

A BILL

i n t i t u l e d

An Act to amend the Road Transport Act 1987.

[]

ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

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

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

Amendment of section 2

2. The Road Transport Act 1987 [*Act 333*], which is referred to as the “principal Act” in this Act, is amended in section 2—

(a) by inserting after the definition of “maximum permissible laden weight” the following definition:

‘ “Mayor of a City Council” includes Commissioner of a City and “Mayor” shall be construed accordingly;’;

(b) by inserting after the definition of “police officer” the following definition:

‘ “prescribe”, where no mode is mentioned, means to prescribe by rules made under this Act;’;

(c) by inserting after the definition of “Chief Police Officer” the following definition:

‘ “City Council” includes a Council of a City and a City;’;

(d) by inserting after the definition of “motor vehicle” the following definition:

‘ “Municipal Council” means a Municipal Council for a local authority area that has been declared and determined in accordance with paragraph 3(d) of the Local Government Act 1976 [*Act 171*], paragraph 6(1) (cc) of the Local Government Ordinance 1961 [*Sabah No. 11 of 1991*] and paragraph 3(1)(e) of the Local Authorities Ordinance 1996 [*Sarawak Cap. 20*];’;

(e) by deleting the definition of “Suruhanjaya Pengangkutan Awam Darat”; and

(f) in the definition of “traffic warden”, by inserting after the words “Putrajaya,” the words “the Mayor of a City Council,”.

Amendment of section 3

3. Section 3 of the principal Act is amended by substituting for subsection (4B) the following subsection:

“(4B) The Mayor of a City Council, the President of a Municipal Council or the Chairman of a Municipal Council may appoint such number of persons in the service of the City Council or the Municipal Council as he considers necessary or expedient for the purposes of this Act to be traffic wardens and may, after consultation with the Inspector General of Police, prescribe uniforms for such officers.”.

Amendment of section 3A

4. Section 3A of the principal Act is amended by deleting subsection (4).

Substitution of section 4

5. The principal Act is amended by substituting for section 4 the following section:

“Powers and duties of Dato Bandar, etc.

4. The powers and duties of the Dato Bandar, the Perbadanan Putrajaya, the Mayor of a City Council, the President of a Municipal Council, the Chairman of a Municipal Council and traffic wardens under this Act shall not be exercised outside or in respect of offences committed outside the Federal Territory of Kuala Lumpur, the Federal Territory of Putrajaya, the City Council or the Municipal Council, respectively.”.

Deletion of section 4B

6. The principal Act is amended by deleting section 4B.

Amendment of section 5

7. Paragraph 5(1)(e) of the principal Act is amended by substituting for the words “does not exceed” the word “exceeds”.

Amendment of section 64

8. Subsection 64(1) of the principal Act is amended by substituting for the words “a Director or the Dato Bandar” the words “a Director, a Deputy Director authorized in writing in that behalf by the Director General, or the Dato Bandar”.

Amendment of section 65

9. Section 65 of the principal Act is amended—

- (a) in subsections (1), (3), (5), (6) and (7), by inserting after the words “the Perbadanan Putrajaya” wherever appearing the words “, the Mayor of a City Council”; and
- (b) in subsection (4), by substituting for paragraph (ca) the following paragraph:

“(ca) the Mayor of a City Council, the President of a Municipal Council or the Chairman of a Municipal Council, if the motor vehicle was caused to be removed by a traffic warden or any officer in the service of the City Council or the Municipal Council;”.

Amendment of section 66

10. Subsection 66(1) of the principal Act is amended—

- (a) in paragraph (nn), by deleting the words “that are not worthy of repair due to serious accidents, old age or other causes or where the chassis number thereof has been tampered with”;
- (b) in paragraph (pp), by inserting after the words “recall mechanism” the words “and to provide for the fees to be charged relating to it”;
- (c) by substituting for the full stop at the end of paragraph (ss) the words “; and”; and
- (d) by inserting after paragraph (ss) the following paragraph:

“(tt) to regulate the use of any glass or other transparent material fitted to a motor vehicle and to provide for the fees to be charged relating to it.”.

Amendment of section 88

11. Paragraph 88(1)(*r*) of the principal Act is amended by inserting after the words “police officer” the words “, road transport officer”.

Amendment of section 120

12. Subsection 120(1) of the principal Act is amended—

(*a*) by substituting for paragraph (*cb*) the following paragraph:

“(*cb*) the Mayor of a City Council, the President of a Municipal Council or the Chairman of a Municipal Council or the officers of the City Council or the Municipal Council specially authorized in writing by name or by office in that behalf by the Mayor of a City Council, the President of a Municipal Council or the Chairman of a Municipal Council, respectively;”;
and

(*b*) by substituting for the words “may in his discretion” the words “may, with the consent in writing of the Public Prosecutor,”.

Amendment of section 123

13. Section 123 of the principal Act is amended in subsection (1), by inserting after the words “Putrajaya,” the words “the Mayor of a City Council,”.

EXPLANATORY STATEMENT

This Bill seeks to amend the Road Transport Act 1987 (“Act 333”) in order to strengthen the enforcement power under Act 333 by expanding the powers of the traffic warden which are currently assigned to the persons appointed by the Dato Bandar, the Perbadanan Putrajaya, the President of a Municipal Council and the Chairman of a Municipal Council to the persons appointed by the Mayor of a City Council.

2. *Clause 1* contains the short title and provision on the commencement of the proposed Act.
3. *Clause 2* seeks to amend section 2 of Act 333 to insert new definitions and to amend certain definitions used in Act 333.
4. *Clause 3* seeks to amend section 3 of Act 333 to empower the Mayor of a City Council to appoint such number of persons in the service of the City Council to be traffic wardens.
5. *Clause 4* seeks to delete subsection 3A(4) of Act 333 as the definitions of “Mayor of a City Council”, “City Council” and “Municipal Council” are inserted in section 2 of Act 333, as proposed in *Clause 2* of this Bill.
6. *Clause 5* seeks to amend section 4 of Act 333 to provide that the Mayor of a City Council and traffic wardens shall exercise the powers and duties under Act 333 within the jurisdiction of the respective City Council.
7. *Clause 6* seeks to delete section 4B of Act 333 as a consequence of the dissolution of the Suruhanjaya Pengangkutan Awam Darat.
8. *Clause 8* seeks to amend subsection 64(1) of Act 333 to expand the power to order the release of a seized motor vehicle under Act 333 to a Deputy Director.
9. *Clause 9* seeks to amend Section 65 of Act 333 to empower the Mayor of a City Council to remove broken down and abandoned vehicles on a road.
10. *Clause 10* seeks to amend section 66 of Act 333 to provide for additional matters for which the Minister may make rules under Act 333.
11. *Clause 11* seeks to amend paragraph 88(1)(r) of Act 333 to empower road transport officers to regulate traffic.
12. *Clause 12* seeks to amend section 120 of Act 333 to provide that any compound under Act 333 shall be issued only with written consent of the Public Prosecutor and to empower the Mayor of a City Council or the officers of the City Council specially authorized in writing by the Mayor to compound certain offences under Act 333.
13. *Clause 13* seeks to amend section 123 of Act 333 to provide that the officer or person in the service of a City Council who is not in uniform when performing his duties shall provide identification document to declare his office and to establish his identity.
14. Other amendments not specifically dealt with in this Statement are minor or consequential in nature.

FINANCIAL IMPLICATIONS

This Bill will not involve the Government in any extra financial expenditure.

[PN(U2)3130]