

A BILL

i n t i t u l e d

An Act to amend the Road Transport Act 1987.

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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 Road Transport (Amendment) Act 2020.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette* and the Minister may appoint different dates for the coming into operation of different provisions of this Act.

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 deleting the definition of “electric bicycle”;

(b) by inserting after the definition of “member of the Forces” the following definition:

‘ “micromobility vehicle” means any vehicle that is propelled by electrical means, an internal-combustion engine or human power or a combination of electrical means, an internal-combustion engine or human power, and having a maximum speed of 50 km/h;’

(c) in the definition of “electric motor vehicle”, by substituting for the words “an electric bicycle” the words “a micromobility vehicle”; and

(d) in the definition of “traffic”, by substituting for the words “bicycles, electric bicycles, tricycles” the words “micromobility vehicles”.

Amendment of section 41

3. Section 41 of the principal Act is amended—

(a) in subsection (1), by substituting for the words “for a term of not less than two years and not more than ten years and to a fine of not less than five thousand ringgit and not more than twenty thousand ringgit” the words “for a term of not less than five years and not more than ten years and a fine of not less than twenty thousand ringgit and not more than fifty thousand ringgit and, in the case of a second or subsequent conviction, with imprisonment for a term of not less than ten years and not more than fifteen years and a fine of not less than fifty thousand ringgit and not more than one hundred thousand ringgit”; and

(b) in subsection (3), by substituting for the words “three years” the words “five years”.

Amendment of section 42

4. Subsection 42(3) of the principal Act is amended by substituting for the words “two years” the words “five years”.

Amendment of section 43

5. Subsection 43(1) of the principal Act is amended by substituting for the words “four thousand ringgit and not more than ten thousand ringgit and shall also be liable to imprisonment for a term not exceeding twelve months” the words “five thousand ringgit and not more than ten thousand ringgit and shall also be liable to imprisonment for a term not exceeding twelve months and, in the case of a second or subsequent conviction, with a fine of not less than ten thousand ringgit and not more than fifteen thousand ringgit and shall also be liable to imprisonment for a term not exceeding twelve months”.

Amendment of section 44

6. Section 44 of the principal Act is amended—

(a) by substituting for subsection (1) the following subsection:

“(1) Any person who, when driving a motor vehicle on a road or other public place—

(a) is under the influence of intoxicating liquor or drug, to such an extent as to be incapable of having proper control of the motor vehicle; or

(b) has so much alcohol in his body that the proportion of it in his breath, blood or urine exceeds the prescribed limit,

and causes the death of any person shall be guilty of an offence and shall, on conviction, be punished with imprisonment for a term of not less than ten years and not more than fifteen years and a fine of not less than fifty thousand ringgit and not more than one hundred thousand ringgit and, in the case of a second or subsequent conviction, with imprisonment for a term of not less than fifteen years and not more than twenty years and a fine of not less than one hundred thousand ringgit and not more than one hundred and fifty thousand ringgit.”;

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

“(1A) Any person who, when driving a motor vehicle on a road or other public place—

(a) is under the influence of intoxicating liquor or drug, to such an extent as to be incapable of having proper control of the motor vehicle; or

(b) has so much alcohol in his body that the proportion of it in his breath, blood or urine exceeds the prescribed limit,

and causes injury to any person shall be guilty of an offence and shall, on conviction, be punished with imprisonment for a term of not less than seven years and not more than ten years and a fine of not less than thirty thousand ringgit and not more than fifty thousand ringgit and, in the case of a second or subsequent conviction, with imprisonment for a term of not less than ten years and not more than fifteen years and a fine of not less than fifty thousand ringgit and not more than one hundred thousand ringgit.”;

(c) by substituting for subsection (3) the following subsection:

“(3) A person convicted under subsection (1) shall be disqualified from holding or obtaining a driving licence for a period of not less than ten years from the date of the conviction and, in the case of a second or subsequent conviction, be disqualified for a period of twenty years from the date of the conviction.”;

(d) by inserting after subsection (3) the following subsection:

“(3A) A person convicted under subsection (1A) shall be disqualified from holding or obtaining a driving licence for a period of not less than seven years from the date of the conviction and, in the case of a second or subsequent conviction, be disqualified for a period of ten years from the date of the conviction.”; and

(e) in subsection (4), by substituting for the words “subsection (1)” the words “subsections (1) and (1A)”.

Amendment of section 45

7. Section 45 of the principal Act is amended—

(a) in subsection (1), by substituting for the words “shall on conviction be punished with a fine not exceeding one thousand ringgit and shall also be liable to imprisonment for a term not exceeding three months and, in the case of a second or subsequent conviction, a fine of not less than two thousand ringgit and not more than six thousand ringgit and shall also be liable to imprisonment for a term not exceeding twelve months” the words “shall on conviction be punished with a fine of not less than one thousand ringgit and not more than five thousand ringgit, and shall also be liable to imprisonment for a term not exceeding two years and, in the case of a second or subsequent conviction, with a fine of not less than five thousand ringgit and not more than ten thousand ringgit and shall also be liable to imprisonment for a term not exceeding five years”; and

(b) by substituting for subsection (2) the following subsection:

“(2) A person convicted under this section shall be disqualified from holding or obtaining a driving licence for a period of not less than two years from the date of the conviction and, in the case of a second or subsequent conviction, be disqualified for a period of not less than five years from the date of the conviction.”.

Amendment of section 45A

8. Section 45A of the principal Act is amended—

(a) in subsection (1), by substituting for the words “a fine of not less than one thousand ringgit and not more than six thousand ringgit and shall also be liable to imprisonment for a term not exceeding twelve months and, in the case of a second or subsequent conviction, a fine of not less than two thousand ringgit and not

more than ten thousand ringgit and shall also be liable to imprisonment for a term not exceeding two years” the words “imprisonment for a term not exceeding two years and a fine of not less than ten thousand ringgit and not more than thirty thousand ringgit and, in the case of a second or subsequent conviction, with imprisonment for a term not exceeding five years and a fine of not less than twenty thousand ringgit and not more than fifty thousand ringgit”; and

(b) by substituting for subsection (3) the following subsection:

“(3) A person convicted under this section shall be disqualified from holding or obtaining a driving licence for a period of not less than two years from the date of the conviction and, in the case of a second or subsequent conviction, be disqualified for a period of not less than five years from the date of the conviction.”.

Amendment of section 45B

9. Section 45B of the principal Act is amended—

(a) in subsection (4), by substituting for the words “a fine of not less than one thousand ringgit and not more than six thousand ringgit and shall also be liable to imprisonment for a term not exceeding twelve months and, in the case of a second or subsequent conviction, a fine of not less than two thousand ringgit and not more than ten thousand ringgit and shall also be liable to imprisonment for a term not exceeding two years” the words “imprisonment for a term not exceeding two years and a fine of not less than ten thousand ringgit and not more than thirty thousand ringgit and, in the case of a second or subsequent conviction, with imprisonment for a term not exceeding five years and a fine of not less than twenty thousand ringgit and not more than fifty thousand ringgit”; and

(b) by substituting for subsection (4A) the following subsection:

“(4A) A person convicted under this section shall be disqualified from holding or obtaining a driving licence for a period of not less than two years from the date of the conviction and, in the case of a second or subsequent conviction, be disqualified for a period of not less than five years from the date of the conviction.”.

Amendment of section 45C

10. Section 45C of the principal Act is amended—

(a) in subsection (4), by substituting for paragraph (a) the following paragraph:

“(a) the police officer making the requirement has reasonable cause to believe that for medical reasons a specimen of breath cannot be provided or should not be required; or”;

(b) in subsection (6), by substituting for the words “a fine of not less than one thousand ringgit and not more than six thousand ringgit and shall also be liable to imprisonment for a term not exceeding twelve months and, in the case of a second or subsequent conviction, a fine of not less than two thousand ringgit and not more than ten thousand ringgit and shall also be liable to imprisonment for a term not exceeding two years” the words “imprisonment for a term not exceeding two years and a fine of not less than ten thousand ringgit and not more than thirty thousand ringgit and, in the case of a second or subsequent conviction, with imprisonment for a term not exceeding five years and a fine of not less than twenty thousand ringgit and not more than fifty thousand ringgit”; and

(c) by substituting for subsection (6A) the following subsection:

“(6A) A person convicted under this section shall be disqualified from holding or obtaining a driving licence for a period of not less than two years from

the date of the conviction and, in the case of a second or subsequent conviction, be disqualified for a period of not less than five years from the date of the conviction.”.

Amendment of section 45G

11. Subsection 45G(1) of the principal Act is amended by substituting for the definition of “prescribed limit” the following definition:

‘ “prescribed limit” means—

- (a) 22 microgrammes of alcohol in 100 millilitres of breath;
- (b) 50 milligrammes of alcohol in 100 millilitres of blood; or
- (c) 67 milligrammes of alcohol in 100 millilitres of urine.’.

Amendment of section 54

12. Section 54 of the principal Act is amended—

- (a) in the shoulder note, by substituting for the words “**pedal and electric bicycle cyclists**” the words “**micromobility vehicle users**”;
- (b) in subsection (1), by substituting for the words “Subsections 42(1), 43(1), 44(1), 45A(1), 45B(4), 45B(5) and 45C(6) with the omission of the reference to attempting to drive shall, subject to this section, apply to persons riding bicycles, electric bicycles and tricycles” the words “Subsections 41(1), 42(1), 43(1), 44(1), 44(1A), 45A(1), 45B(4), 45B(5) and 45C(6) with the omission of the reference to attempting to drive shall, subject to this section, apply to persons using micromobility vehicles”;

(c) in subsection (2), by substituting for paragraphs (a) and (b) the following paragraphs:

“(a) in the case of a conviction under section 41, 42, 44, 45A, 45B or 45C, a fine of not less than one thousand ringgit and not more than five thousand ringgit and shall also be liable to imprisonment for a term not exceeding twelve months;

(b) in the case of a conviction under section 43, a fine of one thousand ringgit.”; and

(d) by deleting subsection (3).

Amendment of section 88

13. Subsection 88(1) of the principal Act is amended—

(a) in paragraph (d), by substituting for the words “bicycles, electric bicycles, tricycles or trishaws” the words “micromobility vehicles”; and

(b) in paragraph (p), by substituting for the words “pedal bicycles, electric bicycles, pedal tricycles or trishaws” the words “micromobility vehicles”.

Amendment of section 112

14. Subsection 112(3) of the principal Act is amended by substituting for the words “bicycle, electric bicycle or tricycle” the words “micromobility vehicle”.

Savings

15. (1) 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.

(2) Any obligation, liability, disqualification, 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.

(3) Any rules, order, circular, guideline or instruction made or given under, or in accordance with, or by virtue of the principal Act, 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, and shall continue to be in force in relation to the persons to whom they apply until revoked.

EXPLANATORY STATEMENT

This Bill seeks to amend the Road Transport Act 1987 (“Act 333”) to increase the penalty and punishment of certain traffic offences including offences relating to reckless and dangerous driving and driving while under the influence of intoxicating liquor or drugs. This Bill also seeks to introduce micromobility vehicles into Act 333 for the purpose of regulating such vehicles.

2. *Clause 1* contains the short title and the provision on the commencement of the proposed Act.

3. *Clause 2* seeks to amend section 2 of Act 333 to provide for the definition of “micromobility vehicle” and to amend certain definitions used in Act 333.

4. *Clauses 3 to 8* seek to amend sections 41, 42, 43, 44, 45 and 45A of Act 333 to increase the punishments and disqualification period for traffic offences relating to reckless and dangerous driving and driving while under the influence of intoxicating liquor or drugs.

5. *Clauses 9 and 10* seek to amend sections 45B and 45C of Act 333 to increase the punishments and disqualification period for offences relating to failure to provide a specimen of breath, blood or urine for offences committed under section 44, 45 or 45A of Act 333.

6. *Clause 11* seeks to amend section 45G of Act 333 to lower the prescribed limit of alcohol content allowed in an individual.

7. *Clauses 12, 13 and 14* seek to amend sections 54, 88 and 112 of Act 333 following the introduction of micromobility vehicle into Act 333.

8. *Clause 15* seeks to provide for savings provisions.

FINANCIAL IMPLICATIONS

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

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