant to an offence under this Act or the Regulations, or is used or intended to be used for the purpose of contravening or not complying with any condition of a licence or class licence, or any standard of performance, direction or safety directive; and

(ii) it is necessary to secure the thing in order to prevent it from being concealed, lost or destroyed before a warrant to seize the thing is obtained;

(h) to seize any thing found in or on the premises which the authorised officer reasonably suspects is as described in paragraph (g)(i);

(i) to require any individual found in or on the premises to answer any question (to the best of that individual's knowledge, information and belief) and to provide any document or information that the officer reasonably requires for any of the purposes of section 32.

(2) However, an authorised officer is not authorised by subsection (1) —

(a) to enter and search any premises which are not a place on or at which a licensee or class licensee provides a shared mobility service or carries out any activity in connection with the provision of the shared mobility service, except —

(i) with the consent of the occupier; or

(ii) under a warrant of a Magistrate's Court or District Court;

(b) to seize any thing in or on any premises unless the seizure is made under a warrant of a Magistrate's Court or District Court.

(3) A warrant mentioned in subsection (2) may be issued if a Magistrate's Court or District Court is satisfied that it is necessary for the authorised officer to enter any premises, search any premises or seize any thing (as the case may be) for any of the purposes of section 32.

(4) The power under subsection (1)(f) to operate electronic equipment in or on any premises includes the power —

(a) to use a disk, tape or other storage device that is in or on the premises and can be used with the equipment or in association with the equipment;

(b) to operate electronic equipment in or on the premises to put the relevant data in documentary form and remove the documents so produced from the premises; and

5 (c) to operate electronic equipment in or on the premises to transfer the relevant data to a disk, tape or other storage device that —

(i) is brought to the premises for the exercise of the power; or

10 (ii) is in or on the premises and the use of which for that purpose has been agreed in writing by the occupier of the premises,

and to remove the disk, tape or other storage device from those premises.

15 (5) The power under subsection (1)(g) to secure any thing which is found during the exercise of enforcement powers in or on any premises includes the power —

(a) to secure the thing by locking it up, placing a guard or any other means; and

(b) to prohibit any person from dealing with such thing.

20 (6) The power to require an individual to provide any document or information under subsection (1)(i) includes the power —

(a) to require that individual to provide an explanation of the document or information;

25 (b) if the document or information is not provided, to require that individual to state, to the best of the individual's knowledge and belief, where it is; and

(c) if the information is recorded otherwise than in legible form, to require the information to be made available to the authorised officer or the LTA in legible form.

30 (7) Sections 370, 371 and 372 of the Criminal Procedure Code (Cap. 68) apply, with the necessary modifications, when an authorised officer seizes any thing under this section.

(8) In this section, “relevant person” means —

- (a) a person to whom a licence is or was granted;
- (b) a person who is or was a class licensee;
- (c) an individual who is or was an officer or a representative of a person mentioned in paragraph (a) or (b);
- (d) an individual who is or was an employee or outworker of the provider of a shared mobility service; or
- (e) a person whom an authorised officer suspects on reasonable grounds is or was the provider of any shared mobility service, or an agent of such a person.

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Powers in relation to vehicles

34.—(1) An authorised officer may do all or any of the following in relation to a vehicle which the authorised officer reasonably believes to be used for or in connection with the provision of any shared mobility services:

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- (a) to stop and detain the vehicle for as long as is reasonably necessary for the exercise of any other power of the authorised officer under this section;
- (b) to inspect the vehicle and any equipment in or on the vehicle;
- (c) to make a still or moving image or recording of the vehicle and anything in or on the vehicle;
- (d) to inspect any document in the vehicle and take extracts from, or make copies of, any such document;
- (e) to operate a computer or other thing in or on the vehicle;
- (f) to require the rider of the vehicle, or a person in possession of the vehicle, to answer any question (to the best of that person’s or individual’s knowledge, information and belief) and to provide any document or information that the authorised officer reasonably requires for the purposes of section 32.

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(2) The power to require a person or an individual to provide any document or information under subsection (1)(f) includes the power —

5 (a) to require that person or individual to provide an explanation of the document or information;

(b) if the document or information is not provided, to require that person or individual to state, to the best of the person's or individual's knowledge and belief, where it is; and

10 (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the authorised officer or the LTA in legible form.

(3) However, the power to require an individual to provide any document or information under subsection (1)(f) must not be exercised in relation to an individual who is an under-aged rider, but may be exercised in relation to any individual who is an appropriate supervisor (within the meaning of the Active Mobility Act 2017) escorting the riding of the vehicle by the firstmentioned individual.

Power to obtain information

20 **35.**—(1) The LTA or an authorised officer may by written notice require any licensee or class licensee to provide, within a reasonable period specified in the notice, and in such form and manner as may be specified in the notice, all documents and information which —

25 (a) relate to any matter which the authorised officer considers necessary for any of the purposes of section 32; and

(b) are —

(i) within the knowledge of that licensee or class licensee, as the case may be; or

30 (ii) in the custody or under the control of the licensee or class licensee, as the case may be.

(2) The power to require a licensee or class licensee to provide any document or information under subsection (1) includes the power —

- (a) to require that licensee or class licensee, or any individual who is or was an officer or agent or a representative of the licensee or class licensee (as the case may be), to provide an explanation of the document or information;
- (b) if the document or information is not provided, to require that licensee, class licensee or individual to state, to the best of the knowledge and belief of that licensee, class licensee or individual (as the case may be), where it is; and
- (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the LTA or an authorised officer in legible form.

(3) The LTA is entitled without payment to keep any document or information, or any copy or extract thereof, provided to the LTA or an authorised officer under subsection (1).

Offences

36.—(1) A person who, without reasonable excuse, fails to do anything required of the person by an authorised officer under section 33(1) or 34(1), or by a notice under section 35(1), shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

(2) A person —

- (a) who intentionally alters, suppresses or destroys any document or information which the person has been required by an authorised officer under section 33(1)(i) or 34(1)(f), or by a notice under section 35(1) to provide; or
- (b) who, in providing any document or information required by an authorised officer under section 33(1)(i) or 34(1)(f), or by a notice under section 35(1), makes any statement which the person knows or ought reasonably to know that, or is reckless as to whether, it is false or misleading in a material particular,

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 12 months or to both.

(3) In any proceedings for an offence under subsection (1), it is a defence for the accused to prove, on a balance of probabilities, that —

(a) the person does not possess the document or information required; and

5 (b) the person has taken all reasonable steps available to the person to obtain the document or information required and has been unable to obtain it.

10 (4) To avoid doubt, for the purposes of subsection (1), it is a reasonable excuse for a person to refuse or fail to provide any information, produce any document or answer any question if doing so might tend to incriminate that person.

Composition of offences

15 **37.**—(1) The LTA or an authorised officer may compound any offence under this Act that is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

(a) one half of the amount of the maximum fine that is prescribed for the offence;

20 (b) \$5,000.

(2) On payment of the sum of money, no further proceedings are to be taken against that person in respect of the offence.

(3) All sums collected under this section must be paid into the Consolidated Fund.

PART 6

APPEALS

Interpretation of this Part

38. In this Part, unless the context otherwise requires —

30 “appealable decision” means any of the following decisions of the LTA:

- (a) a decision refusing the grant of a licence under section 11;
 - (b) a decision under section 13 imposing a condition in a licensee's licence;
 - (c) a modification under section 14 of a condition in a licensee's licence; 5
 - (d) a refusal to modify a condition of a licence under section 15(5)(b);
 - (e) a decision requiring the furnishing of a performance bond, guarantee or any other form of security of such amount, or an additional performance bond, guarantee or any other form of security upon granting under section 15(5)(a) a modification of a condition of a licence; 10
 - (f) a refusal of consent under section 16 to a transfer or an assignment of a licence; 15
 - (g) a direction under section 25, except a direction described in section 25(3);
 - (h) a decision under section 29(1) to revoke a licence or disapply a class licence; 20
 - (i) a decision under section 29(2) or 30(2) to impose a regulatory action against a licensee or class licensee;
- “appellant” means the following in relation to an appealable decision:
- (a) an applicant for the grant of a licence, where the appealable decision is within paragraph (a) of the definition of “appealable decision”; 25
 - (b) a licensee, where the appealable decision is within paragraph (b), (c), (d), (e) or (f) of the definition of “appealable decision”; 30
 - (c) a licensee or class licensee or a former licensee or former class licensee, where the appealable decision

is within paragraph (g), (h) or (i) of the definition of “appealable decision”;

“Minister of State” means a Minister of State or Senior Minister of State assisting the Minister on matters within the purposes of this Act;

“Parliamentary Secretary” includes a Senior Parliamentary Secretary appointed to assist the Minister in the discharge of the Minister’s duties and functions under this Act;

“Second Minister” means the Second Minister to the Minister, if any.

Appeal to Minister

39.—(1) An appellant who is aggrieved by an appealable decision may appeal to the Minister against the decision in accordance with this section.

(2) An appeal under this section must be in writing and specify the grounds on which it is made, and be made —

(a) for an appealable decision that is under section 14 about modification of a condition in a licence — within 28 days after the date the decision appealed against is given to the appellant; and

(b) for any other appealable decision — within 14 days after the date the decision appealed against is given to the appellant.

(3) The Minister may reject an appeal of an appellant who fails to comply with subsection (2).

(4) After considering an appeal, the Minister may —

(a) reject the appeal and confirm the appealable decision; or

(b) allow the appeal and reverse the appealable decision.

(5) The Minister’s decision on an appeal is final.

(6) Every appellant must be notified of the Minister’s decision under subsection (5).

(7) An appeal against an appealable decision does not affect the operation of the decision appealed against or prevent the taking of action to implement the decision, and unless otherwise directed by the Minister under this subsection, the decision appealed against must be complied with until the determination of the appeal.

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Designation of others to hear appeals

40. The Minister may designate a Second Minister, Minister of State or Parliamentary Secretary to hear and determine, in the Minister's place, any appeals or a specific appeal under section 39; and any reference in that section to the Minister includes a reference to the Second Minister, Minister of State or Parliamentary Secretary so designated for that appeal.

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PART 7

MISCELLANEOUS

Interface with other laws

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41. To avoid doubt, this Act —

- (a) does not affect the operation of the Active Mobility Act 2017 or the Road Traffic Act; and
- (b) does not limit the application of any other requirement or restriction to, or in relation to, the conduct of business in, or the parking of vehicles on, any public place by or under the Parking Places Act or any other written law.

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Recovery of fees and penalties

42.—(1) The LTA may impose interest at the prescribed rate on any outstanding amount of —

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- (a) any fee payable under section 11 for the grant of a licence;
- (b) any periodic fee payable under section 12;
- (c) any charge payable under an order made under section 17(1) (including as varied under section 18); or

(d) any financial penalty directed under section 29(2) or 30(2) to be paid.

(2) The following may be recovered by the LTA in any court of competent jurisdiction as if they were simple contract debts:

5 (a) any fee payable under section 11 for the grant of a licence;

(b) any periodic fee payable under section 12;

(c) any charge payable under an order made under section 17(1) (including as varied under section 18);

10 (d) any financial penalty directed under section 29(2) or 30(2) to be paid;

(e) any interest mentioned in subsection (1).

Offences by corporations

15 **43.**—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of a corporation in relation to a particular conduct, evidence that —

(a) an officer, employee or agent of the corporation engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the officer, employee or agent had that state of mind,

20 is evidence that the corporation had that state of mind.

(2) Where a corporation commits an offence under this Act, a person —

(a) who is —

(i) an officer of the corporation; or

25 (ii) an individual involved in the management of the corporation and in a position to influence the conduct of the corporation in relation to the commission of the offence; and

(b) who —

30 (i) consented or connived, or conspired with others, to effect the commission of the offence;

- (ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the corporation; or
- (iii) knew or ought reasonably to have known that the offence by the corporation (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of that same offence as is the corporation, and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the corporation if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the corporation would bear.

- (4) To avoid doubt, this section does not affect the application of —
- (a) Chapters V and VA of the Penal Code (Cap. 224); or
 - (b) the Evidence Act (Cap. 97) or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of the corporation for an offence under this Act, and applies whether or not the corporation is convicted of the offence.

(6) In this section —

“corporation” includes a limited liability partnership;

“officer”, in relation to a corporation, means any director, partner, chief executive, manager, secretary or other similar officer of the corporation, and includes —

- (a) any person purporting to act in any such capacity; and
- (b) for a corporation whose affairs are managed by its members, any of those members as if the member were a director of the corporation;

“reasonable steps”, in relation to the commission of an offence, includes, but is not limited to, such action (if any) of the following kinds as is reasonable in all the circumstances:

(a) action towards —

5 (i) assessing the corporation’s compliance with the provision creating the offence; and

(ii) ensuring that the corporation arranged regular professional assessments of its compliance with the provision;

10 (b) action towards ensuring that the corporation’s employees, agents and contractors are provided with information, training, instruction and supervision appropriate to them to enable them to comply with the provision creating the offence so far
15 as the provision is relevant to them;

(c) action towards ensuring that —

(i) the equipment and other resources; and

(ii) the structures, work systems and other processes,

20 relevant to compliance with the provision creating the offence are appropriate in all the circumstances;

(d) action towards creating and maintaining a corporate culture that does not direct, encourage, tolerate or lead to non-compliance with the provision creating
25 the offence;

“state of mind” of a person includes —

(a) the knowledge, intention, opinion, belief or purpose of the person; and

(b) the person’s reasons for the intention, opinion, belief or purpose.
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(7) The Minister may make rules to provide for the application of any provision of this section, with such modifications as the Minister

considers appropriate, to any corporation formed or recognised under the law of a territory outside Singapore.

Offences by unincorporated associations or partnerships

44.—(1) Where, in a proceeding for an offence under this Act, it is necessary to prove the state of mind of an unincorporated association or a partnership in relation to a particular conduct, evidence that —

(a) an employee or agent of the unincorporated association or partnership engaged in that conduct within the scope of his or her actual or apparent authority; and

(b) the employee or agent had that state of mind,

is evidence that the unincorporated association or partnership had that state of mind.

(2) Where an unincorporated association or a partnership commits an offence under this Act, a person —

(a) who is —

(i) an officer of the unincorporated association or a member of its governing body;

(ii) a partner in the partnership; or

(iii) an individual involved in the management of the unincorporated association or partnership and in a position to influence the conduct of the unincorporated association or partnership (as the case may be) in relation to the commission of the offence; and

(b) who —

(i) consented or connived, or conspired with others, to effect the commission of the offence;

(ii) is in any other way, whether by act or omission, knowingly concerned in, or is party to, the commission of the offence by the unincorporated association or partnership; or

(iii) knew or ought reasonably to have known that the offence by the unincorporated association or partnership (or an offence of the same type) would be or is being committed, and failed to take all reasonable steps to prevent or stop the commission of that offence,

shall be guilty of the same offence as is the unincorporated association or partnership (as the case may be), and shall be liable on conviction to be punished accordingly.

(3) A person mentioned in subsection (2) may rely on a defence that would be available to the unincorporated association or partnership if it were charged with the offence with which the person is charged and, in doing so, the person bears the same burden of proof that the unincorporated association or partnership would bear.

(4) To avoid doubt, this section does not affect the application of —

(a) Chapters V and VA of the Penal Code; or

(b) the Evidence Act or any other law or practice regarding the admissibility of evidence.

(5) To avoid doubt, subsection (2) also does not affect the liability of an unincorporated association or a partnership for an offence under this Act, and applies whether or not the unincorporated association or partnership is convicted of the offence.

(6) In this section —

“officer”, in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, and includes —

(a) any person holding a position analogous to that of president, secretary or member of a committee of the unincorporated association; and

(b) any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner;

“reasonable steps” has the meaning given by section 43;

“state of mind” of a person includes —

- (a) the knowledge, intention, opinion, belief or purpose of the person; and
- (b) the person’s reasons for the intention, opinion, belief or purpose.

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(7) The Minister may make rules to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any unincorporated association or partnership formed or recognised under the law of a territory outside Singapore.

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Jurisdiction of courts

45. Despite the Criminal Procedure Code, a District Court or a Magistrate’s Court has jurisdiction to try any offence under this Act and has power to impose the full punishment for any such offence.

Service of documents

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46.—(1) A document that is permitted or required by this Act to be served on a person may be served as described in this section.

(2) A document permitted or required by this Act to be served on an individual may be served —

- (a) by giving it to the individual personally;
- (b) by sending it by post to the address specified by the individual for the service of documents or, if no address is so specified, the individual’s residential address or business address;
- (c) by leaving it at the individual’s residential address with an adult apparently resident there, or at the individual’s business address with an adult apparently employed there;
- (d) by affixing a copy of the document in a conspicuous place at the individual’s residential address or business address;
- (e) by sending it by fax to the fax number last known to the person giving or serving the document as the fax number for the service of documents on the individual; or

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(f) by sending it by email to the individual's last email address.

(3) A document permitted or required by this Act to be served on a partnership (other than a limited liability partnership) may be served —

(a) by giving it to any partner, secretary or other similar officer of the partnership;

(b) by leaving it at, or by sending it by post to, the partnership's business address;

(c) by sending it by fax to the fax number used at the partnership's business address; or

(d) by sending it by email to the partnership's last email address.

(4) A document permitted or required by this Act to be served on a body corporate (including a limited liability partnership) or an unincorporated association may be served —

(a) by giving it to the secretary or other similar officer of the body corporate or unincorporated association, or the limited liability partnership's manager;

(b) by leaving it at, or by sending it by post to, the registered office or principal office in Singapore of the body corporate or unincorporated association;

(c) by sending it by fax to the fax number used at the registered office or principal office in Singapore of the body corporate or unincorporated association; or

(d) by sending it by email to the last email address of the body corporate or unincorporated association.

(5) In addition, a document (other than a summons) permitted or required by this Act to be served on an individual, a partnership, a body corporate or an unincorporated association may be served —

(a) by giving an electronic notice to the individual, partnership, body corporate or unincorporated association (called in this section an addressee) by the

addressee's chosen means of notification, stating that the document is available and how the addressee may use the addressee's chosen means of access to access the document's contents;

- (b) where by the exercise of reasonable diligence, the name of any individual or a body of persons to whom the document is to be served, or the business address, residential address or last email address of the individual or body, cannot be ascertained, by posting it on a website maintained by the LTA and prescribed by the Minister by notification in the *Gazette* for this purpose; or 5
- (c) by any other method authorised by the Regulations for the service of documents of that kind if the addressee consents (expressly or impliedly) to service of a document of that kind in that way. 10

(6) Service of a document takes effect — 15

- (a) if the document is sent by fax and a notification of successful transmission is received, on the day of transmission;
- (b) if the document is sent by email, at the time that the email becomes capable of being retrieved by the person to whom it is sent; 20
- (c) if the document is sent by post, 2 days after the day the document was posted (even if it is returned undelivered); and 25
- (d) if the document is posted on a website mentioned in subsection (5)(b), at the beginning of the day after the date on which subsection (5)(b) has been complied with.

(7) However, service of any document under this Act on a person by email or by an electronic notice at the person's chosen means of notification, may be effected only with the person's prior consent (express or implied) to service in that way. 30

(8) However, this section does not apply to documents to be served in proceedings in court.

(9) In this section —

“business address” means —

(a) in the case of an individual, the individual’s usual or last known place of business in Singapore; or

5 (b) in the case of a partnership (other than a limited liability partnership), the partnership’s principal or last known place of business in Singapore;

10 “chosen means of access”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means the addressee agrees with the person giving or serving the document as the means by which the addressee may access that document’s contents;

15 “chosen means of notification”, for an addressee on whom is or is to be served a document permitted or required by this Act, means an electronic means that the addressee nominates to the person giving or serving the document as the means by which the addressee may be notified that such a document has been served on the addressee;

20 “document” includes a notice or an order permitted or required by this Act to be served;

“last email address” means the last email address given by the addressee concerned to the person giving or serving the document as the email address for the service of documents under this Act;

25 “residential address” means an individual’s usual or last known place of residence in Singapore.

General exemption

30 **47.** The Minister may, by order in the *Gazette*, exempt any person or class of persons from all or any of the provisions of this Act, either generally or in a particular case and subject to such conditions as the Minister may impose.

Regulations

48.—(1) The LTA, with the approval of the Minister, may make regulations necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, the LTA may make regulations for any of the following: 5

- (a) classes of licences;
- (b) the form and manner in which, and the time within which, an application for the grant of a licence may be made under this Act; 10
- (c) the carrying out of inquiries of applicants for a licence;
- (d) the duties of licensees;
- (e) the labelling or marking of vehicles used by a licensee or class licensee to provide shared mobility services;
- (f) the measures for locating, distributing or collecting from public places vehicles used by a licensee or class licensee in providing shared mobility services; 15
- (g) the accounting of deposits from hirers of vehicles used in the provision of a shared mobility service by a licensee or class licensee, including prohibiting withdrawals from an account for these deposits except as authorised by the Regulations; 20
- (h) the fees to be paid in respect of applications for the grant of a licence and otherwise in connection with the administration of this Act, and for the waiver, reduction or refund of fees charged; 25
- (i) the records that must be kept by licensees and the provision of returns and other information with respect to the provision of shared mobility services, including audio and visual records about the provision of the services. 30

(3) Regulations made under this section may —

- (a) prescribe the offences under this Act that may be compounded;

- (b) provide that any contravention of any provision of the regulations shall be an offence punishable with a fine not exceeding \$10,000; and
- (c) provide for such saving, transitional, and other consequential, incidental and supplemental provisions as is necessary or expedient for the purposes of this Act.

Presentation to Parliament

49. All subsidiary legislation made under this Act must be presented to Parliament as soon as possible after publication in the *Gazette*.

PART 8

AMENDMENTS TO OTHER ACTS AND FINAL PROVISIONS

Amendments to Land Transport Authority of Singapore Act

50. The Land Transport Authority of Singapore Act (Cap. 158A) is amended —

- (a) by inserting, immediately after paragraph (f) of section 6(1), the following paragraph:

“(fa) to regulate the provision of shared mobility services under the Shared Mobility Enterprises (Control and Licensing) Act 2020;”;

- (b) by deleting the word “and” at the end of section 6(1)(r)(v);

- (c) by inserting the word “and” at the end of sub-paragraph (vi) of section 6(1)(r), and by inserting immediately thereafter the following sub-paragraph:

“(vii) all composition sums and financial penalties under the Shared Mobility Enterprises (Control and Licensing) Act 2020;”;

(d) by deleting sub-paragraph (b) of paragraph 16 of the Second Schedule and substituting the following sub-paragraph:

“(b) a licence under the Shared Mobility Enterprises (Control and Licensing) Act 2020;”;

5

(e) by inserting, immediately before paragraph 24 of the Second Schedule, the following paragraph:

“23A. All fees and charges prescribed under the Shared Mobility Enterprises (Control and Licensing) Act 2020.”; and

(f) by inserting, immediately after item 4 of Part II of the Fifth Schedule, the following item:

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“4A. All provisions of the Shared Mobility Enterprises (Control and Licensing) Act 2020 and any regulations made under that Act for the purposes of that Act.”.

Amendments to Parking Places Act

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51.—(1) The long title to the Parking Places Act (Cap. 214) is amended by deleting the words “vehicle sharing” and substituting the words “shared mobility services”.

(2) Section 2 of the Parking Places Act is amended by deleting the words “or any regulations made under Part 3” in the definition of “enforcement officer”.

20

(3) Section 3(4) of the Parking Places Act is amended by deleting the words “or any regulations made under Part 3” in paragraphs (a) and (b).

(4) Section 5A(1) of the Parking Places Act is amended by deleting the words “section 8” in paragraph (c) and substituting the words “section 22”.

25

(5) Part 3 of the Parking Places Act is repealed.

(6) Section 12(4) of the Parking Places Act is amended by deleting paragraph (a).

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(7) Section 15 of the Parking Places Act is amended —

(a) by deleting the words “Part 3” in subsection (1A) and substituting the words “the Shared Mobility Enterprises (Control and Licensing) Act 2020”;

5 (b) by deleting the words “that Part” in subsection (1A) and substituting the words “that Act”;

10 (c) by inserting, immediately after the words “section 8C or any regulations made under section 8S” in subsections (1A)(b), (5B)(b) and (5D), the words “(as in force before the date of commencement of section 51(5) of the Shared Mobility Enterprises (Control and Licensing) Act 2020) or section 8(1), 9(1) or 28(3) of the Shared Mobility Enterprises (Control and Licensing) Act 2020 or any regulations made under that Act”; and

15 (d) by inserting, immediately after the words “under section 12” in subsection (5B)(b)(ii), the words “of this Act or section 37 of the Shared Mobility Enterprises (Control and Licensing) Act 2020, as the case may be”.

20 (8) The Parking Places Act is amended by deleting the words “or regulations” in sections 19, 20 and 21.

Amendment to Insolvency, Restructuring and Dissolution Act 2018

52. Section 499 of the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018) is repealed.

25 Saving and transitional provisions

53.—(1) Subject to the adaptations provided in the Schedule, this Act applies to and in relation to every person holding a licence that is —

30 (a) granted under Part 3 of the Parking Places Act to provide a licensable service before the date of commencement of section 51(5); and

(b) in force immediately before that date.

(2) Despite anything in this Act, any person who, on the date of commencement of section 8, is providing a shared mobility service within the meaning of paragraph (a)(ii), (iii) or (iv) of the definition of “shared mobility service” in section 3(1) may continue to provide that service —

5

(a) for 2 months after that date or until an order under section 17 is earlier made applicable to the person; or

(b) for 2 months after that date and, if within that period the person applies for a licence under Part 3, for a further period ending on the happening of the earlier of the following:

10

(i) the date on which the LTA grants a licence to the person;

(ii) the date that the application is refused or withdrawn.

(3) For a period of 2 years after the date of commencement of this section, the Minister may, by order in the *Gazette*, amend the Schedule by prescribing such additional provisions of a saving or transitional nature consequent on the enactment of this section as the Minister may consider necessary or expedient.

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(4) Nothing in this section or the Schedule affects section 16 of the Interpretation Act (Cap. 1).

20

THE SCHEDULE

Section 53

SAVING AND TRANSITIONAL PROVISIONS

1. Every person holding a licence that —

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(a) is granted, before the date of commencement of section 51(5), under Part 3 of the Parking Places Act (Cap. 214); and

(b) is in force immediately before that date,

is, so far as it is not inconsistent with the provisions of this Act, to continue as if granted a licence authorising the person to provide a shared mobility service granted under this Act until that licence expires or is earlier revoked under section 29.

30

THE SCHEDULE — *continued*

2. Every direction that —

(a) is issued under section 8O of the Parking Places Act before the date of commencement of section 51(5); and

5 (b) is in force immediately before that date,

is, so far as it is not inconsistent with the provisions of this Act, to continue as if it is a direction given by the LTA under section 25.

3. Sections 29 and 30 of this Act do not apply to any proceedings —

10 (a) under section 8P of the Parking Places Act as in force immediately before the date of commencement of section 51(5); and

(b) pending immediately before that date,

and those proceedings may be continued, and any penalty may be imposed under section 8P of the Parking Places Act as if section 51(5) had not been enacted.

4. Where an appeal has been made to the Minister —

15 (a) under section 8R of the Parking Places Act before the date of commencement of section 51(5); and

(b) the appeal has not been dealt with or disposed of immediately before that date,

20 the appeal may be dealt with under section 8R of the Parking Places Act as if section 51(5) had not been enacted.

EXPLANATORY STATEMENT

The Bill seeks to regulate the provision of shared mobility services in Singapore. The Bill also makes consequential and related amendments to the Land Transport Authority of Singapore Act (Cap. 158A), the Parking Places Act (Cap. 214) and the Insolvency, Restructuring and Dissolution Act 2018 (Act 40 of 2018).

Part 1 introduces the fundamental concepts used in the Bill.

Part 2 sets out the main offences connected with the provision of shared mobility services.

Part 3 contains the regulatory framework for providers of shared mobility services.

Part 4 sets out various business requirements for such providers.

Part 5 confers powers of enforcement and regulatory action for the proper administration of the Bill.

Part 6 provides for appeals against certain decisions of the Land Transport Authority of Singapore (LTA).

Part 7 contains a variety of general provisions as well as the power to make regulations.

Part 8 sets out the different consequential and related amendments to certain other Acts. Part 8 and the Schedule provide for saving and transitional arrangements for existing holders of vehicle-sharing licences under the Parking Places Act.

PART 1

PRELIMINARY

Clause 1 relates to the short title and commencement.

Clause 2 is a general interpretation provision. It contains definitions of terms used in several Parts of the Bill.

Clause 2 provides that whether or not a person is providing a shared mobility service in the course of business would generally depend on a range of factors, such as whether the service is provided with the aim of generating revenue through charging of a fare or for other consideration. It does not matter if the person providing the service is doing so for profit, or on a not-for-profit basis, or whether the primary function is connected with shared mobility services.

A key definition is that of a “public place”, which is defined to mean any land or premises in Singapore to which members of the public have access as of right or by virtue of express or implied permission and without payment of a fee, and which is, or is on, any State land, any land under the control or management of a statutory body (such as a statutory board or a Town Council), or any land which is under lease from a statutory body to another person other than another statutory body or the Government, and is prescribed by the Minister, by order in the *Gazette*, as a public place for the purposes of the Bill.

For example, void decks in public housing estates, and public parks on State land or Sentosa would come within the first and second categories. The Istana grounds would not since these are accessible to the public only on designated days and on security screening being satisfied.

Examples of the last category of places are industrial parks (such as One-North) which are leased by the Jurong Town Corporation to others and to which members of the public have access by virtue of express or implied permission free of charge.

Another important term is that of “vehicle”, which is defined to mean a bicycle, power-assisted bicycle, personal mobility device, mobility vehicle or other means of transport used on land (whether mechanically propelled or otherwise). However, excluded from the definition of “vehicle” for the purposes of the Bill are a motor car or motor cycle, a heavy or light locomotive, a motor tractor, and a public service vehicle which is a bus, private hire car or taxi.

Clause 3 sets out the definition of “shared mobility service” and terms related to that.

Under the Bill, a person is treated as providing a shared mobility service only where the person uses a vehicle of the type that is prescribed in Regulations in providing that service; there is no licensing for a vehicle (as defined) that is not prescribed.

The expression “shared mobility service” is defined to mean offering or exposing undocked vehicles in any public place for hire by the general public to ride, and allowing the hiring of any of these vehicles to end in or at a public place undocked, or taking bookings for the hire of any of these vehicles which end in or at a public place undocked. This is the present scope in Part 3 of the Parking Places Act.

The Bill extends the definition to cover a service provided to the general public or a section of the public using vehicles of a type prescribed by Regulations, under which an individual can hire on-demand a vehicle of that type when it is standing or exposed undocked for hire by the general public to ride on wholly or partly in a public place, and can end the hiring of the vehicle undocked in or at a private place. A service provided using vehicles of a type prescribed by Regulations, under which an individual can hire on-demand a vehicle docked to ride on wholly or partly in a public place, and can end the hiring of the vehicle undocked anywhere is also included in the definition.

Also included are the provision of undocked vehicles for hire not necessarily by the public, such as by outworkers doing deliveries, who can end the hiring of the vehicle undocked in a public place.

A shared mobility service is also defined to cover the traditional modes of hiring of vehicles where these are hired at one place and ridden from that point to another point. So long as these hired vehicles may be ridden wholly or partly in a public place, it is still a shared mobility service capable of regulation under the Bill, even if the hiring of the vehicle ends at a place, whether or not a public place.

For example, a hotel that provides bicycles or personal mobility devices at its lobby for hire by guests of the hotel is treated by the Bill as providing a shared mobility service. A bicycle rental operator at a public park offering bicycles for hire to ride within the public park is also treated by the Bill as providing a shared mobility service. A charity which engages on a piece-meal basis non-employees or volunteers to deliver food and provisions to elderly beneficiaries and provides

bicycles or personal mobility devices to these non-employees or volunteers to use so as to make the deliveries will also be regarded as providing a shared mobility service.

Finally, the definition of “shared mobility service” is, in anticipation of new business models for vehicle sharing, extended to cover providing to individuals interested in hiring vehicles used in the provision of a service earlier described, a service of booking such a vehicle for hire, and communicating the booking to the individual or the person providing the service. It does not matter whether the booking is obtained or communicated remotely by means of an electronic device or other means not directly provided by the person who provides a booking service, such as an App.

This captures circumstances where the person who takes or facilitates the booking is not the provider of the vehicles for hire but passes it on to such a provider as well as where the person who takes the booking is also the person who provides the vehicle for hire.

The definition allows for regulations to be made to exclude a service from the scope of the definition.

A vehicle is treated as undocked if the vehicle is parked or permitted to remain at rest without a rider in or at a place that is outdoors or in an unenclosed shelter and in a way other than in or at a vehicle docking station or installation that is attached permanently to the ground and is installed or provided by a person for the exclusive use of that person’s customers and can only be used by those customers.

For example, a vehicle is undocked if it is parked either outdoors (such as a grass verge) or in an unenclosed shelter (such as a covered walkway or void deck), and other than in or at an exclusive-use vehicle docking station such as those with proprietary docking mechanisms, like Vélib in Paris.

A vehicle is treated as docked if it is left to rest without a rider in a public place in circumstances other than as defined as undocked.

“Hire” expressly excludes hiring a vehicle under a hire-purchase agreement. The ordinary meaning of the word “hire” applies. This would be a transfer of possession of a vehicle but not the title thereto, and the transfer is for a limited period. However, the Bill does extend the ordinary meaning to cover the hire of a vehicle for use on a single occasion, or the hire of a vehicle or different vehicles on multiple occasions within a fixed period, the hire of a vehicle as a free gift, or with the supply of any other goods or services as a free gift, or as a prize in any lottery, raffle, draw, game or competition held in Singapore, or even as a free example or demonstration of a shared mobility service.

This is the present scope in the Parking Places Act.

The Bill extends the meaning of “hire” to further include the hire (with or without consideration) of the vehicle to an employee for the performance of

employment duties or an outworker under an outwork arrangement. This will cover hiring out of vehicles by employers or businesses to gig economy workers, to use to do work.

Clause 4 sets out the purposes of the Bill.

Clause 5 makes it clear that the Bill binds the Government.

Clause 6 provides that the administration of the Bill is the function of the LTA.

Clause 7 empowers the LTA to appoint authorised officers from among its officers and employees to administer and enforce the Bill. The LTA may delegate the exercise of all or any of the powers conferred or duties imposed upon it by any provision of the Bill. However, the LTA cannot delegate its power of delegation conferred by this clause; this is to prevent sub-delegation.

PART 2

UNAUTHORISED ACTIVITIES

Part 2 sets out activities which are offences.

Clause 8 creates an offence of unlawful provision of shared mobility services. A person must not provide in Singapore any shared mobility service when the person is not authorised to do so by a licence or class licence, and is not exempt from this section under clause 47 in relation to that service. The offence is a strict liability offence.

The punishment is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or both and, in the case of a continuing offence, a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

Clause 9 deals with unauthorised provision in Singapore of shared mobility services using vehicles that are either banned by regulations or not authorised by the licence or class licence. The offence is a strict liability offence.

The punishment is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or both and, in the case of a continuing offence, a further fine not exceeding \$500 for every day or part of a day during which the offence continues after conviction.

PART 3

SHARED MOBILITY SERVICES LICENSING

Part 3 provides for the licensing of providers of shared mobility services. It consists of 2 Divisions. Division 1 covers full licensees, and Division 2 covers class licensees who are regulated more lightly.

Clause 10 provides for applications for or to renew a licence. These must be made to the LTA. The LTA may refuse to consider an application for or to renew a licence that is incomplete or not made in accordance with the clause, or where an inspection in relation to the application is refused, or where a safety directive is in force.

Clause 11 deals with the matters that the LTA considers when granting or renewing licences.

For a licence, the suitability of the applicant and its key officers (such as a member of the board of directors or committee or board of trustees or other governing body) to be involved in the management or operation of the shared mobility service is also part of the criteria the LTA must take into account.

A fee may be prescribed by regulations for the issue or renewal of a licence.

The LTA may grant a renewal of a licence with or without modifying the conditions of the licence. But when it does so, the process for modifying conditions in clause 14 does not apply.

Clause 12 deals with the periodic fee payable for a licence which is in addition to the licence fee payable at the grant or renewal. Every licence granted or renewed is valid for such period as may be specified in the licence, unless following regulatory action under clause 29, the licence is earlier suspended or revoked.

Clause 13 empowers the LTA, in granting a licence to any person, to impose such conditions as the LTA considers requisite or expedient having regard to the purposes of the Bill.

Among the conditions may be a condition that prohibits or restricts the use of a certain type of vehicle specified in the licence in providing the shared mobility service. Another condition is one that fixes the maximum or minimum number, or both, of vehicles which the licensee, during the validity period of the licence or any part of that period, may offer or expose for hiring, or may allow the hiring of which to end in or at a public place undocked, or both.

Clause 14 empowers the LTA to add to, delete or modify the conditions of a licence after observing the process prescribed in the clause.

Clause 15 enables a licensee to apply to the LTA to modify the conditions of the licensee's licence fixing the maximum or minimum number, or both, of vehicles which the licensee, during the validity period of the licence or any part of that period, may offer or expose for hiring on public land, or may allow the hiring of which to end in or at a public place undocked, or both. The licensee cannot apply to modify any other licence condition.

Clause 16 places restrictions on the transfer and surrender of a licence.

A licence, and any rights, benefits or privileges under the licence, is not transferable or assignable to any other person unless the licence contains a condition authorising the transfer or assignment, and the LTA consents in writing to the transfer or assignment. The LTA may give consent subject to compliance with such conditions as the LTA thinks fit to impose. These may modify the conditions of the licence, in which case the process in clause 14 does not need to be observed.

A transfer or an assignment, or purported transfer or assignment, of a licence, or of any rights, benefits or privileges under the licence, is void and of no effect if the licence is not capable of transfer or assignment, if the transfer or assignment, or purported transfer or assignment, is in breach of a condition of the licence, or if before the transfer or assignment or purported transfer or assignment, there had been a contravention of a condition subject to compliance with which the LTA's consent is given.

Finally, clause 16 also provides that every licence is not capable of being surrendered without the written consent of the LTA. Any surrender or purported surrender of a licence is void if it is without the LTA's consent.

Clauses 17, 18 and 19 deal with another class of regulated persons but who do not require a specific licence to provide shared mobility services in Singapore. These are providers subject to a class licence determined by the LTA. These providers will be designated, individually or as a class, by the LTA, with the approval of the Minister, by an order in the *Gazette*.

For example, different class licences may be established for providers of shared mobility services using different types of vehicles or at different locations, according to different types of service or even the fleet size of vehicles made available in providing the shared mobility service.

The provision of a shared mobility service by any person to which such an order applies is deemed authorised by this Act if it is done in accordance with the conditions of the order.

Clause 18 sets out the due process for varying or revoking an order under clause 17.

Clause 19 allows for conditions to be set out in the order made under clause 17 or 18. These conditions may include a requirement that a class licensee do or not do such things as are specified, and to provide information and reports to the LTA about the shared mobility service it provides.

A class licensee may also be required to take, so far as is reasonably practicable, such measures as are necessary to ensure that, for every vehicle hired from the licensee in the course of providing a shared mobility service, that the rider has attended and successfully completed a prescribed test of competence to ride the vehicle which is the subject of the hiring. The test is not necessarily the

test required by the Active Mobility Act 2017 for riders of licence-needed vehicles.

PART 4

BUSINESS OPERATION REQUIREMENTS

Part 4 deals with management controls, record-keeping, standards of performance and directions which concern the provision of shared mobility services. Most of these apply only to licensees and not to class licensees.

Clause 20 provides that it is a condition of every licence that the licensee to whom the licence is granted must notify the LTA of the resignation, removal or death of any officer thereof. Failure to notify is a ground for regulatory action under clause 29.

Clause 21 imposes certain duties on licensees to keep and furnish accounts and statements.

Clause 22 imposes duties on licensees and class licensees to keep and retain records that are relevant to monitoring or evaluating an aspect of shared mobility services covered by the licence, and to give to the LTA those records so kept and retained within periods specified.

Clause 23 provides for information sharing arrangements to be established between licensees as a means to monitor and deter hirers from improperly parking in public places vehicles hired from such licensees. This corresponds to section 8L in the Parking Places Act and does not extend to class licensees.

Under clause 23, a licensee providing a shared mobility service using a type of vehicles is authorised to enter into an information sharing arrangement with another licensee providing a shared mobility service using the same or different type of vehicles to share or exchange information held by the licensees. A licensee may be required to do so under a standard of performance. Clause 23 will authorise the information sharing arrangement, and for each party to the arrangement, despite any other Act (like the Personal Data Protection Act 2012 (Act 26 of 2012)), to request and receive information held by the other party to the arrangement, and to disclose information to the other party.

However, the information sharing may be done only to the extent that the information is reasonably necessary for 2 situations. The first is to assist a licensee to refuse to hire or further hire vehicles to an individual for a period not exceeding a prescribed period in the regulations, as a licensee is entitled to refuse if the licensee has to have reasonable grounds to believe that the individual concerned persistently improperly parks in public places vehicles (whether or not hired from the same licensee). The second reason is where LTA has given a direction under clause 25 that the licensee must refuse to hire or further hire vehicles to any particular individual. The licensee is bound by the direction to do so.

Furthermore, the information to which an information sharing arrangement may relate is limited to information concerning possible improper parking in public places by hirers of vehicles which were hired from licensees party to the arrangement, information about hirers in respect of whom hiring has been refused by any licensee which is party to the arrangement, and information prescribed by regulations made under clause 48.

The expression “improperly park a vehicle in a public place”, for a vehicle of a class, is defined in clause 2(2) to mean parking or permitting to remain at rest without a rider the vehicle undocked in or at a public place which is outside an area demarcated (by a marking or signboard) and provided by any licensee, the Government or a statutory body for the parking of vehicles of the same class.

For the purposes of clause 23, an individual seeking at any time in a year to hire from a licensee a vehicle (called vehicle *A*) to ride may be treated by the licensee as an individual who persistently improperly parks vehicles in public places if, pursuant to an information sharing arrangement, the individual is reasonably believed by the licensee to have, upon ending any hiring of a vehicle from the licensee or another licensee, improperly parked in any public place a vehicle on at least 3 earlier occasions within the year where any vehicle involved in the earlier occasions is of the same class as vehicle *A* or is of a prescribed class within which vehicle *A* falls. Regulations may be made to raise the number from 3 earlier occasions to a higher number.

If an individual is refused by a licensee the hire or further hire of a vehicle, all occasions which counted towards that refusal must be disregarded for the purposes of subsequent determinations by any licensee as to whether that individual is or is not an individual who persistently improperly parks vehicles in a public place.

Clause 24 empowers the LTA to issue one or more standards of performance applicable to licensees or class licensees, or specified types of licensees or class licensees. The LTA is also empowered to approve as a standard of performance applicable to licensees or class licensees, or specified types of licensees or class licensees any document prepared by a person other than the LTA if the LTA considers the document as suitable for this purpose. The LTA is also empowered to amend or revoke any such standard of performance issued or approved.

Standards of performance are not subsidiary legislation but non-compliance can give rise to regulatory action being taken under clause 29 or 30. Standards of performance can relate to various matters like the condition, maintenance, construction, use and deployment of the vehicles made available by the licensee or class licensee in providing the shared mobility service.

Standards of performance can also contain requirements for measures directed towards ensuring the security and safety of riders and hirers of vehicles used in the provision of the shared mobility service. Standards of performance can also

contain measures to deal with customer complaints and lost property, and the processes to handle and dispose of such complaints and property, as well as performance standards relating to the provision of shared mobility services, such as safety and the quality of other aspects of the provision of the service.

Clause 25 empowers the LTA to give directions to licensees or class licensees with respect to all or any of the aspects of the shared mobility service relating to the extent, hours and general level of service by the licensees or class licensees to hirers, the locating, distributing or collecting from public places of vehicles used by the licensees or class licensees to provide shared mobility services authorised by the licensee's licence or class licence, the safety or roadworthiness of the vehicles used in connection with the provision of shared mobility services, or any matter affecting the interests of the public. The licensee or class licensee directed must comply with the direction, failure of which is a ground for regulatory action.

A direction may require the licensee or class licensee concerned (according to the circumstances of the case) to do, or to refrain from doing, for a specified period, things specified in the direction or things that are of a description specified in the direction. The directions can be ad hoc or standing.

In particular, a direction may be given to any licensee or class licensee requiring the licensee or class licensee to refuse to hire or further hire vehicles to particular individuals. This is an individual who is convicted of, or has accepted a composition sum offered with respect to, more serious riding offences committed or allegedly committed on or after the date of commencement of the clause. The offences are an offence under section 21 or 22 of the Active Mobility Act 2017 (which refers to speeding or dangerous riding on public paths), an offence under section 5A of the Road Traffic Act (Cap. 276), which is riding a personal mobility device on a road, or an offence under the Parking Places Act or any rules made under that Act involving improper parking of vehicles hired from any licensee or class licensee.

This hiring ban via a direction from the LTA is in addition to that which may be effected by licensees under the information sharing arrangements in clause 23 for hirers who persistently improperly park vehicles in public places. However, like clause 23, a hiring ban by the LTA under clause 25 is not permanent and can last only for a period to be prescribed in the regulations.

Ordinarily, a direction may be given under clause 25 after observing due process. The exceptions are when a safety directive under clause 26 is in force or if the LTA, in respect of any particular direction, considers that it is not practicable or desirable to comply with the direction.

A direction continues in force until the expiry date (if any) or the LTA earlier revokes the direction. The direction can be revoked at any time.

Non-compliance with a direction can give rise to regulatory action under clause 29.

Clause 26 covers safety directives, which the Minister may give where necessary to alleviate or minimise any risk of death of, or a serious injury to, any individual from the provision of any shared mobility service, or of serious damage to any property from the provision of any shared mobility service.

A safety directive can be given, individually or as a class, to licensees, class licensees or a provider of a shared mobility service or a shared mobility service which is exempt under clause 47.

It is not necessary for the Minister to give any person who may be affected by the safety directive a chance to be heard before the directive is given. However, a safety directive may be in force for a period not exceeding 6 months unless earlier revoked, and may be renewed by the Minister once only for a further period not exceeding 6 months.

A safety directive may require the person it binds (according to the circumstances of the case) to do, or to refrain from doing, for a specified period, things specified in the directive or things that are of a description specified in the directive, including stopping any shared mobility service within any part of Singapore.

Clause 27 describes how a safety directive is to be given and when it takes effect.

Clause 28 provides that a safety directive is binding on the person to whom it is addressed.

A person to whom a safety directive is given and who is required by the directive to do, or to refrain from doing, for a specified period, things specified in the directive or things that are of a description specified in the directive, commits an offence if the person intentionally or negligently fails to comply with the directive. The punishment is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or both.

PART 5 ENFORCEMENT

Part 5 provides for the types of regulatory action which may be taken against licensees and the powers of enforcement for the purposes of the Bill.

Clause 29 sets out the various regulatory actions that the LTA can take against a licensee or class licensee if the LTA is satisfied that the licensee or class licensee is contravening or not complying with, or has contravened or failed to comply with any of the conditions of its licence or class licence, or any standard of performance applicable to the licensee or class licensee, or any provision of the Bill or the Regulations applicable to the licensee or class licensee, whether or not the licensee or class licensee has been convicted of an offence for the contravention or

non-compliance. There are also other grounds on which the LTA may take regulatory action against licensees.

The LTA may in serious cases, after observing the prescribed process in clause 29, revoke a licence or disapply a class licence. In lieu of revoking the licence or disapplying the class licence, the LTA can impose one or more of the following:

- (a) issue a letter of censure;
- (b) add, delete or modify a condition of a licence;
- (c) require the furnishing of a performance bond, guarantee or other form of security or forfeiting the whole or part of any performance bond, guarantee or other form of security already provided;
- (d) direct the licensee or class licensee to do, or to refrain from doing, such things as are specified in a direction;
- (e) suspend the licence or class licensee for not more than 6 months without any compensation;
- (f) direct the licensee or class licensee to pay a financial penalty.

Clause 30 sets out the regulatory actions that the LTA can take against a former licensee or former class licensee on similar ground as in clause 29, where regulatory action under clause 29 started but has not been completed before the licence lapsed.

Clause 31 sets out the processes which must be observed before regulatory action can be taken.

Clause 32 provides that the enforcement powers in clauses 33, 34 and 35 may be exercised by an authorised officer only for purposes defined. These are to determine compliance with the Bill and any Regulations, including whether an offence under the Bill or the Regulations has been committed, to determine compliance with any condition of a licence or class licence, or with any standard of performance or direction, to determine whether information provided to the LTA under a provision of the Bill or its subsidiary legislation is correct, or to investigate whether there are grounds for taking any regulatory action against a licensee or class licensee.

The powers in the Bill supplement those in section 39 of the Land Transport Authority of Singapore Act with respect to an offence under the Bill.

Clause 33 deals with powers of entry into premises and the powers of search and seizure and requiring of information. However, an authorised officer is not authorised to enter and search any premises which are not used by a licensee or class licensee in connection with providing a shared mobility service unless the entry is made under a warrant of a Magistrate's Court or District Court. No warrant

is needed to enter and search any premises used by a licensee or class licensee in connection with providing a shared mobility service. However, a warrant is needed to seize any thing in or on any premises.

Clause 34 deals with powers in relation to vehicles which the authorised officer reasonably believes to be used for or in connection with the provision of any shared mobility services.

Clause 35 confers on the LTA or an authorised officer power to obtain information from licensees or class licensees for the proper administration and enforcement of the Bill.

Clause 36 sets out offences connected with disobeying requirements made by an authorised officer or of giving false information, etc.

Clause 37 empowers the LTA or an authorised officer to compound any offence under the Bill that is prescribed as a compoundable offence. The maximum composition sum that may be collected from the person reasonably suspected of having committed the compoundable offence is one half of the amount of the maximum fine that is prescribed for the offence or \$5,000, whichever is the lower.

PART 6

APPEALS

Clause 38 sets out definitions connected with appeals against decisions of the LTA under the Bill. Only certain decisions of the LTA are defined as appealable.

Clause 39 prescribes an avenue of appeal to the Minister against appealable decisions.

Clause 40 allows the Minister to delegate the hearing of appeals to a Second Minister, Minister of State or Parliamentary Secretary in his or her Ministry.

PART 7

MISCELLANEOUS

Clause 41 makes clear the interface of the Bill with other Acts which deal with similar subject matters.

Clause 42 empowers the LTA to impose late payment interest on outstanding sums and for their recovery.

Clauses 43 and 44 are standard provisions providing for the liability of officers of offenders who are corporations or unincorporated associations or partnerships.

Clause 45 confers on a Magistrate's Court and a District Court jurisdiction to try any offence under the Bill and to punish accordingly despite any limits set under other written law like the Criminal Procedure Code (Cap. 68).

Clause 46 deals with the service of documents permitted or required by the Bill to be served on a person. Clause 46 also provides for special service arrangements for a person where by the exercise of reasonable diligence, the name of the person to whom the document is to be served, or the business address, residential address or last email address of the person, cannot be ascertained. The document may be served by posting it on a website maintained by the LTA and prescribed by the Minister by notification in the *Gazette* for this purpose.

Clause 46 does not deal with service of court documents like summonses, as these are regulated by the Rules of Court or other written law.

Clause 47 confers the Minister with power to disapply all or any of the provisions of the Bill to any person or class of persons. The Minister is to do this by an exemption order in the *Gazette*.

Clause 48 confers on the LTA the power to make regulations to give effect to the Bill, subject to the approval of the Minister.

Clause 49 requires all subsidiary legislation made under the Bill, like the Regulations and the order under clause 17 designating class licensees, to be presented to Parliament as soon as possible after publication in the *Gazette*.

PART 8

AMENDMENTS TO OTHER ACTS AND FINAL PROVISIONS

Part 8 contains consequential and related amendments to other Acts and saving and transitional provisions.

Clause 50 makes a mix of consequential and related amendments to the Land Transport Authority of Singapore Act.

Section 6(1) of the Land Transport Authority of Singapore Act is amended to reflect the LTA's new function as administrator of the Bill and regulator of the provision of shared mobility services under the Bill.

Section 6(1) and the Second Schedule to the Land Transport Authority of Singapore Act are also amended so that all composition sums and financial penalties payable under the Bill are paid into the Consolidated Fund and not the LTA's Land Transport Revenue Account. The fees and charges under the Bill and all forfeited performance bonds, guarantees or other security are however payable into the LTA's Land Transport Revenue Account.

The Fifth Schedule to the Land Transport Authority of Singapore Act is amended so that proceedings in respect of any offence under the Bill or any subsidiary legislation made under the Bill may, with the authorisation of the Public Prosecutor, be conducted by an LTA officer who is authorised to conduct such proceedings by the LTA.

Clause 51 amends the Parking Places Act primarily to repeal Part 3 of that Act since the regulatory framework is re-enacted with enhancements in the Bill.

Clause 52 repeals section 499 of the Insolvency, Restructuring and Dissolution Act 2018, which becomes redundant with the repeal of Part 3 of the Parking Places Act in clause 51(5).

Clause 53 and the Schedule contain saving and transitional provisions.

When the Bill comes into force, the Bill will apply to existing holders of vehicle-sharing licences granted by the LTA under Part 3 of the Parking Places Act, subject to the modifications in the Schedule.

Clause 53 also contains a transitional provision that will apply to persons who provide a shared mobility service on the eve of the coming into force of clause 8 and who are presently not required to be licensed under Part 3 of the Parking Places Act. Such a person can continue to provide that shared mobility service for 2 months. The person can continue to do so after that period only if a class licence made under clause 17 applies to the person. Alternatively, the person can do so for 2 months and, if, within that period, the person applies for a licence under Part 3 of this Bill, the person may continue to provide that shared mobility service for longer but until the date on which the LTA grants a licence to the person, or the date that the application is refused or withdrawn.

Clause 53 also confers power on the Minister to amend the Schedule by prescribing such additional provisions of a saving or transitional nature consequent on the enactment of the clause as the Minister may consider necessary or expedient. The amendment may be done by order in the *Gazette* but within a 2-year time limit.

EXPENDITURE OF PUBLIC MONEY

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