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Notification No. B 5 — The Road Traffic (Amendment) Bill is published for general information. It was introduced in Parliament on 10 January 2017.

Road Traffic (Amendment) Bill

Bill No. 5/2017.

Read the first time on 10 January 2017.

A BILL

intituled

An Act to amend the Road Traffic Act (Chapter 276 of the 2004 Revised Edition), to validate certain sums collected for the purposes of that Act, and to make related amendments to the Motor Vehicles (Third-Party Risks and Compensation) Act (Chapter 189 of the 2000 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.—(1) This Act is the Road Traffic (Amendment) Act 2017 and, except for section 2, comes into operation on a date that the Minister charged with the responsibility for land transport appoints by notification in the *Gazette*.

(2) Section 2 is deemed to have come into operation on 22 January 2016.

Amendment of long title

2. The long title to the Road Traffic Act (called in this Act the principal Act) is amended by deleting the words “and the operation of bus interchanges”.

Amendment of section 2

3. Section 2(1) of the principal Act is amended —

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

““automated vehicle technology” means any particular technology that —

(a) relates to the design, construction or use of autonomous motor vehicles; or

(b) otherwise relates to advances in the design or construction of autonomous motor vehicles;

“autonomous motor vehicle” means a motor vehicle equipped wholly or substantially with an autonomous system (also commonly known as a driverless vehicle), and includes a trailer drawn by such a motor vehicle;

“autonomous system”, for a motor vehicle, means a system that enables the operation of the motor vehicle without the active physical control of, or monitoring by, a human operator;”;

(b) by deleting the definition of “Deputy Commissioner of Police” and substituting the following definition:

““Deputy Commissioner of Police”, in relation to any provision of this Act or rules or any other subsidiary legislation made under this Act, means the Deputy Commissioner of Police designated by the Commissioner of Police for the purposes of that provision, and includes any police officer who —

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(a) is not below the rank of sergeant; and

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(b) is authorised under the hand of the Deputy Commissioner of Police for the purposes of that provision, to exercise the powers of that Deputy Commissioner of Police;”;

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(c) by deleting the word “transport” in paragraphs (a) and (c) of the definition of “Minister” and substituting in each case the words “land transport”;

(d) by inserting, immediately after the words “sections 75(1),” in paragraph (b) of the definition of “Minister”, “82,”;

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(e) by deleting the words “home affairs” in paragraphs (b) and (c) of the definition of “Minister” and substituting in each case the words “law and order”;

(f) by deleting the definition of “motor vehicle” and substituting the following definition:

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““motor vehicle” means a vehicle that —

(a) is propelled wholly or partly by a motor or by any means other than human or animal power; and

(b) is used or intended to be used on any road;”;

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(g) by inserting, immediately before the definition of “police officer”, the following definition:

“participate”, in relation to an autonomous motor vehicle trial regulated under section 6C, means —

(a) undertake the trial; or

5 (b) operate an autonomous motor vehicle in the trial;”;

(h) by inserting, immediately after the definition of “police officer”, the following definition:

“power-assisted bicycle” means a bicycle that —

10 (a) is equipped with an electric motor; and

(b) may be propelled by human power or by the electric motor with which it is equipped, or by both;”;

15 (i) by deleting the definition of “tricycle” and substituting the following definition:

“tricycle” means a vehicle with 3 wheels that —

(a) has pedals;

20 (b) is built to be propelled solely by human power by use of those pedals; and

(c) is constructed or adapted for the carriage of goods only;”.

Amendment of section 4

25 **4.** Section 4 of the principal Act is amended by deleting subsections (1) and (2) and substituting the following subsections:

“(1) For the purposes of this Act and the rules, motor vehicles are classified into the classes prescribed by an order in the *Gazette* made by the Authority, with the approval of the Minister.

30 (2) The Authority may from time to time, with the approval of the Minister, by order in the *Gazette*, amend an order made under subsection (1).

(2A) Each class of motor vehicle prescribed may be subdivided into one or more subdivisions according to weight, construction, nature of tyres, use or otherwise as described in the order made under subsection (1).

(2B) All orders made under this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.”

Amendment of section 5

5. Section 5 of the principal Act is amended —

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

“(3A) Subsections (2) and (3) do not apply to or in relation to the use of wholly or substantially autonomous motor vehicles operated with automated vehicle technology.”;

(b) by deleting subsection (5) and substituting the following subsections:

“(5) A person who alters (whether in the course of repair or otherwise) a vehicle or trailer so as to render its condition such that the use of the vehicle or trailer in that condition would be unlawful by virtue of this section, shall be guilty of an offence.

(5A) It is presumed, until the contrary is proved, that a person alters (whether in the course of repair or otherwise) a vehicle or trailer as to render its condition such that the use of the vehicle or trailer in that condition would be unlawful by virtue of this section (called in this section non-compliant) if it is proved —

(a) that the accused had possession of the vehicle or trailer;

(b) that the vehicle or trailer was not non-compliant when the accused acquired possession of it; and

(c) that at that time or soon after the vehicle or trailer (as the case may be) ceased to be in the accused's possession, the vehicle or trailer is non-compliant.

5 (5B) In this section, “alter” includes causing or authorising a person to alter, and offering to alter.”; and

(c) by deleting subsection (7) and substituting the following subsection:

10 “(7) Any person who is guilty of an offence under subsection (5) or (6) shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 6 months or to both.”.

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New sections 6C, 6D and 6E

6. The principal Act is amended by inserting, immediately after section 6B, the following sections:

20 **“Trials and use of autonomous motor vehicles, etc.**

6C.—(1) The Minister may make rules to —

(a) provide for the regulation by the Authority of —

(i) the undertaking of any trial of automated vehicle technology or an autonomous motor vehicle on any road (called in this section and sections 6D and 6E an approved trial), despite section 5; or

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(ii) the use on a road of an autonomous motor vehicle (called in this section and sections 6D and 6E an approved special use), despite section 5;

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(b) require the person authorised under the rules to undertake the approved trial or carry out the

approved special use (called in this section and sections 6D and 6E the specified person) —

- (i) to have in place liability insurance before the approved trial or approved special use starts, and to ensure that it is in force at all times during the period of the approved trial or approved special use; or 5
 - (ii) to deposit with the Authority a security of a type, and of an amount not lower than an amount, prescribed in those rules; 10
- (c) require the specified person to cause to be published (at the person's cost), before the approved trial or approved special use starts, a notice about the approved trial or approved special use, in a manner as will secure adequate publicity for the approved trial or approved special use, including — 15
 - (i) the area or areas of Singapore in which the trial or special use is approved to be undertaken or carried out;
 - (ii) the period during which the trial or special use is approved to take place; and 20
 - (iii) the name of each person participating in the approved trial or who may carry out the approved special use;
- (d) provide for grant of an authorisation by the Authority to the specified person to undertake an approved trial or carry out an approved special use to be subject to conditions, and for the modification of those conditions by the Authority from time to time after affording the specified person concerned a reasonable opportunity to be heard; 25 30
- (e) limit the period that an approved trial or approved special use may be undertaken or carried out;

- (f) prescribe the weather and any climatic or other circumstances when an approved trial or approved special use may or may not be undertaken or carried out, as the case may be;
- 5 (g) prescribe the construction, design or use of infrastructure technology, equipment or devices in relation to the autonomous motor vehicle or automated vehicle technology involved in the approved trial or approved special use, including
- 10 requiring that the vehicle —
- (i) be equipped to capture and store sensor data and video footage from the vehicle; and
 - (ii) have a failure alert system that allows a specified person or participant in the approved trial or
- 15 approved special use to take immediate manual control of the vehicle when a failure of the autonomous system or other emergency is detected;
- (h) prescribe the use of the autonomous motor vehicles in the approved trial or approved special use, and their
- 20 construction, design and equipment, for the safety of other road users or for public safety or both;
- (i) require the keeping of records by the specified person, and the giving of information to the Authority or any other person designated by the Authority (such as
- 25 sensor data and video footage from the autonomous motor vehicle) about the approved trial or approved special use undertaken or carried out, including the automated vehicle technology involved in the trial or
- 30 special use;
- (j) provide the grounds under which any authorisation granted under the rules to undertake an approved trial or carry out an approved special use may be cancelled
- 35 in whole or part, or suspended in whole or part, after affording the specified person concerned a reasonable opportunity to be heard unless it is not practicable or

desirable to do so in the circumstances of the case, including if —

- (i) the Authority is of the opinion that it is no longer in the public interest for the approved trial or approved special use to continue; or 5
 - (ii) the specified person authorised to undertake the approved trial or carry out the approved special use contravenes or has contravened, or fails or has failed to comply with, a condition of its authorisation, a condition of an exemption contained in the rules or any other provision in the rules; 10
 - (k) provide for a right to appeal to the Minister (whose decision on appeal is final) against any decision made by the Authority under the rules cancelling or suspending any authorisation granted under the rules to undertake an approved trial or carry out an approved special use, and the procedure for such appeals; 15
 - (l) prescribe the fees (either by specifying amounts or by prescribing a method of calculation) in relation to applications or requests to, or the doing of anything by, the Authority under the rules made under this section; 20
 - (m) provide that any contravention of any provision of the rules made under this section shall be an offence punishable with a fine not exceeding \$10,000; and 25
 - (n) prescribe such saving and transitional provisions as may be necessary or expedient.
- (2) In making any rules under this section for an approved trial or approved special use, the Minister must take reasonable steps to prevent information — 30
- (a) that is commercially sensitive in nature; and

(b) that is the subject of a request to the Minister by a person connected with the approved trial or approved special use, or the proposed approved trial or proposed approved special use, for the information to be kept confidential,

from being published or otherwise made public under this Part.

(3) This section and all rules made under this section continue in force for a period of 5 years starting on the date of commencement of section 6 of the Road Traffic (Amendment) Act 2017.

(4) The Minister may at any time before the end of the period mentioned in subsection (3), revoke or amend any rules made under this section and without affording anyone prior opportunity to be heard.

(5) All rules made under this section are to be presented to Parliament as soon as possible after publication in the *Gazette*.

(6) In this section, “liability insurance”, in relation to an approved trial or approved special use, means a policy of insurance indemnifying the owner and any authorised driver or operator of a vehicle or trailer used in that trial or special use —

(a) in relation to death or bodily injury caused by, or arising out of, the use of the vehicle or trailer on a road; and

(b) in relation to damage to property caused by, or arising out of, the use of the vehicle or trailer on a road.

Exemptions and modified application of laws to approved trials and special uses

6D.—(1) Rules made under section 6C for an approved trial or an approved special use may, for the purpose of that trial or special use —

(a) exempt (with or without conditions) from the application of section 5 or other specified provisions of this Act or its subsidiary legislation, or any other written law, any of the following:

- (i) the specified person authorised to undertake the approved trial or carry out the approved special use;
 - (ii) any other person or class of persons participating in the approved trial or carrying out the approved special use; 5
 - (iii) any vehicle or trailer used in the approved trial or approved special use; and
- (b) provide for the application of specified provisions of this Act or its subsidiary legislation, or any other written law, affecting — 10
- (i) the specified person authorised to undertake the approved trial or carry out the approved special use;
 - (ii) any other person or class of persons participating in the approved trial or carrying out the approved special use; or 15
 - (iii) any vehicle or trailer used in the approved trial or approved special use,
- with prescribed exceptions, modifications and adaptations. 20

(2) Where a provision of this Act or its subsidiary legislation mentioned in subsection (1)(a) or (b) is not a law which the Minister is charged with the responsibility for, the Minister must consult with the Minister charged with the responsibility for law and order before granting the exemption or modifying the provision, as the case may be. 25

(3) If a person contravenes or fails to comply with a condition of an exemption contained in any rules made under section 6C, the exemption does not, while the contravention or non-compliance continues, operate in that person's favour. 30

(4) If, by virtue of subsection (3), a person is guilty of an offence under a provision of this Act or its subsidiary legislation

from which the person was exempted by an exemption, the person may be proceeded against for that offence.

Interfering with autonomous motor vehicle trial, etc.

6E.—(1) A person who, without reasonable excuse —

5 (a) hinders or obstructs an approved trial or the carrying out of an approved special use; or

 (b) interferes with any equipment or device in or on an autonomous motor vehicle, or relating to any automated vehicle technology, used in an approved trial or approved special use,

10 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

 (2) In proceedings for an offence under subsection (1), it is a defence for the defendant to prove, on a balance of probabilities, that the defendant did not know, and could not reasonably have known, that the activity that caused the hindrance, obstruction or interference would cause the hindrance, obstruction or interference, as the case may be.

 (3) To avoid doubt, this section does not affect the operation of the Computer Misuse and Cybersecurity Act (Cap. 50A).”.

Amendment of section 9

7. Section 9(4) of the principal Act is amended by deleting the words “shall cause to be printed and provided” and substituting the words “must make publicly available”.

25 **Amendment of section 10**

8. Section 10(3) of the principal Act is amended —

 (a) by inserting, immediately after the words “3 months”, the words “or to both”; and

 (b) by inserting, immediately after the words “6 months”, the words “or to both”.

New section 11B

9. The principal Act is amended by inserting, immediately after section 11A, the following section:

“Tax upon end of exemption from permit, etc.

11B.—(1) This section applies where an exemption is granted (whether before, on or after the date of commencement of section 9 of the Road Traffic (Amendment) Act 2017) under section 14, 33 or 142 from the requirement of a permit or levy under section 10A in respect of a vehicle first registered on or after 1 April 1998 but before 26 February 2013, being an exemption that is —

- (a) for a specified period;
- (b) due to the use or description of the vehicle;
- (c) due to the status or description of the registered owner of the vehicle; or
- (d) subject to any condition (whether a condition precedent or a condition subsequent).

(2) A tax is payable as follows, whichever first happens:

- (a) when the specified period for the exemption described in subsection (1)(a) ends;
- (b) when there is a change in the use or description of the vehicle as to render the vehicle no longer within any use or description in any exemption described in subsection (1)(b);
- (c) when there is a change to the status or description of the registered owner of the vehicle as to render the registered owner not having any status or meeting any description in any exemption described in subsection (1)(c);
- (d) when the condition (whether a condition precedent or a condition subsequent) subject to which the exemption described in subsection (1)(d) is granted is first breached.

(3) The tax under subsection (2) is payable and recoverable from the person who is keeping or using the vehicle at the applicable time mentioned in that subsection.

5 (4) The tax under subsection (2) is equal to the amount of tax that would have been payable under section 11(1)(a) on the first registration of a vehicle mentioned in subsection (1) if it was not so exempted from the requirement of a permit or levy under section 10A, and as if the vehicle had been first registered with such a permit issued on that day of first registration.

10 (5) To avoid doubt, a reference in subsection (4) to the tax that would have been payable under section 11(1)(a) on the first registration of a vehicle mentioned in subsection (1) if it was not so exempted from the requirement of a permit or levy under section 10A includes a reference to any rebate from that tax that
15 may be claimed under section 11 when the vehicle was first registered.

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

25 (7) The Registrar may, in his discretion, compound any offence punishable under subsection (6) by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$1,000 and the amount of the tax undercharged, and may before judgment stay or compound any proceedings thereunder.”.

30 **Repeal of section 12**

10. Section 12 of the principal Act is repealed.

Repeal and re-enactment of section 16

11. Section 16 of the principal Act is repealed and the following section substituted therefor:

“Presumption as to use or keeping of vehicle

16.—(1) For the purposes of this Part, it is presumed, until the contrary is proved, that a person keeps or uses a vehicle on a road in Singapore if it is proved —

- (a) for a vehicle registered under this Act, that the person is, at the material time, recorded as the owner of that vehicle in a register of vehicles; 5
- (b) for a vehicle the registration of which under this Act is cancelled under section 27(1) or has lapsed, that the person is last recorded as the owner of that vehicle in a register of vehicles; or 10
- (c) for a vehicle that is not registered under this Act and is not a vehicle mentioned in paragraph (b), that the person has a legal right to possession of the vehicle (including any person who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor while the vehicle is being leased under any such agreement). 15

(2) In subsection (1), “register of vehicles” means the register required by rules made under section 34 to be maintained by the Authority for the purposes of section 10.”. 20

Amendment of section 24

12. Section 24 of the principal Act is amended —

- (a) by deleting the words “the licence may be exchanged for a new vehicle licence” in subsection (2) and substituting the words “a new vehicle licence is deemed to be in force”; 25
- (b) by inserting, immediately after the words “on the surrender of the original vehicle licence” in subsection (2), the words “in accordance with section 22”; and
- (c) by inserting, immediately after subsection (2), the following subsection: 30
 - “(2A) Subsection (2) does not validate the use of a vehicle between the time a vehicle licence is deemed

by that subsection to be in force for that vehicle and the date the vehicle licence is actually issued, if later.”.

Amendment of section 25

13. Section 25 of the principal Act is amended —

5 (a) by inserting, immediately after the words “in this section” in subsection (2)(a), the words “and section 34D”;

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

10 “(m) empower the Registrar and any officer authorised by him to prohibit the entry by driving into, or exit by driving from, Singapore of any vehicle —

15 (i) if any charge, fee or tax payable in respect of the vehicle under this Act or any of its subsidiary legislation is in arrears; or

20 (ii) if any charge or fee payable in respect of the vehicle under the Parking Places Act (Cap. 214) or any of its subsidiary legislation is in arrears.”;

(c) by deleting the words “such fees or taxes” in subsection (4) and substituting the words “such charges, fees or taxes mentioned in subsection (2)(m)”; and

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

30 “(5) For the purposes of this section, reference to a person resident outside Singapore does not include a reference to a citizen of Singapore or a person who holds a valid entry permit or re-entry permit issued by the Controller of Immigration under the Immigration Act (Cap. 133).”.

Amendment of section 27

14. Section 27(1) of the principal Act is amended by inserting, immediately after paragraph (d), the following paragraph:

“(da) if the Registrar becomes aware of a circumstance that would have required or permitted the Registrar to refuse to register the vehicle, had the Registrar been aware of the circumstance immediately before registering the vehicle;”.

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Amendment of section 28A

15. Section 28A of the principal Act is amended —

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(a) by inserting, immediately after the words “any other special purpose” in subsection (1), the words “(but not an approved trial or approved special use within the meaning of section 6C)”; and

(b) by inserting, immediately after subsection (6), the following subsections:

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“(7) A person to whom a special purpose licence is issued under this section must, within one month after the licence is cancelled under subsection (4) or lapses, or such longer period as the Registrar may allow in any particular case, do one of the following in relation to the vehicle in respect of which the special purpose licence was issued:

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(a) register the vehicle;

(b) remove the vehicle from use on all roads in Singapore and produce proof of that to the satisfaction of the Registrar;

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(c) destroy or export the vehicle and produce proof of that to the satisfaction of the Registrar.

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(8) A person who fails to comply with subsection (7) shall be guilty of an offence and shall be liable on conviction —

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

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(b) in the case of a second or subsequent conviction, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months.”.

Amendment of section 29

16. Section 29 of the principal Act is amended —

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(a) by deleting “\$1,000” in subsection (1) and substituting “\$2,000”; and

(b) by deleting subsection (3).

Amendment of section 34

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17. Section 34(1) of the principal Act is amended by deleting the words “or keeping” in paragraph (g) and substituting the words “, licensing or keeping”.

Amendment of section 34D

18. Section 34D(1) of the principal Act is amended by inserting, immediately after paragraph (b), the following paragraph:

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“(ba) empowering the Registrar and any officer authorised by the Registrar to prohibit the entry into or exit from Singapore of any foreign vehicle if any unpaid road-user charges under this Act in respect of that vehicle is in arrears;”.

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Amendment of section 36

19. Section 36 of the principal Act is amended —

(a) by deleting the words “for a period of 6 months” in subsection (3) and substituting the words “for a period prescribed”; and

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(b) by inserting, immediately after subsection (5), the following subsection:

“(6) Different validity periods for provisional licences may be prescribed under section 48 for different types of provisional licences.”.

Amendment of section 64

- 20.** Section 64(1) of the principal Act is amended — 5
- (a) by deleting “\$3,000” and substituting “\$5,000”; and
 - (b) by deleting “\$5,000” and substituting “\$10,000”.

Amendment of section 69

- 21.** Section 69 of the principal Act is amended —
- (a) by deleting the words “breath test” in subsections (1), (3) 10
and (5)(a) and (b) and substituting in each case the words
“preliminary breath test”; and
 - (b) by deleting the section heading and substituting the
following section heading:
“Preliminary breath tests”. 15

Amendment of section 70

- 22.** Section 70 of the principal Act is amended —
- (a) by deleting the words “for analysis by means of a
prescribed breath alcohol analyser” in subsection (1)(a)
and substituting the words “for a breath test under this 20
section”;
 - (b) by deleting the words “breath test under section 69(1)” in
subsection (1) and substituting the words “preliminary
breath test”; and
 - (c) by deleting sub-paragraph (ii) of subsection (3)(a) and 25
substituting the following sub-paragraph:
“(ii) when the requirement is made, there is no
breath analysing device of a type approved
for a breath test under this section at the
police station or at or near the place where 30
the arrest was made, or it is for any other

reason not practicable to conduct a breath test under this section; or”.

Amendment of section 71A

5 **23.** Section 71A(3) of the principal Act is amended by deleting the words “a prescribed breath alcohol analyser” in paragraph (a) and substituting the words “a breath analysing device of a type approved for a breath test”.

Amendment of section 72

24. Section 72 of the principal Act is amended —

10 (a) by deleting the definition of “breath test” in subsection (1) and substituting the following definitions:

15 “breath analysing device” means an instrument or apparatus for ascertainment by analysis of a person’s breath what concentration of alcohol is present in the person’s breath;

 “breath test” means a test of a specimen of a person’s breath to assess —

 (a) whether there is alcohol present in the person’s breath; and

20 (b) if alcohol is present, the concentration of alcohol in the person’s breath,

 by means of a breath analysing device of a type approved by the Deputy Commissioner of Police;”;

25 (b) by inserting, immediately after the definition of “police station” in subsection (1), the following definition:

 “preliminary breath test” means a breath test under section 69;”;

30 (c) by deleting the word “device” wherever it appears in subsection (1A) and substituting in each case the words “type of breath analysing device”;

(d) by deleting the word “device” wherever it appears in subsection (1B) and substituting in each case the words “type of breath analysing device”; and

(e) by deleting subsection (2) and substituting the following subsection: 5

“(2) A person is regarded as not providing a specimen of breath for a breath test unless the specimen —

(a) is sufficient to enable the test to be carried out; and 10

(b) is provided in a way that enables the objective of the test to be satisfactorily achieved.”.

Amendment of section 81

25. Section 81 of the principal Act is amended by deleting subsection (7) and substituting the following subsections: 15

“(7) Any person who is guilty of an offence under subsection (1A) or (2) 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; and 20

(b) in the case of a second or subsequent conviction, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or to both.

(7A) Any person who is guilty of an offence under subsection (3) 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.”. 25

New section 82

26. The principal Act is amended by inserting, immediately after section 81, the following section: 30

“Amendment of Third Schedule

82. The Minister may by order in the *Gazette* add to, amend or vary the Third Schedule.”.

Amendment of section 84

5 **27.** Section 84(8) of the principal Act is amended —

 (a) by inserting, immediately after the words “12 months” in paragraph (a), the words “or to both”; and

 (b) by inserting, immediately after the words “2 years” in paragraph (b), the words “or to both”.

10 **Amendment of section 87**

28. Section 87(1) of the principal Act is amended by inserting, immediately after the words “or the licence relating thereto”, the words “(if not issued in electronic form)”.

Amendment of section 90

15 **29.** Section 90 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

 “(1A) An examination under this section of a motor vehicle for the purposes of the issue of a test certificate in respect of the motor vehicle may include the examiner accepting, in lieu of an
20 examination, any certificate that —

 (a) is issued by another person or authority as are prescribed; and

 (b) concerns the prescribed requirements relating to the construction, equipment and condition of the motor vehicle, to the identification marks and signs carried by or fixed on the motor vehicle and the seals of such marks and signs, and to the markings on the motor
25 vehicle.”.

New section 95B

30 **30.** The principal Act is amended by inserting, immediately after section 95A, the following section:

“Forfeiture by Authority of seized non-compliant power-assisted bicycles, etc.

95B.—(1) Without affecting section 95 or 95A, an order for the forfeiture, or an order for the release of a vehicle liable to forfeiture, under this section may be made by the Authority if it is satisfied that —

- (a) the vehicle is a non-compliant power-assisted bicycle or a non-compliant personal mobility device;
- (b) an offence under section 5, 5A, 5B or 10 or any rules made under section 6 has been committed and that the non-compliant power-assisted bicycle or the non-compliant personal mobility device was the subject matter, or was used in the commission, of the offence; and
- (c) a person is convicted of the offence, or a person reasonably suspected of having committed the offence has that offence compounded under section 135.

(2) If there is no prosecution with regard to an offence under section 5, 5A, 5B or 10 or any rules made under section 6, a vehicle seized under section 95 or 95A may be forfeited by the Authority at the end of 30 days after the date of the seizure —

- (a) if the vehicle is a non-compliant power-assisted bicycle or a non-compliant personal mobility device; and
- (b) if no claim to the non-compliant power-assisted bicycle or the non-compliant personal mobility device is made in the prescribed manner to the Authority before the end of that period.

(3) Upon receipt of a claim mentioned in subsection (2)(b), the Authority may direct that the non-compliant power-assisted bicycle or non-compliant personal mobility device be released or may refer the matter by information to a Magistrate.

(4) The Magistrate must, on receipt of an information under subsection (3), or on the written application of the Public

Prosecutor, hold an inquiry and proceed to determine the matter, and —

(a) must order the non-compliant power-assisted bicycle or the non-compliant personal mobility device, as the case may be, to be forfeited on proof that the non-compliant power-assisted bicycle or the non-compliant personal mobility device was used in the commission of an offence under section 5, 5A, 5B or 10 or any rules made under section 6; or

(b) may, in the absence of such proof, order the release of the non-compliant power-assisted bicycle or the non-compliant personal mobility device, as the case may be.

(5) In any proceedings under subsection (4), the burden of proof lies on the person asserting that the person is the owner of the non-compliant power-assisted bicycle or the non-compliant personal mobility device concerned, and on the person from whom the non-compliant power-assisted bicycle or the non-compliant personal mobility device was seized, as the case may be.

(6) In any proceedings in any court under subsection (4) in respect of the forfeiture of any vehicle seized in the exercise or the purported exercise of any power conferred under section 95 or 95A, no person is entitled to the costs of the proceedings or to any damages or other relief except an order for the return of the vehicle, unless the seizure was made without reasonable or probable cause.

(7) Where any non-compliant power-assisted bicycle or non-compliant personal mobility device is forfeited by the Authority under this section, the Authority may, after giving one month's notice in the *Gazette* of the Authority's intention to do so —

(a) sell by public auction or tender the non-compliant power-assisted bicycle or non-compliant personal mobility device and any uncollected item left in or on it; and a purchaser of any vehicle, article, item or

thing sold in accordance with this paragraph acquires good title to that vehicle, article, item or thing; or

- (b) destroy or otherwise dispose of the non-compliant power-assisted bicycle or non-compliant personal mobility device, article, item or thing (as the case may be).

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(8) The proceeds of a sale by public auction or tender of any vehicle, article, item or thing under subsection (7) must be applied as follows:

- (a) firstly, in payment of the expenses occasioned by the sale;
- (b) secondly, in payment of storage or other expenses incurred by the Authority in relation to the vehicle, article, item or thing;
- (c) thirdly, by payment of the balance into the Consolidated Fund.

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(9) In this section —

“non-compliant personal mobility device” means a personal mobility device the construction, weight or accessories of which do not comply with the requirements as to construction, weight and accessories prescribed under the Active Mobility Act 2017 either for all personal mobility devices generally or for the particular type of that personal mobility device;

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“non-compliant power-assisted bicycle” means a power-assisted bicycle the construction, weight or accessories of which do not comply with the requirements as to construction, weight and accessories prescribed under section 6 or the rules made under that section either for all power-assisted bicycles generally or for the particular type of that power-assisted bicycle.”.

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Amendment of section 101

31. Section 101 of the principal Act is amended by inserting, immediately after subsection (1), the following subsection:

5 “(1A) For the purposes of subsection (1), use of a motor vehicle as a private hire car includes a motor vehicle that —

(a) is in use in connection with a hiring to provide a ride-sourcing service (within the meaning of section 110A); or

10 (b) is immediately available to a private hire car booking service operator (within the meaning of section 110A) to accept bookings from passengers for a ride-sourcing service using that vehicle.”.

Amendment of section 105

15 **32.** Section 105(1) of the principal Act is amended by deleting the word “permanently”.

Amendment of section 110

33. Section 110 of the principal Act is amended —

20 (a) by deleting the words “may be limited to such class of vehicle as may be” in subsection (3) and substituting the words “may limit the authorisation of the holder of the licence to driving, or acting as a conductor of, only one or more classes of public service vehicles”;

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

25 “(4) The Registrar may suspend or revoke, in whole or in part, a vocational licence on the ground that the holder of the licence —

30 (a) is contravening or not complying with, or has contravened or failed to comply with, any of the conditions of the licence, or any provision of this Act or rules under this Part

applicable to the holder of the licence as such; or

(b) is not a fit or proper person to hold the licence because of his conduct, after taking into consideration the total number of demerit points accumulated by the holder of the licence under those rules in respect of the licence or another licence, or his physical condition.”; and

(c) by deleting subsection (6).

New sections 110A and 110B

34. The principal Act is amended by inserting, immediately after section 110, the following sections:

“General suspension of affiliated drivers

110A.—(1) The Registrar may in the circumstances in subsection (2), by a general suspension order served on persons mentioned in subsection (3), direct that every bookable vehicle driver who is an affiliated driver of the same private hire car booking service operator, stop providing, during a blackout period, ride-sourcing services booked through that private hire car booking service operator.

(2) A general suspension order may be made where the Registrar is satisfied that —

(a) one of the affiliated drivers of a private hire car booking service operator has been convicted of a relevant offence in the course of being an affiliated driver of the private hire car booking service operator; and

(b) within a period of 12 months before the commission of the relevant offence in paragraph (a), 2 or more other affiliated drivers of the same private hire car booking service operator have also been convicted of a relevant offence each in the course of being an affiliated driver of that private hire car booking service operator,

regardless of any general suspension order earlier served in respect of that same private hire car booking service operator or that a blackout period for any earlier general suspension order is current.

5 (3) A general suspension order relating to a private hire car booking service operator must be given to —

(a) the class comprising every affiliated driver of the same private hire car booking service operator concerned; and

10 (b) the private hire car booking service operator.

(4) A general suspension order may be made under subsection (1) only after giving the private hire car booking service operator concerned a reasonable opportunity to be heard.

15 (5) In determining whether a driver has been convicted of a relevant offence, the Registrar may reckon any offer of composition under section 135 for a relevant offence that is accepted by the driver in relation to that offence as if that driver had been convicted of that relevant offence.

20 (6) However, where a driver has been convicted of a relevant offence, and it is open to the driver to appeal against the conviction (either with the leave of the court or without such leave), the Registrar, in determining whether a driver has been convicted of a relevant offence, must disregard the conviction until —

25 (a) no further appeal is open to the driver; or

(b) by reason of the expiration of any period for entering an appeal or a notice of appeal, or the refusal of leave to appeal or for any other reason, it ceases to be open for the driver to appeal.

30 (7) A general suspension order that is addressed to a class of persons is sufficiently served if it is published both —

(a) in a daily newspaper circulating in Singapore or in any other news media that, in the opinion of the Authority,

will be most likely to bring the direction to the attention of the persons who belong to the class; and

(b) on the Authority’s official website.

(8) A general suspension order that is served in accordance with subsection (7) takes effect at the beginning of the day after the date on which both paragraphs (a) and (b) of subsection (7) have been complied with.

(9) A bookable vehicle driver who —

(a) is an affiliated driver of a private hire car booking service operator;

(b) is in the class of bookable vehicle drivers served with a general suspension order (in accordance with subsection (7)) directing him to stop providing ride-sourcing services booked through that private hire car booking service operator; and

(c) provides ride-sourcing services booked through that private hire car booking service operator during the blackout period for that general suspension order,

shall be guilty of an offence.

(10) It is not a defence in any proceeding for an offence under subsection (2) that the accused holds a vocational licence granted under section 110 authorising him to drive a public service vehicle.

Interpretation of sections 110A and 111

110B. For the purposes of sections 110A and 111 —

“affiliated driver”, for a private hire car booking service operator, means a bookable vehicle driver who has an affiliated driver agreement with the private hire car booking service operator; and it is immaterial whether the driver is an employee or agent of the private hire car booking service operator;

“affiliated driver agreement” means an agreement between a bookable vehicle driver and a private hire car booking service operator —

- (a) for the private hire car booking service operator to provide a booking service for the driver; and
- (b) for the driver to provide a ride-sourcing service using a stated private hire car through the private hire car booking service operator;

“blackout period”, for a general suspension order, means a period after the general suspension order takes effect, of a duration that is fixed and specified by the Registrar in the order, being a period not exceeding one month;

“bookable vehicle” means a private hire car other than a private hire car that is hired by the hirer to drive personally and without providing any ride-sourcing service;

“bookable vehicle driver” means a driver of a bookable vehicle;

“private hire car booking service operator” means a person who, in the course of business, engages in the following conduct (including conduct outside Singapore, or partly inside and partly outside Singapore):

- (a) accepts, or makes provision for the invitation or acceptance of, bookings from people for a ride-sourcing service; and
- (b) communicates the bookings to bookable vehicle drivers to carry out that ride-sourcing service,

but excludes —

- (i) a taxi service operator within the meaning of Part VA that is licensed as such under that Part;
- (ii) a provider of a third-party taxi booking service within the meaning of the Third-Party Taxi Booking Service Providers Act 2015 (Act 17 of

2015) and that is registered as such under that Act; and

- (iii) a person prescribed by rules under section 111 not to be a private hire car booking service operator;

5

“relevant offence” means any of the following offences committed on or after the date of commencement of section 34 of the Road Traffic (Amendment) Act 2017:

- (a) an offence under section 101(2) involving any private hire car;
- (b) an offence under section 131 for contravening section 110(1)(a) involving any private hire car;
- (c) an offence under section 3 of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189) involving any private hire car;

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“ride-sourcing service” means a service where —

- (a) a passenger books transport for a journey within, or partly within, Singapore through a private hire car booking service operator;
- (b) the private hire car booking service operator communicates the passenger’s booking to a bookable vehicle driver; and
- (c) that driver carries out the transport booked using a bookable vehicle,

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but does not include a taxi service within the meaning of the Public Transport Council Act (Cap. 259B).”.

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Amendment of section 111

35. The principal Act is amended by renumbering section 111 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

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“(2) Without affecting the generality of subsection (1), rules may be made by the Authority to make provision about the operation of private hire car booking services, including —

5 (a) the responsibilities and duties of a private hire car booking service operator, including a duty —

10 (i) to take reasonable steps to ensure that each affiliated driver either holds a vocational licence that authorises the driver to drive the bookable vehicle, or is exempted under this Act from holding such a licence;

(ii) to provide information and reports about the operator, and its affiliated drivers, and the private hire car booking service it provides to the Authority; and

15 (iii) to provide the Authority an address in Singapore at which notices and other documents under this Act may be served on the private hire car booking service operator; and

20 (b) providing that any contravention of any provision of the rules shall be an offence punishable with a fine not exceeding \$10,000.”.

Amendment of section 122

25 **36.** Section 122 of the principal Act is amended by inserting, immediately after the words “guilty of an offence”, the words “and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both and, in the case of a second or subsequent conviction, to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both”.

Amendment of section 131

37. Section 131 of the principal Act is amended —

- (a) by inserting, immediately after the words “this Act” in subsections (1)(a), (b) and (c) and (2), the words “or the rules”;
- (b) by inserting, immediately after the words “3 months” in subsection (2)(a), the words “or to both”; and
- (c) by inserting, immediately after the words “6 months” in subsection (2)(b), the words “or to both”.

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Amendment of section 135

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38. Section 135 of the principal Act is amended by deleting subsection (1) and substituting the following subsections:

“(1) A relevant authorised officer may compound any offence under this Act or the rules that is prescribed as a compoundable offence, by collecting from a person reasonably suspected of having committed the offence a sum not exceeding the lower of the following:

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- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) \$5,000.

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(1A) On payment of the composition sum under subsection (1), no further proceedings are to be taken against that person in respect of the offence.

(1B) In this section, “relevant authorised officer” means any of the following:

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- (a) the Deputy Commissioner of Police designated by the Commissioner of Police for the purposes of this section;
- (b) a police officer not below the rank of sergeant specially authorised by name for the purposes of this section by the Deputy Commissioner of Police mentioned in paragraph (a);

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- (c) the Registrar of Vehicles appointed under section 9(1);
- (d) an employee of the Authority specially authorised by name for the purposes of this section in an instrument personally executed by the Registrar of Vehicles mentioned in paragraph (c).”.

Amendment of section 136

39. Section 136 of the principal Act is amended —

- (a) by inserting, immediately after the words “a notice” in subsection (2), the words “informing the person that the licence is void and, if the licence is not issued in an electronic form,”;
- (b) by deleting the words “and if the licence is in respect of a motor vehicle the Registrar may on the expiry of the 7 days proceed under section 15” in subsection (3); and
- (c) by inserting, immediately after subsection (3), the following subsection:

“(4) If the licence granted under subsection (1) is in respect of a motor vehicle, the Registrar may on the expiry of the 7 days after the notice under subsection (2) is posted, proceed under section 15.”.

New section 140A

40. The principal Act is amended by inserting, immediately after section 140, the following section:

“Incorporation by reference

140A.—(1) Any rule or other subsidiary legislation made under this Act by the Minister charged with the responsibility for land transport, the Minister charged with the responsibility for law and order or the Authority (each of whom is called a maker) may apply, adopt or incorporate by reference —

- (a) either wholly or partially;
- (b) with or without modification;
- (c) either specifically or by reference,

any matter contained in any code, standard, rule, requirement, specification or other document, as in force or published at a particular time or as in force or published from time to time, which relates to any matter that the rule or other subsidiary legislation deals with. 5

(2) Any material applied, adopted or incorporated in any rule or other subsidiary legislation by reference under subsection (1) is to be treated for all purposes as forming part of the rule or subsidiary legislation.

(3) Unless otherwise provided in a rule or other subsidiary legislation made under this Act by the maker of the rule or subsidiary legislation, every amendment to any material incorporated by reference under subsection (1) that is made by the person or organisation originating the material is, subject to subsections (4) and (5), to be treated as being a part of that rule or other subsidiary legislation, as the case may be. 10 15

(4) Where any material referred to in subsection (1) is applied, adopted or incorporated by reference in any rule or other subsidiary legislation under this Act, the maker of that rule or subsidiary legislation must give notice in the *Gazette* stating — 20

(a) that the material is incorporated in the rule or subsidiary legislation, and the date on which the relevant provision in the rule or subsidiary legislation was made;

(b) that the material is available for inspection during working hours, free of charge; 25

(c) the place where the material can be inspected;

(d) that copies of the material can be purchased, and the place where the material can be purchased; and

(e) if copies of the material are available in other ways, the details of where or how the material can be accessed or obtained. 30

(5) In addition, the maker of a rule or other subsidiary legislation under this Act must cause a copy of every material

applied, adopted or incorporated in that rule or subsidiary legislation by reference under subsection (1), to be made available for inspection by members of the public without charge at any of its offices during normal office hours.

5 (6) In this section, “modification” includes omissions, additions and substitutions.”.

Amendment of Second Schedule

10 **41.** Paragraph 1 of the Second Schedule to the principal Act is amended by deleting paragraph (e) and substituting the following paragraph:

“(e) Private hire cars Motor cars that do not ply for hire on any road but are hired, or made available for hire, under a contract (express or implied) for use as a whole —

- 15 (i) with a driver for the purpose of conveying one or more passengers in that car; or
- (ii) by a hirer to drive the motor car personally.”.

Amendment of Third Schedule

42. The Third Schedule to the principal Act is amended —

- 20 (a) by deleting “, 34” in item 3 of Part I; and
- (b) by deleting item 5 of Part II and substituting the following item:

25 “5. Rules 4(2), 7(1) and (5), 8(1) and (2) and 13(1) of the Road Traffic (Electronic Road Pricing System) Rules 2015 (G.N. No. S 226/2015).”.

Miscellaneous amendments

43. The principal Act is amended —

- (a) by inserting, immediately after the words “this Act” in the following provisions, the words “and the rules”:
- 30 (i) sections 9(1), 35(10), 94(1) and (3), 100(1), 111D(1)(h)(i) and 129(1)(c);

- (ii) paragraph 1 of the Second Schedule;
- (b) by inserting, immediately after the words “this Act” where they first appear in sections 10(1), 10A(1), 11(1), 95(1) and 139(2), the words “and the rules”;
- (c) by inserting, immediately after the words “this Act” wherever they appear in the following provisions, the words “or the rules”:
 - (i) sections 10A(2), 19(3)(a) and (c) and (4), 28(8)(b), 28A(4)(a), 35(13)(a) and (b), 35A(2), (7) and (8), 42A(1)(a), 45(2), (7), (8) and (9)(a) and (b), 57(c), 63(1), 81(1), (2) and (5), 87(2), 93(1), 95(7), 95A(10)(a), 100(3), 107(1), (2) and (4), 108(d), 111H(1)(a), 123(1)(a), 127(1), (4) and (6), 129(1)(a) and (2)(c), 131A(1) and (3), 133(1), 139(3) and (8), 139A and 142;
 - (ii) paragraph (a) of the definition of “warrant of arrest” in section 95A(13); and
- (d) by inserting, immediately after the words “Parking Places Act (Cap. 214)” in paragraph (b) of the definition of “warrant of arrest” in section 95A(13), the words “or any rules made under that Act”.

Validation of additional registration fees and additional licence fees, etc.

44.—(1) This section applies to sums purportedly collected under the principal Act by or on behalf of the Land Transport Authority of Singapore, or by or on behalf of the Registrar of Vehicles, as follows:

- (a) as additional registration fees under the Road Traffic (Motor Vehicles, Registration and Licensing) Rules (R 5) and before the date of commencement of section 9, in respect of motor vehicles that —
 - (i) were first registered on or after 1 April 1998 but before 26 February 2013; and
 - (ii) were exempt from the requirement for a permit or levy under section 10A of the principal Act;

(b) as amounts payable under rule 67 of the Road Traffic (Motor Vehicles, Registration and Licensing) Rules and before the date of commencement of section 9, in respect of motor vehicles that —

5 (i) were first registered on or after 1 April 1998 but before 26 February 2013; and

(ii) were exempt from the tax under section 11(1)(a) of the principal Act on first registration;

10 (c) as additional licence fees under Part VI of the Road Traffic (Motor Vehicles, Registration and Licensing) Rules and before 19 May 2013, in respect of any of the following vehicles which was more than 10 years old:

15 (i) a taxi, or a bus, goods vehicle or goods-cum-passengers vehicle using diesel or petroleum as fuel and for which a licence starts on any date between 1 July 2009 and 30 June 2010 (both dates inclusive);

20 (ii) a bus, goods vehicle or goods-cum-passengers vehicle which is a CNG vehicle, a petrol-CNG vehicle, a diesel-CNG vehicle, an electric vehicle, a petrol-electric vehicle or a diesel-electric vehicle;

25 (d) as additional licence fees under Part VI of the Road Traffic (Motor Vehicles, Registration and Licensing) Rules and before 12 December 2014, in respect of any of the following vehicles which was more than 10 years old:

(i) an electric car;

(ii) a petrol-electric car or diesel-electric car;

(iii) an electric motor cycle or electric scooter;

(iv) a CNG car, petrol-CNG car or diesel-CNG car;

30 (e) as road-user charges under rule 5 of the Road Traffic (Electronic Road Pricing System) Rules 2015 (G.N. No. S 226/2015) for riding, driving or moving a motor vehicle, between 5.30 p.m. and 7.00 p.m. on any weekday between 4 May 2015 and 22 September 2015

(both dates inclusive), into any of the following specified entry points on the Ayer Rajah Expressway:

- (i) on the slip road from Clementi Avenue 6 into the Ayer Rajah Expressway on the eastbound carriageway; 5
 - (ii) on the slip road from Clementi Avenue 2 into the Ayer Rajah Expressway on the eastbound carriageway;
 - (iii) between the slip road into the Ayer Rajah Expressway from Jurong Town Hall Road and the slip road into Clementi Avenue 6 from the Ayer Rajah Expressway on the Ayer Rajah Expressway on the eastbound carriageway; 10
- (f) as administrative charges under rule 7(2) of the Road Traffic (Electronic Road Pricing System) Rules 2015 and as composition sums, between 4 May 2015 and 13 August 2015 (both dates inclusive), from any person for riding, driving or moving a motor vehicle into any of the specified entry points on the Ayer Rajah Expressway during the dates and times mentioned in paragraph (e). 15 20

(2) Subject to subsection (3), every sum mentioned in subsection (1) is, and is taken always to have been, by force of this section, validly imposed and collected under the principal Act; and no legal proceedings may be instituted on or after 10 January 2017 in any court on account of or in respect of any such collection. 25

(3) However, nothing in subsection (2) applies to, or may be construed to affect —

- (a) any decision or judgment or warrant issued by any court given before 10 January 2017; or
- (b) any proceedings before any court commenced before 10 January 2017, 30

in relation to the liability of any person to pay any sum mentioned in subsection (1)(a), (b), (c), (d) or (f), or the criminal liability of any person for riding, driving or moving a motor vehicle, between

5.30 p.m. and 7.00 p.m. on any weekday between 4 May 2015 and 22 September 2015 (both dates inclusive), into any specified entry point on the Ayer Rajah Expressway mentioned in subsection (1)(e).

(4) All sums mentioned in subsection (1) must be paid into the Consolidated Fund.

Related amendments to Motor Vehicles (Third-Party Risks and Compensation) Act

45. The Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189) is amended —

(a) by deleting subsection (6) of section 3; and

(b) by inserting, immediately after section 3, the following section:

“Presumption as to using motor vehicle

3A.—(1) For the purposes of this Act, it is presumed, until the contrary is proved, that a person uses a motor vehicle on a road in Singapore if it is proved —

(a) for a vehicle registered under the Road Traffic Act (Cap. 276), that the person is, at the material time, recorded as the owner of that vehicle in a register of vehicles;

(b) for a vehicle the registration of which under the Road Traffic Act is cancelled under section 27(1) of that Act or has lapsed, that the person is last recorded as the owner of that vehicle in a register of vehicles; or

(c) for a vehicle that is not registered under the Road Traffic Act and is not a vehicle mentioned in paragraph (b), that the person has a legal right to possession of the vehicle (including any person who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor

while the vehicle is being leased under any such agreement).

(2) In subsection (1), “register of vehicles” means the register required by rules made under section 34 of the Road Traffic Act to be maintained by the Authority for the purposes of section 10 of that Act.”.

Saving and transitional provisions

46.—(1) Despite section 4, the classes of vehicles in force on the eve of the date of commencement of that section continue to have effect for the purposes of the principal Act until an order is made after that date under the principal Act as amended by this Act.

(2) Section 16(*b*) does not apply to a person who commits an offence under section 29(1) or (2) of the principal Act before the date of commencement of section 16(*b*).

(3) Despite sections 22 and 23, any breath alcohol analyser that is, on the date of commencement of those sections, prescribed for the purposes of sections 70 and 71A of the principal Act is, from that date, taken to be a type of breath analysing device approved by the Deputy Commissioner of Police for a breath test under the principal Act, until the Deputy Commissioner of Police disapproves of that type under the principal Act as amended by this Act.

(4) Section 45(*a*) does not apply to a person who commits an offence under section 3 of the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189) before the date of commencement of section 45(*a*).

(5) For a period of 2 years —

(*a*) after the date of commencement of section 19, 21, 22, 23, 24 or 26 of this Act, the Minister charged with the responsibility for law and order may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that section as the Minister may consider necessary or expedient; or

- 5 (b) after the date of commencement of any other section of this Act, the Minister charged with the responsibility for land transport may, by regulations, prescribe such additional provisions of a saving or transitional nature consequent on the enactment of that section as the Minister may consider necessary or expedient.

EXPLANATORY STATEMENT

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

- (a) to establish a regulatory framework for the undertaking of trials and use on Singapore roads of autonomous motor vehicles (also commonly known as driverless vehicles);
- (b) to regulate holders of vocational licences who are affiliated drivers of private hire car booking service operators providing ride-sourcing services in Singapore;
- (c) to support the move towards paperless vehicle licences;
- (d) to validate the collection of certain sums which would have been valid if the law had been in force.

The Bill also makes related amendments to the Motor Vehicles (Third-Party Risks and Compensation) Act (Cap. 189).

Clause 1 relates to the short title and commencement.

As the different subject matters in the Road Traffic Act fall within the portfolios of the Minister charged with the responsibility for land transport and the Minister charged with the responsibility for law and order, respectively, clause 1 provides for the different provisions in the Bill to be brought into force by the Minister charged with the responsibility for land transport.

The amendment to the long title (in clause 2) is deemed to have come into operation on 22 January 2016, which is the operative date of the Bus Services Industry Act 2015 (Act 30 of 2015).

Clause 2 amends the long title to omit references to the operation of bus interchanges, since that has been transferred to the Bus Services Industry Act 2015.

Clause 3 amends various definitions in section 2(1).

The definition of “motor vehicle” is replaced with one that is more technology neutral. It is no longer confined to a motor-powered vehicle with wheels and for the

motor to form part of the vehicle. The definition still refers to a vehicle that is used or intended to be used on a road.

An “autonomous motor vehicle” is defined to mean a motor vehicle equipped wholly or substantially with an autonomous system (also commonly known as a driverless vehicle) and includes a trailer drawn by such a motor vehicle. For example, a motor vehicle is not equipped with an autonomous system only because it has a system for collision avoidance, electronic blind spot assistance, automated emergency braking, park assist, adaptive cruise control, lane keep assist, or lane departure warning.

A new definition of “automated vehicle technology” is introduced to support the amendments on driverless vehicles. A particular technology is “automated vehicle technology” for the purposes of the Act if it relates to the design, construction or use of autonomous motor vehicles, or otherwise relates to advances in the design or construction of such driverless motor vehicles.

The definition of “Deputy Commissioner of Police” is also updated to take into account that more than one Deputy Commissioner of Police can be appointed under the Police Force Act (Cap. 235), and to include a police officer not below the rank of sergeant who is authorised by a Deputy Commissioner of Police concerned to exercise the powers of that Deputy Commissioner of Police.

The definition of “Minister” is also amended to match the portfolio descriptions for the Minister for Transport and the Minister for Home Affairs, instead of using their title.

Clause 4 deletes and substitutes section 4(1) and (2) to render the basic legislative framework for the registration and licensing of motor vehicles better able to respond to and address challenges presented by rapidly changing automotive technologies.

Motor vehicles are today classified according to categories outlined in section 4(1). An amendment must be made by Parliament whenever there is a need to adjust the description or introduce a new class or abolish a class. However, automotive technologies are changing rapidly. For example, micro cars and other lightweight vehicles designed to carry only passengers do not fit in well in the class now described as “motor cars” in section 4(1)(e). Subdivisions of any of the classes of motor vehicles in section 4(1) are also required to be set out in another instrument viz. by way of an order under section 4(2) made by the Land Transport Authority of Singapore (LTA).

By the amendment in clause 4, the classes of motor vehicles will no longer be prescribed in the Act itself but set out in an order published in the *Gazette*. This order is to be made by the LTA with the approval of the Minister. This will facilitate quicker updating to cope with rapidly changing automotive technologies. Subdivisions of these classes (which like today may be according to weight, construction, nature of tyres, use or otherwise) are also to be described in the same

order, instead of a separate instrument. As the information about the classes and subdivisions of motor vehicles are fundamental to the registration and licensing of motor vehicles in the Act, the order is required to be presented to Parliament when made, and every time it is subsequently amended.

Clause 5 amends section 5 to make it clear that an authorisation Notification under section 5(2) does not extend to authorising use of driverless vehicles. The latter is the subject of a regulatory framework specially set out in new sections 6C, 6D and 6E inserted by clause 6.

Clause 5 also amends the offence in section 5(5) on altering of vehicles. It provides that a person who alters or offers to alter (whether in the course of repair or otherwise) a vehicle or trailer so as to render its condition such that the use of the vehicle or trailer on any road in that condition is unlawful under section 5(1), is guilty of an offence.

The alteration or offer to alter need not be in the course of business. The vehicle or trailer altered need not belong to another person. The offence may even be committed by an individual altering his or her own vehicle for his or her own use on the road.

Section 5 is further amended to introduce a rebuttable presumption as to when a person alters (whether in the course of repair or otherwise) a vehicle or trailer as to render its condition such that its use in that condition would be unlawful by virtue of section 5 (called non-compliant). The presumption arises if it is proved that the accused had possession of the vehicle or trailer, that the vehicle or trailer was not non-compliant when the accused acquired possession of it, and that at that time or soon after the vehicle or trailer (as the case may be) ceased to be in the accused's possession, the vehicle or trailer is non-compliant.

Finally, the punishment for the offences in section 5(5) or (6) is also raised to a fine not exceeding \$5,000 or imprisonment for a term not exceeding 3 months or both and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000 or imprisonment for a term not exceeding 6 months or to both. The punishment is thus aligned with that for similar offences in Part 4 of the Active Mobility Act 2017 regarding personal mobility devices and other vehicles used on public paths.

Clause 6 inserts 3 new sections relating to trials involving, and use of, autonomous motor vehicles and automated vehicle technology so that experimental autonomous motor vehicles remain clearly subject to the motor vehicle liability scheme under the Act.

The new section 6C empowers the Minister to make rules for the LTA to regulate the undertaking of any trial on any road of autonomous motor vehicles or automated vehicle technology (called an approved trial), and the use on a road of any wholly or substantially autonomous motor vehicle operated with automated vehicle technology (called an approved special use). This will be despite section 5.

Trials or use of autonomous motor vehicles or automated vehicle technologies other than on roads (such as in laboratories) are not covered by the new sections 6C, 6D and 6E.

The rules made under the new section 6C may limit the period that an approved trial or approved special use may be undertaken or carried out. The rules require the person authorised under the rules to undertake the approved trial or carry out the approved special use (called the specified person) to have in place before the approved trial or approved special use starts, and to ensure that there is in force at all times during the period of the approved trial or approved special use, liability insurance, or in lieu of such insurance, a deposit or other security not lower than the prescribed amount in the rules to be provided to the LTA.

The rules may also require the specified person to cause to be published (at the person's cost), before the approved trial or approved special use starts, a notice about the approved trial or approved special use, in a manner as will secure adequate publicity for the approved trial or approved special use, including the area or areas of Singapore in which the approved trial or approved special use may be undertaken or carried out, and the period of the approved trial or approved special use.

The rules may also deal with the use of the vehicles or trailers in the approved trial or approved special use, and their construction, design and equipment, for the safety of road users or for public safety or both, as well as the weather and any climatic or other circumstances when an approved trial or approved special use may or may not be undertaken or carried out. There may also be requirements for the keeping of records by the specified person (such as sensor data and video footage), and the giving of information to the LTA or any other person designated by the LTA, about the approved trial or approved special use undertaken or participated in, including the automated vehicle technology involved in the trial or special use.

The new section 6D further allows these rules for the purpose of an approved trial or approved special use, to exempt (with or without conditions) from the application of section 5 or other specified provisions of the Act or its subsidiary legislation, any of the following:

- (a) the specified person authorised to undertake the approved trial or carry out the approved special use;
- (b) any other person or class of persons participating in the conduct of the approved trial or approved special use;
- (c) any vehicle or trailer used in the approved trial or approved special use.

The rules may also modify the application of specified provisions of the Act or its subsidiary legislation in respect of any of the same category of persons.

This is because many provisions in the Act presently governing the use of roads contain instructions for how vehicles should be driven on the road and provide for observing road signage by drivers. The underlying assumption is that there is a driver controlling the vehicle. However, this would be negated in wholly driverless cars, or those substantially outfitted with automated vehicle technologies such that the vehicle's occupant is not expected to actively monitor the vehicle's behaviour or performance.

Instead of having a situation where these provisions in the Act or its subsidiary legislation about persons driving become superseded in the case of autonomous motor vehicles, or of having to disapply these laws entirely through the blunt instrument of an exemption order under section 142, the new section 6D allows for these provisions in the Act or its subsidiary legislation to be modified. Doing so ensures that experimental autonomous motor vehicles remain subject to these provisions in the Act or its subsidiary legislation and the criminal motor vehicle liability scheme under those provisions.

However, rules made under section 6C cannot modify the application of other Acts or their subsidiary legislation, even if these assume the existence of a driver, such as section 20 of the Environmental Public Health Act (Cap. 95) and regulation 19 of the Environmental Protection and Management (Vehicular Emissions) Regulations (Cap. 94A, Rg 6).

As the facility to modify the Act is a deviation from the principle that only an Act of Parliament can amend an Act of Parliament, there is a "sunset" arrangement for these rules made under section 6C. They continue in force only for a period of 5 years starting on the date of commencement of clause 6 of the Road Traffic (Amendment) Bill 2017 when it is enacted. The new sections 6C and 6D and rules thereunder will lapse at the end of the 5 years unless the Act is amended to extend that period.

The new section 6E makes it an offence if a person, without reasonable excuse, hinders or obstructs an approved trial or the carrying out of an approved special use, or interferes with any equipment or device in an autonomous motor vehicle, or relating to any automated vehicle technology, used in an approved trial or approved special use. The penalty is a fine not exceeding \$5,000.

For example, curious bystanders may deliberately throw objects or walk in front of autonomous motor vehicles that are on trial, so as to test the reaction of the vehicle's sensors.

There is, however, a defence for a defendant to prove, on a balance of probabilities, that the defendant did not know, and could not reasonably have known, that the activity that caused the hindrance, obstruction or interference would cause the hindrance, obstruction or interference, as the case may be.

The provision does not affect the operation of the Computer Misuse and Cybersecurity Act (Cap. 50A), which contains offences on unauthorised use or interception of a computer service and hacking that carry a heavier penalty.

Clause 7 amends section 9(4) to support the move away from paper licences. The duty of the Registrar of Vehicles (the Registrar) is changed from causing to be printed and provided forms of licences and applications for such licences, to making publicly available these licences and application forms.

Clause 8 amends section 10(3) by changing the punishment for the offence of keeping or using an unregistered vehicle on a road. The amendment will allow a court to impose both a fine and custodial sentence.

Clause 9 introduces a new section 11B which imposes liability for the additional registration fee for vehicles exempted from the requirement of payment of a levy and permit under section 10A when the basis for the exemption ends.

The new section applies where an exemption is granted under section 14, 33 or 142 (whether before, on or after the date of commencement of clause 9) from the requirement of a permit (commonly called a certificate of entitlement) or levy under section 10A in respect of a vehicle first registered on or after 1 April 1998 and before 26 February 2013. The exemption may be subject to conditions, such as for a specified period, or based on the use of the vehicle or the status of the registered vehicle owner.

An example of such an exemption is that granted to school buses, a vehicle used for firefighting purposes, or a vehicle registered in the name of a diplomatic agent, consular officer, an international organisation or a disabled person.

When the condition of the exemption is breached or when the basis for the exemption ends, etc., the tax that would have been payable under section 11(1)(a) (commonly called the additional registration fee or ARF) when the vehicle was first registered, will be recoverable from the person keeping or using the vehicle at the time of the breach or when the basis for the exemption ends. The ARF would be the amount payable at the rates when the vehicle was first registered as if it was first registered with a permit issued on the first registration date, and includes any rebate that was claimable at that time.

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

Clause 10 repeals section 12. This abolishes the exception for citizens of Singapore, residents of Singapore or a holder of a work pass under the Employment of Foreign Manpower Act (Cap. 91A) to keep or use a vehicle not

registered under the Act but in respect of which a licence issued under the law of any country other than Singapore is in force.

Clause 11 repeals and re-enacts section 16 regarding the presumption on the use and keeping of vehicles.

The new section 16 sets out a rebuttable presumption for the purposes of Part I and relies on the register required by rules made under section 34 to be maintained by the LTA for the purposes of section 10.

The new section 16 provides that for a vehicle registered under the Act, the person who is, at the material time, recorded as the owner of that vehicle in a register of vehicles, is presumed to be the person who keeps or uses the vehicle on a road in Singapore.

For a vehicle the registration of which under this Act is cancelled under section 27(1) or has lapsed, the person presumed to keep or use the vehicle on a road in Singapore is the person last recorded as the owner of that vehicle in a register of vehicles.

In any other case, the person presumed to keep or use the vehicle on a road in Singapore is the person who has a legal right to possession of the vehicle (including any person who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor while the vehicle is being leased under any such agreement).

Clause 12 amends section 24(2) to render the text technology neutral, to facilitate the introduction of paperless licences.

Clause 13 amends section 25 to expand the power to make rules to empower the Registrar to turn back foreign vehicles being driven into or from Singapore. The power can now extend to foreign vehicles where there is unpaid any charge, fee or tax payable in respect of that vehicle under the Act or the Parking Places Act (Cap. 214) or any of their respective subsidiary legislation.

Clause 13 also amends section 25 to exclude citizens and permanent residents of Singapore from the scope of the term “person resident outside Singapore” in section 25. By this amendment, rules made under section 25 do not extend to citizens and permanent residents of Singapore who intend to bring foreign motor vehicles into Singapore from a place outside Singapore.

Clause 14 amends section 27(1) by introducing a new circumstance in which the Registrar may cancel the registration of a vehicle. This is where the Registrar becomes aware of a circumstance that would have required or permitted the Registrar to refuse to register the vehicle, had the Registrar been aware of the circumstance immediately before registering the vehicle.

Clause 15 amends section 28A to exclude special purpose licences being issued in respect of autonomous motor vehicles that are the subject of an approved trial or approved special use under the new sections 6C and 6D. The rules that may be

made under those sections can provide for the licensing of these approved trials and approved special uses.

Section 28A is further amended to require a person to whom a special purpose licence is issued to take certain actions, within one month after the licence is cancelled or lapses, in relation to the vehicle in respect of which the special purpose licence was issued. These actions are to register the vehicle, remove the vehicle from use on all roads in Singapore and give the LTA adequate proof of that, or to destroy or export the vehicle and give the LTA adequate proof of that. This is an obligation similarly imposed under section 27(2) with regard to deregistered vehicles.

Failure to comply with this new offence in section 28A carries a similar penalty as that in section 27(3), which is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 3 months and, in the case of a second or subsequent conviction, a fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months.

Clause 16 amends section 29 to raise the punishment for an offence under section 29(1).

The time-bar (of 12 months) in section 29(3) against prosecution for an offence under section 29(1) or (2) is also abolished by clause 16.

However, the abolition of the time-bar does not apply to persons who commit the offence before the date of commencement of clause 16. Hence, a prosecution cannot be instituted for an offence under section 29(1) or (2) more than 12 months after it is committed, if committed before the date of commencement of clause 16 and even though on the eve of that commencement, the defendant was not already entitled to the benefit of the time-bar. See clause 46 for details.

Clause 17 amends section 34(1)(g) to require information contained in any records maintained by the Registrar with respect to licensing of vehicles to be made publicly available, in addition to information about the marking, registration or keeping of vehicles. Information about licensing of vehicles is already accessible online at LTA's official website. This does not prohibit the charging of a fee for the provision of information.

Clause 18 amends section 34D(1) to confer the power to make rules that empower the Registrar to turn back foreign vehicles being driven into or from Singapore where there are unpaid road-user charges.

Clause 19 amends section 36 (on provisional driving licences) to remove the fixed validity period of 6 months in section 36(3). By this amendment, the validity period of a provisional driving licence is to be set out in rules made under section 48. Different validity periods for provisional driving licences may be prescribed in rules under section 48 for different types of provisional driving licences.

Clause 20 amends section 64(1) to raise the fines for the offence of reckless or dangerous driving.

Clause 21 amends section 69 to make it clear that the breath test under the section is a preliminary breath test using a device of a type that is different from that used for the purposes of section 70. A corresponding amendment is made to section 70.

Clauses 22 and 23 amend sections 70 and 71A, respectively, to omit references to a prescribed breath alcohol analyser. This is replaced by a breath analysing device that is of a type approved by a Deputy Commissioner of Police for breath tests under section 70.

Clause 24 amends the definition of “breath test” in section 72 to refer to a test of a specimen of a person’s breath to assess whether there is alcohol present in the person’s breath, and if alcohol is present, the concentration of alcohol in the person’s breath, and for the test to be carried out by means of a breath analysing device of a type approved by a Deputy Commissioner of Police.

The other amendments are a consequence of the omission of references to a breath alcohol analyser that has to be prescribed by rules before it can be used for the purposes of detection and enforcement against drink driving cases.

Clause 25 amends section 81 regarding the punishment for the owner of a motor vehicle who, when required by a police officer or an LTA employee to do so, fails to provide the identity and address of the person who was driving the motor vehicle at or about the time of an alleged offence and the driving licence held by that person.

The punishment for failing to do so is changed to a fine not exceeding \$1,000 or imprisonment for a term not exceeding 3 months or both and, in the case of a second or subsequent conviction, to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months or both.

The penalty for wilfully or recklessly furnishing any false or misleading information when so reporting is a fine not exceeding \$5,000 or imprisonment for a term not exceeding 12 months or both.

Clause 26 introduces a new section 82, which confers power on the Minister charged with the responsibility for law and order to amend the Third Schedule.

Clause 27 amends the punishment in section 84(8) for the offence for breaching the vehicle driver’s duty to report an accident occurring if, owing to the presence of the vehicle on a road an accident occurs whereby any individual is injured or any property (including any animal) is damaged or destroyed. The amendment will allow a court to impose both a fine and custodial sentence.

Clause 28 amends section 87(1) to support the move away towards paperless licences.

Clause 29 amends section 90 regarding examination of motor vehicles to comply with the prescribed requirements relating to its construction and condition, to the identification marks and signs carried by or fixed on it, etc., and for the purpose of issuing a test certificate. The amendment allows the examiner to accept, in lieu of an examination, any certificate that is issued by another person or authority prescribed. That certificate must relate to the prescribed requirements relating to the construction and condition of the motor vehicle, to the identification marks and signs carried by or fixed on the motor vehicle and the seals of such marks and signs, and to the markings on the motor vehicle.

Clause 30 introduces a new section 95B that confers on the LTA to make an order for the forfeiture, or an order for the release of a vehicle liable to forfeiture, if it is satisfied that the vehicle is a non-compliant power-assisted bicycle or a non-compliant personal mobility device, an offence under section 5 or 10, the new sections 5A and 5B or any rules made under section 6 has been committed and that the vehicle was the subject matter, or was used in the commission, of the offence, and a person is convicted of the offence, or a person reasonably suspected of having committed the offence has that offence compounded under section 135.

Clause 31 amends section 101 on the offence of unauthorised use, or causing or permitting to be used, a motor vehicle as a public service vehicle when it is not a licensed public service vehicle. The amendment provides the circumstances when a motor vehicle is regarded as being used as a private hire car.

One situation is where the motor vehicle is in use in connection with a hiring to provide a ride-sourcing service as defined by the new section 110A inserted by clause 34.

Another situation is where the motor vehicle is immediately available to a private hire car booking service operator (within the meaning of the new section 110A) to accept bookings from passengers for a ride-sourcing service using that vehicle.

Clause 32 amends section 105(1) to remove the requirement that every public service vehicle that is licensed must have permanently affixed to it plates or markings. With the amendments, these plates and markings may be removable, include such as decalomanias and adhesive stickers.

Clause 33 amends section 110(3) to make it clear that a vocational licence to drive a public service vehicle may be limited to one or more classes of public service vehicle specified in the licence. This will allow the Registrar to issue vocational licences to individuals to drive, for example, both taxis and private hire cars.

Next, section 110(4) is amended to expand the grounds under which a vocational licence may be suspended or revoked. The new ground is where the holder of the vocational licence is contravening or not complying with, or has contravened or failed to comply with any of the conditions of the licence, or any provision of the

Act or rules under Part V applicable to the holder of the vocational licence as a licence holder.

Section 110(4) is also amended to enable the Registrar to revoke or suspend a vocational licence wholly or in part. For example, where a vocational licence authorises an individual to drive both a taxi and a private hire car, the amendments will allow the Registrar to revoke or suspend the licence that authorises an individual to drive both a taxi and a private hire car, or partly such that the individual may remain authorised to drive either a taxi or a private hire car, as the case may be.

Clause 34 introduces new sections 110A and 110B that confer power on the Registrar to issue a general suspension order directing that every bookable vehicle driver who is an affiliated driver of the same private hire car booking service operator stop providing, during a blackout period, ride-sourcing services booked through that private hire car booking service operator.

An affiliated driver of a private hire car booking service who continues to provide a ride-sourcing service through bookings by that private hire car booking service operator during that blackout period, will be guilty of an offence. It is not a defence that the accused then had in force a vocational licence granted under section 110 authorising the accused to drive a public service vehicle.

The blackout period, for a general suspension order, is defined in the new section 110B to mean a period after the general suspension order takes effect that is of a duration fixed and specified by the Registrar in the order, being a period not exceeding one month.

The Registrar can issue a general suspension order if the Registrar is satisfied that one of the affiliated drivers has been convicted of a relevant offence as an affiliated driver of the private hire car booking service operator, and within a period of 12 months before that conviction, 2 or more other affiliated drivers of the same private hire car booking service operator have also been convicted of a relevant offence each as an affiliated driver of that private hire car booking service operator.

A relevant offence is defined in the new section 110B to mean any one of the following offences committed on or after the date of commencement of clause 34:

- (a) an offence under section 101(2), which is the unauthorised use, or causing or permitting to be used, a motor vehicle as a public service vehicle when it is not a licensed public service vehicle;
- (b) an offence under section 131 for contravening section 110(1)(a), which is driving or acting as a conductor of a public service vehicle on a road without a vocational licence for that purpose;
- (c) an offence under section 3 of the Motor Vehicles (Third-Party Risks and Compensation) Act in relation to any private hire car.

The new section 110A further provides the method by which relevant offences are counted, and this can include offences that are compounded.

A private hire car booking service operator is defined in the new section 110B to mean a person who, in the course of business, accepts bookings from people for a ride-sourcing service and communicates the bookings to bookable vehicle drivers to carry out that service.

For example, luxury vehicle rental companies where bookings ordinarily come with a driver provided, and businesses providing vehicles for hire for specific purposes, like a wedding, a funeral or a tour.

The definition would include any such conduct outside Singapore, or partly inside and partly outside Singapore. This will extend to cover popular ride-sourcing platforms like Uber and Grab.

A private hire car booking service operator is however defined in the new section 110B to exclude a taxi service operator and a provider of a third-party taxi booking service within the meaning of the Third-Party Taxi Booking Service Providers Act 2015 (Act 17 of 2015) and who is registered as such under that Act, since these services are already regulated under other provisions of statute.

Clause 35 amends the rule-making power conferred on the LTA under section 111 regarding public service vehicles, so as to better deal with ride-sourcing services provided by private hire car booking services. Express power is conferred to make rules about the responsibilities and duties of a private hire car booking service operator. This can include a duty to take reasonable steps to ensure that each affiliated driver either holds a vocational licence that authorises the driver to drive the bookable vehicle, or that is exempted under the Act from holding such a licence.

Clause 36 amends section 122 to prescribe a specific punishment for the offence of causing or permitting a vehicle or any trailer drawn thereby to remain at rest on any road in such a position or in such condition or in such circumstances as to be likely to cause danger, obstruction or undue inconvenience to other users of the road or to traffic. The punishment is a fine not exceeding \$2,000 or imprisonment for a term not exceeding 3 months or both and, in the case of a second or subsequent conviction, a fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months or both.

Clause 37 amends section 131 by changing the punishment for the general offence of contravening any provision of the Act or its rules. The amendment will allow a court to impose both a fine and custodial sentence.

Clause 38 amends section 135 on compounding of offences. The amendment raises the maximum composition sum from \$500 to either one half of the amount of the maximum fine that is prescribed for the offence or \$5,000, whichever is the lower.

Clause 38 also provides that offers of composition may be made by certain officials, called “relevant officers”. They are the Deputy Commissioner of Police designated by the Commissioner of Police for this purpose, a police officer not below the rank of sergeant specially authorised by name by that Deputy Commissioner of Police, the Registrar, or an LTA employee specially authorised (by name) personally executed by the Registrar. The amendments will not prevent the present practice of publishing the names of authorised LTA officers or police officers in a notification in the *Gazette*.

Clause 39 amends section 136 to better support the move towards paperless licences.

Clause 40 introduces a new section 140A to provide that any subsidiary legislation made under the Act can incorporate some or all of another document without having to reproduce the text of that document as part of the rule. This means that the content of the document becomes part of the law.

As it is a fundamental principle of the rule of law that people must be able to understand their rights and obligations at law, in order to ensure readily accessible law, clause 40 limits the incorporation to circumstances where the documents being incorporated are publicly available for free or at a minimal cost. The maker of the subsidiary legislation is required to give notice in the *Gazette* stating the material that is incorporated in the subsidiary legislation and the date on which the relevant provision in the subsidiary legislation was made, and where the material can be inspected during working hours, free of charge or if copies of the material are available in other ways, the details of where or how the material can be accessed or obtained.

Clause 41 amends the definition of a private hire car in the Second Schedule to make explicit that private hire cars can consist of 2 types; those that are hired or made available for hiring for self-driving, and those the hire of which comes with a driver.

Clause 42 amends the Third Schedule as a consequence of the revocation of rule 34 of the Road Traffic Rules (Cap. 276, R 20) on 1 February 2015 and the re-enacted Road Traffic (Electronic Road Pricing System) Rules 2015 (G.N. No. S 226/2015).

Clause 43 makes amendments to various sections in the Act to rectify an error during the law revision process that deleted references to rules made under the Act.

Clause 44 validates the collection of certain ARF, additional licence fees, road-user charges, composition sums and administrative fees that would have been valid if the relevant legislative amendments had been in force.

Clause 45 makes 2 related amendments to the Motor Vehicles (Third-Party Risks and Compensation) Act.

First, the time-bar in section 3(6) for instituting a prosecution for an offence under the section is abolished.

However, the abolition of the time-bar does not apply to persons who commit the offence before the date of commencement of clause 45(a). Hence, a prosecution cannot be instituted for an offence under section 3 of the Motor Vehicles (Third-Party Risks and Compensation) Act more than 6 months after it is committed if committed before the date of commencement of clause 45(a), even though on the eve of that commencement, the defendant was not already entitled to the benefit of the time-bar. See clause 46.

Second, a new rebuttable presumption regarding the use of vehicles is introduced by clause 45, similar to the amendments in clause 11. The new section 3A sets out a rebuttable presumption that relies on the register required by rules made under section 34 of the Road Traffic Act to be maintained by the LTA for the purposes of section 10 of that Act.

The new section 3A provides that for a vehicle registered under the Road Traffic Act, the person who is, at the material time, recorded as the owner of that vehicle in a register of vehicles, is presumed to be the person who keeps or uses the vehicle on a road in Singapore. For a vehicle the registration of which under the Road Traffic Act is cancelled under section 27(1) of that Act or has lapsed, the person presumed to keep or use the vehicle on a road in Singapore is the person last recorded as the owner of that vehicle in a register of vehicles.

In any other case, the person presumed to keep or use the vehicle on a road in Singapore is the person who has a legal right to possession of the vehicle (including any person who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor while the vehicle is being leased under any such agreement).

Clause 46 is a saving and transitional provision. It further confers on the relevant Minister a power to make regulations of a saving or transitional nature, in the 2 years after the date of commencement of the relevant provision in the Bill.

EXPENDITURE OF PUBLIC MONEY

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