

A BILL

i n t i t u l e d

An Act to amend the Land Public Transport Act 2010.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Land Public Transport (Amendment) Act 2018.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

General amendment

2. The Land Public Transport Act 2010 [*Act 715*], which is referred to as the “principal Act” in this Act, is amended by substituting for the word “Commission” wherever appearing including in the shoulder notes the words “Director General of Land Public Transport” except in subsection 11(1), subsection 12F(1), subsection 14(1), subsection 69(2), subsection 71(1), subsections 74(1), (2) and (4), subsection 83(5), paragraph 84(2)(a), subsection 97(4), subsection 101(3), subsection 111(1), subsection 112(1), paragraph 112(3)(a), subsection 112(4), subsections 117(8) and (11), subsection 128(4), section 149, section 211, section 228, section 235, section 238, subsection 252(1) and section 255.

Amendment of section 2**3. Section 2 of the principal Act is amended—**

- (a) by deleting the definition of “Government Entity”;
- (b) by inserting after the definition of “railway” the following definition:
 - ‘ “Director General of Land Public Transport” means the Director General in charge of land public transport;’;
- (c) by substituting for the definition of “Director General” the following definition:
 - ‘ “Director General of Road Transport” means the Director General for road transport appointed under section 3 of the Road Transport Act 1987, and includes a Deputy Director General, Director and Deputy Director;’;
- (d) by substituting for the definition of “Fund” the following definition:
 - ‘ “Fund” means the Federal Consolidated Fund;’;
- (e) by deleting the definition of “National Physical Planning Council”;
- (f) in the definition of “Minister”, by substituting for the words “Prime Minister” the words “Minister charged with the responsibility for transport”;
- (g) by deleting the definition of “appointed officer”;
- (h) by inserting after the definition of “railway official” the following definition:
 - ‘ “land public transport officer” means any person appointed to be a land public transport officer under section 215A;’;
- (i) by deleting the definition of “customer”;

- (j) by deleting the definition of “National Physical Plan”;
- (k) by deleting the definition of “structure plan”;
- (l) by deleting the definition of “Commission”;
- (m) by deleting the definition of “Appeal Tribunal”; and
- (n) in the definition of “land public transport laws”, by substituting for the words “Suruhanjaya Pengangkutan Awam Darat Act 2010” the words “Road Transport Act 1987”.

Deletion of Chapter 1 of Part II

4. The principal Act is amended by deleting Chapter 1 of Part II.

Amendment of section 11

5. Subsection 11(1) of the principal Act is amended by substituting for the words “rules made by the Commission under paragraph 253(1)(*mm*)” the words “the regulations made under paragraph 252(1)(*tak*)”.

Amendment of section 12

6. Paragraph 12(1)(*b*) of the principal Act is amended by substituting for the words “by any Government Entity” the words “under any written law”.

Amendment of section 12F

7. Subsection 12F(1) of the principal Act is amended by substituting for the words “rules made by the Commission under paragraph 253(1)(*m*)” the words “the regulations made under paragraph 252(1)(*tl*)”.

Amendment of section 12G

8. Paragraph 12G(1)(b) of the principal Act is amended by substituting for the words “by any Government Entity” the words “under any written law”.

Amendment of section 13

9. Section 13 of the principal Act is amended by deleting subsection (7).

Amendment of section 14

10. Subsection 14(1) of the principal Act is amended by substituting for the word “Commission” the word “Minister”.

Deletion of section 15

11. The principal Act is amended by deleting section 15.

Amendment of section 23

12. Paragraph 23(1)(a) of the principal Act is amended by inserting after the words “Director General” the words “of Road Transport”.

Amendment of section 33

13. Section 33 of the principal Act is amended by deleting the words “the Minister responsible for transport and”.

Amendment of section 42

14. Paragraph 42(1)(a) of the principal Act is amended by inserting after the words “Director General” the words “of Road Transport”.

Amendment of section 58

15. Paragraph 58(1)(a) of the principal Act is amended by inserting after the words “Director General” the words “of Road Transport”.

Amendment of section 69

16. Section 69 of the principal Act is amended—

(a) in subsection (2), by substituting for the word “Commission” the word “Minister”; and

(b) by substituting for the word “rules” wherever appearing the word “regulations”.

Amendment of section 71

17. Subsection 71(1) of the principal Act is amended by substituting for the words “rules made by the Commission under paragraph 253(1)(mm)” wherever appearing the words “the regulations made under paragraph 252(1)(tak)”.

Amendment of section 72

18. Paragraph 72(1)(b) of the principal Act is amended by substituting for the words “by any Government Entity” the words “under any written law”.

Amendment of section 73

19. Subsection 73(1) of the principal Act is amended by inserting after the words “Director General” the words “of Road Transport”.

Amendment of section 74

20. Section 74 of the principal Act is amended—

(a) in subsection (1)—

- (i) by substituting for the words “Commission may allow, furnish the Commission” the words “Director General of Land Public Transport may allow, furnish the Director General of Land Public Transport”;
- (ii) by substituting for the words “Commission may require or as may be set out in rules made by the Commission under paragraph 253(1)(n)” the words “Director General of Land Public Transport may require or as may be set out in the regulations made under paragraph 252(1)(tm)”; and
- (iii) in paragraph (b), by substituting for the word “Commission” the words “Director General of Land Public Transport”;

(b) in subsection (2)—

- (i) by substituting for the words “rules made by the Commission under paragraph 253(1)(n), furnish to the Commission” the words “the regulations made under paragraph 252(1)(tm), furnish to the Director General of Land Public Transport”; and
 - (ii) in paragraphs (a), (c) and (d), by substituting for the word “Commission” wherever appearing the words “Director General of Land Public Transport”;
- (c) in subsection (4), by substituting for the words “Commission may require or as may be set out in rules made by the Commission under paragraph 253(1)(n)” the words “Director General of Land Public Transport may require or as may be set out in the regulations made under paragraph 252(1)(tm)”;

(d) in subsection (7)—

(i) by substituting for the words “its appointed officers” wherever appearing the words “land public transport officers”; and

(ii) by deleting the words “, at the Commission’s cost,”; and

(e) in paragraph (8)(b), by substituting for the words “its appointed officers” the words “land public transport officers”.

Amendment of section 75

21. Section 75 of the principal Act is amended—

(a) in subsection (5), by substituting for the words “his employee duly authorized” the words “to an authorized officer of the licensed operator of a public service vehicle service”;

(b) in subsection (6), by substituting for the words “rules made by the Commission under paragraph 253(1)(aa)” the words “the regulations made under paragraph 252(1)(ty)”;

(c) in subsection (8)—

(i) in paragraph (a), by substituting for the words “officer of the licensed operator of a public service vehicle service duly authorized” the words “authorized officer of the licensed operator of a public service vehicle service”;

(ii) in paragraph (b), by substituting for the words “duly authorized officer of the licensed operator of a public service vehicle service under paragraph (a), to the officer of the Commission duly authorized” the words “authorized officer of the licensed operator of a public service vehicle service under paragraph (a), to the land public transport officer”;

- (iii) by substituting for the words “duly authorized officer of the licensed operator of a public service vehicle service or the duly authorized officer of the Commission” the words “authorized officer of the licensed operator of a public service vehicle service or the land public transport officer”.

Amendment of section 77

22. Subsection 77(1) of the principal Act is amended by substituting for the words “appointed officer” wherever appearing the words “land public transport officer”.

Amendment of section 78

23. Section 78 of the principal Act is amended by substituting for the words “appointed officer” wherever appearing the words “land public transport officer”.

Amendment of section 79

24. Subsection 79(1) of the principal Act is amended by substituting for the words “appointed officer” the words “land public transport officer”.

Amendment of section 80

25. Section 80 of the principal Act is amended—

- (a) in subsection (1), by substituting for the words “appointed officer” the words “land public transport officer”; and
- (b) in subsection (2), by substituting for the words “an appointed officer” the words “a land public transport officer”.

Amendment of section 81

26. Subsection 81(1) of the principal Act is amended by substituting for the words “appointed officer” the words “land public transport officer”.

Amendment of section 82

27. Section 82 of the principal Act is amended—

- (a) by inserting after the words “Director General” wherever appearing the words “of Road Transport”; and
- (b) by substituting for the words “appointed officer” wherever appearing the words “land public transport officer”.

Amendment of section 83

28. Subsection 83(5) of the principal Act is amended—

- (a) by substituting for the words “The Commission shall” the words “The Director General of Land Public Transport shall”; and
- (b) by substituting for the words “rules made by the Commission under paragraph 253(1)(nn)” the words “the regulations made under paragraph 252(1)(tal)”.

Amendment of section 84

29. Paragraph 84(2)(a) of the principal Act is amended by substituting for the words “Commission or as set out in rules made by the Commission under paragraph 253(1)(oo)” the words “Director General of Land Public Transport or as set out in the regulations made under paragraph 252(1)(tam)”.

Amendment of section 93

30. Section 93 of the principal Act is amended—

- (a) in paragraph (b), by substituting for the words “any Government Entity” the words “the Federal Government, State Government or local government”; and
- (b) by substituting for the words “Government Entity” wherever appearing the words “the Federal Government, State Government or local government”.

Amendment of section 96

31. Subsection 96(5) of the principal Act is amended by substituting for the words “Government Entity” wherever appearing the words “the Federal Government, State Government or local government”.

Amendment of section 97

32. Subsection 97(4) of the principal Act is amended by substituting for the words “Commission may make rules under paragraph 253(1)(pp)” the words “Minister may make regulations under paragraph 252(1)(tan)”.

Amendment of section 101

33. Section 101 of the principal Act is amended by substituting for subsection (3) the following subsection:

“(3) The Director General of Land Public Transport shall, within such period as set out in the regulations made under paragraph 252(1)(tal), submit a written recommendation to the Minister on the application.”.

Amendment of section 103

34. Subsection 103(2) of the principal Act is amended by substituting for the words “an engineer” the words “a person”.

Amendment of section 105

35. Section 105 of the principal Act is amended—

- (a) by substituting for the words “an engineer appointed by the Commission” the words “a person appointed by the Director General of Land Public Transport”; and
- (b) by substituting for the words “rules made by the Commission under paragraph 253(1)(qq)” the words “the regulations made under paragraph 252(1)(tao)”.

Amendment of section 106

36. Subsection 106(1) of the principal Act is amended by substituting for the word “engineer” the word “person”.

Amendment of section 107

37. Section 107 of the principal Act is amended by substituting for the words “an engineer” wherever appearing the words “a person”.

Amendment of section 111

38. Section 111 of the principal Act is amended—

- (a) in subsection (1), by substituting for the word “Commission” the word “Minister”; and
- (b) by substituting for the word “rules” wherever appearing the word “regulations”.

Amendment of section 112

39. Section 112 of the principal Act is amended—

- (a) in subsection (1)—
 - (i) by substituting for the words “furnish the Commission” the words “furnish the Director General of Land Public Transport”;
 - (ii) by substituting for the words “Commission may require or as may be set out in rules made by the Commission under paragraph 253(1)(n)” the words “Director General of Land Public Transport may require or as may be set out in the regulations made under paragraph 252(1)(tm)”;
 - and
 - (iii) in paragraph (b), by substituting for the word “Commission” the words “Director General of Land Public Transport”;

- (b) in paragraph (3)(a), by substituting for the words “Commission may require or as set out in rules made by the Commission under subparagraph 253(1)(b)(i)” the words “Director General of Land Public Transport may require or as set out in the regulations made under subparagraph 252(1)(tb)(i)”;
- (c) in subsection (4), by substituting for the words “Commission may require or as may be set out in rules made by the Commission under paragraph 253(1)(n)” the words “Director General of Land Public Transport may require or as may be set out in the regulations made under paragraph 252(1)(tm)”;
- (d) in subsection (7)—
- (i) by substituting for the words “its appointed officers” wherever appearing the words “land public transport officers”; and
 - (ii) by deleting the words “, at the Commission’s cost,”; and
- (e) in paragraph (8)(b), by substituting for the words “its appointed officers” the words “land public transport officers”.

Amendment of section 113

40. Paragraph 113(1)(e) of the principal Act is amended by substituting for the words “by any Government Entity” the words “under any written law”.

Amendment of section 117

41. Section 117 of the principal Act is amended—

- (a) in subsection (8), by substituting for the words “rules made by the Commission under paragraph 253(1)(aa)” the words “the regulations made under paragraph 252(1)(ty)”;

(b) in subsection (11)—

- (i) in paragraph (b), by substituting for the words “an officer of the Commission duly authorized” the words “a land public transport officer”; and
- (ii) by substituting for the words “such duly authorized officer of the Commission” the words “the land public transport officer”.

Amendment of section 128

42. Subsection 128(4) of the principal Act is amended by substituting for the words “rules made by the Commission under subparagraph 253(1)(b)(ii)” the words “the regulations made under subparagraph 252(1)(tb)(ii)”.

Amendment of section 137

43. Section 137 of the principal Act is amended by substituting for the words “appointed officer authorized by it in that behalf may, for the purposes of this Part or any subsidiary legislation made under this Part,” the words “land public transport officer may”.

Amendment of section 142

44. Section 142 of the principal Act is amended by substituting for the words “appointed officer” wherever appearing the words “land public transport officer”.

Amendment of section 149

45. Section 149 of the principal Act is amended—

- (a) in the shoulder note, by substituting for the word “**rules**” the word “**regulations**”;
- (b) by substituting for the word “Commission” the word “Minister”;

- (c) by substituting for the word “rules” the word “regulations”;
and
- (d) in paragraph (c), by substituting for the words “appointed officers” the words “land public transport officers”.

Deletion of Part VII

- 46.** The principal Act is amended by deleting Part VII.

Substitution of Part VIII

- 47.** The principal Act is amended by substituting for Part VIII the following Part:

“PART VIII

APPEAL

Appeal to Minister

177. (1) A person who is aggrieved by the decision of the Director General of Land Public Transport in relation to the application of a licence, renewal of a licence and revocation of a licence may appeal to the Minister.

(2) Notwithstanding subsection (1), there shall be no right of appeal by any person where an application under this Act is refused under subsection 17(3), 37(3) or 52(3).

(3) An appeal shall be made in writing to the Minister within ninety days from the date the decision of the Director General of Land Public Transport has been served to the person.

Recommendations by appeal committee

178. (1) The Minister may, as he deems fit, appoint an appeal committee to consider an appeal under sections 12D, 27, 45 and 62.

(2) The appeal committee shall make recommendations to the Minister in relation to the appeal referred to in subsection (1).

(3) The Minister shall give such consideration as he thinks fit to the recommendations of the appeal committee in arriving at his decision in relation to the appeal.

Decision of Minister

179. Subject to this Act, the Minister may confirm, reverse or vary the decision of the Director General of Land Public Transport after considering the decision of the Director General of Land Public Transport and the decision of the Minister is final.

Validity of licence extended for successful appeal

180. Notwithstanding sections 19, 39 and 54, where the Minister allows an appeal in full against an order revoking a licence granted under this Act, the validity of the licence shall be extended by a period corresponding to the period during which the licence was of no effect and such extended period shall accordingly be inserted into the licence.

Prohibition of similar application when earlier application pending appeal

181. Where any appeal for an application that is refused under this Act has not been determined or disposed of by the Minister, a person shall not make a similar application under this Act and any licence issued in the period of pending appeal shall be deemed to be void.”.

Amendment of section 204

48. Subsection 204(4) of the principal Act is amended by substituting for the words “an appointed officer” the words “a land public transport officer”.

Amendment of section 205

49. Subsection 205(2) of the principal Act is amended by substituting for the words “appointed officer” the words “land public transport officer”.

Amendment of section 207

50. Subsection 207(1) of the principal Act is amended by substituting for the words “an appointed officer” wherever appearing the words “a land public transport officer”.

Amendment of section 208

51. Section 208 of the principal Act is amended by substituting for the words “its appointed officer” the words “a land public transport officer”.

Amendment of section 210

52. Subsection 210(1) of the principal Act is amended by substituting for the words “its appointed officer” the words “a land public transport officer”.

Amendment of section 211

53. Section 211 of the principal Act is amended by substituting for the words “rules made by the Commission under paragraph 253(1)(m)” the words “regulations made under paragraph 252(1)(tl)”.

Amendment of heading of Chapter 2 of Part XI

54. Chapter 2 of Part XI of the principal Act is amended in the heading by deleting the words “of appointed officers”.

Substitution of section 215

55. The principal Act is amended by substituting for section 215 the following section:

“Director General of Land Public Transport

215. (1) The Director General of Land Public Transport shall be responsible for the direction, command, control and supervision of all matters relating to land public transport under this Act.

(2) The powers and duties of the Director General of Land Public Transport required to be exercised by him under this Act may be exercised by a Deputy Director General of Land Public Transport, Director of Land Public Transport and Deputy Director of Land Public Transport.

(3) The Deputy Director General of Land Public Transport, Director of Land Public Transport and Deputy Director of Land Public Transport shall exercise his powers, perform his functions and discharged his duty in compliance with the direction, command, control and supervision of the Director General of Land Public Transport as may be specified orally or in writing by the Director General of Land Public Transport.”.

New section 215A

56. The principal Act is amended by inserting after section 215 the following section:

“Appointment of land public transport officer

215A. (1) The Minister may appoint such number of land public transport officers as may be necessary for the purpose of carrying into effect the provisions of this Act.

(2) The land public transport officer appointed under subsection (1) shall exercise his powers, perform his functions and discharged his duty in compliance with the direction,

command, control and supervision of the Director General of Land Public Transport as may be specified orally or in writing by the Director General of Land Public Transport.

(3) A certificate of appointment in the form of an identification card shall be issued to each land public transport officer appointed under this Act and the card shall be signed by the Director General of Land Public Transport and shall be *prima facie* evidence of the appointment under this Act.”.

Amendment of section 216

57. Section 216 of the principal Act is amended—

- (a) in subsection (1), by substituting for the words “An appointed officer” the words “A land public transport officer or road transport officer”;
- (b) in subsection (2), by substituting for the words “an appointed officer” the words “a land public transport officer or road transport officer”; and
- (c) in subsection (3), by substituting for the words “appointed officer” the words “land public transport officer or road transport officer”.

Amendment of section 217

58. Section 217 of the principal Act is amended—

- (a) in subsection (1)—
 - (i) by substituting for the words “An appointed officer” the words “A land public transport or road transport officer”; and
 - (ii) in paragraph (b), by substituting for the words “appointed officer” the words “land public transport officer or road transport officer”; and
- (b) in subsection (2), by substituting for the words “An appointed officer” the words “A land public transport officer or road transport officer”.

Amendment of section 218

59. Section 218 of the principal Act is amended—

- (a) in subsection (1), by substituting for the words “appointed officer” wherever appearing the words “land public transport officer or road transport officer”;
- (b) in subsections (3) and (4), by substituting for the words “An appointed officer” the words “A land public transport officer or road transport officer”; and
- (c) in subsection (6), by substituting for the words “appointed officer” the words “land public transport officer or road transport officer”.

Amendment of section 219

60. Section 219 of the principal Act is amended—

- (a) by substituting for the words “an appointed officer” the words “a land public transport officer or road transport officer”; and
- (b) by substituting for the words “appointed officer” the words “land public transport officer or road transport officer”.

Amendment of section 220

61. Section 220 of the principal Act is amended by substituting for the words “An appointed officer” the words “A land public transport officer or road transport officer”.

Amendment of section 222

62. Subsections 222(1) and (3) of the principal Act are amended by substituting for the words “appointed officer” the words “land public transport officer or road transport officer”.

Amendment of section 223

63. Section 223 of the principal Act is amended by substituting for the words “appointed officer” wherever appearing the words “land public transport officer or road transport officer”.

Amendment of section 224

64. Section 224 of the principal Act is amended—

(a) in subsection (1)—

(i) by substituting for the words “An appointed officer” the words “A land public transport officer or road transport officer”; and

(ii) by substituting for the words “appointed officer” the words “land public transport officer or road transport officer”; and

(b) in subsection (2), by substituting for the words “appointed officer” the words “land public transport officer or road transport officer”.

Amendment of section 225

65. Section 225 of the principal Act is amended—

(a) in subsection (1), by substituting for the words “An appointed officer” the words “A land public transport officer or road transport officer”;

(b) in subsection (2), by substituting for the words “appointed officer” the words “land public transport officer or road transport officer”; and

(c) in subsection (4), by substituting for the words “The appointed officer” the words “The land public transport officer or road transport officer”.

Amendment of section 226

66. Section 226 of the principal Act is amended—

- (a) in subsections (1) and (5), by substituting for the words “an appointed officer” the words “a land public transport officer or road transport officer”; and
- (b) in subsection (2), by substituting for the words “appointed officer” the words “land public transport officer or road transport officer”.

Amendment of section 227

67. Subsections 227(4) and (5) of the principal Act are amended by substituting for the words “appointed officer” the words “land public transport officer or road transport officer”.

Amendment of section 228

68. Section 228 of the principal Act is amended by deleting the words “or the Commission”.

Amendment of section 230

69. Section 230 of the principal Act is amended by substituting for the words “An appointed officer” the words “A land public transport officer or road transport officer”.

Amendment of section 233

70. Section 233 of the principal Act is amended—

- (a) in the shoulder note, by substituting for the words “**Appointed officer**” the words “**Land public transport officer**”;
- (b) in subsection (1)—
 - (i) by substituting for the words “appointed officer” the words “land public transport officer”; and

- (ii) by substituting for the words “an appointed officer” the words “a land public transport officer”; and
- (c) in subsection (2), by substituting for the words “appointed officer” wherever appearing the words “land public transport officer”.

Amendment of section 234

71. Section 234 of the principal Act is amended by substituting for the words “appointed officer” wherever appearing the words “land public transport officer”.

Amendment of section 235

72. Section 235 of the principal Act is amended—

(a) in subsection (2)—

- (i) by substituting for paragraph (a) the following paragraph:

“(a) the Director General of Land Public Transport or any land public transport officer;” and

- (ii) in paragraph (c), by inserting after the words “Director General” wherever appearing the words “of Road Transport”;

(b) in subsection (4), by substituting for the words “Commission or any appointed officer authorized by the Commission,” the words “Director General of Land Public Transport or any land public transport officer”; and

(c) in subsection (5), by substituting for the words “Suruhanjaya Pengangkutan Awam Darat Fund established under section 29 of the Suruhanjaya Pengangkutan Awam Darat Act 2010” the word “Fund”.

Amendment of section 238

73. Section 238 of the principal Act is amended by substituting for the words “Chairman of the Commission” wherever appearing the words “Director General of Land Public Transport”.

Amendment of section 241

74. Subsection 241(2) of the principal Act is amended by substituting for the words “appointed officer” the words “land public transport officer or road transport officer”.

Deletion of sections 247 and 248

75. The principal Act is amended by deleting sections 247 and 248.

New sections 249A and 249B

76. The principal Act is amended by inserting after section 249 the following sections:

“Avoidance of contracts

249A. Any contract for the conveyance of a passenger in a public service vehicle, tourism vehicle or railway shall, in so far as it purports to negate or restrict the liability of any person in respect of any claim which might otherwise be lawfully made against that person in respect of the death of or bodily injury to the passenger while being carried in, entering or alighting from the public service vehicle, tourism vehicle or railway or purports to impose any condition with respect to the enforcement of any such liability, be void.

Minister may authorize any person to carry out functions of Director General of Land Public Transport

249B. Notwithstanding anything in this Act, the Minister may by regulations authorize any person, on such conditions as he deems fit, to carry out any functions of the Director

General of Land Public Transport under this Act in respect of the licensing of terminals, the licensing of operators of public service vehicle services, the licensing of tourism vehicles, the licensing of operators of goods vehicles services, the licensing of operators of railway services and opening of railway, the collecting of payments or charges under this Act.”.

Amendment of section 252

77. Subsection 252(1) of the principal Act is amended—

- (a) by deleting the words “, on the recommendation of the Commission,”;
- (b) in subparagraphs (a)(ii) and (iii) and paragraph (b), by deleting the words “required to be furnished to the Commission”;
- (c) by deleting paragraph (c);
- (d) in paragraph (g), by deleting the words “to be furnished to the Commission in connection therewith”;
- (e) by deleting paragraph (n);
- (f) in paragraph (o), by substituting for the words “persons appointed as appointed officers” the words “the land public transport officers”;
- (g) by deleting paragraph (p);
- (h) by deleting paragraph (q);
- (i) by inserting after paragraph (t) the following paragraphs:
 - “(ta) to provide for the safe carriage of passengers, their luggage and goods by land public transport;
 - (tb) to provide for the safe use and maintenance of—
 - (i) terminals; and
 - (ii) railways including railway systems and railway premises;

- (tc) to regulate the opening and closure of railway stations and railway routes;
- (td) to regulate prescribed related activities undertaken in connection with the provision of any railway services;
- (te) to provide for the obligation of licensees and licensed operators in respect of the disruption of land public transport services;
- (tf) to provide for the prevention of trespass of, nuisance or obstruction upon, or damage or injury in relation to, a railway;
- (tg) to provide for the preservation and promotion of good order, sanitation and cleanliness on relevant vehicles and railways;
- (th) to provide for the minimum standards and specifications in respect of the design, construction and maintenance of the gates or barriers of an occupation crossing and to regulate the use of such crossing;
- (ti) to provide for the custody of licences and operator's licences, the production, return and surrender of licences and operator's licences on the expiration, revocation or suspension of the licences and operator's licences, or variation of the conditions of the licences and operator's licences and the custody, production, return and obliteration of documents;
- (tj) to provide for the form of register and other records to be kept and maintained by the Director General of Land Public Transport, the opening, maintenance, closure, inspection, supply of copies of, and taking of extracts from, the register and other records;
- (tk) to provide for the form of notifications, notices and orders to be made under this Act;

- (tl) to provide for the records to be kept by licensees, licensed operators, terminal licensee, intermediation business licensee and drivers of relevant vehicles and railway, the returns to be made and the manner of record-keeping;
- (tm) to provide for all matters relating to the provision of information and additional information, and exemptions from providing information by the licensee, licensed operator, terminal licensee and intermediation business licensee, other than information mentioned in paragraphs 252(1)(b) and (f) and subparagraphs 252(1)(a)(ii) and (iii), and the level of detail, interval, manner and form in which such information is to be provided for purposes of this Act;
- (tn) to provide for the establishment, administration and regulations of accreditation-based compliance schemes in relation to the licensees, licensed operators, terminal licensee and intermediation business licensee or drivers of relevant vehicles or railways and all other related matters, including the certification of accreditors of such schemes and provisions relating to the enforcement of such schemes;
- (to) to regulate the duties, conduct and conditions of service including hours of duty of drivers, conductors and persons attending to relevant vehicles or railways;
- (tp) to regulate the number of persons to be employed as drivers, conductors and persons attending to relevant vehicles or railways;
- (tq) to provide for the forms and procedures relating to applications for vocational licences by drivers of relevant vehicles and railway trains, and conductors of public service vehicles, the minimum qualifications to be possessed by the persons, to regulate their conduct, duties and powers, and any matter relating to their terms of service and requirement for continuous training;

- (tr) to regulate the number of persons to be carried on a public service vehicle, tourism vehicle or railway;
- (ts) to regulate the carriage of passengers on goods vehicles;
- (tt) to provide for the equipment, including fire extinguishers, first aid kits or safety cones to be carried by or affixed to a relevant vehicle or railway;
- (tu) to provide for the types of taximeters that may be authorized, limitations on their use, and the control of testing, repair and maintenance of taximeters;
- (tv) to provide for the conduct of persons employed on or in connection with public service vehicles, tourism vehicles or railways, and the means of identification and uniform to be worn by them;
- (tw) to provide for the conduct of passengers boarding, travelling in or alighting from a public service vehicle, tourism vehicle or railway and the conduct of intending passengers waiting to board a public service vehicle (except a hire and drive car), tourism vehicle or railway;
- (tx) to require—
 - (i) any person infringing the regulations made under paragraph (tw) to be removed from a public service vehicle, tourism vehicle or railway; and
 - (ii) a passenger who is reasonably suspected by the driver or conductor of the public service vehicle, tourism vehicle or railway of contravening regulations made under paragraph (tw) to give his name and address to a police officer, or driver, conductor or officer authorized by the licensee or licensed operator, or land public transport officer, where relevant, on demand;

- (*ty*) to regulate the manner of payment and collection of fares and freight for land public transport services and, subject to paragraph 252(1)(*r*), ticketing systems;
- (*tz*) to require a passenger on a public service vehicle (except a hire and drive car) or railway, if so requested by the driver or conductor of the public service vehicle (except a hire and drive car) or railway or an officer authorized by the licensee or licensed operator, to leave the vehicle on the completion of the journey for which he has paid the fare;
- (*taa*) to provide for the safe custody or disposal of any property accidentally left in a public service vehicle, tourism vehicle or railway and the recovery of costs incurred in respect of the safe custody or disposal of the property;
- (*tab*) to require road safety seat-belts to be fitted to such class or description of public service vehicles or tourism vehicles as may be specified, to stipulate the minimum standards of quality of material and construction with respect to such safety seat-belts and the position in which such safety seat-belts to be fixed, to require the use of such safety seat-belts in such vehicles, and to control the sale or supply of safety seat-belts that do not conform to the minimum standards of quality of material and construction;
- (*tac*) to stipulate the size, shape and character of any sign, particulars, words, letters, colours, plates or marks to be displayed on any relevant vehicle or class of the relevant vehicle, the manner in which the sign, particulars, words, letters, colours, plates or marks are to be fixed, displayed, illuminated and rendered easily distinguishable, whether by night or day, and to provide for distinctive signs, particulars, words, letters, colours, plates or marks to be carried by or placed on relevant vehicles licensed for a particular purpose or to identify them as relevant vehicles under this Act;

- (*tad*) to prohibit, in connection with the use of relevant vehicles and railways, the use of any appliances, accessories or machines, or the commission of any acts, which are likely to cause annoyance or danger;
- (*tae*) to regulate the lights and reflectors to be fixed or on any relevant vehicle or any class or description of the relevant vehicle, whether in respect of the nature of such lights, the positions in which and the colour of the background on which the lights and reflectors shall be fixed, and the periods during which the lights and reflectors shall be lighted, or otherwise;
- (*taf*) to prescribe the conditions subject to which, and the times at which, articles of exceptionally heavy weight or exceptionally large dimensions may be carried on roads by relevant vehicles;
- (*tag*) to prescribe the manner in which relevant vehicles used on roads shall be loaded and the precautions to be taken for ensuring the safety of the public;
- (*tah*) to prescribe the conditions subject to which, and the times at which, goods may be loaded onto or unloaded from relevant vehicles or any particular class or description of relevant vehicles on roads, except in relation to any relevant vehicles registered in any foreign country which is subject to the provisions of any international agreement entered into by the Government;
- (*tai*) to prohibit or prescribe the conditions subject to which relevant vehicles or any particular class or description of relevant vehicles may remain stationary or be left unattended on any road, any particular class of roads or any particular road;
- (*taj*) to restrict and regulate the use of vehicles on roads which engage in erecting, placing, removing, altering or repairing of lamps, overhead cables and road or street works;

- (*tak*) to provide for the accounts and records to be kept by licensees, licensed operators, terminal licensees and intermediation business licensees, and records in respect of terminals or use of relevant vehicles, as the case may be, under this Act;
- (*tal*) to provide for the period where written recommendations by the Director General of Land Public Transport to the Minister may be submitted for a grant of approval of a railway scheme or a licence to operate a railway;
- (*tam*) to provide for the deposit of plans, sections on a scale and a book of reference for the purposes of approval of a railway scheme;
- (*tan*) to provide for the construction, opening and closing and conditions of use of private crossings;
- (*tao*) to provide for the manner and frequency of inspection of a railway after the railway has been opened;
- (*tap*) to provide for the form and content of any arrangement or agreement between the licensed operators of a public service vehicle service and the driver of a public service vehicle;
- (*taq*) to authorize any person to carry out the functions of the Director General of Land Public Transport;”.

Deletion of section 253

78. The principal Act is amended by deleting section 253.

Amendment of section 254

79. Section 254 of the principal Act is amended—

- (*a*) by deleting the words “and the rules made under section 253”; and

(b) by deleting the words “, rules”.

Amendment of section 255

80. Section 255 of the principal Act is amended by deleting the words “, on the recommendation of the Commission, from time to time,”.

Deletion of sections 256, 257 and 258

81. The principal Act is amended by deleting sections 256, 257 and 258.

Saving

82. (1) Any action or decision made, or registration, order, direction, circular, guideline, instruction or approval given under, or in accordance with, or by virtue of the principal Act by the Commission, before the date of coming into operation of this Act shall be deemed to have been made or given under, or in accordance with, or by virtue of, this Act by the Director General of Land Public Transport, and shall continue in force in relation to the persons to whom they apply until revoked.

(2) Any appointed officer who was appointed under the principal Act before the date of coming into operation of this Act shall continue to be a land public transport officer under this Act until the appointment of the appointed officer is revoked.

(3) Any licence issued by the Commission before the date of coming into operation of this Act shall be deemed to have been issued by the Director General of Land Public Transport and shall continue in force in relation to whom they apply until revoked or until the date of its expiry.

(4) Any application for a licence pending on the date of the coming into operation of this Act shall be dealt with under the principal Act as amended by this Act.

(5) Any action, investigation or proceedings commenced or pending immediately before the date of coming into operation of this Act shall, after the date of coming into operation of this Act, be continued as if the principal Act had not been amended by this Act.

(6) Any such obligation, liability, penalty or punishment accrued or incurred under the principal Act, may be continued, enforced, imposed and be dealt with, as the case may be, as if the principal Act had not been amended by this Act.

(7) All moneys standing in, or due to be paid to, the Land Public Transport Fund, on the date of coming into operation of this Act, shall be transferred to the Government.

National Land Public Transport Masterplan

83. Any policies or plans including the National Land Public Transport Masterplan made by the Commission, on the date of coming into operation of this Act, is revoked.

EXPLANATORY STATEMENT

This Bill seeks to amend the Land Public Transport Act 2010 (“Act 715”) consequential to the repeal of the Suruhanjaya Pengangkutan Awam Darat Act 2010 (“Act 714”) and the dissolution of the Suruhanjaya Pengangkutan Awam Darat (“Commission”). With this proposed amendment, the functions, powers, rights, duties, liabilities and obligations of the Commission will be devolved on the Director General of Land Public Transport or the Director General of Road Transport, as the case may be.

2. *Clause 1* contains the short title of the proposed Act and empowers the Minister to appoint the date of coming into operation of the proposed Act.

3. *Clause 2* contains the general amendment to substitute for the word “Commission” the words “Director General of Land Public Transport” as a consequence of the dissolution of the Commission.

4. *Clause 3* seeks to introduce new definitions of “Director General of Land Public Transport” and “land public transport officer” and to amend the definitions of certain words and expressions.

5. *Clause 4* seeks to delete Chapter 1 of Part II as a consequence of the dissolution of the Commission.

6. *Clauses 9 and 11* seek to delete subsection 13(7) and section 15 respectively since the provisions are no longer relevant as a consequence of the dissolution of the Commission.

7. *Clause 46* seeks to delete Part VII of Act 715 that deals with the customer protection and resolution of disputes as the issue on consumer protection and resolution of disputes will be dealt with by the Ministry of Transport.

8. *Clause 47* seeks to substitute Part VIII of Act 715 to provide for an appeal to the Minister relating to the application of licence, renewal of licence and revocation of licence. Prior to this, an aggrieved party may appeal to the Appeal Tribunal against any decision or order made by the Commission.

9. *Clause 55* seeks to substitute section 215 of Act 715 to provide for the appointment of Director General of Land Public Transport.

10. *Clause 56* seeks to introduce a new section 215A into Act 715 to provide for the appointment of the Deputy Director General of Land Public Transport, Director of Land Public Transport, Deputy Director of Land Public Transport and land public transport officers.

11. *Clause 76* seeks to introduce new sections 249A and 249B into Act 715.

The new section 249A provides that any contract, which purports to negate or restrict the liability of any persons in respect of any claims which could be made lawfully against that person in respect of death or bodily hurt caused to a passenger of a public service vehicle, tourism vehicle or railway, shall be void.

The new section 249B provides that the Minister may authorize any person to carry out any functions of the Director General of Land Public Transport under Act 715 in respect of the licensing of terminals, the licensing of operators of public service vehicle services, the licensing of tourism vehicles, the licensing of operators of goods vehicles services, the licensing of operators of railway services and opening of railway, the collecting of payments or charges under Act 715.

12. *Clause 77* seeks to amend section 252 of Act 715 to empower the Minister to make regulations on the matters provided under the existing section 253 of Act 715 which is proposed to be deleted under *clause 78* of the proposed Act.

13. *Clause 81* seeks to delete sections 256, 257 and 258 of Act 715. These provisions are no longer applicable as a consequence of the dissolution of the Commission.

14. *Clause 82* seeks to provide for saving provisions.

15. *Clause 83* seeks to revoke any policies or plans including the National Land Public Transport Masterplan made by the Commission.

16. Other amendments not specifically dealt with in this Statement are minor or consequential in nature.

FINANCIAL IMPLICATIONS

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

[PN(U2)3122]