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Active Mobility (Amendment) Bill

Bill No. 3/2020.

Read the first time on 6 January 2020.

A BILL

i n t i t u l e d

An Act to amend the Active Mobility Act 2017 (Act 3 of 2017) to deal with personal mobility devices and other vehicles in relation to public paths and to make related amendments to the Road Traffic Act (Chapter 276 of the 2004 Revised Edition).

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

Short title and commencement

1. This Act is the Active Mobility (Amendment) Act 2020 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2. Section 2 of the Active Mobility Act 2017 (called in this Act the principal Act) is amended —

(a) by inserting, immediately after the definition of “accessories” in subsection (1), the following definition:

10 ““appropriate supervisor” has the meaning given by section 23A(4);”;

(b) by inserting, immediately after the definition of “code of conduct” in subsection (1), the following definition:

15 ““competency test certificate”, for a class or description of test-needed-to-drive vehicle, means a certificate granted under section 23F certifying that an individual has passed the prescribed test of competence for that class or description of
20 test-needed-to-drive vehicle;”;

(c) by inserting, immediately after the words “bicycle or” in the definition of “footpath” in subsection (1), the word “non-motorised”;

25 (d) by inserting, immediately after the definition of “identification card” in subsection (1), the following definition:

““install”, in relation to any wayfinding signage, includes paint or mark on a surface in an indelible way;”;

30 (e) by inserting, immediately after the words “of its construction” in paragraph (b) of the definition of “mechanised sweeper” in subsection (1), the words “of driving itself and”;

(f) by inserting, immediately after the definition of “mechanised sweeper” in subsection (1), the following definition:

““mobile communication device” has the meaning given by section 22A(4);”;

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(g) by inserting, immediately after the definition of “mobility scooter” in subsection (1), the following definitions:

““motor vehicle” includes —

(a) an automatic detection device that has wheels, a motor and is constructed to drive itself;

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(b) a robotic machine designed to move and operate independently of human control when the computer that controls it is programmed; or

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(c) a motor vehicle that is constructed to drive itself,

but excludes a wheeled toy or model car that can be remotely operated;

“motorised personal mobility device” or “motorised PMD” means a personal mobility device other than a non-motorised personal mobility device;”;

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(h) by inserting, immediately after the definition of “non-compliant power-assisted bicycle” in subsection (1), the following definition:

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““non-motorised personal mobility device” means a personal mobility device that is designed to be propelled by human power only;”;

(i) by inserting, immediately after the definition of “premises” in subsection (1), the following definitions:

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““prescribed minimum riding age” has the meaning given in section 23A(1);

“prescribed test of competence”, in relation to driving or riding a vehicle on a public path, means a test of subject matter prescribed by regulations to test an individual’s knowledge of safe driving or riding practices and law on public paths;”;

(j) by deleting the words “an individual” in the definition of “repeat offender” in subsection (1) and substituting the words “a person”;

(k) by deleting the words “he or she” in paragraph (b) of the definition of “repeat offender” in subsection (1) and substituting the words “the person”;

(l) by inserting, immediately after the definition of “ride” in subsection (1), the following definition:

““ride” or “riding”, only in relation to a motor vehicle that drives itself, means —

(a) cause or causing the vehicle to operate and move; or

(b) initiate or initiating the operation and movement of the vehicle without the need for anyone to operate or permit the operation of systems that cause the vehicle to move;”;

(m) by inserting, immediately after the definition of “sidewalk” in subsection (1), the following definitions:

““test authority”, for a class or description of test-needed-to-drive vehicle, means an individual designated by the Minister to be a test authority for that class or description of test-needed-to-drive vehicle;

“test-needed-to-drive vehicle” means a class or description of bicycle, personal mobility device, PAB, motorised wheelchair, mobility scooter or mechanised sweeper that is

prescribed in regulations for the purposes of Division 2A of Part 3;”;

(n) by inserting, immediately after the definition of “Town Council” in subsection (1), the following definitions:

““uncertified vehicle” means a bicycle, personal mobility device, motorised wheelchair or mobility scooter which does not have in force a certificate issued under section 35C where an inspection or periodic inspections of the vehicle is required under section 35A; 5
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“uncertified vehicle advertisement” means an advertisement that gives publicity to, or otherwise promotes or is intended to promote the purchase or use of, an uncertified vehicle or a range of uncertified vehicles; 15

“under-aged rider”, in relation to a motorised PMD, means an individual riding the PMD who is below the prescribed minimum riding age for riding the motorised PMD on a shared path;” and 20

(o) by inserting, immediately after subsection (4), the following subsections:

“(5) For the purposes of this Act, a motor vehicle is constructed to drive itself if its construction enables it to operate in a mode in which it is not being controlled and does not need to be monitored by an individual in or on the vehicle. 25

(6) To avoid doubt, a reference in this Act to an offence under or a contravention of any Part includes a reference to an offence under or a contravention of any regulations made for the purposes of that Part.”. 30

Amendment of section 16

3. Section 16 of the principal Act is amended —

(a) by inserting, immediately after the words “a PAB” in subsection (1)(a), the words “or a motorised personal mobility device”;

(b) by deleting the words “personal mobility device,” in subsection (1)(b);

(c) by inserting, immediately after the words “a PAB” in subsection (2), the words “or a motorised personal mobility device”;

(d) by deleting the words “or operating” in subsection (3);

(e) by deleting paragraphs (a) and (b) of subsection (4) and substituting the following paragraphs:

“(a) to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both; but

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

(f) by inserting, immediately after subsection (4), the following subsection:

“(5) In relation to an offence under subsection (4), “repeat offender” extends to include an individual who —

(a) is convicted, or found guilty, of such an offence (called the current offence); and

(b) has been convicted or found guilty, on at least one other earlier occasion within the period of 5 years immediately before the date on which the individual is convicted or found guilty of the current offence, of —

(i) the same offence; or

(ii) an offence under subsection (4) as in force immediately before the date of commencement of section 3 of the Active Mobility (Amendment) Act 2020.”; and

5

(g) by inserting, immediately after the word “PABs” in the section heading, the word “, etc.,”.

Amendment of section 18

4. Section 18 of the principal Act is amended —

(a) by deleting the words “a personal mobility device” in subsection (1)(b) and substituting the words “a non-motorised personal mobility device”; and

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(b) by deleting paragraphs (a) and (b) of subsection (3) and substituting the following paragraphs:

“(a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; but

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(b) where the individual is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.”.

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New section 22A

5. The principal Act is amended by inserting, immediately after section 22, the following section:

“Use of mobile communication device when driving or riding on public path

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22A.—(1) Subject to this Act, the driver or rider of a vehicle must not hold in his or her hand a mobile communication device and operate any of its communication or other functions, when the vehicle is moving on a public path.

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(2) A driver or rider of a vehicle who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

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

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

(3) To avoid doubt, subsection (1) does not apply —

(a) to a vehicle or motor vehicle when it is driving itself; or

(b) to a mobile communication device that is a wearable device (such as a smart watch), when it is worn by the driver or rider in the manner intended by the manufacturer of the wearable device.

(4) In this section —

“communication function” means —

(a) sending or receiving audio phone calls, text messages, video calls, video messages, written messages or images;

(b) sending or receiving electronic documents; or

(c) providing access to the Internet;

“mobile communication device” means —

(a) a mobile phone; or

(b) any wireless handheld device (such as a tablet computer) or wearable device (such as a smart watch) designed or capable of being used for a communication function.”.

Amendment of section 23

6. Section 23(1) of the principal Act is amended by inserting, immediately after the words “residential address,” in paragraph (c), the words “whether he or she is covered by third-party liability

insurance for driving or riding on public paths and the name of the insurer.”.

New sections 23A, 23B and 23C

7. The principal Act is amended by inserting, immediately after section 23, the following sections:

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“Under-aged riding on shared path

23A.—(1) Subject to subsection (3), an individual commits an offence if the individual rides a motorised personal mobility device on a shared path when he or she is below the prescribed minimum riding age for riding the motorised personal mobility device on the shared path.

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

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

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

(3) Subsection (1) does not apply where the individual riding the motorised personal mobility device on a shared path is riding under escort by one or more appropriate supervisors (whether or not a parent or guardian).

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(4) In this section —

“appropriate supervisor”, in relation to an under-aged rider, means an individual who has attained a minimum supervising age prescribed;

25

“riding under escort”, in relation to an under-aged rider on a shared path, means —

(a) having by agreement, understanding or other arrangement of any kind for the purposes of this section or section 23C in relation to the under-aged rider, an appropriate supervisor being on or in the vicinity of the shared path

30

when the under-aged rider is riding on the shared path; and

- 5 (b) riding in such a way that the appropriate supervisor has a clear and unobstructed line of sight of the under-aged rider when the under-aged rider is riding on the shared path.

(5) Regulations may be made prescribing —

- 10 (a) different minimum riding ages for different classes or description of motorised personal mobility devices; and
- (b) different minimum supervising ages for different classes or description of motorised personal mobility devices.

Facilitating under-aged riding

15 **23B.**—(1) Subject to subsections (3) and (4), a person commits an offence if —

- 20 (a) the person invites, allows or facilitates an individual to ride a motorised personal mobility device on a shared path when the individual is below the prescribed minimum riding age for riding the motorised personal mobility device on the shared path;
- (b) the person knows that, or is negligent as to whether, both the following circumstances apply:
- 25 (i) the individual is below the prescribed minimum riding age for riding the motorised personal mobility device on that shared path;
- (ii) the individual is not escorted or to be escorted while so riding, by an appropriate supervisor (whether or not a parent or guardian) who has the prescribed qualifications; and
- 30 (c) the individual does ride a motorised personal mobility device on a shared path when an under-aged rider.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction —

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

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

(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 the accused —

(a) had reasonable grounds to believe and did make reasonable inquiries to ascertain that the individual riding or about to ride a motorised personal mobility device on a shared path was not an under-aged rider; or

(b) had received from the individual riding or about to ride a motorised personal mobility device on a shared path, evidence purporting to show that that individual was not an under-aged rider, and that it was reasonable to and the accused did accept that evidence as correct.

(4) In this section, “facilitate”, in relation to an individual riding a motorised personal mobility device on a shared path, means any conduct by a person that enables or aids the individual to ride the motorised personal mobility device on a shared path where either the person —

(a) intends that the conduct would enable or aid the individual to ride the motorised personal mobility device on a shared path; or

(b) is reckless as to whether or not the conduct would enable or aid the individual to ride the motorised personal mobility device on a shared path,

but excludes mere advertising and selling (but not letting for hire) a motorised personal mobility device.

(5) To avoid doubt, subsection (1) does not limit the term “abetment” under the Penal Code (Cap. 224).

Appropriate supervisor’s duties for under-aged riding

5 **23C.**—(1) Subject to this Act, an appropriate supervisor with prescribed qualifications referred to in section 23B(1)(b)(ii) commits an offence if —

10 (a) he or she is, by agreement, understanding or other arrangement of any kind with an under-aged rider, the appropriate supervisor for the purposes of this section or section 23A to escort the under-aged rider when riding a motorised personal mobility device on a shared path; and

(b) he or she fails to take, so far as is reasonable and practicable, such measures as are necessary —

15 (i) to ensure that the under-aged rider does not ride in contravention of this Part and Part 3A, and in a manner that is dangerous to people or property; and

20 (ii) to carry out any other duties where prescribed in relation to the appropriate supervisor or the motorised personal mobility device.

25 (2) Where in any proceedings for an offence under subsection (1), it is alleged that an appropriate supervisor failed to do something so far as is reasonable and practicable in relation to a requirement in subsection (1)(b), it is for the accused to prove, on a balance of probabilities, that —

(a) it was not reasonable or not practicable to do more than what was in fact done to satisfy that requirement; and

30 (b) there was no better practicable means than was in fact used to satisfy that requirement.

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

- (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; but
- (b) where the person is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.”.

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New Division 2A of Part 3

8. The principal Act, as amended by section 7, is amended by inserting, immediately after section 23C, the following Division:

*“Division 2A — Competency test for riding, etc.,
on public paths*

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Unauthorised riding of test-needed-to-drive vehicles

23D.—(1) An individual commits an offence if the individual —

- (a) drives or rides on a public path a test-needed-to-drive vehicle of a class or description;
- (b) is not granted a competency test certificate from a test authority for that class or description of test-needed-to-drive vehicle certifying that the individual has passed the prescribed test of competence for that class or description of vehicle; and
- (c) is not excluded under subsection (2) or not exempted from this provision under section 66.

15

(2) Subsection (1) does not apply to —

- (a) an under-aged rider riding a test-needed-to-drive vehicle of a class or description on a public path; or
- (b) an individual (but not an under-aged rider) riding a test-needed-to-drive vehicle in circumstances prescribed in regulations.

25

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

30

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

Employing, etc., untested rider, etc., on public path

23E.—(1) Subject to this Act, a person commits an offence if —

- (a) the person employs, or intentionally or negligently allows, an individual to drive or ride a test-needed-to-drive vehicle of a class or description on a public path;
- (b) the individual in paragraph (a) is not granted a competency test certificate for that class or description of test-needed-to-drive vehicle and is not excluded under section 23D(2); and
- (c) the person knows that, or is negligent as to whether, the individual is not granted a competency test certificate for that class or description of test-needed-to-drive vehicle.

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

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

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

Grant by test authority of competency test certificate

23F.—(1) The test authority for a class or description of a test-needed-to-drive vehicle may, on the application under subsection (2) by an individual, grant the individual a competency test certificate certifying that the individual has passed the prescribed test of competence for that class or description of vehicle if, and only if, the test authority is satisfied that the individual —

- (a) has attended and successfully completed, not earlier than a prescribed time before that application is made, a prescribed test of competence relating to the class or description of test-needed-to-drive vehicle which is the subject of the application; and
- (b) is not below the prescribed minimum riding age, if applicable, relating to that test-needed-to-drive vehicle which is a motorised personal mobility device.

(2) An application for a competency test certificate must —

- (a) be in the form and manner the relevant test authority requires;
- (b) be accompanied by an application fee, if prescribed;
- (c) state the class or description of test-needed-to-drive vehicle that is the subject of the application; and
- (d) contain an undertaking to take, or a declaration that the applicant has attended and successfully completed (as the case may be) a prescribed test of competence to drive or ride the class or description of test-needed-to-drive vehicle which is the subject of the application.

(3) A test authority may refuse to consider an application under subsection (2) that is incomplete or not made in accordance with this section.

(4) To avoid doubt, a competency test certificate may be granted in a digital form, consisting of evidence of the grant of

the competency test certificate using information relating to the individual granted the competency test certificate that is displayed on a mobile communication device or other electronic device.

5 **Validity of competency test certificate**

23G.—(1) Subject to this section, every competency test certificate granted to an individual for a class or description of test-needed-to-drive vehicle remains in force —

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

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

15 (2) A test authority may cancel a competency test certificate granted to an individual for a class or description of test-needed-to-drive vehicle if —

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

20 (b) the prescribed test of competence for the same class or description of test-needed-to-drive vehicle has so materially changed after the grant of the competency test certificate as to affect the assessment of the individual's continued competency to drive or ride the test-needed-to-drive vehicle.

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

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

Unlawful use of competency test certificate

23H.—(1) A person commits an offence if the person —

- (a) has in the person’s possession, without lawful authority or a reasonable excuse an article so resembling a competency test certificate as to be calculated to deceive; 5
- (b) alters a competency test certificate in a way that is calculated to deceive;
- (c) dishonestly alters or uses a competency test certificate; or 10
- (d) dishonestly lends, or allows another person to use, a competency test certificate.

(2) A person who is guilty of an offence under subsection (1) shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.”. 15

Amendment of section 27

9. Section 27 of the principal Act is amended by inserting, immediately after subsection (8), the following subsection:

“(9) In this section, “repair” includes repainting or re-marking a sign that is painted or marked on a wall or floor.”. 20

Amendment of section 28C

10. Section 28C(2) of the principal Act is amended by deleting the word “unique” in paragraphs (a) and (b).

Amendment of section 28D

11. Section 28D of the principal Act is amended — 25

- (a) by deleting the word “or” at the end of paragraph (b); and
- (b) by deleting the full-stop at the end of paragraph (c) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

5 “(d) the registered responsible person for the registrable personal mobility device refuses or neglects to comply with any order given to the registered responsible person under section 47(1)(b), whether or not that person is convicted of an offence; or

10 (e) the Authority is satisfied that a condition of registration of the registrable personal mobility device has been contravened or is being contravened.”.

New Division heading of Part 4

12. Part 4 of the principal Act is amended by inserting, immediately above section 29, the following Division heading:

15 *“Division 1 — Dealing and advertisements”.*

Amendment of section 30

13. Section 30 of the principal Act is amended —

20 (a) by deleting the words “or non-compliant mobility vehicle” in subsection (1) and substituting the words “, non-compliant mobility vehicle or uncertified vehicle”;

(b) by inserting, immediately after the words “it is non-compliant” in subsection (1)(b), the words “or uncertified, as the case may be”;

25 (c) by deleting the words “or non-compliant mobility vehicle” in subsection (2) and substituting the words “, non-compliant mobility vehicle or uncertified vehicle”;

30 (d) by deleting the words “or non-compliant mobility vehicles” in subsection (3) and substituting the words “, non-compliant mobility vehicles or uncertified vehicles”;

(e) by deleting paragraphs (a) and (b) of subsection (4) and substituting the following paragraphs:

“(a) where the person is an individual —

(i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but

(ii) where the individual is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 24 months or to both; or 5

(b) in any other case — 10

(i) to a fine not exceeding \$20,000; but

(ii) where the person is a repeat offender, to a fine not exceeding \$40,000.”; and

(f) by inserting, immediately after subsection (4), the following subsection: 15

“(5) In relation to an offence under subsection (4), “repeat offender” extends to include a person who —

(a) is convicted, or found guilty, of such an offence (called the current offence); and 20

(b) has been convicted or found guilty, on at least one other earlier occasion within the period of 5 years immediately before the date on which the person is convicted or found guilty of the current offence, of — 25

(i) the same offence; or

(ii) an offence under subsection (4) as in force immediately before the date of commencement of section 13 of the Active Mobility (Amendment) Act 2020.”. 30

Amendment of section 31

14. Section 31 of the principal Act is amended —

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

5 “(a) where the person is an individual —

(i) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; but

10 (ii) where the individual is a repeat offender, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; or

(b) in any other case —

15 (i) to a fine not exceeding \$10,000; but

(ii) where the person is a repeat offender, to a fine not exceeding \$20,000.”;

(b) by inserting, immediately after sub-paragraph (i) of subsection (3)(a), the following sub-paragraph:

20 “(ia) the riding of motorised personal mobility devices on any footpath is unlawful;”;

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

25 “(4) In relation to an offence under subsection (2), “repeat offender” extends to include a person who —

(a) is convicted, or found guilty, of such an offence (called the current offence); and

30 (b) has been convicted or found guilty, on at least one other earlier occasion within the period of 5 years immediately before the

date on which the person is convicted or found guilty of the current offence, of —

- (i) the same offence; or
- (ii) an offence under subsection (2) as in force immediately before the date of commencement of section 14 of the Active Mobility (Amendment) Act 2020.”. 5

Amendment of section 32

15. Section 32 of the principal Act is amended — 10

(a) by deleting the words “or a non-compliant mobility vehicle advertisement” in subsections (1)(a) and (b) and (3) and substituting in each case the words “, a non-compliant mobility vehicle advertisement or an uncertified vehicle advertisement”; 15

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

“(a) where the person is an individual —

(i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but 20

(ii) where the individual is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 24 months or to both; or 25

(b) in any other case —

(i) to a fine not exceeding \$20,000; but

(ii) where the person is a repeat offender, to a fine not exceeding \$40,000.”; and 30

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

“(4) In relation to an offence under subsection (2), “repeat offender” extends to include a person who —

5 (a) is convicted, or found guilty, of such an offence (called the current offence); and

(b) has been convicted or found guilty, on at least one other earlier occasion within the period of 5 years immediately before the date on which the person is convicted or found guilty of the current offence, of —

(i) the same offence; or

10 (ii) an offence under subsection (2) as in force immediately before the date of commencement of section 15 of the Active Mobility (Amendment) Act 2020.”.

Amendment of section 33

16. Section 33(2) of the principal Act is amended by deleting paragraphs (a) and (b) and substituting the following paragraphs:

“(a) where the person is an individual —

(i) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; but

25 (ii) where the individual is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 24 months or to both; or

(b) in any other case —

30 (i) to a fine not exceeding \$20,000; but

(ii) where the person is a repeat offender, to a fine not exceeding \$40,000.”.

Amendment of section 34

17. Section 34 of the principal Act is amended —

(a) by deleting the words “or non-compliant bicycle” in subsection (1)(b) and (c) and substituting in each case the words “, non-compliant bicycle or uncertified vehicle”; 5

(b) by inserting, immediately after the words “non-compliant mobility vehicle” in subsection (1A)(b), the words “or an uncertified vehicle”;

(c) by inserting, immediately after subsection (4), the following subsection: 10

“(4A) Subsections (3) and (4) apply in relation to an uncertified vehicle as they apply to a non-compliant personal mobility device; and any reference in those subsections to a non-compliant personal mobility device includes a reference to an uncertified vehicle.”; 15

(d) by inserting, immediately after the words “excepted non-compliant vehicle” wherever they appear in subsections (5) and (6), the words “or excepted uncertified vehicle”; 20

(e) by deleting paragraphs (a) and (b) of subsection (7) and substituting the following paragraphs:

“(a) where the person is an individual —

(i) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 24 months or to both; but 25

(ii) where the individual is a repeat offender, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 48 months or to both; or 30

(b) in any other case —

(i) to a fine not exceeding \$40,000; but

(ii) where the person is a repeat offender, to a fine not exceeding \$80,000.”;

(f) by deleting the word “and” at the end of paragraph (a) of subsection (8), and by inserting immediately thereafter the following paragraph:

“(aa) reference to an excepted uncertified vehicle is a reference to an uncertified vehicle of a prescribed model or description; and”;

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

“(10) In relation to an offence under subsection (1), (1A) or (6), “repeat offender” extends to include a person who —

(a) is convicted, or found guilty, of such an offence (called the current offence); and

(b) has been convicted or found guilty, on at least one other earlier occasion within the period of 5 years immediately before the date on which the person is convicted or found guilty of the current offence, of —

(i) the same offence; or

(ii) an offence under subsection (1), (1A) or (6) as in force immediately before the date of commencement of section 17 of the Active Mobility (Amendment) Act 2020.”.

Amendment of section 35

18. Section 35 of the principal Act is amended —

(a) by deleting the words “and in the course of business” in subsection (1)(a);

(b) by deleting the words “belonging to another person (called in this section the owner)” in subsection (1)(a) and

substituting the words “belonging to the person or to another person”;

- (c) by deleting the words “owner of the” in subsection (1)(b) and substituting the word “altered”;
- (d) by deleting the words “intends to ride the altered personal mobility device, PAB or bicycle or to drive the altered mobility scooter or motorised wheelchair” in subsection (1)(b) and substituting the words “is likely to be ridden or driven”;
- (e) by deleting paragraphs (a) and (b) of subsection (2) and substituting the following paragraphs:
 - “(a) where the person is an individual —
 - (i) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 24 months or to both; but
 - (ii) where the individual is a repeat offender, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 48 months or to both; or
 - (b) in any other case —
 - (i) to a fine not exceeding \$40,000; but
 - (ii) where the person is a repeat offender, to a fine not exceeding \$80,000.”; and
- (f) by inserting, immediately after subsection (5), the following subsection:
 - “(5A) In relation to an offence under subsection (2), “repeat offender” extends to include a person who —
 - (a) is convicted, or found guilty, of such an offence (called the current offence); and
 - (b) has been convicted or found guilty, on at least one other earlier occasion within the

period of 5 years immediately before the date on which the person is convicted or found guilty of the current offence, of —

(i) the same offence; or

(ii) an offence under subsection (2) as in force immediately before the date of commencement of section 18 of the Active Mobility (Amendment) Act 2020.”.

New Division 2 of Part 4

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

“Division 2 — Mandatory testing

Order by Minister requiring inspection

35A.—(1) The Minister may, by order in the *Gazette*, provide that with effect from a date specified in the order, an inspection is or periodic inspections are required for or in respect of every bicycle, personal mobility device, motorised wheelchair or mobility scooter in a class or description of bicycle, personal mobility device, motorised wheelchair or mobility scooter specified in the order, so as to maintain compliance with the prescribed requirements relating to the construction and condition of and registration marks applicable to the bicycle, personal mobility device, motorised wheelchair or mobility scooter, as the case may be.

(2) An order under subsection (1) must specify —

(a) the class or description of bicycle, personal mobility device, motorised wheelchair or mobility scooter in respect of an inspection is required under this Division; and

(b) whether that inspection is periodic and if so, the intervals that the inspection must be carried out.

Inspections by designated examiner

35B.—(1) An inspection for the purposes of an order under section 35A(1) must be carried out by the Authority or a person authorised by the Authority (called in this Act a designated examiner). 5

(2) A designated examiner must —

- (a) conduct an examination or assessment of a vehicle that is the subject of an order under section 35A(1) in the prescribed manner;
- (b) on completion of the examination or assessment, prepare and sign a report of the result of the examination or assessment; and 10
- (c) give a copy of the report to the Authority without delay.

(3) A designated examiner commits an offence if he or she intentionally prepares or signs a report of the result of an examination or assessment — 15

- (a) relating to a bicycle, personal mobility device, motorised wheelchair or mobility scooter that the designated examiner did not examine or assess; or 20
- (b) that is calculated to deceive.

(4) A designated examiner who is guilty of an offence under subsection (3) shall be liable on conviction —

- (a) to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding 3 months or to both; but 25
- (b) where the designated examiner is a repeat offender, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

Certification of inspection

35C.—(1) The Authority may issue to the owner of a bicycle, personal mobility device, motorised wheelchair or mobility scooter to which a report under section 35B(2)(b) relates, a 30

certificate indicating that the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) has been inspected under this Division where —

5 (a) the Authority receives from a designated examiner a report mentioned in section 35B(2)(b) in relation to that bicycle, personal mobility device, motorised wheelchair or mobility scooter;

10 (b) the report states that the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) is in compliance or continues to be in compliance with the prescribed requirements relating to its construction and condition and registration marks; and

15 (c) the Authority is satisfied that the designated examiner had carried out the examination and assessment of the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) in accordance with the regulations.

20 (2) A certificate issued under subsection (1) with respect to a bicycle, personal mobility device, motorised wheelchair or mobility scooter is in force in respect of that bicycle, personal mobility device, motorised wheelchair or mobility scooter until the happening of the earlier of the following:

 (a) the certificate is cancelled under subsection (3);

25 (b) the date of expiry specified in the certificate, if any.

(3) The Authority may cancel any certificate issued under subsection (1) with respect to a bicycle, personal mobility device, motorised wheelchair or mobility scooter if the Authority —

30 (a) is satisfied that —

 (i) the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) has become wholly unfit for further use;

- (ii) the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) has been forfeited pursuant to this Act or any written law;
 - (iii) the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) is unclaimed for the purposes of section 53 and is disposed of in accordance with that section; 5
 - (iv) the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) is or has become a non-compliant personal mobility device, a non-compliant bicycle or a non-compliant mobility vehicle; or 10
 - (v) the person given an order under section 47(1)(b), in relation to the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) refuses or neglects to comply with the order given to the person, whether or not the person is convicted of an offence; or 15
- (b) becomes aware of a circumstance that would have required or permitted the Authority to refuse to issue a certificate under subsection (1) with respect to the bicycle, personal mobility device, motorised wheelchair or mobility scooter (as the case may be) had the Authority been aware of the circumstance immediately before issuing the certificate. 20 25

Division 3 — Presumptions and evidence”.

New section 36A

20. The principal Act is amended by inserting, immediately after section 36, the following section:

“Presumption concerning vehicle owner for section 35 offence

5 **36A.** Without limiting section 36, in proceedings for an offence under section 35, it is presumed, until the contrary is proved, that the person who is the owner of the vehicle in respect of which the offence is committed had altered or caused to be altered (whether in the course of repair or otherwise) the vehicle so as to render it a non-compliant personal mobility device, non-compliant PAB, non-compliant bicycle or non-compliant mobility vehicle (as the case may be) if it is proved that —

- 10
- (a) a certificate was issued under section 35C in respect of the vehicle; and
 - (b) the person was the owner of the vehicle when the certificate under section 35C was issued.”.

Amendment of section 44

15 **21.** Section 44(2) of the principal Act is amended by deleting the words “by retail, or altering any bicycle, PAB or personal mobility device” in paragraph (a) and substituting the words “by retail any bicycle, PAB, personal mobility device, mobility scooter or motorised wheelchair, or used for altering any bicycle, PAB, personal mobility device, mobility scooter or motorised wheelchair”.

Amendment of section 47

22. Section 47 of the principal Act is amended —

- 25
- (a) by inserting, immediately after the words “may be used” in subsection (1), the words “, or that any person driving or riding a vehicle,”;
 - (b) by deleting the word “or” at the end of subsection (1)(a);
 - (c) by inserting, immediately after paragraph (a) of subsection (1), the following paragraph:

30 “(aa) order the driver or rider of the vehicle to produce his or her competency test certificate for examination or other identity documents so as to enable the

authorised officer, public path warden or outsourced enforcement officer (as the case may be) to ascertain the identity of the driver or rider and the authority by which any competency test certificate was granted; or”;

5

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

“(1A) However, only an authorised officer may pursuant to an order under section 35A(1) give an order under subsection (1)(b) requiring a vehicle to be delivered for an inspection by a designated examiner.”;

10

(e) by inserting, immediately after subsection (4), the following subsections:

15

“(4A) An individual driving or riding a vehicle who, in purported compliance with any order given to him or her under subsection (1)(aa) by an authorised officer or outsourced enforcement officer or a public path warden —

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(a) produces to an authorised officer, an outsourced enforcement officer or a public path warden —

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

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30

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

35

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

5 (b) with the intention of dishonestly inducing the authorised officer, outsourced enforcement officer or public path warden to accept it as genuine,

10 commits an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 12 months or to both.

15 (4B) A driver or rider of a vehicle to whom an order under subsection (1)(aa) is given who refuses or neglects to comply with the order commits an offence and shall be liable on conviction —

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

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

25 (4C) However, subsection (4B) does not apply if within 48 hours after an order is given to a driver or rider of a vehicle under subsection (1)(aa), the driver or rider produces the competency test certificate in person at any of the offices of the Authority that is specified by the authorised officer, outsourced enforcement officer or public path warden at the
30 time the order was given.

35 (4D) An individual to whom a digital competency test certificate is granted who holds, or produces or carries a mobile communication device or other electronic device on which the digital competency test certificate is displayed for the purpose of

complying with an order under subsection (1)(aa) to produce a competency test certificate is taken to have produced a competency test certificate for that purpose.

(4E) However, a digital competency test certificate is not displayed for the purpose of complying with an order under subsection (1)(aa) to produce or carry a competency test certificate if —

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

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

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

(4F) To avoid doubt, an individual who displays or purports to display a digital competency test certificate is not required to give or hand over, to the person who is requiring the competency test certificate to be produced or handed over, the mobile communication device or other electronic device on which the digital competency test certificate is displayed or purported to be displayed.”; and

(f) by inserting, immediately after the words “weigh vehicle” in the section heading, the words “or produce competency test certificate”.

Amendment of section 50

23. Section 50 of the principal Act is amended —

(a) by inserting, immediately after subsection (4), the following subsections:

5 “(5) An authorised officer, an outsourced enforcement officer or a public path warden may, with no other authority than this section, seize a competency test certificate or an article resembling a competency test certificate if —

10 (a) the competency test certificate or article is produced to the authorised officer, outsourced enforcement officer or public path warden pursuant to an order under section 47(1)(aa) or otherwise, by an individual who represents it as a competency test certificate granted to that individual; and

15 (b) the authorised officer, outsourced enforcement officer or public path warden has reason to believe that —

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

25 (ii) the competency test certificate or article is evidence of the commission of an offence under section 23H or 47(4A).

30 (6) Every competency test certificate seized under subsection (5) must be forwarded to the Authority, and the Authority may —

(a) return the competency test certificate to the individual who produced it, if the Authority is satisfied that the competency test

certificate was lawfully in the possession of the individual who produced it; or

(b) in any other case, deal with it in such manner as the Authority thinks fit.

(7) However, the authority conferred by subsection (5) to seize a competency test certificate or any article resembling a competency test certificate does not extend to a mobile communication device or other electronic device on which a digital competency test certificate is displayed.”; and

(b) by inserting, immediately after the words “seize vehicles” in the section heading, the words “or competency test certificates”.

Amendment of section 57

24. Section 57(1) of the principal Act is amended by deleting the words “in connection with the registration of a registrable personal mobility device under Part 3A” in paragraph (d)(i) and substituting the words “under this Act”.

New sections 58A, 58B and 58C

25. The principal Act is amended by inserting, immediately after section 58, the following sections:

“Employer to ensure employee, etc., riders are insured

58A.—(1) Every —

(a) licensee or class licensee under the Shared Mobility Enterprises (Control and Licensing) Act 2020 who makes available for hire by any individual any bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair or mobility scooter to drive or ride wholly or partly on any public path; or

(b) person who, in the course of a prescribed business —

(i) provides any bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair

or mobility scooter for hire or use by an individual who —

(A) is the person's employee or outworker; and

(B) drives or rides on any public path in the performance of duties in the course of employment or under an outwork arrangement with that person; or

(ii) engages an individual under a contract of employment or an outwork arrangement to perform duties or carry out work involving driving or riding on any public path any bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair or mobility scooter owned or provided by the individual,

must take all reasonable and practicable measures to ensure that the individual is insured and maintains insurance for a prescribed minimum amount under one or more approved policies with an insurer within the meaning of the Insurance Act (Cap. 142) against third-party liabilities for death or personal injury which the individual may incur with respect to driving or riding the bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair or mobility scooter (as the case may be) on public paths during the hiring from the licensee or class licensee or the individual's employment or outwork arrangement with that person, as the case may be.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

(a) where the person is an individual — to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both; or

(b) in any other case — to a fine not exceeding \$20,000.

(3) Where in any proceedings for an offence under subsection (1), it is alleged that a person failed to do something so far as is reasonable and practicable in relation to

a requirement in that subsection, it is for the accused to prove, on a balance of probabilities, that —

- (a) it was not reasonable or not practicable to do more than what was in fact done to satisfy that requirement; and
- (b) there was no better practicable means than was in fact used to satisfy that requirement.

5

(4) In this section —

“approved policy” means a policy of insurance not subject to any conditions, exclusions or exceptions prohibited by regulations;

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“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

15

- (b) that is not a contract of employment;

20

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

Court may order undergoing course

58B.—(1) Where —

- (a) an individual (called in this section the offender), is convicted of an offence in Division 2 or 2A of Part 3;
- (b) at the time of the commission of the offence, the offender was the driver of a motorised wheelchair or a mechanised sweeper, or the rider of a bicycle, personal mobility device, PAB or mobility scooter;

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30

(c) the court convicting the offender of the offence is, having regard to the circumstances of the commission of the offence and the character and conduct of the offender, of the opinion that to prevent another commission of an offence under Part 3, the offender should undergo training on safe driving or riding on public paths,

the court may, in addition to imposing on the offender the punishment provided for the offence under this Act, make an order requiring him or her to attend and complete, at the offender's own expense, a course designed to increase knowledge of, and to encourage, safe driving and riding behaviour on public paths as the court specifies.

(2) An offender may appeal against an order of a court under subsection (1) in the same manner as against a conviction, and the court may if it thinks fit, pending the appeal, suspend the operation of the order.

Immaterial that more than one offence committed

58C. To avoid doubt, in any proceedings for an offence under any provision in Division 2 or 2A of Part 3 or Part 3A involving an accused driving or riding on a public path, it is immaterial that the accused is riding or driving —

(a) a class or description of vehicle the riding of which on that public path is otherwise unlawful under any other provision in Part 3; and

(b) in a manner that also constitutes an offence under any other provision in Part 3 or 3A.”.

Amendment of section 67

26. Section 67(2) of the principal Act is amended by deleting the full-stop at the end of paragraph (m) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:

“(n) the nature of tests of competence to drive or ride on public paths test-needed-to-drive vehicles, the administration of the tests of competence, and

evidence of the result of attending and successfully completing any such test;

- (o) the conduct of examinations and assessments of vehicles under Division 2 of Part 4 and the process of applying for the issue of a certificate under section 35C, including —
 - (i) the specification of standards of design, construction, manufacture, maintenance, processing, testing, supply, approval, and identification of such vehicle and products used in connection with these vehicles;
 - (ii) the tests to be conducted;
 - (iii) the format of reports of examinations and assessments by designated examiners, including the specification of information required in all reports of designated examiners for the purposes of Division 2 of Part 4; and
 - (iv) the keeping of records for, and provision of information to, the Authority of examinations and assessments carried out for the purposes of Division 2 of Part 4;
- (p) the records that are to be kept by any person to whom section 58A applies, about employees and outworkers whom the person engages or employs to drive or ride on any public path, and the insurance policies relating to these employees or outworkers which are required by that section.”.

Miscellaneous amendments to penalties, etc.

27.—(1) The sections of the principal Act specified in the first column of the Schedule to this Act are amended by deleting the fine or term of imprisonment or both specified in the second column of the Schedule opposite that section and substituting in each case the fine or term of imprisonment or both (as the case may be) specified in the third column of that Schedule.

(2) Sections 15(3) and 17(2) of the principal Act are amended by deleting the words “or operating”.

(3) Section 22(1) of the principal Act is amended by deleting the words “or operate” in paragraph (c).

5 (4) Section 41 of the principal Act is amended by deleting subsection (7).

(5) Section 59A of the principal Act is amended by deleting subsection (2).

Related amendments to Road Traffic Act

10 **28.**—(1) Section 5 of the Road Traffic Act (Cap. 276) is amended —

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

15 “(7AA) Despite subsection (7), where the vehicle involved in an offence is a power-assisted bicycle, then a person who is guilty of an offence under subsection (5) or (6) shall be liable on conviction —

(a) where the person is an individual —

20 (i) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 24 months or to both; but

25 (ii) where the individual is a repeat offender, to a fine not exceeding \$40,000 or to imprisonment for a term not exceeding 48 months or to both; or

(b) in any other case —

(i) to a fine not exceeding \$40,000; but

30 (ii) where the person is a repeat offender, to a fine not exceeding \$80,000.”; and

(b) by deleting the full-stop at the end of the definition of “non-compliant vehicle or trailer” in subsection (10) and substituting a semi-colon, and by inserting immediately thereafter the following definition:

““repeat offender”, for an offence under subsection (5) or (6) involving a power-assisted bicycle read with subsection (7AA), means a person who —

(a) is convicted, or found guilty, of such an offence (called the current offence); and

(b) has been convicted or found guilty (whether before, on or after the date of commencement of section 28(1) of the Active Mobility (Amendment) Act 2020) of an offence under subsection (5) or (6) (whether involving a power-assisted bicycle) on at least one other earlier occasion within the period of 5 years immediately before the date on which the person is convicted or found guilty of the current offence.”.

(2) Section 34 of the Road Traffic Act is amended by inserting, immediately after subsection (1), the following subsection:

“(2) Rules made under this section for the purposes of subsection (1)(da) or (db) may provide that any contravention of any provision of the rules involving a power-assisted bicycle shall be an offence and the offender may be liable on conviction —

(a) where the person is an individual — to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 24 months or to both; or

(b) in any other case — to a fine not exceeding \$40,000.”.

(3) Section 65B of the Road Traffic Act is amended —

(a) by deleting the words “motor vehicle who uses a mobile communication device while the motor vehicle” in subsection (1) and substituting the words “vehicle who holds in his hand a mobile communication device and operates any of its communicative or other functions, while the vehicle”;

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

“(1A) To avoid doubt, subsection (1) does not apply to a mobile communication device that is a wearable device (such as a smart watch), when it is worn by the driver or rider in the manner intended by the manufacturer of the wearable device.”;

(c) by inserting, immediately after the words “oral or written messages” in paragraph (a) of the definition of “communicative function” in subsection (3), the words “, audio phone calls or video calls”;

(d) by deleting the definition of “mobile communication device” in subsection (3) and substituting the following definition:

““mobile communication device” means —

(a) a mobile phone; or

(b) any wireless handheld device (such as a tablet computer) or wearable device (such as a smart watch) designed or capable of being used for a communicative function;”;

(e) by deleting the word “or” at the end of paragraph (a) of the definition of “repeat offender” in subsection (3);

(f) by deleting the comma at the end of paragraph (b) of the definition of “repeat offender” in subsection (3) and substituting the word “; or”, and by inserting immediately thereafter the following paragraph:

“(c) an offence under section 65B as in force immediately before the date of commencement of section 28(3) of the Active Mobility (Amendment) Act 2020,”;

(g) by deleting the semi-colon at the end of the definition of “repeat offender” in subsection (3) and substituting a full-stop; and 5

(h) by deleting the definition of “use” in subsection (3).

Saving and transitional provision

29.—(1) Section 11(b) does not apply to or in relation to — 10

(a) any refusal or non-compliance with an order given under section 47(1)(b) of the principal Act before the date of commencement of section 11(b); and

(b) any contravention of any condition of registration of a registrable personal mobility device, being a contravention which occurred before the date of commencement of section 11(b). 15

(2) For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient. 20

THE SCHEDULE

Section 27(1)

MISCELLANEOUS AMENDMENTS TO PENALTIES

	<i>First column</i>	<i>Second column</i>	<i>Third column</i>
	<i>Section</i>	<i>Old Penalty</i>	<i>New Penalty</i>
5	Section 15(4)(a)	Fine – \$1,000	Fine – \$2,000
	Section 15(4)(b)	Fine – \$2,000	Fine – \$5,000
	Section 17(3)(a)	Fine – \$1,000	Fine – \$2,000
	Section 17(3)(b)	Fine – \$2,000	Fine – \$5,000
10	Section 19(2)(a)	Fine – \$5,000	Fine – \$10,000
		Imprisonment – 3 months	Imprisonment – 6 months
	Section 19(2)(b)	Fine – \$10,000	Fine – \$20,000
		Imprisonment – 6 months	Imprisonment – 12 months
	Section 20(2)(a)	Fine – \$2,000	Fine – \$10,000
15		Imprisonment – 3 months	Imprisonment – 6 months
	Section 20(2)(b)	Fine – \$5,000	Fine – \$20,000
		Imprisonment – 6 months	Imprisonment – 12 months
	Section 21(3)(a)	Fine – \$1,000	Fine – \$2,000
		Imprisonment – 3 months	Imprisonment – 6 months
20	Section 21(3)(b)	Fine – \$2,000	Fine – \$5,000
		Imprisonment – 6 months	Imprisonment – 12 months
	Section 22(2)	Fine – \$5,000	Fine – \$10,000
		Imprisonment – 6 months	Imprisonment – 12 months

EXPLANATORY STATEMENT

This Bill seeks to amend the Active Mobility Act 2017 (Act 3 of 2017) for the following main purposes:

- (a) to ban riding of all types of motorised personal mobility devices on footpaths;
- (b) to require riders of certain types of vehicle on public paths to undergo a test of competence and be granted a competency test certificate before riding the vehicle on public paths;
- (c) to deal with under-aged riding of motorised personal mobility devices on shared paths;
- (d) to make unlawful the use of mobile communication devices when driving or riding on public paths;
- (e) to introduce mandatory inspections of vehicles which may be used on public paths;
- (f) to require certain businesses to ensure that drivers and riders of bicycles, personal mobility devices, power-assisted bicycles, motorised wheelchairs or mobility scooters whom the businesses employ or engage under outwork arrangements have third-party insurance;
- (g) to raise penalties for offences under the Act.

The Bill also makes related amendments to the Road Traffic Act (Cap. 276).

Clause 1 relates to the short title and commencement.

Clause 2 amends section 2(1) to introduce new definitions to support amendments elsewhere in the Bill.

In particular, a new definition of “install” is introduced. The term covers painting or marking on a surface in an indelible way. This will extend the prohibitions in section 26 against incompatible wayfinding directional signs and the duty under section 27 to maintain wayfinding directional signs to signs which are painted or marked, such as on the ground or on walls.

A new definition of “motor vehicle” is introduced to include driverless vehicles, such as an automatic detection device that has wheels, a motor and is constructed to drive itself (like the Multi-purpose All Terrain Autonomous Robot used by the Singapore Police Force), a robotic machine designed to move and operate independently of human control when the computer that controls it is programmed (such as robotic cleaning devices) and any motor vehicle that is constructed to drive itself. A motor vehicle is constructed to drive itself if its construction enables it to operate in a mode in which it is not being controlled and does not need to be monitored by an individual in or on the vehicle.

A new definition of “ride” is further introduced just for driverless vehicles. This is to cover a person who is remotely operating a driverless vehicle as well as the person who programmes a driverless vehicle to start on its own. Together, these definitions have the effect of extending a ban on riding of certain vehicles on public paths in sections 15, 16, 17 and 18 to operating of driverless vehicles.

The definition of “mechanised sweeper” is amended to make it clear that the term refers to a mechanised sweeper that cannot drive itself.

Finally, the definition of “repeat offender” is amended to support the introduction of penalties in clauses 13, 14, 15, 16, 17 and 18, that differentiate between individual offenders and offenders which are entities such as corporations and associations.

Clause 2 also defines a motorised personal mobility device and non-motorised personal mobility device. The definition of “personal mobility device” in the Act will encompass both motorised and non-motorised personal mobility devices unless the text differentiates between them expressly.

Clause 3 amends section 16 to make it unlawful for a person to ride a motorised personal mobility device on a footpath. The penalty for the offence of riding a power-assisted bicycle or a motorised personal mobility device on a footpath is also raised.

By reason of an amendment in clause 25 which introduces a new section 58C, an offender under section 16 for riding a motorised personal mobility device on a footpath may be charged for an offence under the section even though he or she is also liable to be charged separately for an offence under other sections in Part 3, like speeding or using a mobile communication device.

Clause 4 amends section 18 as a consequence of the amendments in clause 3 relating to motorised personal mobility devices on footpaths. The clause also raises the penalty for the offence of riding or driving on a shared path or footpath a bicycle, a PAB, a non-motorised personal mobility device, a mobility scooter or a motorised wheelchair which, by reason of its construction, weight or equipment, is prescribed as banned for use on that public path or on all shared paths generally.

By reason of an amendment in clause 25 which introduces a new section 58C, an offender under section 18 for riding or driving on a shared path or footpath a bicycle, a PAB, a personal mobility device, a mobility scooter or a motorised wheelchair which, by reason of its construction, weight or equipment, is prescribed as banned for use on that public path or on all shared paths generally may be charged for an offence under the section even though he or she is also liable to be charged separately for an offence under other sections in Part 3, like speeding or using a mobile communication device.

Clause 5 introduces a new section 22A which makes it unlawful to use a mobile communication device while riding or driving a bicycle, personal mobility device,

power-assisted bicycle, motorised wheelchair, mobility scooter or mechanised sweeper on a public path and the vehicle is moving on the public path. This is similar to that in section 65B of the Road Traffic Act.

It is therefore not an offence under the new section 22A to use a mobile communication device when the bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair, mobility scooter or mechanised sweeper is stationary but not parked.

The penalty is a fine not exceeding \$1,000 or imprisonment for a term not exceeding 3 months or both, but where the driver or rider is a repeat offender, the penalty is raised to a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both.

A driver or rider of a bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair, mobility scooter or mechanised sweeper uses a mobile communication device where the driver or rider holds the device in the driver's or rider's hand to operate any of the functions of the device; the functions are not limited to communication functions.

For example, it is permissible to use a mobile communication device to rely on a navigational aid stored in the mobile communication device or to make or receive an audio or a video call using Bluetooth wireless technology, if the device is secured in a mounting affixed to the bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair, mobility scooter or mechanised sweeper while in motion riding on a public path. This is not an offence so long as there is no need for the driver or rider to use his or her hand to hold the mobile communication device to operate the device.

It is also permissible to use a mobile communication device that is wearable, such as a smart watch, so long as it is worn by the driver or rider in the manner intended by the manufacturer of the wearable device. The driver or rider is not prohibited from operating the device so long as he or she does not hold the device in his or her hand.

While the driver or rider is not committing an offence under the new section 22A if he or she, while driving or riding on a public path, presses anything on the body of a mounted mobile communication device or otherwise manipulates any part of the wearable communication device to operate it, the circumstances of doing so may constitute an offence under section 22 of riding recklessly, or in a manner which is dangerous to the public. The new section 22A does not affect section 22.

Clause 6 amends section 23(1)(c) to request a driver or rider involved in an accident on a public path to also state to the other party whether he or she is covered by third-party liability insurance for driving or riding on public paths and to give the name of the insurer to the other party.

Clause 7 introduces 3 new sections dealing with under-aged riders of motorised personal mobility devices on shared paths.

The new section 23A makes it an offence for an individual to ride a motorised personal mobility device on a shared path when he or she is below the prescribed minimum riding age for riding the motorised personal mobility device on the shared path.

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

By clause 2, the Act uses the term under-aged rider to refer to an individual who is below the prescribed minimum riding age for riding a motorised PMD on a shared path.

However, the offences do not apply where the individual is riding under escort a motorised personal mobility device on a shared path by one or more appropriate supervisors (whether or not a parent or guardian).

An appropriate supervisor of an under-aged rider means an individual who has attained the prescribed minimum supervising age. The prescribed minimum supervising age will be specified by regulations.

The term “riding under escort” is defined to mean having an appropriate supervisor by agreement, understanding or other arrangement of any kind, in relation to the under-aged rider when the under-aged rider is riding on a shared path to be on or in the vicinity of the shared path, and riding in such a way that the appropriate supervisor of the under-aged rider has a clear and unobstructed line of sight of the under-aged rider when the under-aged rider is riding on the shared path.

For example, a child of 14 years of age will not be committing an offence under the new section 23A if he or she rides a motorised personal mobility device on a shared path during a school excursion so long as he or she rides within the line of unobstructed sight of any of the teachers in charge of the excursion who has attained the prescribed minimum supervising age.

Regulations may be made under section 67 prescribing different minimum riding ages and different minimum supervising ages for different classes or description of motorised personal mobility devices.

The new section 23B creates a separate offence for a person to invite, allow or facilitate an individual to ride a motorised PMD on a shared path when the individual is below the prescribed minimum riding age for the PMD, and the person knows that, or is negligent as to whether, the individual is under-aged and is not escorted or to be escorted while so riding, by an appropriate supervisor

(whether or not a parent or guardian) who has qualifications prescribed by regulations. Those qualifications may include passing a competency test.

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

There is a defence provided to an accused who can prove, on a balance of probabilities, that the accused had reasonable grounds to believe and did make reasonable inquiries to ascertain that the individual riding or about to ride a motorised personal mobility device on a shared path was not an under-aged rider. Alternatively, the accused may prove that the accused had received from the individual riding or about to ride a motorised personal mobility device on a shared path, evidence purporting to show that that individual was not an under-aged rider, and that it was reasonable to and the accused did accept that evidence as correct. For instances, the under-aged rider produced a false identity document showing him or her to be older.

What constitutes facilitating is left to the ordinary meaning of the word. However, the Bill also extends facilitating to include any conduct that enables or aids the individual to ride the motorised personal mobility device on a shared path, intending that the conduct would enable or aid an under-aged individual to ride the motorised personal mobility device on a shared path, or being reckless as to whether or not the conduct would enable or aid the individual to ride the motorised personal mobility device on a shared path.

For example, a motorised PMD rental operator who does business in a park popular with youths and who does not put in place any measures to check the age of the customers hiring the PMDs to ride in the park may be considered as having facilitated under-aged riding.

However, the Bill excludes from the scope of facilitating conduct that is no more than advertising or selling the property or title in a motorised personal mobility device.

The new section 23C creates an offence which is applicable only to appropriate supervisors who have certain qualifications. Such an individual who is, by agreement, understanding or other arrangement of any kind, an appropriate supervisor of an under-aged rider riding a motorised personal mobility device commits an offence if the appropriate supervisor fails to take, so far as is reasonable and practicable, such measures as are necessary to ensure that the under-aged rider does not ride in contravention of Parts 3 and 3A and in a manner that is dangerous to people or property, or to carry out any other duties prescribed in relation to the appropriate supervisor or the motorised personal mobility device which the under-aged rider is riding.

The new section 23C(2) places the onus on the appropriate supervisor who is charged to prove on a balance of probabilities, that it was not reasonable or not practicable to do more than what was in fact done to satisfy that requirement, and there was no better practicable means than was in fact used to satisfy that requirement.

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

Clause 8 inserts a new Division 2A into Part 3 relating to riding tests for certain classes or descriptions of vehicles which may be driven or ridden on public paths. The new Division 2A consists of new sections 23D to 23H.

The new section 23D makes it an offence for an individual to drive or ride on a public path a test-needed-to-drive vehicle of a class or description if the individual is not granted a competency test certificate from a test authority for that class or description of test-needed-to-drive vehicle certifying that the individual has passed the prescribed test of competence for that class or description of vehicle.

What is a test-needed-to-drive vehicle will be set out in regulations.

The exception is where the driver or rider is exempted from the new section 23D by reason of section 66, or is an under-aged rider riding a test-needed-to-drive vehicle of a class or description on a public path, or an individual (but not an under-aged rider) riding a test-needed-to-drive vehicle in circumstances prescribed in regulations.

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

The new section 23E makes it an offence for a person to employ, or intentionally or negligently allow, an individual to drive or ride a test-needed-to-drive vehicle of a class or description on a public path, being an individual who is not granted a competency test certificate for that class or description of test-needed-to-drive vehicle and is not excluded, with the knowledge or negligent as to whether, the individual is not granted a competency test certificate for that class or description of test-needed-to-drive vehicle.

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

The new section 23F provides for the granting of a competency test certificate by a test authority. There can be different test authorities for different classes or descriptions of test-needed-to-drive vehicles.

A competency test certificate certifies that the individual has passed the prescribed test of competence for that class or description of vehicle. It will be granted only if the test authority is satisfied that the individual has attended and successfully completed, not earlier than a prescribed time before that application is made, a prescribed test of competence relating to the class or description of test-needed-to-drive vehicle which is the subject of the application, and is not below the prescribed minimum riding age, if applicable.

The new section 23G deals with the validity of a competency test certificate. They generally remain in force for the lifetime of the rider or driver unless there is a validity period specified in the competency test certificate.

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

Once a competency test certificate is cancelled or expires, the individual to whom it was granted stops being regarded as holding or granted such a certificate and he or she is not authorised to ride the vehicle concerned on a public path.

The new section 23H sets out offences concerned with the improper use or falsifying of a competency test certificate. The penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 12 months or both.

Clause 9 amends section 27 to extend the meaning of "repair" to include repainting or re-marking a sign that is painted or marked on a wall or floor.

Clause 10 amends section 28C to remove the need for the registration code for a registrable personal mobility device to be unique. This will allow for recycling of codes.

Clause 11 amends section 28D regarding cancelling registration of registrable personal mobility devices. Two new grounds to do so are introduced.

The first ground is where the registered responsible person for the registrable personal mobility device refuses or neglects to comply with any order given to him or her under section 47(1)(b) of the Act to submit the device to inspection. The ground applies whether or not he or she is convicted of an offence for so refusing.

The second is where the Land Transport Authority of Singapore (LTA) is satisfied that a condition of registration of the registrable personal mobility device has been contravened or is being contravened.

Clause 12 amends the Act by adding a new Division heading for Part 4, because of the amendments in clause 19.

Clause 13 amends section 30 to extend the ban on display of non-compliant vehicles to include a ban on display of uncertified vehicles. The latter are defined as a bicycle, personal mobility device, PAB, motorised wheelchair or mobility scooter which does not have in force a certificate issued under the new section 35C where an inspection or periodic inspections of the vehicle is required under that new section.

Clause 13 also raises the penalty for the offence under section 30 and differentiates the punishment according to whether the offender is an individual or a non-individual, like a corporation or society.

The new penalty where the offender is an individual is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 12 months or both, but where the individual is a repeat offender, the penalty is raised to a fine not exceeding \$20,000 or imprisonment for a term not exceeding 24 months or both. However, where the offender is not an individual, the penalty is a fine not exceeding \$20,000, and where the person is a repeat offender, a fine not exceeding \$40,000.

Clause 14 raises the penalty for the offence under section 31 and differentiates the punishment according to whether the offender is an individual or a non-individual, like a corporation or society. The new penalty where the offender is an individual is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months or both, but where the individual is a repeat offender, the penalty is raised to a fine not exceeding \$10,000 or imprisonment for a term not exceeding 12 months or both. However, where the offender is not an individual, the penalty is a fine not exceeding \$10,000, and where the person is a repeat offender, a fine not exceeding \$20,000.

Clause 14 also amends section 31 to require the warning notice for personal mobility devices offered for sale to include the fact that the riding of motorised personal mobility devices on any footpath is unlawful.

Clause 15 amends section 32 by extending the offence in that section against publishing a non-compliant PMD advertisement or a non-compliant mobility vehicle advertisement at the premises or place at which bicycles, personal mobility devices, power-assisted bicycles, motorised wheelchairs or mobility scooters are sold or offered for sale to include an uncertified vehicle advertisement.

Clause 15 also raises the penalty for the offence under section 32 and differentiates the punishment according to whether the offender is an individual or a non-individual, like a corporation or society.

The new penalty where the offender is an individual is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 12 months or both, but where the individual is a repeat offender, the penalty is raised to a fine not exceeding \$20,000 or imprisonment for a term not exceeding 24 months or both. However, where the offender is not an individual, the penalty is a fine not exceeding \$20,000, and where the person is a repeat offender, a fine not exceeding \$40,000.

Clause 16 amends section 33 to raise the penalty for the offence under section 33 and differentiates the punishment according to whether the offender is an individual or a non-individual, like a corporation or society.

The new penalty where the offender is an individual is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 12 months or both, but where the individual is a repeat offender, the penalty is raised to a fine not exceeding \$20,000 or imprisonment for a term not exceeding 24 months or both. However, where the offender is not an individual, the penalty is a fine not exceeding \$20,000, and where the person is a repeat offender, a fine not exceeding \$40,000.

Clause 17 amends section 34 by extending the offence of selling non-compliant vehicles for use on public paths to cover selling of uncertified vehicles.

Clause 17 also raises the penalty for the offence under section 34 and differentiates the punishment according to whether the offender is an individual or a non-individual, like a corporation or society.

The new penalty where the offender is an individual is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 24 months or both, but where the individual is a repeat offender, the penalty is raised to a fine not exceeding \$40,000 or imprisonment for a term not exceeding 48 months or both. However, where the offender is not an individual, the penalty is a fine not exceeding \$40,000, and where the person is a repeat offender, a fine not exceeding \$80,000.

Clause 18 amends the offence in section 35 of altering vehicles to become non-compliant personal mobility devices, bicycles or PABs, mobility scooters or motorised wheelchairs, by expanding it to deal with alterations carried out, whether or not in the course of business. This will apply then to do-it-yourself modifications.

Clause 18 also raises the penalty for the offence under section 35 and differentiates the punishment according to whether the offender is an individual or a non-individual, like a corporation or society.

The new penalty where the offender is an individual is a fine not exceeding \$20,000 or imprisonment for a term not exceeding 24 months or both, but where the individual is a repeat offender, the penalty is raised to a fine not exceeding

\$40,000 or imprisonment for a term not exceeding 48 months or both. However, where the offender is not an individual, the penalty is a fine not exceeding \$40,000, and where the person is a repeat offender, a fine not exceeding \$80,000.

Clause 19 inserts a new Division 2 in Part 4 requiring certain types of vehicles that may be used on a public path to undergo inspection and be certified. The new Division 2 of Part 4 consists of new sections 35A, 35B and 35C.

The new section 35A provides the means by which certain classes of vehicles that may be used on public paths can be made subject to a requirement for inspection. The Minister can make an order in the *Gazette*, providing that with effect from a date specified in the order, an inspection is or periodic inspections are required for or in respect of every bicycle, personal mobility device, motorised wheelchair or mobility scooter in a class or description of bicycle, personal mobility device, motorised wheelchair or mobility scooter specified in the order. The inspection is so as to maintain compliance with the prescribed requirements relating to its construction and condition and registration marks.

The new section 35B requires an inspection for the purposes of an order under the new section 35A(1) to be carried out by the LTA or a person authorised by the LTA (called a designated examiner).

A designated examiner has certain duties. A designated examiner must conduct an examination or assessment of a vehicle that is the subject of an order under the new section 35A(1). The examination must be done in the manner prescribed by regulations made under section 67. On completion of the examination or assessment, the designated examiner must prepare and sign a report of the result of the examination or assessment, and give a copy of the report to the LTA without delay.

A designated examiner commits an offence if he or she intentionally prepares or signs a report of the result of an examination or assessment relating to a bicycle, personal mobility device, motorised wheelchair or mobility scooter that the designated examiner did not examine or assess, or that is calculated to deceive. The penalty is a fine not exceeding \$1,000 or imprisonment for a term not exceeding 3 months or both. However, where the designated examiner is a repeat offender, the penalty is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 6 months or both.

The new section 35C provides for the issue of a certificate of inspection by the LTA to the owner of a bicycle, personal mobility device, motorised wheelchair or mobility scooter to which a designated examiner's report under the new section 35B(2)(b) relates. The certificate is to indicate that the vehicle has been inspected under Division 2 of Part 4. It is to be issued where the LTA receives from a designated examiner a report mentioned in the new section 35B(2)(b) in relation to that vehicle, the report states that the vehicle is in compliance or continues to be in compliance with the prescribed requirements relating to its construction and

condition and registration marks, and the LTA is satisfied that the designated examiner had carried out the examination and assessment of the vehicle in accordance with the regulations.

A certificate issued with respect to a vehicle is in force in respect of that vehicle until the date of expiry specified in the certificate (if any) or the certificate is earlier cancelled by the LTA.

Clause 20 introduces a new section 36A which is a rebuttable presumption for an offence under section 35 (altering a bicycle, personal mobility device, etc., to make it non-compliant). The new section 36A is in addition to the presumption in section 36 which is relevant to that offence under section 35.

Under the new section 36A, the person who is the owner of the vehicle in respect of which the offence is committed is presumed to have altered (whether in the course of repair or otherwise) the vehicle so as to render it a non-compliant personal mobility device, non-compliant PAB, non-compliant bicycle or a non-compliant mobility vehicle (as the case may be) if it is proved that a certificate was issued under section 35C in respect of the vehicle, and the person was the owner of the vehicle when the certificate under section 35C was issued.

Clause 21 amends section 44 as a consequence of the amendment in clause 18, which amends the offence in section 35 by expanding it to cover altering vehicles to become non-compliant personal mobility devices, bicycles or PABs, mobility scooters or motorised wheelchairs, whether or not in the course of business. The power to enter and inspect any premises is likewise expanded beyond premises which are reasonably believed to be carrying on business.

Clause 22 amends section 47 firstly, to enable an authorised officer, an outsourced enforcement officer or a public path warden to order the owner or rider of the vehicle to produce his or her competency test certificate for examination, and an authorised officer to order the owner or rider of the vehicle to deliver the vehicle (in the state on the date of the order) for an inspection by such person and at such time and place as the authorised officer may specify. This is to mandate inspections of vehicles, whether or not already registered.

Next, clause 22 amends section 47 to create an offence of producing on such an order, a false competency test certificate with dishonest intent. The penalty is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 12 months or both. There are special provisions that deal with the production of digital competency test certificates.

Clause 23 amends section 50 to empower an authorised officer, an outsourced enforcement officer or a public path warden to seize a competency test certificate or an article resembling a competency test certificate if the competency test certificate or article is produced to the authorised officer, outsourced enforcement officer or public path warden pursuant to a request under section 47(1)(aa) or otherwise by an individual who represents it as a competency test certificate

granted to that individual, and the authorised officer, outsourced enforcement officer or public path warden has reason to believe that the competency test certificate is unlawfully in the possession of that individual who produced it, or the competency test certificate or article is evidence of the commission of an offence under section 23H.

Clause 24 makes an amendment to section 57(1), which creates the offence of giving false information, to extend it to go beyond giving false information in relation to an application to register a registrable personal mobility device, to cover any application under the Act.

Clause 25 introduces 3 new sections 58A, 58B and 58C.

The new section 58A applies to every licensee or class licensee under the Shared Mobility Enterprises (Control and Licensing) Bill 2020 who makes available for hire by any individual any bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair or mobility scooter to drive or ride wholly or partly on any public path, and to every person who, in the course of a prescribed business provides any bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair or mobility scooter for hire or use by an individual who is the person's employee or outworker, to drive or ride on any public path in the performance of duties in the course of employment or under an outwork arrangement with that person, or who engages an individual under a contract of employment or an outwork arrangement to perform duties or carry out work involving driving or riding on any public path any bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair or mobility scooter owned or provided by the individual.

The new section 58A requires these licensees and persons to take all reasonable and practicable measures to ensure that the individual is insured and maintains insurance for a prescribed minimum amount under one or more approved policies with an insurer within the meaning of the Insurance Act (Cap. 142) against third-party liabilities for death or personal injury which the individual may incur with respect to driving or riding on public paths on the bicycle, personal mobility device, power-assisted bicycle, motorised wheelchair or mobility scooter (as the case may be) during the hiring from the licensee or the individual's employment or outwork arrangement with that person, as the case may be.

The penalty where the offender is an individual is a fine not exceeding \$10,000 or imprisonment for a term not exceeding 12 months or both. Where the offender is not an individual (such as a corporation), the penalty is a fine not exceeding \$20,000.

The new section 58B empowers a court, after convicting an individual of an offence under Division 2 or 2A of Part 3, to order the offender to attend and complete, at the offender's own expense, a course designed to increase knowledge of, and to encourage, safe driving and riding behaviour on public paths, in addition

to imposing on the offender the punishment provided for the offence under the Act.

An offender may appeal against an order of a court under the new section 58B(2) in the same manner as against a conviction. The court may if it thinks fit, pending the appeal, suspend the operation of the order under the new section 58B(2).

Finally, the new section 58C makes it clear that a person may be charged with more than one offence for the same activity or conduct. For example, an offender under section 21 may be charged for an offence under the section for speeding on a public path even though he or she is driving or riding a vehicle the riding of which on the public path (as the case may be) is unlawful under section 15, 16, 17, 18 or 19. In short, an individual may still be liable for speeding on a footpath using a motorised personal mobility device even though he or she is driving or riding on a vehicle that is banned for use on the footpath. An individual may still be liable under section 21 for speeding even though he or she is also liable to be charged separately for an offence for under-aged riding or using a mobile communication device.

Clause 26 amends section 67 to expand the powers to make regulations to cover tests of competence to drive or ride on public paths test-needed-to-drive vehicles, the conduct of inspections of vehicles under the new Division 2 of Part 4 and for the purposes of the new section 58A.

Clause 27 and the Schedule make miscellaneous amendments to various sections of the Act mostly to raise penalties for offences. A textual amendment is made to sections 15(3) and 17(2) because of the change of the definition of “mechanised sweeper” that excluded a mechanised sweeper that is capable of driving itself.

Clause 28 contains related amendments to the Road Traffic Act.

Section 5 of the Road Traffic Act is amended to raise the penalty for altering a power-assisted bicycle to make it non-compliant or for selling, supplying, etc., a non-compliant power-assisted bicycle for use on a road, to match the higher penalties introduced by clauses 13 and 18, which can involve non-compliant power-assisted bicycles for use on public paths.

Another related amendment is to section 34 of the Road Traffic Act, on rule-making for the purposes of Part I of that Act. There is express power to create offences under the rules made for the purposes in section 34(1)(*da*) and (*db*) which are punishable with penalties that match the higher penalties introduced by clauses 14 and 15, where the rules pertain to power-assisted bicycles.

Finally, section 65B of the Road Traffic Act is amended to extend the ban on use of mobile communication devices while driving a motor vehicle to cover drivers

of vehicles which do not have a motor e.g. a cyclist on a bicycle. The text of the amendment is similar to that in clause 5.

Clause 29 is a saving and transitional provision which preserves the Act as in force before the amendments in clause 11(*b*) come into force, in relation to cancellation of registration of a registrable personal mobility device for breach of a condition of registration. The latter is a new ground for cancellation introduced by clause 11(*b*) and it applies only to contraventions occurring on or after the operative date of that clause.

Clause 29 further empowers the Minister for Transport to make regulations prescribing additional provisions of a saving or transitional nature consequent on the enactment of any provision in the Bill, as the Minister may consider necessary or expedient. The Minister has power to do so only within 2 years after the date of commencement of the provision.

EXPENDITURE OF PUBLIC MONEY

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