

LAWS OF MALAYSIA

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Act 333

ROAD TRANSPORT ACT 1987

As at 15 October 2023

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Act 333

ROAD TRANSPORT ACT 1987

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LAWS OF MALAYSIA

Act 333

ROAD TRANSPORT ACT 1987

An Act to make provision for the regulation of motor vehicles and of traffic on roads and other matters with respect to roads and vehicles thereon; to make provision for the protection of third parties against risks arising out of the use of motor vehicles; to make provision for the co-ordination and control of means of and facilities for transport; to make provision for the co-ordination and control of means of and facilities for construction and adaptation of motor vehicles; and to make provision for connected purposes.

[*1 January 1988, P.U. (B) 694/1987*]

BE IT ENACTED by the Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I

PRELIMINARY

Short title, application and commencement

1. (1) This Act may be cited as the Road Transport Act 1987 and shall come into force on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) The Minister may appoint different dates for the coming into force of different Parts and provisions of this Act.

(3) This Act shall apply throughout Malaysia.

Interpretation

2. In this Act, unless the context otherwise requires—

"accident" means an accident or occurrence whereby damage or injury is caused to any person, property, vehicle, structure or animal;

"airport" has the same meaning assigned to it by the Civil Aviation Act 1969 [*Act 3*];

"animal" means any horse, pony, mule, ass, buffalo, cattle, sheep, pig, goat or dog;

"appointed day" means the day appointed by the Minister under section 1 for the coming into force of any Part or provision of this Act;

"bankruptcy" includes insolvency as a result of which a wage earner's administration order has been made under the laws relating to bankruptcy;

"camera-recorded offence" means an offence prescribed under the Second Schedule;

"carriage of goods" includes the haulage of goods;

"certificate of insurance" includes a cover note;

"Chairman of a Municipal Council" means the Chairman of a Municipal Council referred to in section 2 of the Local Government Ordinance 1961 [*Sabah No. 11 of 1991*] and subsection 2(1) of the Local Authorities Ordinance 1996 [*Sarawak Cap. 20*] and includes the Deputy Chairman of the Municipal Council;

"Chief Police Officer" means any police officer vested by the Inspector General of Police with the control of the Royal Malaysia Police in respect of any area or state under section 6 of the Police Act 1967 [*Act 344*] and designated as such by the Inspector General of Police;

"City Council" includes a Council of a City and a City;

"commercial vehicle" shall have the same meaning as assigned to that expression in the Commercial Vehicles Licensing Board Act 1987 [*Act 334*];

"Commissioner of Police" means a Commissioner appointed under section 5 of the Police Act 1967 [*Act 344*];

"company" includes any company as defined in the *Companies Act 1965 [*Act 125*], any company formed under any law, any corporation incorporated by law, and any firm or partnership;

"conductor" means a person licensed under section 56 to act as a conductor of a public service vehicle;

"Dato Bandar" means the Dato Bandar Kuala Lumpur appointed under section 3 of the Federal Capital Act 1960 [*Act 190*] read with section 4 of the City of Kuala Lumpur Act 1971 [*Act 59*] and includes any officer in the service of the City of Kuala Lumpur authorized in writing by the Dato Bandar to exercise powers conferred or to perform duties imposed by this Act on the Dato Bandar;

"Deputy Director" means a Deputy Director for Road Transport appointed under section 3;

"Deputy Director General" means the Deputy Director General for Road Transport appointed under section 3;

"Director" means a Director for Road Transport appointed under section 3;

"Director General" means the Director General for Road Transport appointed under section 3;

**NOTE*—The Companies Act 1965 [*Act 125*] has since been repealed by the Companies Act 2016 [*Act 777*] which comes into operation on 31 January 2017—*see* subsection 620(1) of Act 777.

"driver" means the person for the time being driving a motor vehicle and, in the case of a stationary motor vehicle, includes the person for the time being responsible for the driving of the motor vehicle;

"driving licence" means a licence to drive a motor vehicle granted or deemed to be granted under Part II and includes a learner's driving licence and a probationary driving licence granted under section 29;

"electric motor vehicle" means any motor vehicle that is propelled by electrical means and does not include a micromobility vehicle;

"excursion bus" shall have the same meaning as assigned to that expression in the Tourism Vehicles Licensing Act 1999 [*Act 594*] and in the Second Schedule to the Land Public Transport Act 2010 [*Act 715*];

"goods" means anything, including livestock, carried on or in a motor vehicle for the purposes of any trade or business but does not include—

(a) equipment ordinarily used with the vehicle;

(b) articles of merchandise carried by a person on or in the vehicle solely for the purpose of exhibition as samples;

(c) articles carried by a person on or in the vehicle for use in the exercise of his trade, business or profession and not for sale;

"goods vehicle" shall have the same meaning as is assigned to that expression in the Commercial Vehicles Licensing Board Act 1987 and the Land Public Transport Act 2010 [*Act 715*];

"Government" means the Federal Government or any State Government;

"Highway Authority" means the body corporate established under section 3 of the Highway Authority Malaysia (Incorporation) Act 1980 [*Act 231*];

"land implement" means any implement or machinery used with a land tractor in connection with the purposes for which a land tractor may be used under this Act;

"land tractor" means a motor tractor designed and used primarily for work on the land in connection with agriculture, planting or forestry, land levelling, draining, dredging or similar operations, which is driven on a road only when proceeding to and from the site of such work and when so driven hauls nothing other than land implements;

"learner's driving licence" means a driving licence which is granted to any person to learn theoretical and practical driving and thereafter to be tested on the prescribed tests of competence;

"maximum permissible laden weight" means such weight as the Director General shall specify as a laden weight which is suitable for a specific vehicle using a road;

"Mayor of a City Council" includes Commissioner of a City and "Mayor" shall be construed accordingly;

"member of the Forces" means—

(a) a member of the Armed Forces;

(b) a police officer;

(c) a member of a visiting force within the meaning of any law for the time being in force regulating visiting forces lawfully present in Malaysia;

"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;

"Minister" means the Minister charged with responsibility for transport;

"motor vehicle" means a vehicle of any description, propelled by means of mechanism contained within itself and constructed or adapted so as to be capable of being used on roads, and includes a trailer;

"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 1966 [*Sarawak Cap. 20*];

"scheduled offence" means an offence prescribed under the First Schedule;

"owner"—

(a) in relation to a motor vehicle registered or deemed to be registered under this Act, means the registered owner of such vehicle; and

(b) in relation to any other motor vehicle, means the person in possession of or using or having the use of the motor vehicle;

"parking" means the bringing of a motor vehicle to a stationary position and causing it to wait for any purpose other than that of immediately taking up or setting down persons, goods or luggage;

"parking place" means a place set apart as a place at which motor vehicles or any specified class or description of motor vehicles may be parked;

"passenger"—

(a) in relation to a person carried on a public service vehicle, does not include the driver or conductor or any ticket inspector on the vehicle in pursuance of his duties;

(b) in relation to persons carried on a goods vehicle, does not include the driver or any attendant required by law to be carried on such vehicle;

(ba) in relation to persons carried on an excursion bus, does not include the driver or any tourist guide on the excursion bus in pursuance of his duties; and

(c) in relation to a private car, does not include the driver;

"Perbadanan Putrajaya" means the Perbadanan Putrajaya established under section 3 of the Perbadanan Putrajaya Act 1995;

"police officer" includes an extra police officer, a volunteer reserve police officer or an auxiliary police officer appointed under the Police Act 1967;

"prescribe", where no mode is mentioned, means to prescribe by rules made under this Act;

"President" means the President of the Perbadanan Putrajaya appointed under section 5 of the Perbadanan Putrajaya Act 1995 [*Act 536*];

"President of a Municipal Council" means the President as defined in section 2 of the Local Government Act 1976 [*Act 171*];

"probationary driving licence" means a licence for a probationary period of two years which is granted to any person who has passed the prescribed tests of competence;

"public body" means a body declared by the Minister to be a public body;

"public service vehicle" shall have the same meaning as assigned to that expression in the Commercial Vehicles Licensing Board Act 1987 and the Land Public Transport Act 2010;

"recorded image" means any visual (whether still or moving) images recorded, expressed, described or howsoever represented, including any information stated therein;

"registered owner" means the person registered as the owner of a motor vehicle under paragraph 11(1)*(b)*;

"registered medical practitioner" means a medical practitioner registered under the Medical Act 1971 [*Act 50*];

"registration certificate" includes registration book;

"road" means—

(a) any public road and any other road to which the public has access and includes bridges, tunnels, lay-bys, ferry facilities, interchanges, roundabouts, traffic islands, road dividers, all traffic lanes, acceleration lanes, deceleration lanes, side-tables, median strips, overpasses, underpasses, approaches, entrance and exit ramps, toll plazas, service areas, and other structures and fixtures to fully effect its use;

(b) for the purposes of sections 70 and 85, also includes a road under construction; and

(c) for the purpose of sections 41, 42, 43, 44, 45 and 45A, also includes a parking place;

"Road Transport Department" means the Department administered by the Director General;

"road transport officer" means any person appointed to be a road transport officer under section 3;

"this Act" includes any subsidiary legislation made under this Act;

"tourist guide" shall have the same meaning as assigned to that expression in the Tourism Industry Act 1992 [*Act 482*];

"tracked", in relation to a vehicle, means that the vehicle is so designed and constructed that the weight of it is transmitted to the road surface either by means of continuous tracks, or by a combination of wheels and continuous tracks;

"traffic" includes micromobility vehicles, motor vehicles, tram cars, vehicles of every description, pedestrians, processions, bodies of police or troops and all animals being ridden, driven or led;

"traffic signs" includes all signals, warning sign posts, direction posts, signs, marks or devices erected or provided on or near a road for the information, guidance or direction of persons using the road;

"traffic warden" means any person appointed to be a traffic warden by the Dato Bandar, the Perbadanan Putrajaya, the Mayor of a City Council, the President of a Municipal Council or the Chairman of a Municipal Council under section 3;

"trailer" shall have the same meaning as assigned to it in subsection 5(1);

"unladen weight" means the weight of a vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to, or ordinarily used with, the vehicle when working on a road but exclusive of loose tools;

"use" means use on any road;

"vehicle" means a structure capable of moving or being moved or used for the conveyance of any person or thing and which maintains contact with the ground when in motion;

"vocational licence" means a licence to drive or act as a conductor granted under sections 56 and 57;

"weighing machine" includes a portable weighing machine, a static weighing machine and a computerized or electronic weigh in-motion system;

"wheeled", in relation to a motor vehicle or trailer, means that the whole weight of the vehicle is transmitted to the road by means of wheels.

Appointment

3. (1) There shall be appointed a Director General for Road Transport and such number of Deputy Directors General for Road Transport, Directors for Road Transport, Deputy Directors for Road Transport and other road transport officers as may be considered necessary or expedient for the purposes of this Act.

(2) The Director General shall have the general supervision and direction of all matters relating to road transport throughout Malaysia.

(3) The Minister may, by order published in the *Gazette*, prescribe—

(a) uniforms and rank markings for any road transport officer; and

(b) the authority card and badge to be carried by any road transport officer.

(4) The Dato Bandar may appoint such number of persons in the service of the City of Kuala Lumpur 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.

(4A) The Perbadanan Putrajaya may appoint such number of persons in the service of the Perbadanan Putrajaya as it 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.

(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.

(5) The Director General shall perform the duties and exercise the rights and powers imposed and conferred upon him by this Act.

(6) The Director General, all road transport officers and all traffic wardens appointed under this section, and all public officers and officers of the Authority authorized under section 88D shall be deemed to be public servants for the purposes of Chapter X of the Penal Code [*Act 574*].

(7) The Director General shall assign a Director to each registration area or each division of the Road Transport Department.

(8) A notification in the *Gazette* of the appointment of a road transport officer or a traffic warden shall be conclusive evidence that such person was so appointed.

(9) Any officer appointed under any Ordinance repealed by this Act and holding office on the date immediately preceding the appointed day, shall continue in office and shall be deemed to be a road transport officer or a traffic warden, as the case may be, appointed under this section.

Authorization to Mayor, President of a Municipal Council, Chairman of a Municipal Council, officers of City Council or Municipal Council, etc.

3A. (1) The Minister may, by order published in the *Gazette*, upon application being made by the Mayor of a City Council, authorize the Mayor and the officers or persons in the service of the City Council to exercise the powers conferred and to perform the duties imposed by this Act on the Dato Bandar or traffic warden, as the case may be.

(2) An order made under subsection (1) may limit the powers to be conferred on and the duties to be performed by the Mayor and the officers or persons in the service of the City Council.

(3) Upon authorization being made under subsection (1), the Mayor and officers or persons in the service of the City Council may exercise the powers conferred and perform the duties imposed by this Act on the Dato Bandar or traffic warden, as the case may be, as if—

(a) references to "Dato Bandar" were references to the Mayor of the City Council;

(b) references to "officer in the service of the City of Kuala Lumpur" and "persons in the service of the City of Kuala Lumpur" were references to officers or persons in the service of the City Council respectively;

(c) references to the "Federal Territory of Kuala Lumpur" were references to that City.

(3A) The Minister may, by order published in the *Gazette*, upon application being made by the President of a Municipal Council or the Chairman of a Municipal Council, authorize the President of the Municipal Council, the Chairman of the Municipal Council and the officers or persons in the service of the Municipal Council to exercise the powers conferred and to perform the duties imposed by this Act on the President of the Municipal Council, the Chairman of the Municipal Council or traffic warden, as the case may be.

(3B) An order made under subsection (3A) may limit the powers to be conferred on and the duties to be performed by the President of a Municipal Council, the Chairman of a Municipal Council and the officers or persons in the service of the Municipal Council.

(3C) Upon authorization being made under subsection (3A), the President of a Municipal Council, the Chairman of a Municipal Council and the officers or persons in the service of the Municipal Council may exercise the powers conferred and perform the duties imposed by this Act on the President of a Municipal Council, the Chairman of a Municipal Council or traffic warden, as the case may be.

(4) (*Deleted by Act A1585*).

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 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.

Powers of police officer and road transport officer

4A. Notwithstanding anything contained in any written law, any police officer or road transport officer shall exercise the powers conferred by this Act in respect of offences committed under this Act on any road.

4B. (*Deleted by Act A1585*).

PART II

CLASSIFICATION, REGISTRATION AND LICENSING OF MOTOR VEHICLES AND DRIVERS

Classification of Motor Vehicles

Classification of motor vehicles

5. (1) For the purposes of this Act, motor vehicles shall be divided into the following classes:

(a) invalid carriages; that is to say, motor vehicles, the unladen weight of which does not exceed three thousand five hundred kilogrammes, which are specially designed and constructed or adapted for the use of a person suffering from some physical defect or disability and used solely by such a person;

(b) motor cycles; that is to say, motor vehicles with less than four wheels, and the unladen weight of which does not exceed four hundred and fifty kilogrammes;

(c) tractors heavy; that is to say, motor vehicles not constructed to carry any load (other than water, fuel, accumulators and other equipment and materials used for the purposes of propulsion, loose tools and loose equipment), the unladen weight of which exceeds five thousand kilogrammes;

(d) tractors light; that is to say, motor vehicles, the unladen weight of which does not exceed five thousand kilogrammes and which otherwise fall within the definition of "tractors heavy";

(e) motor cars heavy; that is to say, motor vehicles which are constructed to carry a load or passengers and the unladen weight of which exceeds three thousand five hundred kilogrammes;

(f) motor cars; that is to say, motor vehicles (not falling within the definition of "motorcycles"), which are constructed to carry a load or passengers and the unladen weight of which does not exceed three thousand five hundred kilogrammes;

(g) mobile machinery heavy; that is to say, motor vehicles which are designed as self-contained machines, propelled by means of mechanism contained within themselves and the unladen weight of which exceeds five thousand kilogrammes and are capable of being used on roads;

(h) mobile machinery light; that is to say, motor vehicles, the unladen weight of which does not exceed five thousand kilogrammes and which otherwise fall within the definition of "mobile machinery heavy";

(i) pedestrian controlled vehicles; that is to say, motor vehicles constructed for the purpose of carrying a load or

passengers and controlled by a person not seated or mounted on such a vehicle;

(j) trolley vehicles; that is to say, vehicles deriving their power from overhead cables or rails and making connection with such source of power by means of a pulley or other device;

(k) trailers; that is to say, vehicles other than land implements drawn by a motor vehicle, whether or not part of the trailer is superimposed on the drawing vehicle.

(2) The Minister may make rules for subdividing any such class as specified in subsection (1) whether according to weight, construction, nature of tyres, use or otherwise and making different provisions with respect to each subdivision and varying in respect of any class the maximum or minimum weight fixed by this section.

(3) Any reference in this Part to a class of motor vehicles shall include a reference to any subdivision of such a class.

(4) For the purposes of this Part, a sidecar attached to a motor cycle shall, if it complies with the prescribed conditions, be regarded as forming part of the vehicle to which it is attached and not as being a trailer.

Prohibition of motor vehicles not complying with rules

6. (1) It shall not be lawful to use a motor vehicle which does not comply with the rules as to construction, weight, equipment, use and age applicable to the class or description of motor vehicle to which such motor vehicle belongs:

Provided that the Minister may, by notification in the *Gazette*, authorize (subject to such restrictions and conditions as may be specified in the notification) the use of special motor vehicles, or special types of motor vehicles, which are constructed either for special purposes or for tests or trials and of new or improved types of motor vehicles, whether wheeled or wheelless.

(2) The Minister may revoke, vary or amend any notification made under this section.

(3) Subject to this section, it shall not be lawful to sell or supply or to offer to sell or supply, a motor vehicle for delivery in such a condition that the use thereof in that condition would be unlawful by virtue of this section.

(4) Subject to this section, it shall not be lawful to alter a motor vehicle so as to render its condition such that the use thereof in that condition would be unlawful by virtue of this section.

(5) If a motor vehicle is used, sold or supplied or offered for sale or altered in contravention of this section, any person who so uses the motor vehicle or causes or permits it to be so used and any person who so sells or supplies or offers for sale or alters such motor vehicle or causes or permits it to be sold, supplied for sale or altered shall be guilty of an offence:

Provided that the person shall not be convicted of an offence under this subsection in respect of the sale, supply, offer for sale or alteration of a motor vehicle if he proves that it was sold, supplied, offered for sale or altered, as the case may be, for export from Malaysia or that he had reasonable cause to believe that the motor vehicle would not be used in Malaysia or would not be so used until it had been put into a condition in which it might lawfully be so used and it was a condition of such sale, supply, offer for sale or alteration that such motor vehicle would not be so used until it had been put into a condition in which it might lawfully be used under this section.

Registration of Motor Vehicles

Registration of motor vehicles and owners

7. (1) No person shall possess or use a motor vehicle unless that vehicle is registered in accordance with this Part.

(2) Subsection (1) shall not apply in the case of—

(a) an unregistered motor vehicle which is owned by and in the possession of a dealer for the purpose of sale;

(b) a motor vehicle which is lawfully used under the authority of a motor vehicle trade licence granted to a manufacturer or repairer of or dealer in motor vehicles under section 22;

(c) a motor vehicle which is being driven to or from any place specified by a road transport officer for inspection or testing, or while it is being tested by a road transport officer, or while it is being driven to or from any place specified by a road transport officer for the purpose of registration, and while being so driven or tested is carrying a means of identification in accordance with this Act;

(d) a motor vehicle lawfully brought into Malaysia in accordance with section 21 or with rules made under section 25;

(e) a motor vehicle registered in any foreign country, which by virtue of any international agreement is authorized to operate in Malaysia under a licence issued under the Commercial Vehicles Licensing Board Act 1987 and the Land Public Transport Act 2010.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine of not less than two thousand ringgit and not more than ten thousand.

Keeping of register

8. Every Director shall keep and maintain a register of all motor vehicles registered under this Act in the registration area for which he is Director. Such register shall be in such form and contain such information, details and particulars as the Director General may from time to time direct.

Keeping of accounts by licensed registrar

9. Every Director assigned to a registration area shall keep such accounts and make such returns in relation to the sums payable to him under this Act, and such financial and statistical returns in such form and at such times as the Director General may direct.

Applications for registration

10. (1) Every application for the registration of a motor vehicle shall be made in the prescribed form to the Director of a registration area and shall be signed by the person for the time being entitled to the possession of the motor vehicle.

(2) Notwithstanding anything in subsection (1), any person who satisfies the Director that he has been authorized in writing for that purpose by a person who is absent from Malaysia, may make application on behalf of that person for the registration of a motor vehicle, and in any such case the application shall be deemed to have been signed and made by that person.

(3) No motor vehicle shall be registered unless—

(a) such vehicle bears a clear, distinct and untampered engine and chassis number; and

(b) the prescribed fee has been paid:

Provided that paragraph *(a)* shall not apply to any electric motor vehicle which has no engine number.

(4) No motor vehicle shall be registered which does not comply with this Act as to construction, weight, equipment, use and age unless such motor vehicle has been exempted from such compliance under powers conferred by this Act.

(5) An application for the registration of a motor vehicle which is the property of the Government or of a public body shall designate, by reference to his office, an officer in the service of the Government or public body, as the case may be, in whose charge such motor

vehicle will be and such person for the time being holding such office shall, for the purpose of any offence, be deemed to be the registered owner of such motor vehicle.

(6) No officer shall be deemed by reason only of subsection (5) to be guilty of an offence committed before the date on which he assumed such office.

Registration numbers

11. (1) Upon the registration of a motor vehicle, the Director shall—

(a) assign to the motor vehicle the prescribed index mark indicating the registration area in which the vehicle is registered or the status of the owner of the motor vehicle and a separate number (in this Act such mark and number are referred to collectively as "the registration number"), and such registration number shall continue to be the registration number of such motor vehicle until it is broken up, destroyed or sent permanently out of Malaysia, and such registration number shall not be assigned to any other motor vehicle:

Provided always that a person who is registered as the owner of a motor vehicle may, subject to any terms and conditions which may be prescribed, and on payment of the prescribed fee, have the number assigned to such motor vehicle assigned to another motor vehicle of which he applies to be registered as owner and which has not previously been registered, and the Director shall thereupon assign a new registration number to the first mentioned motor vehicle and make all necessary and consequential amendments to the register and registration certificate;

(b) register the person by whom the application for registration was made as the owner of the motor vehicle; and

(c) issue to that person a registration certificate in the prescribed form.

(1A) Notwithstanding paragraph (1)*(a)*, the Director may, subject to any terms and conditions as may be prescribed by the Director General, and on payment of the prescribed fee, re-assign to the registered owner the registration number of any motor vehicle which has been reported to be lost, stolen, broken up, destroyed, or sent permanently out of Malaysia:

Provided that the registration number shall be re-assigned to a motor vehicle which has not been previously registered.

(2) Notwithstanding paragraph (1)*(a)*, the Director may change the registration number of any registered motor vehicle in respect of which fees under this Act are not payable (excluding motor vehicles belonging to the Government) and may assign the registration number of such motor vehicle to any other motor vehicle.

(3) Where two or more persons have or claim possession and use of a motor vehicle, the Director shall register as the owner of the motor vehicle—

(a) such one of those persons as may be nominated by them in the prescribed manner for the purpose of such registration; or

(b) in the event of any dispute between those persons, such one of them as may be selected for the purpose by the Director, after such inquiry as he may consider necessary.

(4) In any case referred to in paragraph (3)*(a)*, the Director may also enter in the register and in the registration certificate the names of the other claimants to the ownership of the motor vehicle, but no such entry of the name of any claimant shall be deemed to affect any liability which the person registered as owner may incur under this Act, or to vest in such claimant any of the rights or powers conferred by this Act on the registered owner of a motor vehicle.

(5) The decision of the Director under paragraph (3)*(b)* shall be final and conclusive for the purposes of this Act, but shall not be deemed to prejudice or to affect in any way the right of any other claimant to the ownership of the motor vehicle to cause his rights to

be determined by a court, and the Director shall amend the register in accordance with any final order made by such court.

Inspection of motor vehicles and information to Director General

12. (1) The Director General or a Director may at any time before registration of a motor vehicle require the motor vehicle to be brought to any convenient place specified by him and to be inspected and, if necessary, to be weighed and measured and after registration may at any time require a motor vehicle to be brought as aforesaid if he has reason to believe—

(a) that the motor vehicle does not comply with the requirements of this Act;

(b) that any information furnished to him in respect of the motor vehicle is false, incorrect or misleading;

(c) that the motor vehicle is not in a serviceable condition; or

(d) that the weight, dimensions, character, construction, colour, identifying particulars or seating accomodation have been altered after the registration thereof.

(2) The registered owner of a motor vehicle shall forthwith inform the Director of a registration area in writing of any circumstance or event which affects the accuracy of any entry in the register relating to the motor vehicle, and shall at the same time forward or deliver to the Director the registration certificate relating to such motor vehicle.

(2A) The registered owner shall, in the case of a change of chassis of a motor vehicle, obtain the prior approval of the Director General before such change.

(3) The registered owner of a motor vehicle shall, whenever required by a Director so to do—

(a) forthwith furnish to the Director all such information as he may require for the purpose of verifying the entries relating to such motor vehicle in the register; and

(b) forthwith forward or deliver to the Director the registration certificate relating to such motor vehicle.

(4) After a motor vehicle has been inspected, weighed or measured under subsection (1), or upon receipt of any information or proof furnished in respect of a motor vehicle under subsection (2) or (3), the Director may make such amendments in the register and in the registration certificate relating to such motor vehicle as he may consider necessary, and shall return the registration certificate to the registered owner.

(5) Any person who without reasonable excuse fails to comply with any requirement of the Director General or a Director under subsection (1) or with subsection (2) or (3) shall be guilty of an offence.

Procedure on change of possession of motor vehicles

13. (1) On any change of possession of a motor vehicle upon a voluntary transfer made by the registered owner—

(a) the registered owner shall, within seven days after such change of possession, forward to the Director of a registration area a statement in the prescribed form, and shall deliver to the new possessor or the new owner the registration certificate relating to the motor vehicle and, unless he is surrendering the licence under section 19, the licence;

(b) the new possessor or new owner shall, within seven days after such change of possession, forward to such Director a statement in the prescribed form together with the registration certificate and the prescribed fee; and

(c) the motor vehicle shall not be used for more than seven days after such change of possession unless the new possessor or the new owner is registered as the owner

thereof and, if the licence has been surrendered by the registered owner, it shall not be used until the new owner or new possessor has taken out a new licence:

Provided that this subsection shall not apply in any case where the change of possession is consequent on a contract of hiring and the period of hiring does not exceed one month.

(2) On any change of possession of a motor vehicle otherwise than on a voluntary transfer made by the registered owner—

(a) the registered owner of the motor vehicle shall, within seven days after the change of possession, deliver the registration certificate relating to the motor vehicle to the person into whose possession the vehicle has passed, and shall, in writing, inform the Director of a registration area of the change of possession;

(b) where the registration certificate is so delivered, the person into whose possession the motor vehicle has passed shall, within seven days after the change of possession, forward to the Director the registration certificate relating to the motor vehicle, and shall apply to such Director to be registered as the new owner in place of the registered owner;

(c) where a Director is satisfied that the registration certificate relating to the motor vehicle has not been delivered under paragraph *(a)* to the person into whose possession the motor vehicle has passed, and that such person is entitled to the possession of the motor vehicle, the Director may, upon application made by such person and on payment of the prescribed fee, issue to such person a duplicate of the registration certificate; and

(d) the person into whose possession a motor vehicle has passed shall, upon making the prescribed application and upon payment of the prescribed fee and upon production to the Director of the registration certificate or a duplicate thereof, be entitled to be registered as the new owner of such motor vehicle.

(3) Upon the registration of a new owner of a motor vehicle, the Director shall make the necessary alterations in the register and in the registration certificate relating to such motor vehicle, and shall deliver the altered registration certificate to the new owner:

Provided that the Director may, if he considers it expedient so to do, issue in lieu of the altered registration certificate a new registration certificate.

Interim change of possession of motor vehicles

13A. (1) Notwithstanding section 13, where a registered owner sells his motor vehicle to a dealer for the purpose of resale, the registered owner may apply to the Director for an interim change of possession of the motor vehicle from the registered owner to the dealer in such form and manner and upon payment of such fee as may be prescribed.

(2) The Director shall, upon receipt of the application and payment of the fee under subsection (1), make the necessary entries in the register relating to the interim change of possession.

(3) The interim change of possession shall be effective for a prescribed period.

(4) Where the dealer has not sold the motor vehicle to any person upon the expiration of the period prescribed under subsection (3), the dealer shall be registered as the new owner of the motor vehicle.

(5) For the purposes of subsection (4), the Director shall make the necessary alterations in the register and the registration certificate relating to the motor vehicle and shall deliver the altered registration certificate to the dealer.

(6) For the purposes of this section, "dealer" means a company incorporated under the Companies Act 2016 [*Act 777*] or a business registered under the Registration of Business Act 1956 [*Act 197*] which deals in secondhand motor vehicles.

Display of registration number

14. (1) The registration number assigned to a motor vehicle upon registration or a new registration number assigned under section 11 shall be displayed and illuminated on the number plate in the manner prescribed by rules made under this Act.

(2) (*Deleted by Act A1391*).

(3) Where a trailer is being drawn on a road by a motor vehicle, in addition to the registration number assigned to such trailer on the registration thereof, there shall be displayed in the manner referred to in subsection (1) the registration number of the motor vehicle by which such trailer is drawn, and this section shall apply in relation to the display of such registration number on a trailer as they apply in relation to the display on such motor vehicle.

(4) If a registration number is not displayed in accordance with this section, the driver or person in charge of the vehicle while it is being used shall be guilty of an offence and shall on conviction be liable to a fine of not less than three hundred ringgit and not more than three thousand ringgit.

Licensing of Motor Vehicles

Motor vehicle licences

15. (1) No person shall use or cause or permit to be used a motor vehicle in respect of which there is not in force a motor vehicle licence granted under this Act:

Provided that a motor vehicle lawfully brought into Malaysia in accordance with section 21 or 25 or in accordance with any rules made thereunder, shall be deemed to be a motor vehicle in respect of which a licence granted under this Act is in force.

(2) Subsection (1) shall not apply to a motor vehicle which has been laid up:

Provided that a declaration has been made to the Director, in the prescribed form, that such vehicle has been laid up.

(3) Where a motor vehicle referred to in subsection (2) is subsequently found to be used or caused or permitted to be used, such vehicle shall not, for the purposes of this section, be deemed to have been laid up.

(4) Any person who uses or causes or permits to be used a motor vehicle after declaring that it has been laid up shall be guilty of an offence and shall on conviction be liable to a fine of not less than three hundred ringgit and not more than five thousand ringgit.

(5) For the purposes of this section, "laid up" means to put away and to cease to use on the road.

Requirements for application

16. (1) A motor vehicle licence shall be granted, for such period as may be prescribed, on application being made to a Director of any registration area.

(2) Every applicant for a motor vehicle licence shall furnish such particulars and produce such evidence as may be prescribed and in particular that either—

(a) during the period of validity of the licence applied for there will be in force such policy of insurance or such security, relating to the motor vehicle for which such licence is required, as complies with the requirements of Part IV; or

(b) such motor vehicle is a vehicle to which, by reason of subsection 90(5), section 90 does not apply.

(3) Notwithstanding anything in this section to the contrary, any person who satisfies the Director that he has been authorized in writing for the purpose by a registered owner of a motor vehicle who is absent from Malaysia may make application on behalf of such registered owner for a licence for such motor vehicle, and in any such case the application shall be deemed to have been made and signed by such registered owner.

Director may refuse to issue motor vehicle licences in certain cases

17. (1) A Director shall not be required to grant any motor vehicle licence for which application is made unless—

(a) the registration certificate relating to the motor vehicle specified in such application is produced and the particulars contained in such application are identical with the corresponding particulars contained in such registration certificate;

(b) the identifying particulars of the motor vehicle, including the engine and chassis number, remain clear, distinct and untampered and are identical with the corresponding particulars contained in such registration certificate;

(ba) in the case of an application through electronic means, the relevant details in the registration certificate of the motor vehicle are duly submitted online;

(bb) in relation to a class or category of motor vehicles required to undergo periodic inspection under Part IIA, the inspection certificate issued under section 66C is produced;

(c) the prescribed fee has been paid; and

(d) he is satisfied that the applicant has no outstanding matter or case with the Road Transport Department or the Police relating to any contravention of or offence against this Act or the Commercial Vehicles Licensing Board Act 1987:

Provided that paragraph (*b*) shall not apply to any electric motor vehicle which has no engine number.

(e) (*Deleted by Act A891*).

(1A) (*Deleted by Act A891*).

(2) A Director may refuse to grant a motor vehicle licence or a motor trade licence or may cancel or suspend for a period not exceeding six months a motor vehicle licence or a motor trade licence already granted if, after giving the owner an opportunity of making any representation he may wish to make, such Director has reason to believe that the motor vehicle referred to in such licence or in respect of which the application is made has been or is intended to be used for an unlawful purpose or in an unlawful manner, and on so doing shall endorse the registration certificate of such motor vehicle accordingly.

(3) For the purposes of subsection (2), the use of any motor vehicle resulting in the breach of any of the conditions attached to such licence under the Commercial Vehicles Licensing Board Act 1987, the Land Public Transport Act 2010 or of any of the statutory conditions specified therein shall be deemed to be a use of such vehicle in an unlawful manner.

(4) Except where the period of suspension of such licence does not exceed one month, any person being the holder of a motor vehicle licence or a motor vehicle trade licence, who is aggrieved by the suspension of such licence by the Director under subsection (2) may, within fourteen days of the suspension by the Director, appeal to the Director General and on such appeal the Director General, after such inquiry, if any, as he considers fit, may make such order as he considers just, and any order so made shall be binding on the Director and on the appellant.

(5) Where the Director has refused to grant a licence or has cancelled a licence under subsection (2), he forthwith shall notify the Director General of such refusal or cancellation and state his grounds therefor; and the Director General shall, within fourteen days of the date of such cancellation or refusal, inform the registered owner of the motor vehicle that he confirms or revokes, as the case may be, such cancellation or refusal.

(6) Any person, being an applicant for or holder of a motor vehicle licence, who is aggrieved by the decision of the Director General to refuse to grant or to cancel such licence may, within twenty-one days of the date of confirmation by the Director General under subsection (5), appeal to the Minister, and on such appeal the Minister after such

inquiry, if any, as he thinks necessary may make such order as he considers fit, and any order so made shall be binding on the Director General and on the appellant.

(7) Subsection (6) shall not apply to any person who acquires a motor vehicle after the registration certificate of such vehicle has been endorsed in accordance with subsection (2).

(8) Where a licence in respect of any motor vehicle has been refused or cancelled under subsection (2), the Director may refuse to grant a further licence in respect of such vehicle for any period not exceeding six months from the date of such cancellation, and subsections (5) and (6) shall not apply in the case of such refusal.

Effect on licence of altering vehicle

18. When any motor vehicle in respect of which a motor vehicle licence has been granted is altered, after such licence has been granted, in such a manner as to cause the motor vehicle to become a motor vehicle in respect of which a licence at a higher fee or a licence of a different class is required, the licence shall before the altered vehicle is used become void, but the holder of the licence, on surrendering the same and furnishing the prescribed particulars, shall be entitled to receive a new licence in respect of the motor vehicle, to have effect for the period for which the surrendered licence would, if it had not been surrendered, have remained in force on payment of such amount, if any, as represents the difference between the amount payable on the new licence and the amount of refund, if any, payable under section 19 on the surrendered licence.

Surrender of motor vehicle licence

19. (1) The holder of a motor vehicle licence may at any time surrender such licence to the Director of a registration area and shall, unless otherwise provided, be entitled to be paid by the Director by way of rebate such amount as may be prescribed:

Provided that no refund shall be payable in respect of a licence which has been cancelled or suspended by a Director under section 17.

(2) No person shall take proceedings with a view to securing a rebate under this section or a refund in respect of any overpayment of any fee payable for a motor vehicle licence granted under section 16, unless proceedings are brought before the expiration of one year from the date of expiry of such licence.

Display of motor vehicle licence

20. (1) Every motor vehicle licence granted under section 16, other than a motor vehicle licence granted in respect of a motor cycle or an invalid carriage, shall be fixed to and exhibited on the vehicle in respect of which it is issued, in the manner and subject to such conditions as may be prescribed.

(2) No person shall (either by writing, drawing or in any other manner) alter, deface, mutilate or add anything to any motor vehicle licence, nor shall any person exhibit on any motor vehicle any vehicle licence which has already been altered, defaced, mutilated or added to as aforesaid, or upon which the figures or particulars have been illegible or of which the colour has become altered, by fading or otherwise, nor shall any person exhibit any colourable imitation of any such licence.

(3) Any person who contravenes this section shall be guilty of an offence.

Visitors' licence

21. (1) A Director may, subject to any rules which may be made by the Minister under section 66, grant a visitor's licence in respect of any motor vehicle brought into Malaysia from a place outside Malaysia, if the Director is satisfied that such motor vehicle will be exported from Malaysia within a period of ninety days from the date of arrival of such motor vehicle in Malaysia.

(2) A visitor's licence shall—

(a) be expressed to expire not later than ninety days from the date of arrival of such vehicle in Malaysia and shall not be renewable;

(b) not be granted in respect of a tractor heavy, goods vehicle or public service vehicle;

(c) not be granted unless the Director is satisfied that there exists in relation to the use of such motor vehicle such certificate, policy of insurance or certificate of security as complies with the requirements of Part IV;

(d) not be granted in respect of a motor vehicle to which section 25 applies.

(3) A visitor's licence granted under the corresponding provisions of any law in force in the Republic of Singapore shall, so long as such licence remains in force in that country, be deemed to be a visitor's licence granted under this section.

(4) The fee for a licence granted under this section shall be as prescribed.

(5) Any person who drives a motor vehicle into Malaysia without a valid visitor's licence shall be guilty of an offence.

Motor vehicle trade licences

22. (1) If any person, being a manufacturer or repairer of or dealer in motor vehicles, makes an application in the prescribed manner to the Director of the registration area in which his business premises are situated that he may be entitled, in lieu of taking out a licence under this Part in respect of each motor vehicle used by him, to take out a general licence in respect of all motor vehicles used by him, the Director may, subject to any conditions which may be prescribed, grant to such person a licence (in this Act referred to as a "motor trade licence") on payment of the prescribed fee.

(2) The holder of a motor trade licence granted under this section shall not be entitled by virtue of such licence—

(a) to use more than one motor vehicle at any one time, except in the case of a motor vehicle drawing a trailer and used for the prescribed purposes; or

(b) to use any motor vehicle for any purpose other than such purposes as may be prescribed.

(3) Nothing in this section shall operate to prevent a person entitled to take out a motor trade licence from holding two or more such licence.

(4) A motor trade licence shall not be granted until the applicant has produced evidence, to the satisfaction of the Director, that during the period of validity of such licence there will be in force such policy of insurance or such security as complies with the requirements of Part IV in respect of the use of motor vehicles in accordance with such licence.

(5) A motor trade licence shall not be assigned or transferred.

(6) Subsections 17(2) and (5) shall apply to a motor trade licence as they apply in respect of a motor vehicle licence.

(7) The holder of a motor trade licence may at any time surrender such licence to the Director of a registration area and shall on such surrender be entitled to repayment by way of rebate of such amount as may be prescribed:

Provided that proceedings to secure such rebate or the repayment of any excess payment for such a licence shall be brought before the expiration of one year from the expiry date of such licence.

(8) Any person who contravenes this section shall be guilty of an offence and shall on conviction be liable to a fine of not less than three thousand ringgit and not more than ten thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Other offences in connection with registration and licensing of motor vehicles

23. (1) If any person uses a motor vehicle while there is not in force in respect thereof a motor vehicle licence granted under this Act, or causes or permits a motor vehicle to be so used or, being the holder of

a motor trade licence granted under section 22, uses at any time a greater number of motor vehicles than he is authorized to use by virtue of such licence, he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit.

(2) Where a licence has been granted in respect of a motor vehicle to be used for a certain purpose, and such motor vehicle is at any time during the period for which the licence is in force used for another purpose, the person so using such motor vehicle or causing or permitting the use thereof shall be guilty of an offence and shall on conviction be liable to a fine of not less than one thousand ringgit and not more than ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(3) Any court before which the holder of a motor vehicle licence or a motor trade licence issued under this Part has been convicted of an offence under this Part may suspend such licence for the period of its validity or for any lesser period and such licence, together with, in the case of a motor trade licence, the plates issued in relation thereto, shall be delivered to the court by the holder, and the court shall send such licence and motor trade plates, if any, to the Director who issued such licence, with a copy of the order made by the court.

(4) No rebate shall be paid by a Director in respect of any period for which a motor vehicle licence or a motor trade licence has been so suspended.

(5) No court shall take cognizance of any proceedings under this section unless such proceedings be commenced within a period of twelve months from the date of the commission of the offence.

Miscellaneous

Recovery of fees

24. (1) If any fee payable under this Part remains unpaid after one month from the date on which such fee should have been paid, or if the fee which has been paid is less than the appropriate amount, the Director shall issue a notice requiring the defaulter to pay the amount due within fourteen days from the date of such notice.

(2) Any person who fails to comply with the requirement of such notice shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit and the court before which such person is convicted may, in addition to such fine, order such person to pay the amount of any fees due and remaining unpaid at the time of conviction, and any such amount so ordered to be paid may be recovered in accordance with the law relating to the recovery of fines; and any amount so recovered shall be remitted by the court to the appropriate Director.

(3) In any prosecution under this section, a certificate purporting to be signed by a Director stating that—

(a) on a date stated in the certificate a notice requiring the accused to pay such amount of fees due from him as stated in the certificate was duly issued in accordance with subsection (1); and

(b) the accused had failed to comply with such requirement,

shall be sufficient evidence of the facts stated therein.

International certificates

25. When any international agreement for facilitating the international circulation of motor vehicles or for relieving them from taxation has been applied to Malaysia, the Minister for the purpose of giving effect to any such agreement may make rules—

(a) for the grant and authentication of any travelling passes, certificates, driving licences or other authorities which may be of use to persons residing in Malaysia when temporarily taking their motor vehicles abroad, or to drivers proceeding abroad and desiring to drive motor vehicles;

(b) for modifying the provisions of this Act relating to the registration and licensing of motor vehicles in the case of motor vehicles brought temporarily into Malaysia by persons resident abroad and intending to make only a temporary stay in Malaysia, and to the licensing of

drivers entering Malaysia for the purpose of driving any such vehicles;

(c) for providing that any provisions of this Act shall, in relation to motor vehicles brought into Malaysia by persons making only a temporary stay therein, have effect subject to such modifications and adaptations as may be prescribed;

(d) for providing for the total or partial exemption, for a limited period, from any import duty payable in respect of the import of a motor vehicle, or from any registration or other fee imposed in respect of any specified class or description of motor vehicle brought into Malaysia by persons making only a temporary stay therein; and

(e) generally for giving effect to any such agreement.

Licensing of Motor Drivers

Driving licences

26. (1) Except as otherwise provided in this Act, no person shall drive a motor vehicle of any class or description, on a road unless he is the holder of a driving licence authorizing him to drive a motor vehicle of that class or description, and no person shall employ or permit another person to drive a motor vehicle on the road unless the person so employed or permitted to drive is the holder of such a driving licence.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine of not less than three hundred ringgit and not more than two thousand ringgit or to imprisonment for a term not exceeding three months or to both.

(3) For the purposes of this section, the expression "holder of a driving licence" includes a person in possession of and driving a motor vehicle in accordance with a licence duly issued by or on behalf of the proper authority authorizing such person in the course of his duties as a member of the Forces to drive a motor vehicle of the class or description

specified in such licence and being a vehicle which is the property of the Government or of any Government whose forces are lawfully in Malaysia under the provisions of any law for the time being in force regulating visiting forces lawfully present in Malaysia.

Application for driving licence

27. (1) An application for a driving licence shall be made in the prescribed form and manner to the Director of a registration area.

(2) Subject to this Part as to tests of competence to drive and as to the physical fitness of applicants for driving licences, the Director shall, except in the case of an applicant who is disqualified by reason of age or otherwise as hereinafter mentioned, on payment of the prescribed fee, grant a driving licence to any person who applies for it in accordance with this Act.

(3) A driving licence may authorize the holder thereof to drive such class or classes, or such type or types within any class or classes of motor vehicle, as the Director General or Director may specify therein.

(4) Where under this Part the applicant is subject to any restriction with respect to the driving of any class of motor vehicle, the extent of the restriction shall be specified in the prescribed manner on the driving licence.

(5) Subject to this Act with respect to learners' driving licences, a driving licence shall, unless previously revoked or surrendered, remain in force for such period of not less than twelve months from the date on which it is granted.

(6) A person shall, subject to any rules under this Act, be disqualified from obtaining a driving licence—

(a) while another driving licence granted to him in Malaysia or the Republic of Singapore is in force, whether such licence is suspended or not;

(b) if he is, by conviction under this Part or by an order of a court in Malaysia or the Republic of Singapore, disqualified from holding or obtaining a driving licence;

(c) for a period of twelve months from the date of revocation of the driving licence under section 35, 35A, 41, 42, 43, 44, 45, 45A, 45B or 45C.

(7) In any proceedings, the fact that a driving licence has been granted to a person shall be evidence that that person for the purpose of obtaining that driving licence made a declaration that he was not disqualified from holding or obtaining the driving licence.

(8) If any person is aggrieved by the refusal of a Director to grant a driving licence, or by the revocation of a driving licence under subsection 30(4) he may, after giving the Director fourteen days notice of his intention so to do, appeal to the Minister, and on any such appeal the Minister may make such order as he thinks fit and any order so made shall be binding on the Director.

Register of holders of driving licence

27A. (1) Every Director shall keep and maintain a register of holders of driving licences granted under this Act.

(2) The register shall be in such form and contain such information, details and particulars as the Director General may direct.

Recognition of driving licences of other countries

28. A driving licence issued under the corresponding provisions of any law in force in any country which is a party to a treaty to which Malaysia is also a party and which purports to recognize domestic driving licences issued by the contracting countries shall, so long as such licence remains in force in that country, be deemed to be a driving licence granted under this Part.

Tests of competence to drive

29. (1) A driving licence shall not be granted to any applicant unless he satisfies the Director that he has—

(a) held a probationary driving licence for a period of two years and makes the application within one year after the expiry of that period;

(b) within three years before the date on which he makes the application held a licence issued by a competent authority in Malaysia or the Republic of Singapore authorizing him to drive motor vehicles of the class or description which he would be authorized, by the driving licence for which he is applying, to drive; or

(c) within three years before the date on which he makes the application held a licence issued by a competent authority in any other country authorizing him to drive motor vehicles of the class or description which he would be authorized, by the driving licence for which he is applying, to drive, and that tests of competence to drive comparable with the tests as prescribed under this Act are in force in that country:

Provided that paragraph *(a)*, *(b)* or *(c)* shall not apply to any Malaysian member of the Forces, who is in possession of a valid driving licence duly issued by or on behalf of the proper authority authorizing him in the course of his duties to drive motor vehicles of the class or description which he would be authorized to drive; and such person shall be entitled to a driving licence for that class or description of vehicle on application and upon payment of the prescribed fee.

(1A) Notwithstanding the provision of this section, no driving licence shall be granted to any applicant unless he satisfies the Director that on the date on which he makes the application he has no outstanding matter or case with the Road Transport Department or the Police relating to any contravention of or offence against this Act or the Commercial Vehicle Licensing Board Act 1987.

(2) For the purpose of enabling a person to learn to drive a motor vehicle with a view to passing a test under this section, the Director may, subject to section 27, grant him a learner's driving licence.

(3) A learner's driving licence shall be in the prescribed form, shall be granted subject to the prescribed conditions and shall be valid for such period as may be prescribed.

(4) If any person to whom a learner's driving licence is granted fails to comply with any of the conditions subject to which it is granted, he shall be guilty of an offence.

(4A) Where the person who is holding a learner's driving licence passes the prescribed tests of competence, the Director shall grant him a probationary driving licence and such licence shall be in the prescribed form and subject to the prescribed conditions and shall be valid for two years.

(4B) Subsection (4A) shall not apply to a person who is a holder of a driving licence, other than a learner's driving licence, of another class or description.

(4C) If any person to whom a probationary driving licence is granted fails to comply with any of the conditions subject to which it is granted, he shall be guilty of an offence.

(5) The court before which a person is convicted of any offence under section 42 or 43 may, whether he has previously passed the prescribed test of competence or not, and whether or not the court makes an order disqualifying him from holding or obtaining a licence to drive a motor vehicle, order him to be disqualified from holding or obtaining a driving licence, other than a learner's driving licence, until he has, since the date of the order, passed a test of competence to drive.

(6) The provisions of this Act which have effect where an order disqualifying a person from holding or obtaining a driving licence is made shall have effect in relation to a disqualification by virtue of an order under this section subject to the following modifications:

(a) notwithstanding subsection 27(6) or subsection 32(3), the person disqualified shall (unless he is disqualified from holding or obtaining a driving licence otherwise than by virtue of an order under this section) be entitled to obtain and to hold a learner's driving licence to be granted (where the person disqualified is the holder of a driving licence, by the Director by whom that driving licence was granted) under subsection (2), and to drive a motor vehicle in accordance with the conditions subject to which the learner's driving licence is granted;

(b) the disqualification shall be deemed to have expired on the Director being satisfied that the person has, since the order was made, passed the prescribed test;

(c) on return to the person disqualified of any driving licence held by him, or on the grant to him of such a licence, there shall be added to the endorsed particulars a statement that the person disqualified has, since the order was made, passed the prescribed test.

Provisions as to physical fitness of applicants for and holders of driving licence

30. (1) On an application for the grant of a driving licence by an applicant mentioned in subsection 27(1), the applicant shall make a declaration in the prescribed form as to whether or not he is suffering from any such disease or physical disability as may be specified in the form, or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a motor vehicle of such a class or description as he would be authorized by the driving licence to drive, to be a source of danger to the public.

(2) If from the declaration it appears that the applicant is suffering from any such disease or disability as aforesaid, the Director shall refuse to grant him the driving licence:

Provided that—

(a) a driving licence limited to the driving of an invalid carriage may be granted to the applicant if the Director is satisfied that he is fit to drive such a carriage;

(b) the applicant may, except in the case of such diseases and disabilities as may be prescribed, on payment of the prescribed fee, claim to be subjected to a test by a registered medical practitioner as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorized by the driving licence to drive, and if he passes the prescribed test and is not otherwise disqualified, the driving licence shall not be refused by reason only of the provisions of this subsection, provided that if the test proves his fitness to drive only motor vehicles of a particular construction or design or in particular circumstances the driving licence shall be limited to the driving of such vehicles or to the driving of motor vehicles of such construction and design or in such circumstances.

(3) If the holder of a driving licence, subsequent to the issue thereof and during the currency thereof, to his knowledge suffers from a disease or disability as may be prescribed or if he to his knowledge suffers from any disease or physical disability as is likely to cause the driving by him of a motor vehicle, being a vehicle of any such class or description as he is authorized by the driving licence to drive, to be a source of danger to the public, such holder shall forthwith surrender his driving licence to the Director for cancellation.

(4) If it appears to a Director that there is reason to believe that any holder of a driving licence is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle, being a vehicle of any such class or description as he is authorized by the driving licence to drive, to be a source of danger to the public and, after making such enquiry as he considers necessary, the Director is satisfied that the licence holder is suffering from such a disease or disability as aforesaid then, whether or not the licence holder so suffering as aforesaid has previously passed a test under this section, the Director may, after giving to the licence holder notice of his intention so to do, revoke the driving licence, and the licence holder

shall, on receipt of such notice, deliver the driving licence to the Director for cancellation:

Provided that the licence holder may, except in the case of such diseases and disabilities as may be prescribed, claim to be subjected to a test as to his fitness or disability to drive a motor vehicle, and if he passes such test the driving licence shall not be revoked or, if it has already been revoked, shall be returned to the licence holder and the revocation thereof shall be rescinded.

Disqualification for offences

31. (1) Any court before which a person is convicted of any criminal offence in connection with the driving of a motor vehicle—

(a) may in any case, except where otherwise expressly provided by this Part, and shall where so required by this Part, order him to be disqualified from holding or obtaining a driving licence for life or for such period as the court thinks fit; and

(b) may in any case, and shall where a person is by virtue of a conviction disqualified from holding or obtaining a driving licence or where an order so disqualifying a person is made, or where so required by this Part, order that particulars of the conviction and of any disqualification to which the convicted person has become subject shall be endorsed on any driving licence held by the offender:

Provided that, if the court thinks fit, any disqualification imposed under this section may be limited to the driving of a motor vehicle of the same class or description as the motor vehicle in respect of which the offence was committed.

(2) A person who by virtue of an order of a court under this Part is disqualified from holding or obtaining a driving licence may appeal against the order in the same manner as against a conviction, and the

court may, if it thinks fit, pending the appeal, suspend the operation of the order.

Suspension of driving licence upon disqualification

32. (1) Where a person who is disqualified by virtue of a conviction or order is the holder of a driving licence, such driving licence shall be suspended as long as the disqualification continues in force.

(2) A driving licence suspended by virtue of this Part shall during the time of suspension be of no effect.

(3) If any person who under this Part is disqualified from holding or obtaining a driving licence applies for or obtains a driving licence while he is so disqualified, or if any such person while he is so disqualified drives a motor vehicle or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, drives a motor vehicle of that class or description, that person shall be guilty of an offence and shall on conviction be liable—

(a) to imprisonment for a term not exceeding one year; or

(b) to a fine not exceeding five thousand ringgit if the court thinks that having regard to the special circumstances of the case it is not necessary to impose a sentence of imprisonment for the offence.

(4) A driving licence obtained by such person disqualified as aforesaid shall be of no effect.

(5) For the purposes of this section, reference to a conviction or order shall include a reference to a conviction or order under this Part and to any conviction or order under the provisions of any corresponding written law in the Republic of Singapore.

Application to remove disqualification

33. (1) Any person who by virtue of a conviction or order under this Part is disqualified from holding or obtaining a licence may, at any time after the expiration of one year from the date of the conviction or order or, if there has been an appeal from the said conviction or order, from the date of the decision of such appeal, and from time to time (not less than three months from the date of his last application made under this section) apply to the court before which he was convicted or by which the order was made to remove the disqualification.

(2) On an application being made, the court may, having regard to the character of the applicant, his conduct subsequent to the conviction or order, the nature of the offence and any other circumstances, either by order remove the disqualification from such date as the court may specify in the order or reject the application.

Endorsements on driving licence

34. (1) An order that the particulars of any conviction or of any disqualification to which the convicted person has become subject are to be endorsed on any driving licence held by the offender shall, whether the offender is at the time the holder of a driving licence or not, operate as an order that any driving licence he may then hold or may subsequently obtain shall be so endorsed until he becomes entitled under this section to have a driving licence issued to him free from endorsement.

(2) Where a court orders the particulars of any conviction or of any disqualification to which the convicted person has become subject to be endorsed—

(a) in the case of the convicted person being at the particular time the holder of a driving licence, the endorsement shall be deemed to have been made if the particulars required to be endorsed in the driving licence have been entered into the database maintained by or on behalf of

the Director General of the driving licences granted under this Act and holders of such driving licences; and

(b) in the case of the convicted person not being then the holder of a driving licence, the Director General shall endorse the disqualification to obtain a driving licence under section 38.

(3) (*Deleted by Act A1391*).

(4) (*Deleted by Act A1391*).

(5) Where an order has been made in respect of any person under this Part requiring the endorsement of any driving licence held by him, such person shall be entitled, either on applying for the grant of a driving licence under this Part or, subject to the payment of the prescribed fee, on application at any time, to have issued to him a new driving licence free from endorsements—

(a) if he has, during a continuous period of three years or upwards since the order was made, had no such further order made against him, or no such order other than an order made more than one year before the date of his application and by reason only of a conviction for the offence of driving a motor vehicle at a speed exceeding a speed limit; or

(b) where the order was made by reason only of such conviction as aforesaid and, immediately before the order was made he was the holder of, or was entitled to have issued to him, a driving licence free from any endorsements except of particulars in relation to such a conviction as aforesaid, and if he has, during a continuous period of one year or upwards since the order was made, had no order requiring endorsement made against him:

Provided that in reckoning the said continuous periods of three years and one year, respectively, any period during which the

applicant was by virtue of the order disqualified from holding or obtaining a licence shall be excluded.

(6) (*Deleted by Act A1391*).

(7) (*Deleted by Act A1391*).

(8) Where on an appeal against any such order the appeal is allowed or where any such conviction is quashed, the court by which the appeal is allowed or the conviction is quashed shall send notice to the Director who granted the licence, and the Director or other officer of the court shall, as may be necessary, cancel or amend any endorsement on the driving licence concerned.

Endorsement where driving licence is incorporated in a multipurpose electronic card or device

34A. (1) Notwithstanding section 34, where a court orders the particulars of any conviction or of any disqualification to which the convicted person has become subject to be endorsed on any driving licence held by that person and such driving licence is incorporated in a multipurpose electronic card or device, such endorsement shall be deemed to have been effected if the particulars to be endorsed on the licence are included in the database maintained by or on behalf of the Director General of driving licences granted under this Act and holders of such driving licences.

(2) Notwithstanding subsection (1), the Director may direct the convicted person referred to in subsection (1) to surrender, within such period as the Director may specify, the multipurpose electronic card or device in which the driving licence is incorporated to the Director, or to a road transport officer authorized in writing in that behalf by the Director General, for the inclusion in the data stored in the card or device of the particulars of the conviction or disqualification of that person and the Director or such authorized officer shall, after such inclusion, immediately return the card or device to the person.

Power of Director General to suspend or revoke a driving licence

35. (1) Notwithstanding anything contained in this Act, the Director General may suspend every driving licence of a person for a period not exceeding twelve months or revoke a driving licence of a person if such person's record, as kept by the Director General, as a driver of a motor vehicle, or his conduct or habits as such driver, establishes that it would not be in the interests of public safety for him to hold a valid driving licence or that such person is not competent to drive a motor vehicle.

(2) For the purpose of establishing that it would not be in the interests of public safety for a person to hold a driving licence or that such person is not competent to drive a motor vehicle, the Minister may make rules establishing a system of awarding points against a person for the commission of an offence under this Act or a person who has been compounded under this Act and has paid the compound:

Provided that such rules may make provision, where points have been awarded against any person, for a scheme for such points to be reduced on the ground of the good conduct and habits over a specified period of that person as a driver of a motor vehicle and for requiring any such person to undergo such course as the Director General may prescribe.

(3) The rules made under subsection (2) shall specify the maximum number of points to be awarded against a person before it may be established that it would not be in the interests of public safety for him to hold a driving licence or that such person is not competent to drive a motor vehicle.

(4) The power conferred upon the Director General by this section to suspend the driving licence of a person may be exercised at such time after the maximum number of points referred to in subsection (3) has been awarded against such person as the Director General considers fit.

(4A) The powers conferred upon the Director General to revoke the driving licence of a person under this section shall be exercised at

such time after the driving licence of such person has been suspended under subsection (4) for the third time in a period of five years.

(5) (*Deleted by Act A973*).

(6) Where the person is disqualified by an order of a court from holding or obtaining a driving licence for such period of time as may be specified in such order, every point awarded against him under the rules made under subsection (2) shall thereupon be cancelled.

(7) (*Deleted by Act A973*).

(8) (*Deleted by Act A1512*).

(8A) (*Deleted by Act A1512*).

(9) For the purposes of this section, "driving licence" shall not include a probationary driving licence.

Power of Director General to revoke a probationary driving licence

35A. (1) Notwithstanding anything contained in this Act, the Director General may revoke a probationary driving licence of a person if within a period of twenty-four months from the date of the grant of the probationary driving licence such person's record, as kept by the Director General, as a driver of a motor vehicle, or his conduct or habits as such driver, establishes that it would not be in the interests of public safety for him to hold a valid driving licence or that such person is not competent to drive a motor vehicle.

(2) For the purpose of establishing that it would not be in the interests of public safety for a person to hold a driving licence or that such person is not competent to drive a motor vehicle, the Minister may make rules establishing a system of awarding points against a person for the commission of an offence under this Act or any rules made thereunder or a person who has been compounded under this Act and has paid the compound:

Provided that such rules may make provision for requiring any such person to undergo such course as the Director General may prescribe.

(3) The rules made under subsection (2) shall specify the maximum number of points to be awarded against a person before it may be established that it would not be in the interests of public safety for him to hold a driving licence or that such person is not competent to drive a motor vehicle.

(4) The power conferred upon the Director General by this section to revoke the driving licence of a person shall be exercised at such time after the maximum number of points referred to in subsection (3) has been awarded against such person as the Director General considers fit.

(5) Where the person whose probationary driving licence has been revoked is disqualified by an order of a court from holding or obtaining a driving licence for such period of time as may be specified in such order, every point awarded against him under the rules made under subsection (2) shall thereupon be cancelled.

(6) (*Deleted by Act A1512*).

(7) (*Deleted by Act A1512*).

Power to suspend driving licence of drug dependant

36. (1) Notwithstanding anything contained in this Act or any other written law, the Director General may suspend the driving licence of a person for a period of not less than two years if he has reason to believe that such person is a drug dependant.

(2) Where the Director General has reason to believe that a person whose licence has at any time been suspended under subsection (1) continues or has not ceased to be a drug dependant at any time after the period of suspension, the Director General shall disqualify such person from holding or obtaining a driving licence.

(3) For the purposes of this section, a police officer, road transport officer or Rehabilitation Officer shall, upon the arrest or voluntary surrender of any person suspected to be a drug dependant, detain any driving licence belonging to such person until such person is certified as a drug dependant.

(4) Upon a government medical practitioner certifying that such person is a drug dependant, the police officer, road transport officer or Rehabilitation Officer shall, within a period of two weeks, so notify and deliver the driving licence to the Director General who shall inform the drug dependant in writing of the intention to suspend or disqualify.

(4A) Subsection (3) and the provisions of subsection (4) in relation to the delivery of a driving licence detained under subsection (3) shall not apply to a driving licence incorporated in a multipurpose electronic card or device.

(5) The suspension or disqualification shall take effect on the date such person is certified as a drug dependant.

(6) If a person satisfies the Director General that he is no longer a drug dependant, the Director General shall remove the suspension or disqualification, as the case may be, and return to such person any driving licence detained under this section.

(7) In this section, "drug dependant" and "Rehabilitation Officer" shall have the same meaning as in the Drug Dependants (Treatment and Rehabilitation) Act 1983 [*Act 283*].

Suspension or revocation of driving licence

37. (1) Upon the suspension or revocation of a driving licence under section 35 or upon the revocation of a probationary driving licence under section 35A, the Director General shall give the person concerned a notice in writing notifying that person of the suspension or revocation, as the case may be, and shall require that person to surrender the driving licence within twenty-one days from the date of service of such notice.

(2) At the end of the period of suspension under subsection 35(1), a driving licence surrendered to the Director General under subsection (1) shall be returned to the holder and the points awarded against him, if any, shall be cancelled.

(3) Notwithstanding this section, when a person's driving licence is suspended or revoked under section 35 or 35A, the Director General may refuse or suspend any dealing or transaction applicable to that person under this Act.

Endorsement of suspension, revocation or disqualification

38. (1) The Director General shall, upon suspending or revoking a driving licence or disqualifying any person from holding or obtaining a driving licence under this Act, order that the particulars relating to such suspension, revocation or disqualification be entered into the database maintained by or on behalf of the Director General.

(2) The Director General shall, upon the expiry of the period of suspension, revocation or disqualification, immediately remove the information on the suspension, revocation or disqualification from the database.

(3) Any person whose driving licence has been suspended or revoked or who has been disqualified from holding or obtaining a driving licence shall not, during the period of suspension or upon the revocation or disqualification, drive a motor vehicle on a road under any other driving licence issued by any authority or obtain a driving licence.

(4) Any person who drives a motor vehicle on a road in contravention of subsection (3) shall be guilty of an offence and shall on conviction be liable to a fine of not less than three thousand ringgit and not more than ten thousand ringgit or to imprisonment for a term not exceeding three years.

Restriction on driving by young persons

39. (1) No person under sixteen years of age shall drive a motor vehicle on a road.

(2) No person under seventeen years of age shall drive a motor vehicle other than a motor cycle or an invalid carriage on a road.

(3) No person under twenty-one years of age shall drive a tractor heavy, tractor light, mobile machinery heavy, mobile machinery light, motor car heavy or public service vehicle on a road:

Provided that where a tractor is used solely as a prime mover for machinery or implements used in the cultivation of land, a person over eighteen years of age, who is licensed to drive motor cars, may drive such tractor on a road for the purpose of moving it from one cultivation area to another.

(4) A person prohibited by this section by reason of his age from driving a motor vehicle or a motor vehicle of any class shall for the purposes of this Part be disqualified from holding or obtaining any driving licence other than a licence to drive such motor vehicle, if any, as he is not by this section forbidden to drive.

(5) Any person who drives, or causes or permits any person to drive, a motor vehicle in contravention of this section shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Exceeding speed limit

40. (1) If any person drives a motor vehicle at a speed exceeding any speed limit imposed for such motor vehicle under the powers conferred by this Act he shall be guilty of an offence and shall on conviction be liable to a fine of not less than three hundred ringgit and not more than two thousand ringgit.

(2) The court shall, unless for any special reasons it thinks fit to order otherwise, order particulars of any finding of guilt under this section to be endorsed on any driving licence held by the person convicted.

(3) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified from holding or obtaining a driving licence for a longer period than in the first conviction, one month or, in the case of a second conviction, six months.

Causing death by reckless or dangerous driving

41. (1) Any person who, by the driving of a motor vehicle on a road recklessly or at a speed or in a manner which having regard to all the circumstances (including the nature, condition and size of the road, and the amount of traffic which is or might be expected to be on the road) is dangerous to the public, 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 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.

(2) The court shall order particulars of any conviction under this section to be endorsed on any driving licence held by the person convicted.

(3) A person convicted under this section shall be disqualified from holding or obtaining a driving license for a period of not less than **five years from the date of the conviction and, in the case of a

*NOTE—Previously "for a term of not less than two years and not more than ten years and to a fine not less than five thousand ringgit and not more than twenty thousand ringgit"–*see* subsection 3(*a*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

**NOTE—Previously "three years"–*see* subsection 3(*b*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

second or subsequent conviction, be disqualified for a period of ten years from the date of conviction.

(3A) Notwithstanding subsection (1), where a person who is a holder of a probationary driving licence is convicted under this section, the court shall revoke his driving licence.

(4) The court may upon the trial of a person for an offence under this section convict such person of an offence under section 42 or 43.

(5) Notwithstanding anything in any written law for the time being in force, the court before which a person is charged with an offence under this section shall order the immediate confiscation of the driving licence of that person and shall order the suspension of the license commencing from the date the charge is first read to that person and such suspension shall have effect—

(a) until the court makes a final decision on the charge; and

(b) as if the suspension is the suspension referred to in section 32.

(5A) If the driving licence of the person referred to in subsection (5) is incorporated in a multipurpose electronic card or device, the order of the court under that subsection shall be deemed to have been complied with if the particulars of the order are included in the database maintained by or on behalf of the Director General of driving licences granted under this Act and holders of such driving licences.

(5B) Notwithstanding subsection (5A), the Director may direct the person referred to in subsection (5) to surrender, within such period as the Director may specify, the multipurpose electronic card or device in which the driving licence is incorporated to him, or to a road transport officer authorized in writing in that behalf by the Director General, for the inclusion in the data stored in the card or device the particulars of the order of the court made under subsection (5) and the Director or such authorized officer shall, after such inclusion, immediately return the card or device to the person.

Reckless and dangerous driving

42. (1) Any person who drives a motor vehicle on a road recklessly or at a speed or in a manner which having regard to all the circumstances (including the nature, condition and size of the road and the amount of traffic which is or might be expected to be on the road) is dangerous to the public shall be guilty of an offence and shall on conviction be punished with imprisonment for a term not exceeding five years and to a fine of not less than five thousand ringgit and not more than fifteen thousand ringgit and, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding ten years and to a fine of not less than ten thousand ringgit and not more than twenty thousand ringgit.

(2) The court shall order particulars of any conviction under this section to be endorsed on any driving licence held by the person convicted.

(3) A person convicted under this section shall be disqualified from holding or obtaining a driving licence for a period of not less than *five 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.

(4) Notwithstanding subsection (1), where a person who is a holder of a probationary driving licence is convicted under this section, the court shall revoke his driving licence.

Careless and inconsiderate driving

43. (1) A person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road shall be guilty of an offence and shall on conviction be punished 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 twelve months and, in the case of a second or

** NOTE*—Previously "three years"–*see* section 4 of Road Transport (Amendment) Act 2020 [*Act A1618*].

*** NOTE*—Previously "four thousand ringgit and not more than ten thousand ringgit and shall also be liable to imprisonment for a term not exceeding twelve months"–*see* section 5 of Road Transport (Amendment) Act 2020 [*Act A1618*].

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.

(2) The court shall, (unless for any special reason it thinks fit to order otherwise), order particulars of any conviction under this section to be endorsed on any driving licence held by the person convicted.

(3) On a second or subsequent conviction under this section, the court shall exercise the power conferred by this Part ordering that the offender shall be disqualified from holding or obtaining a driving licence unless the court having regard to the lapse of time since the date of the previous or last previous conviction or for any other reason (which reason shall be stated in the order), thinks fit to order otherwise, but this provision shall not be construed as affecting the right of the court to exercise the power aforesaid on a first conviction.

(4) Notwithstanding subsection (1), where a person who is a holder of a probationary driving licence is convicted under this section, the court shall revoke his driving licence.

Driving while under the influence of intoxicating liquor or drugs

44. (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

**NOTE*—Previously "imprisonment for a term of not less than three years and not more than ten years and to a fine of not less than eight thousand ringgit and not more than twenty thousand ringgit."–*see* subsection 6(*a*)of Road Transport (Amendment) Act 2020 [*Act A1618*].

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.

(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.

(2) The court shall order particulars of any conviction under this section to be endorsed on any driving licence held by the person convicted.

(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.

**NOTE*—Previously "five years"–*see* subsection 6(*c*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

***NOTE*—Previously "ten years"–*see* subsection 6(*c*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

(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.

(4) Notwithstanding subsections (1) and (1A), where a person who is a holder of a probationary driving licence is convicted under this section, the court shall revoke his driving licence.

(5) Notwithstanding anything in any written law for the time being in force, the court before which a person is charged with an offence under this section shall order the immediate confiscation of the driving licence of that person and shall order the suspension of the licence commencing from the date the charge is first read to that person and such suspension shall have effect—

(a) until the court makes a final decision on the charge; and

(b) as if the suspension is the suspension referred to in section 32.

(5A) If the driving licence of the person referred to in subsection (5) is incorporated in a multipurpose electronic card or device, the order of the court under that subsection shall be deemed to have been complied with if the particulars of the order are included in the database maintained by or on behalf of the Director General of driving licences granted under this Act and holders of such driving licences.

(5B) Notwithstanding subsection (5A), the Director may direct the person referred to in subsection (5) to surrender, within such period as the Director may specify, the multipurpose electronic card or device in which the driving licence is incorporated to him, or to a road transport officer authorized in writing in that behalf by the Director General, for the inclusion in the data stored in the card or device the particulars of the order of the court made under subsection (5) and the Director or such authorized officer shall, after such inclusion, immediately return the card or device to the person.

Being in charge of motor vehicles when under the influence of intoxicating liquor or drugs

45. (1) Any person who when in charge of a motor vehicle which is on a road or other public place, but not driving the vehicle, is unfit to drive in that he is under the influence of intoxicating liquor or of a drug to such an extent as to be incapable of having proper control of a motor vehicle, shall be guilty of an offence and *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:

Provided that a person shall be deemed for the purpose of this section not to have been in charge of a motor vehicle if he proves—

(a) that at the material time the circumstances were such that there was no likelihood of his driving the vehicle so long as he remained so unfit to drive; and

(b) that between his becoming so unfit to drive and the material time he had not driven the vehicle on a road or other public place.

(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.

(3) Where a person convicted of an offence under this section has been previously convicted of an offence under section 44, he shall be

**NOTE*—Previously "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" –*see* subsection 7(*a*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

treated for the purpose of this section as having been previously convicted under this section.

(4) Notwithstanding subsection (1), where a person who is a holder of a probationary driving licence is convicted under this section, the court shall thereupon revoke his driving licence.

Driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit

45A. (1) Any person who, when driving or attempting to drive a motor vehicle or when in charge of a motor vehicle on a road or other public place, has so much alcohol in his body that the proportion of it in his breath, blood or urine exceeds the prescribed limit, shall be guilty of an offence and shall on conviction be punished with *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.

(2) It is a defence for a person charged with an offence under subsection (1) to prove that at the material time the circumstances were such that there was no likelihood of his driving the vehicle whilst the proportion of alcohol in his breath, blood or urine remained likely to exceed the prescribed limit.

(3) **A person convicted under this section shall be disqualified from holding or obtaining a driving licence for a period of not less

*_NOTE_—Previously "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."–*see* subsection 8(*a*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

**_NOTE_—Previously "On a second or subsequent conviction of an offence under this section, the offender shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of not less than twelve months from the date of conviction from holding or obtaining a driving licence."–*see* subsection 8(*b*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

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.

(4) Notwithstanding subsection (1), where a person who is a holder of a probationary driving licence is convicted under this section, the court shall thereupon revoke his driving licence.

Breath test

45B. (1) Where a police officer in uniform has reasonable cause to suspect—

(a) that a person has committed an offence under section 44 or 45 involving intoxicating liquor or under section 45A; or

(d) that a person was the driver of or attempted to drive or was in charge of a motor vehicle in an accident involving one or more vehicles on a road or other public place,

he may, subject to section 45D, require that person to provide a specimen of breath for a breath test.

(2) A person may be required under subsection (1) to provide a specimen either at or near the place where the requirement is made or, if the requirement is made under paragraph (1)*(b)* and the police officer making the requirement thinks fit, at a police station specified by the police officer.

(3) A breath test required under subsection (1) shall be conducted by the police officer making the requirement or any other police officer.

(4) A person who, without reasonable excuse, fails to provide a specimen of breath when required to do so in pursuance of this section shall be guilty of an offence and shall on

conviction be punished with *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.

(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.

(4B) Notwithstanding subsections (4) and (4A), where a person who is a holder of a probationary driving licence is convicted under this section, the court shall revoke his driving licence.

(5) A police officer in uniform may arrest a person without warrant if—

(a) as a result of a breath test he has reasonable cause to suspect that the proportion of alcohol in that person's breath, blood or urine exceeds the prescribed limit; or

(b) that person has failed to provide a specimen of breath for a breath test when required to do so in pursuance of this section and the police officer has reasonable cause to suspect that he has alcohol in his body,

but a person shall not be arrested by virtue of this subsection when he is at a hospital as a patient.

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*_NOTE_—Previously "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"–*see* subsection 9(*a*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

**_NOTE_—Previously "On a second or subsequent conviction of an offence under this section, the offender shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of not less than twelve months from the date of conviction from holding or obtaining a driving licence."–*see* subsection 9(*b*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

Provision of specimen for analysis

45C. (1) In the course of an investigation whether a person has committed an offence under section 44 or 45 involving intoxicating liquor or under section 45A a police officer may, subject to the provisions of this section and to section 45D, require him—

(a) to provide two specimens of breath for analysis by means of a prescribed breathanalyser; or

(b) to provide a specimen of blood or urine for a laboratory test,

notwithstanding that he has been required to provide a specimen of breath for a breath test under subsection 45B(1).

(2) A requirement under this section to provide a specimen of breath can only be made at a police station.

(3) A breath test under this section shall only be conducted by a police officer not below the rank of sergeant or by an officer in charge of a police station and shall only be conducted at a police station.

(4) A requirement under this section to provide a specimen of blood or urine can only be made at a police station or at a hospital, but it cannot be made at a police station unless—

(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) at the time the requirement is made, the prescribed breathanalyser is not available at the police station or it is for any other reason not practicable to use the breathanalyser,

and may be made notwithstanding that the person required to provide the specimen has already provided or been required to provide two specimens of breath.

(5) Where a specimen other than a specimen of breath is required, the police officer making the requirement shall, subject to medical advice, decide whether it is to be a specimen of blood or urine.

(6) A person who, without reasonable excuse, fails to provide a specimen when required to do so in pursuance of this section shall be guilty of an offence and shall on conviction be punished with *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.

(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.

(6B) Notwithstanding subsections (6) and (6A), where a person who is a holder of a probationary driving licence is convicted under this section, the court shall revoke his driving licence.

Protection of hospital patient

45D. (1) A person who is at a hospital as a patient shall not be required to provide a specimen for a breath test or to provide a specimen of blood or urine for a laboratory test unless the registered medical practitioner in immediate charge of his case authorizes it and the specimen is to be provided at the hospital.

(2) The registered medical practitioner referred to in subsection (1) shall not authorize a specimen to be taken where it would be prejudicial to the proper care and treatment of the patient.

**NOTE*—Previously "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"–*see* subsection 10(*b*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

Detention

45E. (1) A person required to provide a specimen of breath, blood or urine may be detained at a police station until it appears to a police officer that were that person then driving or attempting to drive a motor vehicle on a road, he would not be committing an offence under section 44 or 45 involving intoxicating liquor or under section 45A, but such period of detention shall not exceed twenty-four hours.

(2) A person shall not be detained in pursuance of this section if it appears to a police officer that by reason of his condition there is no likelihood of his driving or attempting to drive a motor vehicle.

Evidence in proceedings for an offence under sections 44 and 45 involving intoxicating liquor and section 45A

45F. (1) In proceedings for an offence under section 44 or 45 involving intoxicating liquor or in proceedings for an offence under section 45A, evidence of the proportion of alcohol in a specimen of breath, blood or urine provided by the accused shall be taken into account and it shall be assumed that the proportion of alcohol in the accused's breath, blood or urine at the time of the alleged offence was not less than in the specimen; but the assumption shall not be made if the accused proves—

(a) that he consumed alcohol after he had ceased to drive, attempt to drive or be in charge of a motor vehicle on a road or other public place and before he provided the specimen; and

(b) that had he not done so the proportion of alcohol in his breath, blood or urine would not have exceeded the prescribed limit and, if the proceedings are for an offence under section 44 or 45 involving intoxicating liquor, would not have been such as to make him incapable of having proper control of the vehicle.

(2) Evidence of the proportion of alcohol in a specimen of breath, blood or urine may, subject to subsections (4) and (5), be given by the production of a document or documents purporting to be either—

(a) a statement automatically produced by a prescribed breathanalyser and a certificate signed by a police officer (which may but need not be contained in the same document as the statement) that the statement relates to a specimen provided by the accused at the date and time shown in the statement; or

(c) a certificate signed by a government medical practitioner or government chemist as to the proportion of alcohol found in a specimen of blood or urine identified in the certificate.

(3) A specimen of blood shall be disregarded unless it was taken from the accused by a government medical officer; and evidence that a specimen of blood was so taken may be given by the production of a document purporting to certify that fact and signed by a government medical officer.

(4) A document purporting to be such a statement or such a certificate, or both, as is mentioned in subsection (2) is admissible in evidence on behalf of the prosecution in pursuance of this section only if a copy of it either has been handed to the accused when the document was produced or has been served on him not later than seven days before the hearing, and any other document is so admissible only if a copy of it has been served on the accused not later than seven days before the hearing; but a document purporting to be a certificate (or so much of a document as purports to be a certificate) is not so admissible if the accused, not later than three days before the hearing or within such further time as the court may in special circumstances allow, has served notice on the prosecution requiring the attendance at the hearing of the person by whom the document purports to be signed.

(5) Where, at the time a specimen of blood or urine was provided by the accused, he asked to be supplied with such a specimen,

evidence of the proportion of alcohol in the specimen is not admissible on behalf of the prosecution unless—

(a) the specimen in which the alcohol was found is one of two parts into which the specimen provided by the accused was divided at the time it was provided; and

(b) the other part was supplied to the accused.

(6) A copy of a certificate required by this section to be served on the accused or a notice required by this section to be served on the prosecution may be served personally or sent by registered post.

Interpretation of sections 44 and 45B to 45F

45G. (1) For the purposes of sections 44 and 45B to 45F—

"breath test" includes a preliminary test for the purpose of obtaining, by means of a prescribed breathanalyser, an indication whether the proportion of alcohol in a person's breath, blood or urine equals or exceeds the prescribed limit;

"fail" includes refuse;

"police station" includes any place or conveyance authorized or appointed by the Inspector General of Police to be used as a police station;

"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.

**NOTE*—Previously "35"–*see* subsection 11(*a*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

***NOTE*—Previously "80"–*see* subsection 11(*b*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

****NOTE*—Previously "107"–*see* subsection 11(*c*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

(2) A person does not provide a specimen of breath for a breath test or for analysis unless the specimen is sufficient to enable the test or the analysis to be carried out and provided in such a way as to enable the objective of the test or analysis to be satisfactorily achieved.

(3) (*Repealed by Act A1065*).

Driving when suffering from disease or disability

46. If any person drives a motor vehicle when he is to his knowledge suffering from any disease or disability calculated to cause his driving of such motor vehicle to be a source of danger to the public, he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding three months or to both.

Riding on running boards and obstruction of driver

47. If any person driving or in charge of a motor vehicle causes or permits any person to be carried on the running board, or otherwise than within the body of the vehicle, or causes or permits any person to stand or to sit, or anything to be placed or to be carried, in a motor vehicle in such a manner or in such a position as to hamper the driver in his control of the vehicle, or as to cause danger to other persons using the road, he shall be guilty of an offence.

Obstruction by vehicle on road

48. (1) If any driver of a motor vehicle causes or permits such motor vehicle to remain at rest on any road in such a position or in such a 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, he shall be guilty of an offence and shall on conviction be liable to a fine of not less than one thousand ringgit and not more than five thousand ringgit or to imprisonment for a term of not less than one year or to both.

(2) If any driver of a motor vehicle causes or permits such motor vehicle to remain at rest on any road in such a position or in such a 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, a police officer, road transport officer or any appropriate authority may clamp the wheel of the motor vehicle or remove or cause to be removed the motor vehicle to any other road or some other location or place as may be stated in a notice and remain there at the risk of the owner.

(3) Where the wheel of a motor vehicle has been clamped under subsection (2), the relevant officer shall immediately give notice in writing to the owner of the motor vehicle informing him of the clamping of the wheel and requiring him or any person who may have a claim over the motor vehicle, within four hours from the time of the notice, to appear and request for the release of the vehicle, and if no claim is received within such period, the motor vehicle may be removed to an appropriate location.

(4) Where any motor vehicle is removed under subsection (2) or (3), the relevant officer shall within twenty-four hours, give notice in writing to the owner of the vehicle informing him of the removal and requiring him or any person who may have a claim over it, within a period of one month from the date of the notice, to appear and claim the vehicle.

(5) Upon receipt of a claim under subsection (3) or (4), the motor vehicle may be released upon payment of a fee for the clamping, removal and detention as may be prescribed by the Minister under this Act.

(6) If within twelve months from the date of removal the motor vehicle is not claimed, the motor vehicle shall be forfeited and the ownership of the motor vehicle shall be vested in the Director General.

(7) A police officer, road transport officer, any appropriate authority or any other person acting under his or its directions, as the case may be, shall not incur any liability in respect of any loss or damage caused to any motor vehicle or the fittings or contents thereof

in the course of it being clamped or removed or while it is being detained, unless such damage was caused negligently or wilfully.

(8) For the purpose of this section, "appropriate authority" has the meaning assigned to it in section 67.

Pillion riding

49. (1) It shall not be lawful for more than one person in addition to the driver to be carried on any two wheeled motorcycle nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the motorcycle behind the driver on a properly designed seat securely fixed to the motorcycle.

(2) If any person uses a motorcycle in contravention of this section, he and any person so carried on the motorcycle shall be guilty of an offence.

Unlawful interference and importuning

50. (1) If any person, otherwise than with lawful authority or reasonable cause, takes or retains hold of, or gets into a motor vehicle while it is in motion on any road, for the purpose of being drawn or carried, he shall be guilty of an offence.

(2) If, while a motor vehicle is on a road or in a parking place, any person otherwise than with lawful authority or reasonable cause gets onto or moves the motor vehicle, or releases or tampers with any brake or other part of its mechanism, he shall be guilty of an offence.

(3) If any person, otherwise than with lawful authority, remains on any road or at any parking place for the purpose of importuning any other person in respect of the watching or cleaning of a motor vehicle, or for the purpose of directing any driver of a motor vehicle in respect of parking on such road or at such place, he shall be guilty of an offence.

Taking motor vehicle without consent of registered owner

51. (1) Any person who takes and drives away any motor vehicle without having either the consent of the owner or other lawful authority shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both:

Provided that no person shall be convicted under this section if he satisfies the court either that he acted in the reasonable belief that he had lawful authority or that the owner would in the circumstances of the case have given his consent if he had been asked.

(2) If, on the trial of any person for the theft of a motor vehicle, the court is of the opinion that the accused was not guilty of such offence but was guilty of an offence under this section, the court may convict the accused under this section.

Duty to stop in case of accidents

52. (1) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs, the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address and also the name and address of the owner and the registration number of the motor vehicle.

(2) In the case of any such accident as aforesaid the driver of such motor vehicle and, if there is more than one motor vehicle, the driver of each such motor vehicle, shall report the accident at the nearest police station as soon as reasonably practicable and in any case within twenty-four hours of such occurrence, and shall produce to the officer in charge of such police station his driving licence and if so required, the certificate of insurance issued under section 90 of this Act.

(3) In the case of any such accident as aforesaid the driver of any such motor vehicle shall render such assistance as may be reasonably required by any police officer or, in the absence of any police officer,

such assistance as it may reasonably be in the power of such driver to render.

(4) Where a police officer has reasonable cause to believe that any person—

(a) was the driver of a motor vehicle at a time when an accident occurred owing to the presence of such motor vehicle on a road;

(b) has committed an offence in relation to the use of a motor vehicle on a road; or

(c) was accompanying the holder of a learner's driving licence granted under this Act whilst such holder was driving a motor vehicle and that an accident occurred whereby damage or injury was caused to any person, property or animal owing to the presence of such motor vehicle on a road,

such police officer may require such person to produce for examination his driving licence and the certificate of insurance relating to the user of such vehicle at such time.

(5) If any person fails to comply with this section he shall be guilty of an offence:

Provided that a person shall not be convicted of an offence against subsection (2) or (4) by reason only of the failure to produce his driving licence or certificate of insurance if within five days after the accident or the requirement under subsection (4), he produces such licence or certificate in person at such police office or police station in Malaysia as may be specified by him at the time the accident was reported or the requirement under subsection (4) was made.

Power to order appearance in court

53. (1) Where a police officer, a traffic warden or a road transport officer has reasonable grounds for believing that any person committed an offence against this Act, he may, in lieu of applying to

the court for a summons, forthwith serve upon that person a notice in the prescribed form ordering that person to appear before the nearest court of a Magistrate having jurisdiction to try the offence, at a time and date to be stated in such notice.

(1A) If a person who has been served a notice under subsection (1) refuses to accept or denies receipt of the notice, the notice shall be considered to have been served to that person on the date of service of the notice.

(2) If any person who is served with a notice as provided by subsection (1) fails to appear in person or by counsel, then, unless it appears that it was not reasonably possible for that person so to appear, the court may, if satisfied that the notice was served, issue a warrant for the arrest of that person unless in the case of a compoundable offence, that person has within the period specified in the notice, been permitted to compound the offence.

Notice of camera-recorded offences

53A. (1) Notwithstanding anything contained in this Act, where a registered owner of a motor vehicle is alleged or is suspected to be guilty of a camera-recorded offence, a police officer or road transport officer may in lieu of applying to the court for a summons, as soon as reasonably practicable serve a notice upon the registered owner of the motor vehicle ordering him to appear before the nearest Magistrate court having jurisdiction to try the offence, at a time and date to be stated in such notice.

(2) If a registered owner of a motor vehicle who is served with a notice under subsection (1) fails to appear in person or by counsel, then, unless it appears that it was not reasonably possible for that register owner so to appear, the court may, if satisfied that the notice was served, issue a warrant for the arrest of the registered owner unless in the case of a compoundable offence, the registered owner has within the period specified in the notice, been permitted to compound the offence.

(3) The notice issued under subsection (1) shall—

(a) contain the following particulars:

(i) the date, time and location of the offence;

(ii) the offence committed;

(iii) a recorded image of the motor vehicle's registration number plate;

(iv) a recorded image of the motor vehicle; and

(v) an offer to compound or a request to appear in court; and

(b) be digitally signed by the issuing authority.

(4) The Minister may make rules for giving full effect to this section and such rules may include rules–

(a) to regulate the procedures relating to the implementation of this section;

(b) to prescribe the type of equipment and system to be used, and the repair, maintenance, calibration and testing of apparatus or equipment thereof; and

(c) to prescribe the types of signage and their locations.

Duty to produce name and address of driver

53B. (1) A registered owner of a motor vehicle who—

(a) is served with a notice under section 53A in respect of a camera-recorded offence; and

(b) was not a driver of the vehicle to which the camera-recorded offence relates at the time the offence was committed,

shall, within thirty days from the date of the service of the notice, supported by letter to the authority issuing the notice, produce the

name and address of the driver of the motor vehicle at the time the offence was committed.

(2) A registered owner of a motor vehicle who is served with a notice in respect of a camera-recorded offence shall be deemed to be not guilty if—

(a) that registered owner complies with subsection (1) relating to the offence; and

(b) the authority issuing the notice is satisfied that the registered owner did not know and could not with reasonable diligence have ascertained the name and address of the person who was a driver of the vehicle at the time the offence was committed.

(3) Any registered owner of a motor vehicle who falsely nominates another person as a driver of the motor vehicle at the time the camera-recorded offence occurred, shall be guilty of an offence and shall on conviction be liable to a fine of not less than three thousand ringgit and not more than ten thousand ringgit or to imprisonment for a term not exceeding three years or to both.

Duty not to give, publish or disclose information on camera-recorded offence

53c. (1) Any person who, for any reason, has by any means access to any information on camera-recorded offence shall not give, publish or otherwise disclose to any other person such information unless the disclosure is required or authorized—

(a) under this Act or rules made under this Act;

(b) under any other written law;

(c) by any court; or

(d) for the performance of his functions or the exercise of his powers under this Act or rules made under this Act.

(2) For the purpose of this section, "information on camera-recorded offence" means any recorded image, data, record, correspondence or any document whatsoever or material or information relating to a camera-recorded offence.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not more than fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Application to micromobility vehicle users of provisions relating to certain driving offences

54. (1) 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 not being motor vehicles, as they apply to drivers of motor vehicles, and references in those provisions to motor vehicles, drivers and driving shall be construed accordingly.

(2) The maximum penalties which may be imposed on a conviction by virtue of this section shall be as follows:

(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.

**NOTE*—Previously "in the case of a conviction under section 42, 44, 45A, 45B or 45C, a fine of three hundred ringgit or, if the conviction is a second or subsequent conviction, a fine of one thousand ringgit or imprisonment for a term of three months;"–*see* paragraph (*a*) of subsection 12(*c*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

***NOTE*—Previously "in the case of a conviction under section 43, a fine of three hundred ringgit or, if the conviction is a second or subsequent conviction, a fine of one thousand ringgit."–*see* paragraph (*b*) of subsection 12(*c*) of Road Transport (Amendment) Act 2020 [*Act A1618*].

(3) (*Deleted by Act A1618*).

Duty to stop vehicles on demand

55. Any person driving a motor vehicle on a road shall stop the motor vehicle on being so required by a police officer in uniform, a traffic warden in uniform or a road transport officer in uniform, and if he fails so to do he shall be guilty of an offence.

Licensing of Drivers and Conductors of Public Service Vehicles, Employees Vehicles, Goods Vehicles and Excursion Buses

Vocational licences

56. (1) No person shall drive or act as a conductor of a public service vehicle on a road unless he holds a vocational licence granted under this Part for those purposes, and no registered owner of a public service vehicle or other person shall employ or permit any person who is not licensed to drive or act as a conductor of a public service vehicle while it is being used for the carriage of passengers for hire or reward on a road.

(2) The Director shall not issue a vocational licence unless he is satisfied that—

(a) in the case of a licence to drive, the applicant is over the age of twenty-one;

(b) in the case of a licence to act as a conductor, the applicant is over the age of eighteen;

(c) the applicant is not a person holding a learner's driving licence or a probationary driving licence;

(d) in the case of an applicant who is a self-employed person, the applicant is registered and has paid the contribution under the Self-Employment Social Security Act 2017 [*Act 789*]; and

(e) the applicant fulfils such other conditions as may be prescribed.

(2A) A vocational licence issued under this Part shall be valid for the period specified in the vocational licence unless it is sooner revoked under subsection (4) or (4A).

(3) A licence to drive a public service vehicle may be limited to such type or types of vehicles as may be specified in the licence.

(4) A vocational licence may, at any time, be suspended or revoked by the Director if—

(a) due to any disease, conduct as may be prescribed or physical disability—

(i) the holder of the vocational licence is incapable of holding; or

(ii) it is not suitable for the holder of the vocational licence to hold,

such licence;

(aa) the holder of the vocational licence is a self-employed person, the vocational licence holder has not registered and has not paid the contribution under the Self-Employment Social Security Act 2017; or

(a) the holder of the vocational licence has any outstanding matter or case with the Road Transport Department or the police relating to any contravention of this Act.

(4A) Without prejudice to subsection (4), a vocational licence issued under this Part shall—

(a) be suspended if the driving licence issued under section 27 is suspended under section 32, 35 or 36;

(b) be revoked if the driving licence issued under section 27 is revoked under section 35.

(5) If the Director suspends or revokes the vocational licence under paragraph (4)*(a)*, the holder of the vocational licence may appeal to the Director General and based on the appeal, the Director General may, after investigation, if any, make any order as he deems fair and any such order shall bind the Director and appellant.

(6) If any person acts in contravention of subsection (1), he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(7) A vocational licence granted under any law repealed by this Act and in force on the appointed day shall be deemed to be granted under this Act.

(8) Any reference in this Part to a licence granted under this Part shall not be deemed to include a reference to a vocational licence issued under this section.

(9) Notwithstanding anything to the contrary in this section, a Director may limit the validity period of a vocational licence to a period not exceeding three months if he is satisfied that the holder of the vocational licence has any outstanding matter or case regarding any scheduled offence or any other contravention of this Act.

(10) For the purposes of this section, "self-employed person" shall have the same meaning as assigned to that expression in the Self-Employment Social Security Act 2017.

Vocational licence of goods vehicles, employees vehicles and excursion buses

57. (1) Section 56 shall apply to such goods vehicles, employees vehicles and excursion buses as the Minister may prescribe, as they apply to public service vehicles.

(1) For the purposes of subsection (1), references in section 56 to "public service vehicle" shall be construed as references to the said goods vehicles, employees vehicles or excursion buses and the words "for the carriage of passengers for hire or reward" appearing in subsection 56(1) shall be disregarded.

(2) Notwithstanding subsections (1) and (2) and subsection 56(2), the vocational licence for goods vehicles in respect of a motorcycle may be issued to the applicant under the age of twenty-one and over the age of eighteen.

Miscellaneous

Duty to produce driving licence and certificate of insurance

58. (1) Any person in charge of a motor vehicle on a road shall, on being so required by any police officer, any traffic warden or any road transport officer, produce the certificate of insurance issued in respect of the vehicle under section 90:

Provided that no person shall be convicted of an offence against this section by reason only of his failure to produce the certificate of insurance if, within five days after being so required, he produces it at such police station as may be specified by him at the time of such requirement.

(2) Any person in charge of a motor vehicle on a road shall, on being so required by any police officer, any traffic warden or any road transport officer, produce his driving licence for inspection by such officer:

Provided that no person shall be convicted of an offence against this section by reason of his failure to produce his driving licence which is incorporated in a multipurpose electronic card or device due to its retention by any person authorized to retain it under any written law.

(3) If any person fails to comply with this section, he shall be guilty of an offence.

Change of address

58A. (1) Every registered owner of a motor vehicle or holder of a driving licence who changes his address in Malaysia shall, within two months of such change, serve on the Director a written notice of the change of address.

(2) If the registered owner of a motor vehicle or holder of a driving licence fails to serve the notice of a change of address within the period as required under subsection (1), he shall be deemed to have not informed the Director of the said change of address.

(3) A notice of the change of address under subsection (1) shall be deemed to have been served and received by the Director if—

(a) served personally, by an acknowledgement of receipt of the notice;

(b) sent through prepaid registered post, by a written acknowledgement of receipt given under the Post Office Rules 1947 [*MUGN 843/1947*]; and

(c) sent by facsimile, by an acknowledgement of receipt stating that the notice has been sent entirely to the receiver's facsimile number.

(4) The Director shall, upon receipt of a notice under subsection (1), update the register of motor vehicles under section 8 and the register of driving licence holders under section 27A.

(5) Any person who contravenes subsection (1) or provides an incomplete or inaccurate address shall be guilty of an offence.

Power to test and prohibit use of vehicles

59. (1) Any road transport officer, authorized by the Director General in writing in that behalf, may enter and inspect any motor vehicle in use and for that purpose may require any motor vehicle to be stopped, and may detain any motor vehicle during such time as is required for

the inspection, and may require the driver of such motor vehicle to drive it to another place for the purpose of such inspection and may carry out or cause to be carried out, at the expense of the owner, all such tests and examinations as he considers desirable or necessary to ensure that the requirements as to construction, equipment and use prescribed by this Act have been complied with in respect of the motor vehicle:

Provided that no motor vehicle shall be detained under this section for a period exceeding forty-eight hours or such longer period as the Director General may by writing authorize in any particular case.

(2) If, on such inspection, it appears to such road transport officer that, by reason of any defects, being defects which are prescribed by rules as serious defects, such motor vehicle is or is likely to become unfit for use, or its use is or is likely to become dangerous unless the defects are remedied, he may prohibit the use of such motor vehicle:

Provided that where in the opinion of such road transport officer the defects are such as can be remedied within any period not exceeding ten days and are not defects which involve immediate risk to persons using the motor vehicle or to persons using a road, the prohibition shall not operate before the expiration of that period.

(3) Where, under subsection (2), such road transport officer prohibits the use of a motor vehicle as aforesaid, he shall give written notice of such prohibition to the registered owner of the motor vehicle, to the person in charge and to the Director of the registration area in which the motor vehicle is registered.

(4) In the case of a prohibition on the grounds of such defects as are specified in the proviso to subsection (2), the notice given under subsection (3) shall specify the period within which the defects can in the opinion of such officer be remedied.

(5) A prohibition order made under subsection (2) which has become effective may be removed by any road transport officer authorized by the Director General in writing in that behalf if he is satisfied that the motor vehicle is fit for use and for this purpose he may require an inspection to be carried out.

(6) Where an officer withdraws or removes a prohibition he shall give notice of that withdrawal or removal to the registered owner of the motor vehicle and to the Director of the registration area in which the motor vehicle is registered.

(7) Where a prohibition order made under subsection (2) has become effective, any such officer making such order may cause to be detached and removed from the motor vehicle to which the prohibition order relates the registration number plates and any other identifying plate or any licence issued under this Act, and retain the same. On the withdrawal or removal of the prohibition such number plates and licence shall be returned to the holder of the licence or to the person in charge of the vehicle.

(8) Any person aggrieved by the refusal of any road transport officer to withdraw or remove a prohibition order made under subsection (2), may appeal to the Director General, who shall consider such appeal and, if so required, hear the appellant in relation thereto, or, at the discretion of the Director General, any other person, authorized by the appellant to represent him. The Director General may make such order on such appeal as he thinks fit.

(9) If any person contravenes or fails to comply with subsection (1), or uses or permits to be used a motor vehicle at any time, whilst a prohibition order under subsection (2) is in force in relation to such motor vehicle, he shall be guilty of an offence and shall on conviction be liable to a fine of not less than three hundred ringgit and not more than two thousand ringgit or to imprisonment for a term not exceeding six months or to both and, on a second or subsequent conviction, to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Power to detain vehicles for inspection

60. (1) If any police officer in uniform has reason to believe that the provisions as to construction, equipment and use prescribed by this Act have not been complied with in respect of any motor vehicle, he may require such vehicle to be stopped and may require the driver of such vehicle to drive it to some other place, and the vehicle may, if

necessary, be detained by any police officer not below the rank of sergeant or any police officer in charge of a police station for the purpose of inspection by a police officer or a road transport officer or a person licensed to carry out inspection under this Act for the purpose of ensuring that such provisions have been complied with:

Provided that no motor vehicle shall be detained under this section for a period exceeding five working days.

(2) If, on such inspection, it appears to a road transport officer that, by reason of any defects, being defects which are prescribed by rules as serious defects, such motor vehicle is or is likely to become unfit for use, or its use is or is likely to become dangerous unless the defects are remedied, he may prohibit the use of such motor vehicle:

Provided that where in the opinion of such road transport officer the defects are such as can be remedied within any period not exceeding ten days and are not defects which involve immediate risk to persons using the motor vehicle or to persons using a road, the prohibition shall not operate before the expiration of that period.

(3) Subsections 59(3) to (9) shall apply to this section in the case where a prohibition order has been issued under subsection (2).

Power to order production of motor vehicle and licence

61. (1) A Chief Police Officer or a road transport officer authorized in that behalf by the Director General, may by notice in writing, require the registered owner of a motor vehicle to produce for inspection, at the expense of the registered owner, at such convenient time and place as may be specified in such notice, such motor vehicle and the licence and registration certificate relating thereto, and such registered owner shall produce such vehicle, licence and registration certificate in accordance with the terms of such notice.

(2) Such notice may be served upon the registered owner or to his servant or agent or may be sent by registered post to the address contained in the register of motor vehicles kept under this Part.

(3) If any registered owner who is required under this section to produce any motor vehicle or licence or registration certificate fails so to do, he shall be guilty of an offence, unless he proves that, owing to a mechanical breakdown of such vehicle or other sufficient reason, the motor vehicle or licence or registration certificate could not be produced.

Power to enter and search premises

62. (1) Any police officer not below the rank of sergeant or any officer in charge of a police station or any road transport officer authorized in writing by the Director General may, for the purpose of examining such motor vehicle, at any time enter any place in which he suspects that a motor vehicle is kept in respect of which he has reason to believe that an offence against this Act has been committed.

(2) Any police officer not below the rank of sergeant or any officer in charge of a police station may, in conducting an investigation into any accident or occurrence whereby death or grievous hurt is caused to any person, in connection with which a motor vehicle is suspected to be concerned, enter any place to search for and examine such motor vehicle.

(3) In this section, "grievous hurt" shall have the same meaning as assigned to it in section 320 of the Penal Code.

Weighing of vehicles

63. (1) It shall be lawful for any police officer authorized in writing in that behalf by a Chief Police Officer or a Commissioner of Police, any traffic warden authorized in writing in that behalf by the Dato Bandar or the Perbadanan Putrajaya, any road transport officer authorized in writing in that behalf by the Director General, any officer of the Public Works Department authorized in writing in that behalf by the Director General of Public Works or the State Director of Public Works, or any officer of the Highway Authority Malaysia authorized in writing in that behalf by the Director General of Highway Authority Malaysia, to require the person in charge of any motor

vehicle to allow the motor vehicle to be weighed by such officer or any other person authorized to conduct weighing, either laden or unladen, and the weight transmitted to the road by any part of the motor vehicle in contact with the road to be tested and, for that purpose, to proceed to a weighing machine, and if any person in charge of any motor vehicle refuses or neglects to comply with any such requirement, or removes its load or any part thereof before such motor vehicle is duly weighed, he shall be guilty of an offence and shall on conviction be liable to a fine of not less than two thousand ringgit and not more than ten thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(2) If so required by the person in charge of the motor vehicle, the authorized officer or person shall, upon the completion of the weighing of such vehicle, issue to that person a duplicate or copy of the weight certificate in respect of such weighing:

Provided that it shall not be lawful for any such officer or person to require the person in charge of the motor vehicle to unload the motor vehicle for the purpose of being weighed unladen.

Weighing of vehicles in-motion

63A. (1) Notwithstanding section 63, it shall be lawful for a motor vehicle to be weighed by using a computerized or electronic weigh in-motion system installed on any road.

(2) For the purposes of subsection (1), the weight transmitted to the road by any part of the motor vehicle in contact with the road while it is in motion shall be deemed to have been duly weighed under this section.

Power to seize motor vehicle

64. (1) When any person is found or is reasonably believed to be using a motor vehicle in contravention of this Act or any order or prohibition made, or in contravention of the terms of the licence for such motor vehicle, any police officer, any road transport officer

authorized in writing in that behalf by the Director General, or the Dato Bandar may, whenever it appears that such motor vehicle or its driver cannot be sufficiently identified or that such action is necessary to cause a discontinuance of the offence, take or cause to be taken or require the person in charge of a motor vehicle to take such motor vehicle to a place of safety, thereto be kept until released by order of a Magistrate, Chief Police Officer, a Director, a Deputy Director authorized in writing in that behalf by the Director General, or the Dato Bandar, provided and subject to subsection (3), such motor vehicle shall not be detained longer than is necessary to ascertain the identity of the driver or to secure the discontinuance of the offence, and if any person refuses or neglects to comply with any such requirement, he shall be guilty of an offence.

(2) Any unauthorized person removing or causing to be removed such motor vehicle from the place of safety shall be guilty of an offence.

(3) Any vehicle which has been removed in accordance with subsection (1), may be detained in some suitable place and there to remain at the risk of the owner until any fees as may be prescribed under this Act for such removal and detention are paid.

(4) When any motor vehicle is detained under this section, the police officer or road transport officer detaining the same shall as soon as reasonably practicable, give notice in writing of such detention to the owner of the motor vehicle if the name and address of such owner is known to him and if within three months from the date of its detention the motor vehicle is not claimed by its owner, that officer shall refer the matter to a Magistrate, who shall make such order as he thinks fit in respect of the forfeiture or disposal of the motor vehicle and its load (if any).

(5) If a motor vehicle detained has perishable loads and the storage of such loads pending final forfeiture or disposal order under subsection (4) involves unreasonable expense and inconvenience, the Director may direct that such loads be sold or disposed of at any time and the proceeds of sale held to abide by the result of any prosecution or claim under this section.

Removal of broken down and abandoned vehicles

65. (1) A police officer, a road transport officer, the Dato Bandar, the Perbadanan Putrajaya, the Mayor of a City Council, the President of a Municipal Council, the Chairman of a Municipal Council or the Director General of Highway Authority Malaysia or the concession company duly authorized in writing by the Director General of Highway Authority Malaysia may require the owner, driver or other person in control or in charge of any motor vehicle which has, as a result of an accident or any other cause, broken down or has been permitted to remain at rest on a road in such position or in such condition as is likely to cause obstruction, danger or inconvenience to other persons using the road, to move or cause to be moved such motor vehicle from such road to any other road or any such position or place as may be specified.

(2) Any person who fails to comply when required to move such motor vehicle under this section shall be guilty of an offence.

(3) Where any vehicle which has, as a result of an accident or any other cause, broken down or has been permitted to remain at rest on a road in such position or in such condition as is likely to cause obstruction, danger or inconvenience to other persons using the road, a police officer, a road transport officer, the Dato Bandar, the Perbadanan Putrajaya, the Mayor of a City Council, the President of a Municipal Council, the Chairman of a Municipal Council or the Director General of Highway Authority Malaysia or the concession company duly authorized in writing by the Director General of Highway Authority Malaysia may cause the said motor vehicle to be removed to some suitable place and thereto remain at the risk of the owner, and may detain the same until any fees as may be prescribed under this Act for such removal and detention are paid.

(4) The fees under subsection (3) shall be paid to—

(a) the Chief Police Officer, if the motor vehicle was caused to be removed by a police officer;

(aa) a road transport officer, if the motor vehicle was caused to be removed by a road transport officer;

(b) the Dato Bandar, if the motor vehicle was caused to be removed by a traffic warden or any officer in the service of the City of Kuala Lumpur authorized in writing by the Dato Bandar;

(b) the Perbadanan Putrajaya if the motor vehicle was caused to be removed by a traffic warden or any officer in the service of the Perbadanan Putrajaya;

(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;

(d) the Director General of Highway Authority Malaysia, if the motor vehicle was caused to be removed by an officer of the Highway Authority Malaysia authorized in writing by the Director General of Highway Authority Malaysia; or

(e) the concession company, if the motor vehicle was caused to be removed by an officer of the concession company authorized in writing by the Director General of Highway Authority Malaysia.

(5) A police officer, a road transport officer, the Dato Bandar, the Director General of Highway Authority Malaysia, the Perbadanan Putrajaya, the Mayor of a City Council, the President of a Municipal Council, the Chairman of a Municipal Council or any other person acting under his or its directions, as the case may be, shall not incur any liability in respect of any loss or damage caused to any motor vehicle or the fittings or contents thereof in the course of its removal or while it is being detained, unless such damage was caused negligently or wilfully.

(6) When any motor vehicle is detained under this section, the officer detaining the same shall with all reasonable despatch give notice in writing of such detention to the owner of the motor vehicle if the name and address of such owner is known to him, and if such

motor vehicle is not claimed by its owner within three months of the date of its detention, that officer may, after giving one month's notice in the *Gazette* of his intention so to do, sell by public auction or otherwise dispose of such motor vehicle and its load (if any); provided that no such notice need be given in the case of any load of a perishable nature. The proceeds, if any, from such sale or disposal shall be applied in payment of any fees imposed under this Act and the surplus, if any, shall be paid to the owner of the motor vehicle or if not claimed by such person within twelve months after the date of such sale or disposal, shall be forfeited to the Federal Government, the Dato Bandar or the Perbadanan Putrajaya, the Mayor of a City Council, the President of a Municipal Council, the Chairman of a Municipal Council, or the Director General of Highway Authority Malaysia, as the case may be.

(7) Without prejudice to the powers of the Minister under paragraph 66(1)*(f)*, the Dato Bandar or the Perbadanan Putrajaya, the Mayor of a City Council, the President of a Municipal Council, the Chairman of a Municipal Council, or the Director General of Highway Authority Malaysia may, after consultation with the Minister, by rules impose fees for the removal of any vehicle from any road within the Federal Territory of Kuala Lumpur or the Federal Territory of Putrajaya, and the detention thereof in pursuance of this section.

(8) For the purposes of this section, "concession company" means any company that is authorized to demand, collect and retain tolls under an order made under section 2 of the Federal Roads (Private Management) Act 1984 [*Act 306*].

Rules

66. (1) The Minister may make rules for any purpose for which rules may be made under this Part and for prescribing anything which may be prescribed under this Part and generally as to the construction, maintenance, use, age and equipment of motor vehicles and the conditions under which they may be used, and otherwise for the purpose of carrying this Part into effect and in particular, but without prejudice to the generality of the foregoing provisions, may make rules—

(a) to regulate the width, height, wheel base, length, overhang and axle weight of motor vehicles and the load carried; the diameter of wheels and their width; the nature and conditions of tyres; and to prohibit the use of any wheels, tracks or tyres likely to cause damage to roads;

(b) to control, in connection with the use of motor vehicles, the emission of smoke, oily substance, ashes, water, steam, visible vapour, noxious fumes, sparks, cinders, gas or grit;

(c) to prohibit excessive noise due to the design or condition of motor vehicles, or to the use or loading thereof;

(d) to regulate the maximum unladen weight of tractors heavy and motor cars heavy, and the maximum laden weight of motor vehicles and the maximum weight to be transmitted to the road or any specified road or any specified area of a road by a motor vehicle of any class or description, or by any part of such a vehicle in contact with the road, and the conditions under which the weights may be required to be tested;

(e) to prescribe the particulars to be marked on motor vehicles;

(f) (*Deleted by Act A1391*);

(g) to specify the number and nature of springs and brakes with which motor vehicles shall be equipped, and to ensure that springs, brakes, silencers and steering gear shall be efficient and kept in proper working order;

(h) to regulate the appliances to be fitted for signalling the approach of motor vehicles or enabling the drivers of vehicles to become aware of the approach of other vehicles from the rear, or for intimating any intended change of speed or direction of motor vehicle, to regulate or to prohibit the use of any such appliances and to secure that they shall be efficient and kept in proper working order;

(i) to prohibit, in connection with the use of motor vehicles, the use of any appliances, accessories or machines, or the commission of any acts, which are likely to cause annoyance or danger;

(j) to regulate the lights to be carried by motor vehicle whether in respect of the nature of such lights, the positions in which they shall be fixed, and the periods during which they shall be lighted, or otherwise;

(k) to regulate the number of trailers which may be attached in train to any motor vehicle, the manner of attachment, the manner in which the same shall be kept under control and the maximum weight thereof;

(l) to prescribe the number of persons to be employed in driving or attending motor vehicles, and to regulate the duties and conduct of such persons;

(m) (*Deleted by Act A1391*);

(n) to prescribe a maximum speed for motor vehicles of any class or description and to provide for exemptions in special cases;

(o) to regulate the registration and licensing of motor vehicles, to prescribe registration areas and to assign identification marks to each such area, to prescribe the forms of application and declaration for, and the contents of, motor vehicles and motor trade licences, to prescribe the fees to be charged thereof and the manner of payment thereof, and to provide special facilities for the licensing of motor vehicles brought into Malaysia;

(p) to provide for the supply of registration particulars and the fees to be paid for such particulars;

(q) to provide for the surrender of licences that become void otherwise than by the effluxion of time;

(r) to provide for the issue of a registration certificate in respect of the registration of any motor vehicle and for the surrender, transfer, production and inspection by the prescribed persons of any registration certificate so issued, and for the issue of new registration certificates and new motor vehicle licences in the place of any such registration certificates or licences which may be lost, defaced or destroyed, and for the fee to be paid on the issue thereof;

(s) to prescribe the size, shape and character of the registration number and signs to be displayed on any motor vehicle and the manner in which those registration numbers or signs are to be fixed, displayed, illuminated and rendered easily distinguishable, whether by night or day, and to provide for a distinctive registration number or other sign to be carried by public service vehicles or goods vehicles, or by public service vehicles or goods vehicles licensed for a particular purpose;

(t) to require any person to whom any motor vehicle is sold or disposed of to furnish the prescribed particulars in the prescribed manner;

(u) to prescribe the form of, and the particulars to be included in, an application for a motor trade licence and the identification marks to be carried by any motor vehicle used under such licence and to define the purposes for which the holder of a motor trade licence may use a motor vehicle under such licence;

(v) to extend any provisions as to registration, and provisions incidental to any such provisions, to any motor vehicles in respect of which fees under this Act are not payable (including motor vehicles belonging to the Government), and to provide for the identification of any such motor vehicles;

(w) to require Directors to make the prescribed returns with respect to motor vehicles registered with them, and to

make any particulars contained in the register available for use by the prescribed persons;

(x) to exempt with or without conditions any person or class of persons or any motor vehicle or type of motor vehicle from the operation of all or any of the provisions of this Part or from the fees payable thereunder, or to reduce such fees;

(y) to regulate the grant of driving licences, to prescribe the form of application for, and the form and contents of, such licences, to prescribe the conditions to be attached thereto, to prescribe the fees to be charged therefor and the manner of payment thereof;

(z) with respect to—

(i) the nature of tests of competence to drive;

(ii) the evidence of the results of such tests;

(iii) the diseases and disabilities in the case of which an applicant for a driving licence shall not be entitled to claim to be subjected to a test as to his fitness and ability to drive;

(iv) the fee to be charged for such tests and the manner of payment thereof;

(aa) to require a person submitting himself for a test of competence to drive to provide a motor vehicle for the purposes thereof;

(bb) to ensure that the person submitting himself for a test of competence to drive and failing to pass that test shall not be eligible to submit himself for another test before the expiration of such period as may be prescribed, except under an order made by the court by virtue of the powers conferred by subsection 29(5);

(cc) to provide special facilities for granting driving licences to persons who are not permanently resident in Malaysia or in the Republic of Singapore and to dispense in the case of any such persons with the requirements of section 29;

(dd) to provide for the communication by Directors to one another, and to Directors or persons exercising similar functions in the Republic of Singapore of particulars of driving licences; to provide that at any time particulars in respect of any persons who are disqualified from holding or obtaining licences or whose licences are suspended or endorsed are available for use by the police, to prevent a person holding more than one driving licence, to facilitate the identification of holders of driving licences, to provide for the grant of a new licence in place of a licence lost or defaced and to provide for payment of such fees as may be prescribed and generally in connection with driving licences;

(ee) to provide for the control of schools or establishments for the instruction of drivers of motor vehicles;

(ff) to require safety seatbelts to be fitted to such class or description of motor vehicles as may be specified, to prescribe the minimum standards of quality of material and construction with respect to road safety seatbelts and the position in which such safety seatbelts shall be fixed, to require the use of such safety seatbelts and to prohibit the sale or supply of such safety seatbelts;

(gg) without prejudice to this Act, to introduce a system whereby any specified offences under this Act, committed (including offences which are compounded) by any person holding any class of driving licence be recorded by endorsement in his driving licence or otherwise and to provide for the suspension of such person from driving any or all classes of motor vehicle thereof for any period;

(hh) to impose charges for the removal of a motor vehicle from any road and for the detention of such motor vehicles;

(ii) to prescribe the number of persons to be carried on any motor vehicle (other than commercial vehicles);

(jj) to prescribe the procedures relating to tender of registration numbers;

(kk) to regulate the use of any type of fuel used for the purpose of propelling motor vehicles;

(ll) to prescribe the procedures relating to the weighing of motor vehicles and the type of weighing machines to be used after consultation with the Chief Inspector of Weights and Measures;

(mm) to prescribe the procedures relating to the use and testing of breathanalyser and the procedures relating to the blood and urine tests of drivers of motor vehicles and the types of breathanalyser to be used;

(nn) to regulate the deregistration of motor;

(oo) to regulate the alterations and modifications of registered motor vehicles;

(pp) to prescribe the type approval of any new model of motor vehicle that is introduced and to regulate the quality of manufacturing or assembling of motor vehicles and the recall mechanism and to provide for the fees to be charged relating to it;

(qq) to regulate the exercise of any functions of the Director by any person authorized to do so under this Act;

(rr) to provide for the use of wheel clamps or other equipment in respect of certain parking offences, the types of wheel clamps or other equipment to be used, the manner of use thereof and the fees to be charged in respect of the detention of a motor vehicle pursuant to the use of wheel clamps;

(ss) to prescribe any substance as a drug within the meaning and for the purposes of this Act; and

(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.

(2) *(a)* The Minister in prescribing the fees to be charged for the licensing of motor vehicles under paragraph (1)*(o)* may prescribe—

(i) different rates of fees for different classes of vehicles;

(ii) that the payment of the aforesaid fees in respect of motor vehicles other than stage buses, express buses and charter buses may be related to the engine capacity of such vehicles; and

(iii) that the payment of the aforesaid fees in respect of stage buses, express buses and charter buses may be related firstly to the engine capacity of such buses and secondly to the seating capacity of such buses or the gross collection of receipts during a prescribed period in connection with fares charged on passengers of such buses.

(b) The fees prescribed under subparagraph *(a)*(iii) of this subsection which are related to gross collection of receipts shall be due and payable within a period to be prescribed and shall for the purposes of paragraph 17(1)*(c)* not to be treated as prescribed fee.

(3) *(a)* For the purpose of ascertaining the fees payable in accordance with subparagraph (2)*(a)*(iii), which are related to gross collection of receipts, the Director may accept the records of the holder of a licence that are required to be maintained and furnished under the Commercial Vehicles Licensing Board Act 1987 as sufficient proof of the matters contained therein and the fees payable may be assessed by the Director accordingly.

(b) If it is subsequently found that the records hereinbefore referred to in paragraph *(a)* of this subsection contain any incorrect

information in relation to any matter affecting the whole or any part of the fees payable by the holder of a licence in accordance with subparagraph (2)*(a)*(iii), it shall be lawful for the Director where the whole or any part of such fees has been underpaid to require that such holder shall pay the deficiency without prejudice to any other remedy for the recovery of the fees payable.

(c) It shall be lawful for the Director if it is proved to his satisfaction that any fee payable in accordance with subparagraph (2)*(a)*(iii) has been overpaid, to refund the fees so overpaid:

Provided that no such refund shall be allowed unless a claim in respect thereof is made within two years after such payments are made.

(d) Without prejudice to any other remedy, any fee payable in accordance with subparagraph (2)*(a)*(iii) may be recovered by the Minister as a debt due to the Federal Government.

PART IIA

PERIODIC INSPECTION OF MOTOR VEHICLES

Inspection certificates required for certain motor vehicles

66A. (1) No person shall use or cause or permit to be used a motor vehicle belonging to the class or category of motor vehicles required to undergo periodic inspection under this Part unless there is in force an inspection certificate issued under this Part in respect of the motor vehicle.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine of not less than three hundred ringgit and not more than five thousand ringgit or to imprisonment for a term not exceeding five years or to both.

Vehicles required to undergo periodic inspection

66B. (1) The Minister may by rules specify the class or category of vehicles which is required to undergo periodic inspection under this Part for the purpose of determining that the vehicles comply with the requirements as to construction, equipment and use and the frequency of such inspection in respect of a particular class or category of vehicles.

(2) This section shall not apply to a motor vehicle which has been laid up under section 15.

Issuance and refusal of inspection certificate

66C. (1) If, upon inspection, a motor vehicle is found to comply with the requirements as to construction, equipment and use of a motor vehicle, the person licensed to carry out inspection under this Act shall issue an inspection certificate in respect of that motor vehicle specifying that the motor vehicle has passed the inspection on the date of the inspection.

(2) Where an inspection certificate is refused, the person licensed to carry out inspection under this Act shall specify the grounds for the refusal.

(3) A person aggrieved by the refusal may appeal to the Director General, and on such appeal, the Director General shall cause a reinspection to be carried out at the expense of the aggrieved person and thereafter may cause to be issued or refuse to issue an inspection certificate.

(4) The decision of the Director General under subsection (3) shall be final.

Display of inspection certificate

66D. (1) Every inspection certificate issued under section 66C shall be fixed to and exhibited on the motor vehicle in respect of which it is issued in such manner and subject to such conditions as may be prescribed.

(2) No person shall (either by writing, drawing or in any other manner) alter, deface, mutilate or add anything to any inspection certificate, nor shall any person exhibit on any motor vehicle any inspection certificate which has already been altered, defaced, mutilated or added to as aforesaid, or upon which the figures or particulars have been illegible or of which the colour has become altered, by fading or otherwise, nor shall any person exhibit any colourable imitation of any such certificate.

(3) Any person who contravenes this section shall be guilty of an offence.

Recognition of inspection certificates of other countries

66DA. An inspection certificate issued under the corresponding provisions of any law in force in any country which is a party to a treaty to which Malaysia is also a party and which purports to recognize domestic inspection certificates issued by the contracting countries shall, so long as such certificate remains in force in that country, be deemed to be an inspection certificate granted under this Part.

Only person licensed may inspect

66E. (1) No person other than a person licensed to carry out inspection under this Act may inspect a motor vehicle.

(2) Any person who contravenes this section shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

Employment of examiners

66F. (1) A person licensed to carry out inspection under this Act shall employ persons with the necessary qualification and competency as prescribed in rules as examiners to carry out inspection and to issue inspection certificates.

(2) Any person who contravenes this section shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Rules

66G. The Minister may make rules for any purpose for which rules may be made under this Part and for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make rules with respect to any of the following matters:

(a) to prescribe the nature of and procedure for inspection of motor vehicles;

(b) to prescribe the type of equipment and system to be used for inspection, and the repair, maintenance, calibration and testing of apparatus or equipment for inspection;

(c) to prescribe the form of inspection certificates and to regulate the manner of issuance thereof;

(d) to prescribe the manner in which motor vehicles are to be submitted for inspection;

(e) to regulate the use of a vehicle inspection centre and the apparatus and equipment therein by a road transport officer authorized by the Director General to conduct random checking of the inspection carried out at the centre;

(f) to prescribe the types of signboards at vehicle inspection centres; and

(g) to prescribe the manner in which appeals may be made by any person and the procedure therefor.

PART IIB

FOREIGN MOTOR VEHICLES

Foreign motor vehicle entry permit

66H. (1) Any person who drives a foreign motor vehicle into Malaysia through any route, landing place, check point, or point of entry, other than an authorized point of entry, shall apply to the Director General for a foreign motor vehicle entry permit in such manner as the Director General may determine.

(2) Any person who drives a foreign motor vehicle through an authorized point of entry shall produce, upon demand by any road transport officer, any registration certificate, licence, permit or any other similar document issued in respect of such motor vehicle by the proper authority in the country in which it is registered.

(3) If the road transport officer is satisfied that the person who drives a foreign motor vehicle is only making a temporary stay in Malaysia, the officer may, upon payment by the driver of the foreign motor vehicle of a fee as the Director General may determine, grant a foreign motor vehicle entry permit in respect of that vehicle for such period as the Director General may determine.

(4) Upon issuing the foreign motor vehicle entry permit, the road traffic officer shall cause to be recorded—

(a) the driver's particulars such as name and driving licence number;

(b) the registration number of the foreign motor vehicle;

(c) the type of the foreign motor vehicle;

(d) the date, time and place of arrival of the foreign motor vehicle;

(e) the period of validity and other conditions of the foreign motor vehicle entry permit; and

(f) such other information as the Director General may determine.

(5) The Director shall keep and maintain records of motor vehicles and drivers in respect of which vehicle entry permits have been issued in such form as the Director General may direct.

(6) The Director General or a road transport officer may refuse to grant a foreign motor vehicle entry permit or cancel a foreign motor vehicle entry permit already granted if—

(a) a foreign motor vehicle contravenes or fails to comply with any provision of this Act or rules made under this Act; or

(b) the Director General or the road transport officer has reason to believe that the foreign motor vehicle to which the application or permit relates has been or is intended to be used for any unlawful purpose.

(7) Any person who drives a foreign motor vehicle without an entry permit issued under this section shall be guilty of an offence.

Exemption

66I. The Minister may, by order published in the *Gazette*, exempt any motor vehicle or types or classes of motor vehicles from any of the provisions of section 66H, subject to such conditions as he deems fit.

Outstanding matters relating to foreign motor vehicle

66J. The Director General or any road transport officer may prohibit the entry or exit from Malaysia of any foreign motor vehicle where in respect of that vehicle there is any outstanding matter relating to any contravention of or offence against this Act, the Commercial Vehicles Licensing Board Act 1987 or the Land Public Transport Act 2010.

Interpretation of sections 66H, 66I and 66J

66K. For the purposes of sections 66H, 66I and 66J—

"authorized point of entry" means a point of entry declared as an authorized point of entry under subsection 5(1) of the Immigration Act 1959/63 [*Act 155*];

"foreign driving licence" means a driving licence issued by the proper authority of a foreign country;

"foreign motor vehicle" means a motor vehicle which is registered by the proper authority of a foreign country.

PART III

ROADS

Interpretation

67. For the purposes of this Part, unless the context otherwise requires—

"appropriate authority"—

(a) in relation to any road other than a Federal road situated within the area of any local authority, means a local authority declared for the said purpose to be an appropriate authority by the Minister charged with the responsibility for local government after consultation with the appropriate State Government and the Minister charged with the responsibility for works;

(b) in relation to any road, other than a designated Federal Territory road, situated within the Federal Territory of Kuala Lumpur, means the Dato Bandar, and in relation to any other road, other than a designated Federal Territory road, situated within any other Federal Territory, means the President of the Municipality of the Federal Territory;

(c) in relation to any road other than a Federal road situated in a State but not in any area described in paragraph *(a)* or *(b)*, means the Government of the State;

(d) in relation to any road under the jurisdiction of the Highway Authority Malaysia, means the Director General of Highway Authority;

(e) in relation to any road situated within the Federal Territory of Putrajaya, means the Perbadanan Putrajaya;

"designated Federal Territory road" means a road in a Federal Territory declared to be a designated Federal Territory road by the Minister charged with the responsibility for works after consultation with the Dato Bandar where the road is in the Federal Territory of Kuala Lumpur, or the President of the Municipality of any other Federal Territory where the road is in such other Federal Territory;

"Federal road" means a designated Federal Territory road and a road declared to be Federal under Federal law.

Highway code

68. (1) The Minister shall prepare a code (in this Act referred to as the "highway code") comprising such directions as appear to him to be proper for the guidance of persons using roads and may from time to time revise the code by revoking, varying, amending, or adding to the provisions in such manner as he thinks fit.

(2) The highway code and any alterations proposed to be made in the provisions of the code on any revision thereof shall, as soon as prepared by the Minister, be published in the *Gazette*.

(3) Failure on the part of any person to observe any provisions of the highway code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings, whether civil or criminal, be relied on by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

Speed limits

69. (1) The Minister may, by order published in the *Gazette*, prescribe a national speed limit for all roads in Malaysia.

(1A) Notwithstanding subsection (1), the Minister charged with the responsibility for works may, by order published in the *Gazette*, prescribe for any highways or any part thereof a speed limit which is lower, or with the concurrence of the Minister, higher than the national speed limit.

(1B) Any person who fails to observe the national speed limit prescribed under subsection (1) or the speed limit prescribed in subsection (1A) shall be guilty of an offence.

(2) Notwithstanding subsection (1), the Minister charged with the responsibility for works in relation to a Federal road, including highways, and the appropriate authority in relation to a road other than a Federal road, within the area of such authority, may by order published in the *Gazette*, prohibit the driving of motor vehicles, or of any specified class or description of motor vehicles, at a speed greater than the speed specified in such order, over any road or part thereof specified in the order, and either generally or at a specified time or times:

Provided that the speed specified in such order shall not exceed that of the national speed limit or in relation to highways or part thereof, the speed limit prescribed under subsection (1A) for that highway or part thereof.

(3) The following persons shall erect and maintain in such positions in any place as shall give adequate notice of the speed limit prescribed under subsections (1) and (1A) and the prohibition under subsection (2), such traffic signs as shall be prescribed, indicating the nature of the prohibition:

(a) in relation to a Federal road which is also a highway, the Director General of Highway Authority or any person with proper authority from the Director General of

Highway Authority, who is a person authorized under the Federal Roads (Private Management) Act 1984 [*Act 306*];

(b) in relation to a Federal road which is not a highway, the Director General of Public Works; and

(c) in relation to any other road within the area of any local authority, the relevant local authority.

(4) In this section, "highway" means—

(a) a Federal road where the traffic for both directions is separated by median and where its intersections are connected to public roads by interchanges without any direct connection to any private roads; or

(b) a Federal road declared to be a highway by the Minister charged with the responsibility for works by an order published in the *Gazette,* which is a road where the traffic for both directions is separated by median and where its intersections are connected to public or private roads.

Power to restrict use of vehicles on specified roads

70. (1) The Minister charged with the responsibility for works in relation to a Federal road, and the appropriate authority after consultation with the Director General in relation to a road other than a Federal road, within the area of such authority, may by order published in the *Gazette*, prohibit or restrict, the driving or use of vehicles or of any specified class or description of vehicles on any road or any part specified in the order, in any case in which it appears to such Minister or the appropriate authority, as the case may be, that such vehicles cannot be used, or cannot without restriction be used on that road without endangering the safety of the vehicles, or of the persons therein, or of other persons or vehicles using the road, or that the road is unsuitable for use, or for unrestricted use, by any such vehicles, or is a road on which the prohibition or restriction is necessary or desirable to facilitate repair or reconstruction of such road.

(1A) An order made under subsection (1) may provide that certain types or categories of motor vehicles identified therein may be exempted from complying with the order by any person specified therein.

(2) Subject to any rules made by the Minister under section 75, or otherwise in relation to the regulation of traffic, an order may be made under this section for any or all of the following purposes:

(a) the specification of the routes to be followed by vehicles;

(b) the prohibition or restriction of the use of specified roads by vehicles of any specified class or description either generally or during particular hours;

(c) the prohibition of the driving of vehicles on any specified road otherwise than in a specified direction:

Provided that—

(aa) no order shall be made under this subsection with respect to any road, which would have the effect of preventing such access as may reasonably be required for vehicles of any class or description to any premises situated on or adjacent to that road, or to which access is gained from that road;

(bb) no such order shall be made unless notice, in the prescribed form, of the intention to make the same shall be published in the *Gazette* at least fourteen days before the date on which it is intended to make such order, and before making such order there shall be taken into consideration—

(i) any objections which may have been made to the making thereof;

(ii) the existence of alternative routes suitable for the traffic which would or might be affected by the order.

(3) An appropriate authority, or an engineer of the Public Works Department in relation to a Federal road, on being satisfied that owing to the state of a road or the execution of works or repairs on a road, it is necessary in order to avoid serious danger to the public or serious damage to that road to restrict or prohibit temporarily the use of that road by vehicles or by vehicles of any particular class or description, may by notice displayed by him on that road restrict or prohibit the use of the same:

Provided that—

(a) such restriction or prohibition shall not be effective for more than thirty days from the date on which it was imposed;

(b) so long as such restriction or prohibition remains in force, a notice stating the effect of such restriction or prohibition and describing the alternative routes available for traffic shall be kept posted in a conspicuous manner at each end of the part of the road to which the notice relates, and at the points at which it will be necessary for traffic to diverge from such road; and

(c) notice of such restriction or prohibition shall be given at the nearest police station, to the Chief Police Officer and to the Director General as soon as reasonably practicable, and in any case, within twenty-four hours of the imposition thereof.

(4) Any person who uses a vehicle or causes or permits a vehicle to be used in contravention of any restriction or prohibition made or imposed under this section shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding three months or to both.

Power to restrict vehicles

71. (1) Without prejudice to section 70, any appropriate authority approved by the Minister may, by order published in the *Gazette*,

prohibit or restrict the driving or use of any class or description of vehicles or vehicles with such number of passengers as may be specified along any road or along roads within the area of the authority.

(2) The prohibition or restriction under subsection (1) may be subject to the payment of fees and in such a case the order shall specify the fees payable and the manner of collection therefor.

(3) This section shall not apply to any congestion pricing scheme or the subject matter of any order which may be made under section 13 of the Land Public Transport Act 2010.

Provision of parking places and stands

72. (1) Any appropriate authority or public body may, by order published in the *Gazette*, provide suitable parking places for vehicles or stands for public service vehicles or goods vehicles in accordance with this Act, and for that purpose may—

(a) utilize any lands which may lawfully be acquired or appropriated for the purpose; or

(b) by such order authorize the use as a parking place or stands for public service vehicles or goods vehicles of any part of a road:

Provided that—

(aa) no such order shall authorize the use of any part of a road so as to unreasonably prevent access to any premises adjoining the road, or the use of the road by any person entitled to the use thereof, or so as to be a nuisance;

(bb) an order under this section relating to a Federal road or affecting public service vehicles or goods vehicles shall not be made without the concurrence of the Minister.

(2) The appropriate authority or public body may take all such steps as may be necessary to adapt for use as a parking place or stands for public service vehicles or goods vehicles any land not being part of a road which may be conveniently utilised for that purpose.

(3) An order under subsection (1) may prescribe—

(a) the vehicles or class of vehicles which may use such parking place or stand and the period during which and the conditions subject to which such parking place or stand may be used; and

(b) the charge, if any, to be made for the use of such parking place.

(4) Where any charge for the use of such parking place is to be made or intended to be made pursuant to any order under this section, such order shall specify—

(a) the parking place designated for the leaving of vehicles; and

(b) the times (whether at all times or between such hours) during which vehicles may be parked in a parking place,

and may further make provision in a parking place for any of the following matters:

(aa) the number and dimension of the spaces to be provided;

(bb) the positions in which such vehicles shall be driven in or taken out;

(cc) the manner in which such vehicles shall be driven in or taken out;

(dd) the prohibition or restriction of waiting therein, whether in the positions aforesaid or elsewhere, of other vehicles;

(ee) the positions in which other vehicles permitted by the order to wait or for any purpose specified in the order shall wait;

(ff) the charges to be levied in respect of the use and the manner of its collection;

(gg) the removal thereform and the safe custody of any vehicle in respect of which there has been a contravention of or non-compliance with the provisions of the order or any rules made under this Act;

(hh) the erection and installation of any apparatus of a type or design, either generally or specially approved by the Minister (which shall be described as a "parking meter");

(ii) the prohibition or restriction therein of the carrying on of trades or other activities or the doing of any other thing;

(jj) the indication of such parking place by means of traffic signs in accordance with section 77:

Provided that nothing in this subsection shall be construed as requiring spaces of sufficient size to be provided in any parking place to accommodate any particular vehicle.

(5) A notice stating the substance of the order and the charge prescribed thereby shall be erected and maintained by the appropriate authority at or near such parking place or stand.

(6) It shall not be lawful for the driver of any vehicle or any person employed in connection therewith to ply for hire or accept passengers for hire or reward while any vehicle is within a parking place which has not also been gazetted as a stand for public service vehicles and any person who acts in contravention of this subsection shall be guilty of an offence.

(7) If any person, without lawful excuse, contravenes or fails to comply with an order made under this section, he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three hundred ringgit.

(8) The appropriate authority or public body shall not incur any liability in respect of any loss or damage to any vehicle or the fittings or contents of any vehicle parked in any parking place authorized or designated under this section.

Reservation of parking place for Diplomatic Missions

73. (1) The Minister in relation to a Federal road, and the appropriate authority in relation to a road other than a Federal road, within the area of such authority, may by order, reserve to any accredited Diplomatic Mission any part of any road as a parking place for the vehicle or vehicles of the said Mission.

(2) Subsection 72(7) shall apply to an order made under this section as they apply to an order made under subsection 72(1).

Parking place for disabled persons

74. The Minister in relation to a Federal road, and the appropriate authority in relation to a road other than a Federal road, within the area of such authority, may by order, reserve any part of any road as a parking place for the vehicles of disabled persons.

Pedestrian crossings

75. (1) Crossings for pedestrians (in this section hereinafter referred to as "crossing") may be established on roads in accordance with this section, and not otherwise.

(2) The Minister, with the concurrence of the Minister charged with the responsibility for works, may make rules with respect to the precedence of vehicles and pedestrians respectively, and generally

with respect to the movement of traffic (including pedestrians) at and in the vicinity of a crossing (including rules prohibiting pedestrians on the carriageway within one hundred metres of a crossing), and with respect to the indication of the limits of a crossing by marks on the roadway or otherwise, and to the erection of traffic signs in connection therewith.

(3) Different rules may be made under this section in relation to different traffic conditions and in particular, but without prejudice to the generality of the foregoing, different rules may be made in relation to crossings in the vicinity of, and at a distance from, a junction of roads, and to traffic which is controlled by the police, by traffic warden and by traffic signals and by different kinds of traffic signals and to traffic which is not so controlled.

(4) An appropriate authority may, with the approval of the Minister charged with the responsibility for works in relation to a Federal road, and in any case after consultation with the Chief Police Officer, establish such crossings as it thinks fit, and shall execute any works (including the placing, erection and maintenance of marks and traffic signs) required in connection with such crossings, or with the indication in accordance with the rules made under this section.

(5) If any person contravenes any rule having effect in relation to a crossing he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred ringgit.

Duty of pedestrians to comply with traffic directions

76. Where a police officer in uniform or a traffic warden in uniform is for the time being engaged in regulating vehicular traffic on a road, any pedestrian who proceeds across or along the carriageway in contravention of a direction to stop given by the officer in the execution of his duty, either to pedestrians or to pedestrians and other traffic, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred ringgit.

Authorized left turns

76A. (1) Notwithstanding a red signal or other traffic sign indicating a place where traffic must stop at any traffic junction, any person driving a motor vehicle on a road may turn left at the traffic junction in accordance with any traffic sign authorizing such left turn that has been lawfully sited on such road after stopping before the marked stop line on the road to ascertain that it is safe to do so.

(2) For the purpose of subsection (1), the Minister may, after consultation with the Minister charged with the responsibility for works, make rules relating to the movement of motor vehicles and pedestrians and the erection of traffic signs at such authorized left turn traffic junctions.

(3) An appropriate authority may, with the approval of the Minister charged with the responsibility for works in relation to a Federal road and designated Federal Territory road, and in any case after consultation with the Chief Police Officer, establish such traffic signs as it considers appropriate, and shall execute any works (including the placing, erection and maintenance of traffic signs) required in connection with such authorized left turn traffic junctions.

(4) Any person who contravenes this section or any rules made under this section in relation to an authorized left turn shall be guilty of an offence and shall on conviction be liable to a fine of not less than three hundred ringgit and not more than two thousand ringgit.

Erection of traffic signs

77. (1) The Minister charged with the responsibility for works (in this section hereinafter referred to as the "Minister") in relation to any Federal road, and the appropriate authority in relation to any other road, within the area of such authority, may cause or permit traffic signs to be placed on or near such road and may from time to time repair, alter, change or remove the same.

(2) Any police officer or other public officer acting in the course of his duty may cause or permit to be placed and maintained on or near

any road any traffic sign which may be necessary or expedient to give effect to any regulations or orders lawfully given or made under any powers conferred upon any police officer or other person by any written law relating to the prohibition, restriction, regulation or control of traffic or the search of vehicles or persons on such road or which may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic or danger to or from traffic in consequence of extraordinary circumstances:

Provided that no such sign shall be maintained for any period longer than may be necessary for such purpose.

(3) Any person or public authority authorized under any written law to do or cause to be done any work on a road shall place and maintain or cause to be placed and maintained on or near any road such traffic signs as are necessary or expedient to prevent or mitigate danger to persons so working on such road or to or from traffic whilst such work is being carried out.

(4) The owners or workers of any railway, light railway or tramway undertaking or any dock or harbour undertaking may place and maintain or cause to be placed and maintained on or near any road any traffic sign in pursuance of, or which is necessary or expedient for the exercise of, any powers conferred upon them by any written law.

(5) After the appointed day no traffic sign other than a traffic sign lawfully placed in pursuance of this Part shall be placed on or near any road.

(6) For the purposes of this Act, any traffic sign existing on the appointed day which was lawfully placed on or near a road before the appointed day, and which complies as to size, colour and type with this section or with the provisions of any written law repealed by this Act, shall be deemed to have been lawfully placed in pursuance of this Part.

(7) Traffic signs other than notices in respect of the use of a bridge or traffic signs placed on or near any road in exercise of any powers conferred by subsection (2) or (3) shall be of the prescribed size, colour

and type and shall if so prescribed be illuminated by lighting or by the use of reflectors or reflecting material in such manner as is prescribed:

Provided that a traffic sign shall not be deemed to be unlawfully placed on or near a road by reason only of a failure to comply with this subsection if in the opinion of a court the deviation from the prescribed size, colour, type or illumination is of a trivial character.

(8) The Minister in relation to a Federal road, and the appropriate authority in relation to any other road, within the area of such authority, may by notice in writing, require the owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign or any advertisement or other structure which is so placed as to obscure any traffic sign from view or to distract the attention of drivers, to remove it or to cut down any tree or vegetation which is growing on such land in such a manner as to obscure any such sign, and if any person fails or neglects to comply with such notice, may effect such removal or cutting down doing as little damage as may be and may recover as civil debt from the person in default the expense incurred in so doing:

Provided that this subsection shall not apply to any traffic sign placed on such land by the Minister or the appropriate authority or any public officer or authority acting in pursuance of any powers conferred by any written law.

(9) The Minister or the appropriate authority or any person acting under his or its authority may enter any land and exercise such other powers as may be necessary for the purpose of the exercise and performance of his or its powers and duties under this section:

Provided that unless with the consent of the occupier, no such entry shall be made into any dwelling house in actual occupation without twenty-four hours previous notice to such occupier or after sunset and before sunrise.

(10) In this Act, any reference to the placing of traffic signs shall include a reference to the display in any manner whether or not involving fixing or placing.

(11) Any person wilfully damaging, defacing, altering, removing or tampering with any traffic sign which is lawfully placed in pursuance of this Part shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred ringgit.

(12) Any person other than a person authorized under the provisions of this Part who places on or near any road any traffic sign or object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign, or who places on or near any road any sign or advertisement in such manner as to obscure from view any traffic sign lawfully placed in pursuance of this Part shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five hundred ringgit.

Power to set up roadblocks

78. (1) Notwithstanding anything contained in any other law, any police officer in uniform authorized in writing by a senior police officer of the rank of Inspector and above, including a probationary Inspector, or any road transport officer in uniform authorized in writing by the Director, may, if he considers it necessary so to do for the enforcement of this Act, erect or place or cause to be erected or placed any barrier as prescribed on or across any road in such manner as he may think fit; and any such officer may take all reasonable measures to prevent any vehicle from being driven past any such barrier, including any measure to pursue and stop any such vehicle where, having regard to the attendant circumstances at a given moment of time, it is apparent that if such measure is not taken the escape of such vehicle to avoid detection or otherwise is likely to be imminent.

(2) Any person who fails to comply with any reasonable signal of a police officer in uniform or a road transport officer in uniform requiring such person or vehicle to stop before reaching any such barrier or attempts to cross or knock any such barrier, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(3) No officer shall be liable for any loss, injury or damage caused to any person or property consequent upon his taking the steps mentioned in subsection (1).

Penalties for neglect of traffic directions and signs

79. (1) Where a police officer in uniform, a road transport officer in uniform or a traffic warden in uniform, is for the time being engaged in regulating traffic on a road, notwithstanding that any traffic sign has been lawfully placed on or near that road, any person driving or propelling any vehicle who fails or neglects to stop the vehicle or to make it proceed in or keep to a particular line of traffic when directed so to do by such police officer, road transport officer or traffic warden, shall be guilty of an offence and shall on conviction be liable to a fine of not less than three hundred ringgit and not more than two thousand ringgit.

(2) Subject to subsection (1) and section 76A, where any traffic sign has been lawfully placed on or near any road, any pedestrian or any person driving or propelling any vehicle, who fails or neglects to conform to the indication given by the sign, shall be guilty of an offence and shall on conviction be liable to a fine of not less than three hundred ringgit and not more than two thousand ringgit.

(3) In any proceedings for an offence against this section, in so far as it is necessary in order to establish the offence charged, it shall be presumed until the contrary is proved that such sign was lawfully placed under the provisions of section 77.

Ropes, etc., across road

80. Any person who for any purpose places or causes to be placed any road hump or any rope, wire, chain, tackle or similar apparatus across a road or any part thereof in such a manner as to be likely to cause danger to persons or damage to vehicles using the road shall, unless he proves that he had a lawful right so to do and that he had taken all necessary means to give adequate warning of the danger, be guilty of an offence and shall on conviction be liable to a fine not

exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Restriction on competitions and speed trials

81. (1) No competition or trial of speed involving the use of vehicles shall take place on a road without the previous written authority of the Minister in relation to a Federal road, or the appropriate authority in relation to a road other than a Federal road, within the area of such authority.

(2) Any person who promotes, advertises or assists in the management or supervision of any competition or trial of speed which has not been so approved, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(3) Any person who takes part in, or any driver or person in charge of any vehicle used in any competition or trial of speed which has not been so approved, shall be guilty of an offence, and shall—

(a) in the case of a first conviction, be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both and if the court thinks fit to order, shall be disqualified from holding or obtaining a driving licence for a period of time not exceeding one year;

(b) in the case of a second or subsequent conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both, and if the court thinks fit to order, shall be disqualified from holding or obtaining a driving licence for a period of time not exceeding three years.

(4) Any police officer may arrest without warrant any person committing an offence under subsection (3) and may seize and detain

for the purposes of proceedings under this Act, any vehicle used in any competition or trial of speed which has not been so approved.

Forfeiture of vehicles used in competitions and speed trials

82. (1) Where a motor vehicle has been seized by the police under subsection 81(4), and it is proved to the satisfaction of a court that such vehicle has been used in the commission of a second or subsequent offence under subsection 81(3), the court may, on the written application of the Public Prosecutor, make an order for the forfeiture of the vehicle, notwithstanding that no person has been convicted of that offence:

Provided that a copy of the written application of the Public Prosecutor shall be served on the registered owner or any other claimant whose name is endorsed in the registration certificate of such motor vehicle.

(2) An order for the forfeiture or for the release of a vehicle liable to forfeiture under this section, may be made by the court before which the prosecution in respect of a second or subsequent offence under subsection 81(3), has been or will be held.

(3) If there is no prosecution in respect of a second or subsequent offence under subsection 81(3), a notice in writing shall be given to the owner of the vehicle seized under subsection 81(4), if known, that he or his agent authorized in writing may, within one month from the date of the notice, establish his claim to the vehicle and if no claim is made within that period, the vehicle seized shall be forfeited.

(4) Where the owner of the vehicle seized under subsection 81(4) is not known, a notice in the *Gazette* shall be given specifying that such vehicle has been seized and calling upon any person who may have a claim thereto, within one month from the date of such notice, to appear and establish his claim and that if the vehicle is not claimed within the specified period, the vehicle shall be forfeited.

(5) Upon receipt of a claim under subsection (3) or (4) the Chief Police Officer may direct that such vehicle be released.

(6) Any person aggrieved by the decision of a Chief Police Officer under subsection (5) may appeal to the Minister whose decision shall be final.

(7) No person shall in any proceedings in any court, in respect of the seizure of any vehicle under subsection 81(4), be entitled to the costs of such proceedings or to any damages or other relief, other than an order for the return of such vehicle, unless such seizure was made without reasonable or probable cause.

Power to erect refuges, subways and footbridges

83. The appropriate authority, with the approval of the Minister charged with the responsibility for works, in relation to a Federal road, may—

(a) for the purposes of protecting traffic along a road from danger, or of making the crossing of any road less dangerous to pedestrians, erect, light, maintain, alter and remove places of refuge in the road, construct, maintain, alter and remove road humps on the road and construct, light, maintain, alter, remove and temporarily close subways under the road or footbridges for the use of pedestrians;

(b) whenever it considers necessary or desirable for the safety or accommodation of pedestrians, provide proper and sufficient footpaths by the side of roads under its control; and

(c) whenever it considers necessary or desirable for the safety or accommodation of ridden horses and driven livestock, provide adequate grass or other margins by the side of the roads under its control.

Power to remove structures from roads

84. (1) Where any structure has been erected or set up on or over a road or on or over a road reserve otherwise than under any written

law, the Minister charged with the responsibility for works (in this section hereinafter referred to as "Minister") in relation to a Federal road or of any road reserve bordering on a Federal road, and the appropriate authority in relation to any other road or road reserve, within the area of such authority, may by notice in writing, require the person having control or possession of the structure to remove it within such period as may be specified in the notice or within such extended period as the Minister or appropriate authority, as the case may be, issuing the notice may allow.

(2) If any structure in respect of which a notice has been served under this section is not removed within the time specified in the notice, the Minister or the appropriate authority may remove the structure:

Provided that the power of the Minister or the appropriate authority under this subsection shall not be exercised until the expiration of one month after the date of the service of the notice.

(3) Notwithstanding subsections (1) and (2), where there is a likelihood of immediate danger to traffic arising from any structure referred to in subsection (1), the Minister or the appropriate authority, as the case may be, may take such action as is necessary to remove such structure without giving notice to any person.

(4) Where any structure has been removed by the Minister or the appropriate authority under this section, and the expenses of the removal and detention of the structure have not been paid within one week after the date of such removal, the Minister or the appropriate authority may, after giving one month's notice in writing to the person having control or possession of the structure immediately before such removal, sell by public auction or otherwise dispose of such structure; and any proceeds from such sale or disposal shall be applied in payment of the expenses of such removal and detention and any surplus shall be paid to the person having the control or possession of the structure immediately before such removal or shall, if not claimed by such person within three months after the date of the sale or disposal, be forfeited to the revenue of the Federal Government or the appropriate authority, as the case may be.

(5) Nothing in subsection (4) shall prohibit—

(a) the disposal as the Minister or the appropriate authority may think fit of any fish, meat, fruit, vegetable or other perishable goods, if any, removed together with the structure, and any proceeds from such disposal shall be applied in the same manner as hereinbefore provided in respect of proceeds from the sale or disposal of the structure; or

(b) the recovery as a civil debt of the whole or part of the expenses of removal or detention from the person having the control or possession of the structure immediately before such removal.

(6) Notice under subsection (1) may be served either personally or by post or by affixing it to the structure to which the notice relates.

(7) In this section, the expression "structure" includes any machines, pumps, posts and such other objects as are capable of causing obstruction or of endangering traffic.

Construction of access and drains and laying of public utility installations to existing roads

85. (1) No person shall—

(a) construct any access road (including paths, driveways or other means of access, whether public or private) to join any road;

(b) construct a drain to join a drain constructed alongside a road;

(c) carry out any works of any description in, upon, over or under any road,

unless plans containing details of the layout (including such particulars as may be prescribed) have been submitted to and approved by the Minister charged with the responsibility for works in

relation to a Federal road, or the appropriate authority in relation to a road other than a Federal road, and the Minister or the appropriate authority, as the case may be, may refuse such application or allow it on such conditions as he or it may impose.

(2) Where in the opinion of the Minister or the appropriate authority there is—

(a) a likelihood of danger to traffic;

(b) any flooding, interference or obstruction; or

(c) any failure to comply with any conditions imposed under subsection (1),

in the course of, or arising from any works referred to in subsection (1), the Minister or the appropriate authority may, by notice in writing, require the person to whom approval was granted or the occupier of the premises or land, as the case may be, to take such appropriate action as is necessary to remove the danger or to remove any interference, obstruction or to stop up any drain or to comply with the conditions imposed within the time specified in the notice, failing which the Minister or the appropriate authority may take such actions as are necessary to discontinue the danger or flooding, interference or obstruction or to ensure compliance with the conditions imposed.

(3) Subject to subsection (6), it shall be lawful for the Minister or the appropriate authority, as the case may be, by notice in the *Gazette*, to require the closure or diversion of or alterations to be made to any access road (whether constructed before or after the commencement of this Act).

(4) Where any action has been taken by the Minister or the appropriate authority under subsection (2) or (3), the expenses incurred and certified in writing by the Minister or the appropriate authority in taking such action shall be a debt due to the Government, or the appropriate authority, as the case may be, by the person to whom approval was granted or the occupier of the premises or land and may be deducted from such security deposit paid to the Minister

or the appropriate authority as a condition for carrying out the works referred to in subsection (1).

(5) Where any works under subsection (1) has been executed and it is found that the works were executed for the purpose of making any direct connection of any public utility to any premises or for joining a drain to one constructed alongside a road for the purpose of drainage of the land on which the first mentioned drain was constructed the occupier of the premises or land shall be deemed to be the person carrying out such works for the purpose of this section.

(6) Where as a result of a notice issued by the Minister or the appropriate authority under subsection (3) an access road existing at the time of the issuance of the notice will be totally closed and there will be no alternative access road, the Minister or the appropriate authority, as the case may be, shall, prior to the closure, provide an alternative access road:

Provided that where an alternative access road cannot be provided or cannot be provided without incurring unreasonable amount of expenditure, the land so affected shall be acquired in accordance with any existing law relating to compulsory acquisition and such acquisition shall be deemed to be for a public purpose.

(7) Any person who contravenes subsection (1) or fails to comply with such conditions as may be imposed in a permit issued under that subsection shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year:

Provided that any punishment imposed under this subsection shall not affect any civil liability of the person to whom approval was granted or the occupier of the premises or land.

(8) The Minister or the appropriate authority, as the case may be, may make rules to regulate and control the carrying out or construction of any of the works referred to in subsection (1).

Construction of structures for advertisement, etc.

85A. (1) The Minister charged with the responsibility for works (in this section hereinafter referred to as "Minister") in relation to any road reserve bordering on a Federal road or the appropriate authority in relation to any other road reserve, within the area of such authority, may, subject to subsection (2), if the road reserve is for the time being not being used for the purpose for which it is reserved, grant a right of occupation of the whole or any part of the road reserve to any person for the purpose of erecting structures for advertisement or other public announcement for such duration and on such terms and conditions, including occupancy charges, as the Minister or the appropriate authority may determine.

(2) No such right of occupation may be granted unless plans containing details of the layout of the structure (including such particulars as may be prescribed) have been submitted to and approved by the Minister or the appropriate authority, as the case may be, who may require the payment of security deposit and the purchase of public liability insurance, of such sum as the Minister or the appropriate authority thinks fit, by the applicant as part of the condition for the approval.

(3) The Minister or the appropriate authority, as the case may be, may make rules to regulate and control the construction of the structures.

Restriction of vehicles on bridges

86. (1) Where the Minister charged with the responsibility for works in relation to a bridge on a Federal road, or the appropriate authority in relation to any other bridge, within the area of such authority, is satisfied that the bridge is insufficient—

(a) to carry a vehicle the weight of which exceeds a certain maximum weight;

(b) to carry a vehicle the axle weight of which exceeds a certain maximum axle weight; or

(c) to carry a vehicle the weight or the axle weight respectively of which exceeds a certain maximum weight when traveling at more than a certain maximum speed,

he or it may, by a conspicuous notice placed in a proper position at each end of the bridge, prohibit the use of the bridge, as the case may be, by a vehicle weighing more than the weight specified in such notice, or by a vehicle the axle weights of which are more than the axle weight specified in such notice when travelling at more than a speed specified in the notice.

(2) For the purposes of this section—

(a) "axle weight" means the weight transmitted to any strip of the surface upon which the vehicle rests contained between any two parallel lines drawn 0.6 metre apart on that surface at right angles to the longitudinal axis of the vehicle;

(b) "placed in a proper position" means placed in such a position either at or near the bridge or on or near the road leading to the bridge so as to be visible at a reasonable distance to the drivers of vehicles approaching the bridges;

(c) "weight" means the actual weight of the vehicle at the time, including the weight of every person and thing carried on it or by it, and for the purposes of this paragraph, a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle.

(3) If a vehicle is driven on or across a bridge in contravention of this section, any person who so drives it, or causes or permits it to be so driven shall, without prejudice to any civil liability incurred by him in the case of damage being caused to the bridge or otherwise, be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(4) If in any proceedings under this section the prosecutor satisfies the court that there are reasonable grounds for believing that the weight of the vehicle exceeded the maximum weight specified in the notice, or that any axle weight of the vehicle exceeded the maximum axle weight so specified, the burden shall lie on the defendant to prove that the weight of the vehicle, or every axle weight of the vehicle, as the case may be, did not exceed such maximum weight or maximum axle weight.

(5) Where the maximum permissible laden weight of any vehicle is indicated by marks placed thereon in accordance with any written law for the time being in force, the weight of that vehicle shall be taken to be not less than the weight so indicated, unless the person charged with an offence under this section proves, to the satisfaction of the court, that at the time of passing over the bridge the weight of that vehicle was some lesser weight.

Provisions as to extraordinary traffic

87. Where as respects any road it appears that, having regard to the average expense of repairing that road or other similar roads in the neighbourhood, extraordinary expenses have been incurred in repairing that road by reason of the damage caused by excessive weight passing along that road or by other extraordinary traffic thereon, the Government or the appropriate authority which has incurred such expenses may recover from any person by or in consequence of whose order or act the traffic has been carried on or conducted, or from the owner of the vehicles constituting the traffic, the amount of such expenses as may be proved to the satisfaction of the court having cognizance of the case to have been incurred by reason of damage arising from such extraordinary weight or traffic.

Rules

88. (1) The Minister may make rules for any purpose for which rules may be made under this Part and for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect and for regulating traffic on roads and

relieving congestion and facilitating the providing for the safety of road users and, without prejudice to the generality of the foregoing provisions, may make rules—

(a) for regulating the number and nature of brakes, including skid pans and locking chains in the case of vehicles drawn by horses or cattle, of any class or description of vehicles when used on roads and for securing that such brakes shall be efficient and kept in proper working order and for empowering persons authorized under the rules to test and inspect any such brakes, whether on a road or elsewhere;

(b) to prohibit the use on roads or on any particular class of roads or on any particular road of any wheels, tracks or tyres of a kind likely to cause damage to such roads;

(c) to prohibit any class or description of vehicles, or any pedestrians to be on or to travel along any part of any road;

(d) for prescribing the appliances to be fitted to micromobility vehicles (not being motor vehicles) for signalling their presence when used on roads, and for securing that the riders of such vehicles shall by means of such appliances give sufficient warning of their presence;

(e) for prescribing the conditions subject to which, and the times at which, articles of exceptionally heavy weight or exceptionally large dimensions may be carried on roads;

(f) for prescribing the manner in which vehicles used on roads shall be loaded and the precautions to be taken for ensuring the safety of the public in connection therewith;

(g) for prescribing the conditions subject to which, and the times at which, goods may be loaded onto or unloaded from vehicles or vehicles of any particular class or description on roads;

(h) for prescribing rules as to the precedence to be observed as between traffic proceeding in the same direction, or in opposite directions, or when crossing;

(i) for prescribing the conditions subject to which, and the times at which, animals may be led or driven on roads;

(j) for prohibiting or prescribing the conditions subject to which vehicles, or vehicles of any particular class or description, may remain stationary or left unattended on any road, any particular class of roads or on any particular road;

(k) for prohibiting animals from being on or being left unattended or not under due control on roads or any particular class of roads or on any particular road;

(l) for restricting the use of vehicles, animals and persons on public roads for the purpose of advertisement of such a nature, or in such a manner, as to be likely to be a source of danger or to cause obstruction to traffic;

(m) for restricting and regulating the use on roads of vehicles engaged in the erection, placing, removal, alteration or repair of lamps, overhead cables and road or street works;

(n) for restricting or prohibiting the washing of vehicles and animals on roads;

(o) for prescribing the lights and reflectors to be carried on vehicles, or on vehicles of any particular class or description when such vehicles are being used on roads, and prescribing the nature of such lights and reflectors, the position in which, and the colour of the background on which, they shall be fixed and the period during which any lights so carried shall be lit;

(p) for prescribing the number of persons who may be carried upon micromobility vehicles on roads and the manner in which they may be carried;

(q) for prescribing the size, colour and type of traffic signs to be placed on or near roads;

(r) for requiring drivers and persons in charge of motor vehicles and vehicles to drive and use such vehicles, and persons using roads to use such roads, in accordance with rules made under this Part, and to comply with all directions given to them by any police officer, road transport officer or traffic warden for the time being engaged in the regulation of traffic;

(s) to require persons driving or being carried on motorcycles to wear protective helmets, and to specify the class or description of such motorcycles; to prescribe such protective helmets with reference to shape, construction, labelling, marking or any other quality, and to prohibit the sale, offer for sale, letting on hire, offer to let on hire or supply of helmets when they are not so prescribed:

Provided that no rules shall be made in respect of the matter specified in paragraphs *(b)*, *(c)*, *(e)*, *(i)*, *(j)*, *(k)*, *(m)*, *(n)* and *(q)* without the consultation of the Minister charged with the responsibility for works.

Provided further that no rules shall be made in respect of the matter specified in paragraphs *(e)*, *(g)* and *(h)* in relation to operators of public service vehicles service, tourism vehicles services and goods vehicles service licensed under the Land Public Transport Act 2010.

(2) The Minister charged with the responsibility for works in relation to a Federal road, may make rules to prohibit any person from using a road in such a manner as to be likely to affect its cleanliness.

(3) Rules under this section may provide for the revocation of any rules or by-laws dealing with the same subject matter as the rules and

for suspending, whilst the rules remain in force, any power of making any such rules or by-laws.

(4) Rules under this section may exempt or may confer upon any officer or authority, including any local authority, power to exempt from the provision of any rule made under this section any person or class or description of persons or any vehicles or class or description of vehicles.

PART IIIA

MOTOR VEHICLE ROAD CHARGE

Interpretation

88A. For the purposes of this Part, unless the context otherwise requires—

"Authority" means any body, whether corporate or unincorporate, established, appointed or incorporated under any written law;

"authorized point of entry" means a point of entry declared as an authorized point of entry under subsection 5(1) of the Immigration Act 1959/63;

"charge" means the motor vehicle road charge.

Application

88B. This Part shall apply to motor vehicles registered in any foreign country.

Motor vehicle road charge

88C. (1) Subject to the provisions of this Part, there shall be imposed on every motor vehicle entering Malaysia by land through an authorized point of entry a motor vehicle road charge.

(2) The Minister may by order published in the *Gazette*—

(a) prescribe the types or classes of motor vehicles in respect of which the charges are payable;

(b) prescribe the amount of charges payable; and

(c) specify the mode of payment of the charges and the place at which such payment is to be collected.

(3) The charge imposed under this section shall be paid by the person for the time being driving the motor vehicle.

Power to demand, collect and retain charges

88D. (1) Any road transport officer authorized in writing by the Director General in that behalf, may demand, collect and retain the charges as prescribed under this Part.

(2) Without prejudice to subsection (1), the Minister may in writing authorize any public officer or Authority to demand, collect and retain the charges as prescribed under this Part, upon such conditions as he deems fit.

(3) Where the Minister has authorized an Authority to demand, collect and retain the charges under subsection (2), it shall be deemed that the officers of the Authority have been duly authorized to demand, collect and retain such charges on behalf of the Authority.

(4) The Minister may revoke any authorization made under subsection (2) without assigning any reasons.

Exemption

88E. The Minister may by order published in the *Gazette* exempt any motor vehicle or types or classes of motor vehicles from any of the provisions of this Part, subject to such conditions as he deems fit.

Duty to produce registration certificate, etc.

88F. The person for the time being driving a motor vehicle shall, on being required by the road transport officer, public officer or officer of the Authority as authorized under section 88D, produce any registration certificate, licence, permit or any other similar document issued in respect of such motor vehicle by the proper authority in the foreign country in which it is registered.

PART IV

PROVISIONS AGAINST THIRD PARTY RISKS ARISING OUT OF THE USE OF MOTOR VEHICLES

Interpretation

89. In this Part, unless the context otherwise requires—

"authorized insurer" means a person lawfully carrying on motor vehicle insurance business in Malaysia who is a member of the Motor Insurers' Bureau;

"Motor Insurers' Bureau" means the Motor Insurers' Bureau which has executed an agreement with the Minister of Transport to secure compensation to third party victims of road accidents in cases where such victims are denied compensation by the absence of insurance or of effective insurance;

"policy of insurance" includes a cover note.

Motor vehicle users to be insured against third party risks

90. (1) Subject to this Part, it shall not be lawful for any person to use or to cause or permit any other person to use, a motor vehicle unless there is in force in relation to the user of the motor vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third party risks as complies with the requirements of this Part.

(2) If a person acts in contravention of this section he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding three months or to both and a person convicted of an offence under this section shall, unless the court for special reasons to be specified in the order thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified from holding or obtaining a driving licence under Part II for a period of twelve months from the date of the conviction.

(3) A person disqualified by virtue of a conviction under this section or of an order made thereunder from holding or obtaining a driving licence shall, for the purposes of Part II, be deemed to be disqualified by virtue of a conviction under the provisions of that Part:

Provided that a person shall not be convicted of an offence against this section if he proves—

(a) that the vehicle did not belong to him and was not in his possession under a contract of hiring or loan;

(b) that he was using such vehicle in the course of his employment; and

(c) that he neither knew, nor had reason to believe, that there was not in force in relation to such user a policy of insurance or such security as complies with the provisions of this Part.

(4) Notwithstanding any written law prescribing a time within which proceedings may be brought before a court, proceedings for an offence under this section may be brought—

(a) within a period of six months from the date of the commission of the alleged offence; or

(b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

(5) This section shall not apply—

(a) to a vehicle owned by—

(i) any Government in Malaysia;

(ii) the Government of the Republic of Singapore;

(iii) a Municipality or other local authority approved by the Minister charged with the responsibility for local government except to a public service vehicle, other than an employees vehicle; or

(iv) a public body,

whilst the vehicle is being used for the purpose of any such Government, Municipality or other local authority or public body owning the same;

(b) to any motor vehicle at any time when it is being driven for police purposes by or under the direction of a police officer; or on a journey to or from any place undertaken for salvage purposes pursuant to Part X of the Merchant Shipping Ordinance 1952 [*Ord. No. 70 of 1952*];

(c) to any motor vehicle at any time when it is being driven by or under the direction of a road transport officer for the purpose of examining or testing the mechanism of the motor vehicle or of testing the ability of a person to control or to drive a motor vehicle in connection with an application for a licence to drive a motor vehicle; or

(d) to a motor vehicle in respect of which the registered owner has deposited with the Accountant General the sum of one hundred and twenty-five thousand ringgit at any time when such motor vehicle is being driven by the registered owner or by his servant in the course of his

employment, or is otherwise subject to the control of the registered owner.

Requirements in respect of policies

91. (1) In order to comply with the requirements of this Part, a policy of insurance must be a policy which—

(a) is issued by a person who is an authorized insurer within the meaning of this Part; and

(b) insures such person, or class of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of the motor vehicle or land implement drawn thereby on a road:

Provided that such policy shall not be required to cover—

(aa) liability in respect of the death arising out of and in the course of his employment of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment; or

(bb) except in the case of a motor vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment, liability in respect of the death of or bodily injury to persons being carried in or upon or entering or getting onto or alighting from the motor vehicle at the time of the occurrence of the event out of which the claims arise; or

(cc) any contractual liability.

(2) *(a)* Where any payment is made (whether or not with any admission of liability) by—

(i) an authorized insurer under or in consequence of a policy issued under this Act;

(ii) the owner of a motor vehicle in relation to the user of which a security under section 93 is in force; or

(iii) the owner of a motor vehicle who has made a deposit under paragraph 90(5)*(d)*,

in respect of the death of or bodily injury to any person arising out of the use of a motor vehicle on a road, and the person who has so died or been bodily injured has to the knowledge of the authorized insurer or such owner, as the case may be, received treatment at a hospital, whether as an inpatient or as an outpatient, in respect of the injury so arising, there shall also be paid by the authorized insurer or such owner to such hospital the expenses reasonably incurred by the hospital in affording such treatment, after deducting from such expenses any moneys actually received by the hospital in payment of a specific charge for such treatment:

Provided that the amount to be paid by the authorized insurer or such owner shall not exceed four hundred ringgit for each person so treated as an inpatient or forty ringgit for each person so treated as an outpatient.

(b) For the purposes of this subsection, the expression "hospital" means an institution (not being an institution carried on for profit) which provides medical or surgical treatment for inpatients and the expression "expenses reasonably incurred" means—

(i) in relation to a person who receives treatment at a hospital as an inpatient, an amount for each day such person is maintained in such hospital representing the average daily cost for each inpatient of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the inpatients; provided that in respect of a Government hospital which admits paying patients, "expenses reasonably incurred" means the amount chargeable to a member of the general public, in a ward of the class occupied by the person who received treatment, in

accordance with the scale of fees from time to time in force at such hospital; and

(ii) in relation to a person who receives treatment at a hospital as an outpatient, reasonable expenses actually incurred.

(3) Notwithstanding anything in any written law, a person issuing a policy of insurance under this section shall be liable to indemnify the person or class of persons specified in the policy in respect of any liability which the policy purports to cover in the case of that person or class of persons.

(4) A policy shall be of no effect for the purposes of this Part unless and until there is delivered by the insurer to the person by whom the policy is effected a certificate (in this Act referred to as a "certificate of insurance") in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed, and different forms and different particulars may be prescribed in relation to different cases or circumstances.

Furnishing of returns and information by insurers

92. The Minister may require any authorized insurer to furnish such returns and information relating to the motor vehicle insurance business carried on by the insurer as the Minister may require.

Requirements in respect of securities

93. (1) In order to comply with the requirements of this Part, a security must—

(a) be given either by an authorized insurer or by some body of persons approved by the Minister after consultation with the Minister of Finance, which carries on in Malaysia the business of giving securities of a like kind; and

(b) consist of an undertaking by the giver of the security to make good, subject to any conditions specified therein and up to an amount, in the case of an undertaking relating to the use of public service vehicles, of not less than two hundred and twenty-five thousand ringgit, and in any other case, of not less than forty thousand ringgit, any failure by the owner of the vehicle or such other person or class of persons as may be specified in the security to discharge any such liability as is required to be covered by a policy of insurance under section 91 which may be incurred by him or by them.

(2) A security shall be of no effect for the purpose of this Part unless there is issued by the person giving the security to the person to whom it is given a certificate (in this Act referred to as a "certificate of security") in the prescribed form and containing such particulars of any conditions subject to which the security is issued and of any other matters as may be prescribed, and different forms and different particulars may be prescribed in relation to different cases or circumstances.

Certain conditions in policies or securities to be of no effect

94. Any condition in a policy or security issued or given for the purposes of this Part providing that no liability shall arise under the policy or security or that any liability so arising shall cease in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security shall be of no effect in connection with such claims as are mentioned in paragraph 91(1)*(b)*:

Provided that nothing in this section shall be taken to render void any provision in a policy or security requiring the person insured or secured to repay to the insurer or the giver of the security any sums which the latter may have become liable to pay under the policy or security and which have been applied to the satisfaction of the claims of third parties.

Avoidance of restrictions on scope of third party risks policies

95. Where a certificate of insurance has been delivered under subsection 91(4) to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured by reference to any of the following matters:

(a) the age or physical or mental condition of persons driving the motor vehicle;

(b) the condition of the motor vehicle;

(c) the number of persons that the motor vehicle carries;

(d) the weight or physical characteristics of the goods that the motor vehicle carries;

(e) the times at which or the areas within which the motor vehicle is used;

(f) the horsepower or value of the motor vehicle;

(g) the carriage on the motor vehicle of any particular apparatus;

(h) the carriage on the motor vehicle of any particular means of identification other than any means of identification required to be carried under Part II;

(i) the driver of the motor vehicle at the time of the accident being under the influence of intoxicating liquor or of a drug;

(j) the driver of the motor vehicle at the time of the accident not holding a licence to drive or not holding a licence to drive the particular motor vehicle;

(k) the motor vehicle being used for a purpose other than the purpose stated in the policy,

shall, as respects such liabilities as are required to be covered by a policy under paragraph 91(1)*(b)*, be of no effect:

Provided that nothing in this section shall require an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this section shall be recoverable by the insurer from that person.

Duty of insurers to satisfy judgements against persons insured in respect of third party risks

96. (1) If, after a certificate of insurance has been delivered under subsection 91(4) to the person by whom a policy has been effected, judgement in respect of any such liability as is required to be covered by a policy under paragraph 91(1)*(b)* (being a liability covered by the terms of the policy) is given against any person insured by the policy, then notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled the policy, the insurer shall, subject to this section, pay to the persons entitled to the benefit of the judgement any sum payable in respect of the liability, including any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any written law relating to interest on judgements.

(2) No sum shall be payable by an insurer under subsection (1)—

(a) in respect of any judgement, unless before or within seven days after the commencement of the proceedings in which the judgement was given, the insurer had notice of the proceedings;

(b) in respect of any judgement, so long as execution is stayed pending an appeal; or

(c) in connection with any liability, if before the happening of the event which was the cause of the death or bodily injury giving rise to the liability the policy was cancelled

by mutual consent or by virtue of any provision contained therein and either—

(i) before the happening of the said event the certificate was surrendered to the insurer or the person to whom the certificate was delivered made a statutory declaration stating that the certificate had been lost or destroyed;

(ii) after the happening of the said event, but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer or the person to whom the certificate was delivered made such a statutory declaration as aforesaid; or

(iii) either before or after the happening of the said event, but within the said period of fourteen days, the insurer has commenced proceedings under this Part in respect of the failure to surrender the certificate.

(3) No sum shall be payable by an insurer under subsection (1) if before the date the liability was incurred, the insurer had obtained a declaration from a court that the insurance was void or unenforceable:

Provided that an insurer who has obtained such a declaration as aforesaid in an action shall not become entitled to the benefit of this subsection as respects any judgement obtained in proceedings commenced before the commencement of that action unless, before or within seven days after the commencement of that action, he has given notice to the person who is the plaintiff in the said proceedings specifying the grounds on which he proposes to rely, and any person to whom notice of such an action is so given shall be entitled if he thinks fit to be made a party thereto.

(4) If the amount which an insurer becomes liable under this section to pay in respect of a liability of a person insured by a policy exceeds the amount for which he would, apart from this section, be

liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

(5) In this section, the expression "material" means of such a nature as to influence the judgement of a prudent insurer in determining whether he will take the risks, and if so at what premium and on what conditions, and the expression "liability covered by the terms of the policy" means a liability but for the fact that the insurer is entitled to avoid or cancel or has avoided or cancelled the policy.

(6) In this Part, reference to a certificate of insurance in any provision relating to the surrender or the loss or destruction of a certificate of insurance shall, in relation to policies under which more than one certificate is issued, be construed as references to all the certificates and shall, where any copy has been issued of any certificate, be construed as including a reference to that copy.

Rights of third parties against insurers

97. (1) Where under any policy issued for the purposes of this Part, a person (hereinafter referred to as "the insured") is insured against liabilities to third parties which he may incur then—

(a) in the event of the insured becoming bankrupt or making a composition or arrangement with his creditors; or

(b) in the case of the insured being a company, in the event of a winding-up order being made or a resolution for a voluntary winding-up being passed with respect to the company or of a receiver or manager of the company's business or undertaking being appointed or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge on any property comprised in or subject to the charge,

if either before or after that event any such liability as aforesaid is incurred by the insured, his rights against the insurer under the policy in respect of the liability shall, notwithstanding anything in any

written law to the contrary, be transferred to and vest in the third party to whom the liability was so incurred.

(2) Where an order is made under any written law relating to bankruptcy for the administration in bankruptcy of the estate of a deceased debtor then if any debt provable in bankruptcy is owing by the deceased in respect of a liability against which he was insured under a policy issued for the purposes of this Part as being a liability to a third party, the deceased debtor's rights against the insurer under the policy in respect of that liability shall, notwithstanding anything in any such law expressed, be transferred to and vest in the person to whom the debt is owing.

(3) Any condition in a policy issued for the purposes of this Part purporting directly or indirectly to avoid the policy or to alter the rights of the party thereunder upon the happening to the insured of any of the events specified in paragraph (1)*(a)* or *(b)* or upon the making of an order under any written law relating to bankruptcy in respect of his estate, shall be of no effect.

(4) Upon a transfer of rights under subsection (1) or (2), the insurer shall, subject to the provisions of section 99, be under the same liability to the third party as he would have been under to the insured but—

(a) if the liability of the insurer to the insured exceeds the liability of the insured to the third party, nothing in this Act shall affect the rights of the insured against the insurer in respect of the excess; and

(b) if the liability of the insurer to the insured is less than the liability of the insured to the third party, nothing in this Act shall affect the rights of the third party against the insured in respect of the balance.

(5) For the purposes of this section and sections 98 and 99, the expression "liabilities to third parties" in relation to a person insured under any policy of insurance shall not include any liability of that person in the capacity of insurer under some other policy of insurance.

(6) This section and sections 98 and 99 shall not apply—

(a) where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company; or

(b) to any case to which subsections 21(1) and (2) of the Workmen's Compensation Act 1952 [*Act 273*], apply.

Duty to give necessary information to third parties

98. (1) Any person against whom a claim is made in respect of any such liability as is required to be covered by a policy under paragraph 91(1)*(b)* shall, on demand by or on behalf of the person making the claim, state whether or not he was insured in respect of that liability by any policy having effect for the purposes of this Part or would have been so insured if the insurer had not avoided or cancelled the policy and, if he was or would have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance delivered in respect thereof under subsection 91(4).

(2) In the event of any person becoming bankrupt or making a composition or arrangement with his creditors or in the event of an order being made under any law relating to bankruptcy in respect of the estate of any person or in the event of a winding-up order being made or a resolution for a voluntary winding-up being passed with respect to any company or of a receiver or manager of the company's business or undertaking being appointed or of possession being taken by or on behalf of the holders of any debentures secured by a floating charge, on any property comprised in or subject to the charge it shall be the duty of the bankrupt debtor, personal representative of the deceased debtor or company and, as the case may be, of the Director General of Insolvency, trustee, liquidator, receiver or manager or person in possession of the property to give, at the request of any person claiming that the bankrupt debtor, deceased debtor or company is under a liability to him, such information as may reasonably be required by him for the purpose of ascertaining whether any rights have been transferred to and vested in him under

this Act and for the purpose of enforcing such rights, if any, and any contract of insurance in so far as it purports whether directly or indirectly to avoid the contract or to alter the rights of the parties thereunder upon the giving of any such information in the events aforesaid or otherwise to prohibit or prevent the giving thereof in the said events shall be of no effect.

(3) If the information given to any person in pursuance of subsection (2) discloses reasonable ground for supposing that there have or may have been transferred to him under this Act rights against any particular insurer that insurer shall be subject to the same duty as is imposed by the said subsection on the persons therein mentioned.

(4) The duty to give information imposed by this section shall include a duty to allow all contracts of insurance, receipts for premiums and other relevant documents in the possession or power of the person on whom the duty is so imposed to be inspected and copies thereof to be taken.

(5) If without reasonable excuse any person fails to comply with this section or willfully makes any false or misleading statement in reply to any such demand as aforesaid he shall be guilty of an offence.

Settlement between insurers and insured persons

99. Where a person who is insured under a policy issued for the purposes of this Part has become bankrupt or where, in the case of such insured person being a company, a winding-up order has been made or a resolution for a voluntary winding-up has been passed with respect to the company, no agreement made between the insurer and the insured after liability has been incurred to a third party and after the commencement of the bankruptcy or winding-up, as the case may be, nor any waiver, assignment or other disposition made by, or payment made to, the insurer after the commencement aforesaid, shall be effective to defeat or affect the rights transferred to the third party under this Act, but those rights shall be the same as if no such agreement, waiver, assignment, disposition or payment had been made.

Bankruptcy, etc., not to affect third party claims

100. Where a certificate of insurance has been delivered under subsection 91(4) to the person by whom a policy has been effected, the happening in relation to any person insured by the policy, of any such event as is mentioned in subsection 97(1) or (2) shall, notwithstanding anything contained in this Act, not affect any such liability of that person as is required to be covered by a policy under paragraph 91(1)*(b)* of this Act, but nothing in this section shall affect any rights against the insurer conferred under sections 97, 98 and 99 on the person to whom the liability was incurred.

Further rights of third parties against insurer

101. (1) No settlement by an insurer in respect of any claim which might be made by a third party in respect of any such liability as is required to be covered by a policy under paragraph 91(1)*(b)* shall be valid unless such third party is a party to such settlement.

(2) A policy issued under this Part shall remain in force and available for third parties, notwithstanding the death of any person insured under paragraph 91(1)*(b)* as if such insured person were still alive.

Surrender of certificate on cancellation of policy

102. (1) Where a certificate of insurance has been delivered under subsection 91(4) to the person by whom a policy has been effected and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person to whom the certificate was delivered shall, within seven days from taking effect of the cancellation, surrender the certificate to the insurer or, if it has been lost or destroyed, make a statutory declaration to that effect, and if he fails so to do he shall be guilty of an offence.

(2) Where a policy has not been issued following the issue of a cover note, or a policy has been cancelled, transferred to another person or altered to cover the insured vehicle for use for a purpose other than that for which it was originally issued, it shall be the duty of the insurer to inform the Director by whom the vehicle insured by

such policy or cover note was registered, and if he fails so to do he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding three hundred ringgit.

Production of certificates

103. (1) It shall be the duty of the owner of a motor vehicle to give such information as he may be required by or on behalf of a Chief Police Officer or a Director to give the purpose of determining whether the motor vehicle was or was not being driven in contravention of section 90 on any occasion when the driver was required under section 58 to produce his certificate within five days, and if the owner fails so to do he shall be guilty of an offence.

(2) In this section, the expression "produce his certificate" means produce for examination the relevant certificate of insurance or certificate of security or such other evidence that the motor vehicle is not or was not being driven in contravention of section 90 as may be prescribed.

Insurer to be notified of any occurrence

104. It shall be the duty of the insured to notify the insurer as soon as possible of the occurrence of any event which may give rise to a claim under a policy.

Deposits

105. If any sum is deposited by any person under or as a condition of approval by the Minister under section 91 or 93, no part of such sum shall, so long as any liabilities being such liabilities as are required to be covered by a policy of insurance under this Part which have been incurred by him have not been discharged or otherwise provided for, be applicable in discharge of any other liabilities incurred by him.

Application of this Part to securities

106. This Part shall apply, in relation to securities having effect for the purposes of this Part, as they apply in relation to policies of insurance, and in relation to any such security as aforesaid, references in the said provisions to being insured, to a certificate of insurance, to an insurer and to persons insured shall be construed respectively as references to the having in force of the security, to the certificate of security, to the giver of the security and to the persons whose liability is covered by the security.

Rules

107. The Minister may make rules for prescribing anything which may be prescribed under this Part and generally for the purpose of carrying this Part into effect, and in particular but without prejudice to the generality of the foregoing provisions may make rules—

(a) to prescribe the forms to be used for the purposes of this Part;

(b) as to applications for and the issue of certificates of insurance and any other documents which may be prescribed, and as to the keeping of records of documents and the furnishing of particulars thereof, or the giving of information with respect thereto, to the Minister, a Chief Police Officer or the Director General;

(c) as to the issue of copies of any such certificates or other documents which are lost or destroyed;

(d) as to the custody, production, cancellation and surrender of any such certificates or other documents; and

(e) for providing that any provisions of this Part shall, in relation to motor vehicles brought into Malaysia from a place outside Malaysia by persons making only a temporary stay in Malaysia, have effect subject to such modifications and adaptations as may be prescribed.

PART V

OFFENCES AND MISCELLANEOUS PROVISIONS

False statement

108. (1) If any person—

(a) for the purpose of obtaining, under the provisions of any Part, the grant of any type or description of licence to himself or to any other person, or the variation of any such licence, or for the purpose of preventing the grant of or variation of any such licence, or of procuring the imposition of any conditions or limitation in relation to any such licence, makes any statement or declaration which to his knowledge is false or incorrect, either in whole or in part, or in any material respect misleading;

(b) for the purpose of obtaining the issue of a certificate of insurance or certificate of security under Part IV, makes any statement which is false or misleading, or withholds any material information, unless he establishes, to the satisfaction of the court, that he acted without any intent to deceive;

(c) furnishes any particulars or documents in connection with the registration or licensing of a motor vehicle or of a change in possession thereof, or in relation to a motor trade licence, which to his knowledge are false or in any material respect misleading;

(d) in the course of giving evidence at any enquiry held under this Act, makes any statement which is false and which he either knows or believes to be false, or does not believe to be true;

(e) makes any false entry in any book or record or makes any document containing a false statement, intending that such entry, or document or statement may appear or be given in evidence at an enquiry held under this Act; or

(f) makes any entry in a record, register, certificate, or other document required to be issued, kept, maintained or furnished under this Act which is false or in any material respect misleading,

he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(2) In any prosecution under this section, when it has been proved that any application, particulars, returns, account, document or written statement is false or incorrect in whole or in part or misleading in any material particular, it shall be presumed, until the contrary is proved, that such application, particulars, returns, account, document or written statement was false or incorrect or misleading in a material particular, as the case may require, to the knowledge of the person signing, delivering or supplying the same.

(3) If any person—

(a) forges, alters, tampers with, defaces, mutilates, uses or lends to or allows to be used by any other person any mark, plate or document which is required by this Act to be carried or exhibited on a motor vehicle, or any registration certificate, licence, certificate of insurance or certificate of security under Part IV;

(b) makes or has in his possession any mark, plate or document so closely resembling any such mark, plate or document as aforesaid as to be calculated to deceive;

(c) alters any entry made in a certificate of insurance, certificate of security, registration certificate, register, licence or other document issued or kept under this Act;

(d) issues a certificate of insurance or certificate of security which is false or incorrect, either in whole or in part, or in any material respect misleading;

(e) exhibits on any motor vehicle any licence or identification mark, plate or document which has been altered, tampered with, defaced, mutilated or added to, or any imitation of a licence, mark, plate or document which is required under this Act to be carried or exhibited on a motor vehicle;

(f) exhibits on any motor vehicle any licence or identification mark, plate or document which does not belong to such vehicle;

(g) uses any forged, altered, defaced or mutilated driving licence, or licence to act as a driver or conductor of a public service vehicle, or any badge prescribed to be carried by such persons, or any licence to which an addition not authorized by this Act has been made;

(h) alters, defaces, conceals or obliterates any endorsement on a driving licence or a licence to act as a driver or conductor of a public service vehicle;

(i) prepares or maintains or authorizes the preparation or maintenance of false records that are required to be maintained under this Act; or

(j) falsifies or authorizes the falsification of records that are required to be furnished under this Act,

he shall be guilty of an offence and shall on conviction be liable to a fine of not less than five thousand ringgit and not more than twenty thousand ringgit or to imprisonment for a term of not less than one year and not exceeding five years or to both.

(4) Subsection (3) shall, with all necessary modifications, apply in relation to a document evidencing the appointment of a road transport officer as they apply in relation to a licence.

(5) *(a)* If any police officer or road transport officer has reasonable cause to believe that a document carried on a motor vehicle, or any licence or certificate of insurance or certificate of security or

registration certificate or record or other document produced to him in pursuance of the provisions of this Act by the driver of person in charge of a motor vehicle, is a document in relation to which an offence under this section has been committed, he may seize the document.

(b) For the purposes of this subsection, the expression "document" shall include a plate or badge, and the expression "seize" shall include power to detach from the motor vehicle.

(6) In this section, the expressions "certificate of insurance" and "certificate of security" include any document issued under rules made by the Minister in pursuance of his power under Part IV to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security and the expression "mark" includes the engine or chassis number of a motor vehicle.

Liability of registered owner and others

109. (1) For the purpose of any prosecution or proceedings under this Act, the registered owner of a motor vehicle shall be deemed to be the owner of that motor vehicle.

(2) Except where otherwise required by this Act, any act or omission by whoever was the driver of a motor vehicle at the material time, shall for the purpose of any prosecution or proceedings under this Act, be deemed to be the act or omission of the registered owner unless he satisfies the court that he took all reasonable steps and precautions to prevent such act or omission:

Provided that this subsection shall not apply to an act or omission of a person in driving a motor vehicle in contravention of sections 41 to 49.

(3) In the event of any act or omission by whoever was the driver of a motor vehicle at the material time, which would have been an offence against this Act if committed by the registered owner, such driver shall also be guilty of that offence.

(3A) Where a licence holder is the registered owner of a motor vehicle used by any employee in the commission of an offence under section 41, 42, 43, 44, 45, or 45A and three or more offences under those sections or any combination of those sections have been committed within a period of three years in the course of such employment by the same employee, whether involving the same motor vehicle or otherwise, the licence holder shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than fifty thousand ringgit and not more than one hundred and fifty thousand ringgit.

(3B) Where a second or subsequent offence under subsection (3A) is committed within three years of a conviction under subsection (3A), the licence holder shall be liable to a fine of not less than one hundred thousand ringgit and not more than five hundred thousand ringgit.

(4) Where the registered owner is a body corporate, any person who at the time of the commission of such offence was a director, general manager, manager, secretary or other similar officer of the body corporate, or who was purporting to act in any such capacity, shall be deemed to be guilty of the offence unless he proves that the offence was committed without his consent or connivance, and that he exercised such diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances.

(5) For the purposes of this section, "licence holder" means—

(a) in respect of Peninsular Malaysia—

(i) a person licensed as an operator of a public service vehicle service;

(ii) a person issued with a tourism vehicles licence; or

(iii) a person licensed as an operator of a goods vehicles service,

under the Land Public Transport Act 2010; and

(b) in respect of Sabah and Sarawak—

(i) a person issued with a public service vehicle licence for stage buses, charter buses, express buses, mini buses, employees' buses, feeder buses or school buses; or

(ii) a person issued with a goods vehicle licence for carrier's licence 'A' or carrier's licence 'B',

under the Commercial Vehicles Licensing Board Act 1987.

Penalty for obstruction and interference

110. Any person who without lawful authority, by the placing of any vehicle, material or matter of any description on or near a road or by interfering with any drainage constructed alongside any road, obstructs or endangers traffic on the road shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand ringgit.

110A. (*Deleted by Act A1391*).

Abetment of offences

111. (1) Whoever abets the commission of an offence against this Act shall be punishable with the punishment provided for the offence.

(2) Where a person is convicted of abetting the commission of an offence under subsection (1) (being an offence on conviction of which a driving licence granted under Part II might be suspended or endorsed or the defendant be disqualified from holding or obtaining such a licence) and it is proved that he was present in the motor vehicle at the time of the commission of the offence, the offence of which he is convicted shall, for the purposes of that Part relating to endorsements and suspension of licences and disqualifications from holding or obtaining licences, be deemed to be an offence in connection with the driving of a motor vehicle.

Powers of arrest, stopping and detention

112. (1) A police officer, road transport officer or traffic warden may arrest without a warrant—

(a) any person who has committed or is suspected of having committed an offence against section 41, 42, 44, 45, 45A or 50;

(b) any person, not being the driver of a motor vehicle, who within his view commits an offence against this Act other than an offence against any of the sections mentioned in paragraph *(a)*:

Provided that such person shall not be arrested if he satisfies such officer as to his name and residence in Malaysia, and that he does not intend to abscond;

(c) any person in charge of or driving a motor vehicle who has committed or is suspected of having committed an offence against this Act other than an offence against any of the sections mentioned in paragraph *(a)*:

Provided that such person shall not be arrested if—

(i) on the demand of such officer he produces his driving licence so as to enable the officer to ascertain the name and address of the holder of the licence, the date of issue and the authority by which it was issued; or

(ii) not being the driver of a motor vehicle used for the carriage of passengers for hire or reward or for the carriage of goods, he gives the officer his name and a place of residence within Malaysia,

unless such officer has reason to suspect that the name or address so ascertained or given is false.

(2) A police officer, road transport officer or traffic warden may require any person who appears to him to be or to have been a passenger in the motor vehicle in relation to which such officer is exercising any of the powers conferred on him by this section to give him his name and address; and if such person refuses to give such name and address he may (subject to subsection 123(2)) be arrested by such officer without a warrant in order that his name and address may be ascertained.

(3) A police officer, road transport officer or traffic warden may detain any micromobility vehicles in respect of which an offence has been committed within his view.

Powers of the police in investigation

113. (1) Every police officer making an investigation under this Act may exercise any or all of the special powers in relation to police investigation in seizable cases conferred on such police officer by Chapter XIII of the Criminal Procedure Code [*Act 593*], and sections 112 to 114 of that Code shall apply to statements made by persons examined in the course of such investigation.

(2) Where any offence against this is committed or suspected to have been committed within the Federal Territory of Kuala Lumpur or the Federal Territory of Putrajaya, a traffic warden shall have power to require, whether orally or in writing, any person to supply him any information and any person who fails to supply such information or supplies any information which he has reason to believe to be false shall be guilty of an offence.

Powers of road transport officers in investigation

114. (1) Every road transport officer making an investigation under this Act shall have the power to require information, whether orally or in writing, from any person supposed to be acquainted with the facts and circumstances of the case under investigation.

(2) Whoever, on being required by a road transport officer to give information under this section, refuses to comply with such request by the officer or furnishes as true, information which he knows or has reason to believe to be false, shall be guilty of an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(3) When any such information is proved to be untrue or incorrect in whole or in part, it shall be no defence to allege that such information or any part thereof was misinterpreted, or furnished inadvertently or without criminal or fraudulent intent.

Duty to give information and use of statements as evidence

115. (1) Where the driver of a motor vehicle is alleged or is suspected to be guilty of an offence in connection with the driving of the motor vehicle—

(a) the owner of the motor vehicle shall give such information as he may be required by a police officer, traffic warden or road transport officer to give as to the identity and address of the person who was driving the said motor vehicle at or about the time of the alleged offence, and as to the licence or licences held by that person, and if he fails so to do within seven days of the date on which the information was required from him, he shall be guilty of an offence unless he proves, to the satisfaction of the court, that he did not know and could not with reasonable diligence have ascertained the information required; and

(b) any other person who was or should have been in charge of the motor vehicle shall, if so required as aforesaid, give any information which it is in his power to give, and which may lead to the identification of the driver, and if, within seven days of the date on which the information was required from him, he fails so to do, he shall be guilty of an offence.

(2) Notwithstanding anything contained in any written law, any information given under this section by any person charged with any offence in connection with the driving of a motor vehicle may be used as evidence at the hearing of the charge.

(3) Notwithstanding anything contained in any written law, any statement made by any person to any police officer that a particular motor vehicle was being driven by or belonged to that person or that it belonged to a partnership in which such person also stated that he was a partner or to a corporation of which such person stated that he was a director, officer or employee on a particular occasion shall be admissible in evidence for the purpose of determining by whom the vehicle was being driven or to whom it belonged.

Duty to give information and power to order appearance in court

115A. (1) Notwithstanding section 115, if an owner of a motor vehicle is alleged to have committed or is suspected of committing an offence in relation to the driving of a motor vehicle, a police officer, a traffic warden or a road transport officer may, in lieu of applying to the court for a summons, as soon as reasonably practicable serve upon that owner a notice in the prescribed form to his last-known address ordering him to give such information as to the identity and address of the person who was driving the said motor vehicle at or about the time of the alleged offence, and as to the licence held by that person.

(2) If an owner of a motor vehicle who is served with a notice as provided under subsection (1) fails to comply with the notice within fourteen days on which the information was required from, he shall be deemed to be the driver of the motor vehicle at or around the time the offence was committed and shall appear before the nearest court of a Magistrate having jurisdiction to try the offence, at a time and date to be stated in such notice.

(3) Notwithstanding anything contained in any written law, any information given under this section by any person who is later charged with any offence in connection with the driving of a motor vehicle may be used as evidence at the hearing of the charge.

116. (*Deleted by Act A1065*).

Jurisdiction of court of First Class Magistrate

116A. Notwithstanding anything contained in any written law to the contrary, a court of a First Class Magistrate shall have the jurisdiction to try any offence under this Act and to award the full punishment for any such offence.

Provisions as to evidence

117. (1) A registration certificate shall be *prima facie* evidence of the registration of the motor vehicle referred to therein, and of the particulars appearing in the register relating to such motor vehicle and the registered owner thereof.

(2) A copy of any entry in any register required to be kept under this Act, purporting to be signed by or on behalf of the person who, under this Act, is required to keep such register, and certified by or on behalf of such person to be a true copy thereof, shall be evidence of the matters stated in that entry without proof of the signature or authority of the person signing the said entry or the said certificate.

(3) When in any proceedings for an offence against this Act it is necessary to prove—

(a) that a motor vehicle was, or was not, registered in the name of any person;

(b) that any person was, or was not, the registered owner of a motor vehicle; or

(c) that any person was, or was not, the holder of a licence granted under Part II,

a certificate purporting to be signed by a Director or a Deputy Director and certifying the matters aforesaid shall be admissible as evidence, and shall constitute *prima facie* proof of the facts certified in such certificate,

without proof of the signature of the Director or Deputy Director to such certificate.

(4) When in any proceedings for an offence against this Act it is necessary to prove—

(a) that a motor vehicle was, or was not, an authorized vehicle; or

(b) that any person is a road transport officer,

a certificate purporting to be signed by the Director General, and certifying as to the matters aforesaid, shall be admissible as evidence, and shall constitute *prima facie* proof of the facts certified in such certificate, without proof of the signature of the Director General to such certificate.

(5) When in any proceedings for an offence against this Act, any question arises as to the damage or extent of damage caused to a motor vehicle as a result of an accident or whether a motor vehicle does, or does not, comply with any provision of this Act relating to the construction, equipment or conditions of use of such motor vehicle, the certificate of a road transport officer or any person licensed under this Act that he has examined the motor vehicle and the result of such examination shall be admissible in evidence, and shall be sufficient *prima facie* evidence of any fact or opinion stated therein relating to the construction, equipment or conditions of use of such motor vehicle, and the officer or the person licensed under this Act may not be called for cross-examination on the certificate unless contrary evidence is given which appears to the court to be credible, or unless for any reason the court considers cross examination to be necessary or desirable in the interest of justice:

Provided that in any case in which the prosecution intends to give in evidence of any such certificate there shall be delivered to the defendant a copy thereof not less than ten clear days before the commencement of the trial.

(6) When in any proceedings it is necessary to prove the weight unladen or laden of any vehicle, or the weight of any load carried on

any vehicle, or the weight carried on any axle of the vehicle, a certificate purporting to be signed by—

(a) any police officer authorized in writing in that behalf by a Chief Police Officer or Commissioner of Police;

(b) any road transport officer authorized in writing in that behalf by the Director General;

(c) any officer of the Public Works Department authorized in writing in that behalf by the Director General of Public Works or the State Director of Public Works, or any officer of the Highway Authority Malaysia authorized in writing in that behalf by the Director General of Highway Authority Malaysia;

(d) any traffic warden authorized in writing in that behalf by the Dato Bandar or the Perbadanan Putrajaya;

(e) any officer of a port authority authorized in writing in that behalf by the General Manager of the port authority;

(f) any person licensed under this Act,

to operate the weighbridge or weighing machine on which the said vehicle or load was weighed, and certifying—

(aa) that such weighbridge or weighing machine had been examined within the previous six months and found to be accurate by the Inspector of Weights and Measures; and

(bb) the weight of such vehicle or load,

shall be accepted by any court as *prima facie* proof of the facts certified in such certificate.

(6A) Notwithstanding subsection (6), paragraphs (6)(*d*) and (6)(*e*) shall not apply in respect of a certificate for the purpose of a computerized or electronic weigh in-motion system installed on any road.

(7) When in any proceedings before any court it is necessary to prove that any police officer, the Director General, any Director, any road transport officer, any public servant, any person licensed under this Act or any traffic warden has sent or served, or has received or has not received, any badge, document, licence, notice, plate or other thing, a certificate purporting to be signed by or on behalf of such police officer, Director General, Director, road transport officer, public servant, any person licensed under this Act or traffic warden and certifying the sending, service, reception or non-reception of such badge, document, licence, notice, plate or thing, shall be admissible as evidence, and shall constitute *prima facie* proof of the facts certified in such certificate, without proof of the signature to such certificate.

(8) In any proceedings in any court, particulars of a conviction endorsed on a driving licence granted under Part II may be produced as *prima facie* evidence of the conviction.

(9) Where in any proceedings for an offence against this Act it is necessary to prove that a helmet is or is not a protective helmet, or a seat-belt is or is not a safety seat belt, prescribed under the rules made under this Act, a certificate purporting to be signed by the Director or any officer of the Standards and Industrial Research Institute of Malaysia shall be admissible as evidence, and shall constitute *prima facie* proof of any fact or opinion stated therein, without proof of the signature of the said Director or officer to such certificate, and neither the Director nor any officer of the Standards and Industrial Research Institute of Malaysia shall be called for cross-examination on the certificate unless for any reason the court considers the cross-examination to be necessary or desirable in the interest of justice.

(10) When in any proceedings it is necessary to prove the speed of any vehicle, a certificate purporting to be signed by any public servant who is an electrical engineer or a mechanical engineer and certifying that any equipment used for determining the speed of vehicles had been examined within the previous eight months and found to be accurate shall be accepted by any court as *prima facie* proof of the facts certified in such certificate and such public servant shall not be called for cross-examination on the certificate unless for

any reason the court considers the cross-examination to be necessary or desirable in the interest of justice.

(11) In any proceedings in any court, any recorded image tendered by the prosecution for any offence under this Act shall be admissible as evidence, and shall constitute *prima facie* proof of any fact stated therein.

Evidence and records of previous conviction

117A. (1) For the purposes of sentencing under this Act, when it is necessary to prove in any court that the offence for which a person is being convicted is a second or subsequent offence, a certificate purporting to be a record of his previous conviction, signed by—

(a) any road transport officer authorized in writing in that behalf by the Director General; or

(b) any police officer authorized in writing in that behalf by the Chief Police Officer or Commissioner of Police,

having custody of the records in which such conviction is kept, shall be admissible as evidence and shall constitute a *prima facie* proof of any fact stated therein.

(2) The certificate under subsection (1) shall only be admissible if it is a record in respect of the same offence and the conviction is obtained within five years from the date of the present conviction.

Service of notices

118. (1) Any notice required to be given or served under this Act, may, unless some other form of service is prescribed, be served on the person affected thereby as follows:

(a) by giving the original copy of the notice personally to such person;

(b) by affixing a copy of the notice on any conspicuous part of the house or any other place such person usually resides;

(c) by affixing a copy of the notice on any conspicuous part of such person's motor vehicle; or

(d) by sending the notice through registered post.

(2) Where a notice is served by registered post, it shall be deemed to have been served on the day succeeding the day on which the notice would have been received, in the ordinary course of post, if the notice is addressed—

(a) in the case of a company incorporated in Malaysia, to the registered office of the company;

(b) in the case of a company incorporated outside Malaysia, either to the individual authorized to accept service of process under the *Companies Act 1965, at the address filed with the Registrar of Companies or to the registered office of the company, wherever it may be situated;

(c) in the case of an individual or a body of persons, to the personal address kept in the Director's register under sections 8 and 27A.

(3) Where the person to whom there has been addressed a registered letter containing any notice which may be given under this Act is informed of the fact that there is a registered letter awaiting him at a post office, and such person refuses or neglects to take delivery of such registered letter, such notice shall be deemed to have been served upon him on the date on which he was so informed.

(4) (*Deleted by Act A1391*).

General offences and penalties

119. (1) Any person who—

*NOTE—The Companies Act 1965 [*Act 125*] has since been repealed by the Companies Act 2016 [*Act 777*] which comes into operation on 31 January 2017—*see* subsection 620(1) of Act 777.

(a) without lawful excuse, proof of which shall lie on him, refuses or neglects to do anything he is by this Act required to do;

(b) without lawful excuse, proof of which shall lie on him, fails to comply with the requirements of any notice served on him under this Act; or

(c) without lawful excuse, proof of which shall lie on him, contravenes or fails to comply with any provisions of this Act,

shall be guilty of an offence.

(2) Any person who is guilty of an offence under this Act shall, where no special penalty is provided, be liable in the case of a first conviction, to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months and, in the case of a second or subsequent conviction, to a fine not exceeding four thousand ringgit or to imprisonment for a term not exceeding twelve months or to both.

(3) Any person summoned to answer a charge in respect of any offence which under the next following section might be compounded, may appear in answer to such charge either personally or by advocate and solicitor, and may in any such case, by letter sent to the court by registered post, plead guilty to the charge and submit to the order of the court provided that the provision of this subsection shall not apply to any person who has been served with a notice under section 53.

(4) Any summons issued in respect of a charge included in subsection (3) shall contain a notice informing the person charged of his rights under that subsection and the amount of the fine to be imposed on him which sum shall accompany the letter pleading guilty to the offence.

(5) If any person having appeared by an advocate and solicitor, or having pleaded guilty by letter as provided in subsection (3) is sentenced to imprisonment, the court shall issue a warrant for his

apprehension, and the sentence of imprisonment imposed shall commence to run only after the apprehension of such person under the warrant.

(6) The Minister may make rules for the purpose of prescribing the form of any summons or warrant to be issued in pursuance of this section, and generally to enable the provisions of this section to be carried into effect.

Offence committed by body corporate

119A. Where an offence under this Act is committed by a body corporate (whether or not the body corporate has been prosecuted), every director, secretary or manager of the body corporate shall be deemed to be guilty of the offence unless he proves that the offence was committed without his consent or connivance and that he had exercised all due diligence to prevent the commission of the offence as he ought to have exercised having regard to the nature of his functions in that capacity and to all the circumstances of the case.

Power of Director to refuse or suspend dealing or transactions

119B. (1) Notwithstanding paragraph 17(1)*(d)* and subsection 29(1A), the Director may refuse or suspend any dealing or transaction or part of it under this Act where there is any outstanding matter or case relating to any contravention of this Act or any contravention of the written law prescribed in the Third Schedule:

Provided that—

(a) in the case of a motor vehicle licence, such outstanding matter or case in relation to a particular motor vehicle of a person shall not affect any other motor vehicle registered under his name; and

(b) in the case of a driving licence, such outstanding matter or case in relation to a particular class of driving licence of a person shall not affect his other class of driving licence.

Powers to compound

120. (1) Any of the following officers, that is to say—

(a) a Chief Police Officer, a Commissioner of Police or any police officer not below the rank of Inspector specially authorized in writing by name or by office in that behalf by the Minister charged with the responsibility for the police;

(b) the Director General or Director or any road transport officer specially authorized in writing by name or by office in that behalf by the Director General;

(c) the Dato Bandar;

(ca) the President or any officer of the Perbadanan Putrajaya specially authorized in writing by name or by office in that behalf by the President;

(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;

(d) the Director General of Highway Authority Malaysia or any officer specially authorized in writing by name or office in that behalf by the Director General of Highway Authority Malaysia;

(e) an officer of the appropriate authority specially authorized in writing by name or by office in that behalf by the Minister charged with the responsibility for local government,

may, with the consent in writing of the Public Prosecutor, compound any such offence against this Act as may be prescribed as an offence

which may be compounded by such officer or in the case of an officer mentioned in paragraph (*d)* or *(e)* any offence against any order or rules made by the appropriate authority under Part III, by collecting from the person reasonably suspected of having committed the same a sum of money not exceeding three hundred ringgit.

(2) The Minister may make rules to prescribe the offences which may be compounded and the method and procedure therefor.

(3) In this section, "appropriate authority" has the same meaning as in section 67.

Plea of guilty by letter and compounding shall not affect provision of policy of insurance

121. Where any person has compounded an offence or pleaded guilty by letter to an offence under this Act, no evidence of any such act shall be admissible in any civil proceedings arising out of the same transaction as the said offence and he shall be deemed not to have committed, by reason only of so doing, a breach of any condition of any policy of insurance relating to admission of liability without the consent of the insurers.

Director General to be informed of convictions and compounds

122. (1) When, during any proceedings leading to the conviction, or upon the conviction, of any person for any criminal offence whatsoever, it comes to the knowledge of the court recording such conviction that such person (whether or not such person is in possession of a licence issued under this Act) is, or has been, or has acted as, the driver or conductor or owner of a public service vehicle, tourism vehicle, goods vehicle or employees vehicle, the court shall forthwith send particulars of such conviction, and of any sentence passed thereon, to the Director General.

(2) Where any court convicts a person of an offence against sections 41 to 49, and the person so convicted is the holder of a licence to drive a motor vehicle, or a licence to act as driver or conductor

of a public service vehicle, tourism vehicle, goods vehicle or employees vehicle, the court shall forthwith send particulars of such conviction, and of any such licence (if such particulars can be ascertained), to the Director who granted such licence or to the Director of the registration area in which the person so convicted resides.

(3) Where any officer has compounded an offence pursuant to subsection 120(1), such offence being an offence prescribed as an offence particulars of which are to be sent to the Director General, such officer shall forthwith send particulars of such offence to the Director General.

Officers not in uniform to produce identification cards

123. (1) Every police officer or traffic warden when acting against any person under this Act shall, if not in uniform, and every road transport officer when so acting shall, on demand, declare his office and produce to the person against whom he is acting such document establishing his identity as the Commissioner of Police may direct in the case of a police officer, such identification document as the Dato Bandar, the Perbadanan Putrajaya, the Mayor of a City Council, the President of a Municipal Council or the Chairman of a Municipal Council may direct in the case of a traffic warden, and such identification document as the Director General may direct in the case of a road transport officer, to be carried by a police officer, traffic warden and road transport officer respectively.

(2) It shall not be an offence for any person to refuse to comply with any request, demand or order made by any police officer not in uniform, any traffic warden not in uniform or any road transport officer if such police officer, traffic warden or road transport officer refuses to declare his office and produce his identification document on demand being made by such person.

Payment of licence fees

124. (1) The Director General or a Director may, if he thinks fit and subject to this Act, grant any licence upon receipt of a cheque for the

amount of the fee payable or upon any other mode of payment as may be prescribed by the Minister.

(2) Where any cheque issued or other mode of payment made in respect of a licence fee is subsequently dishonoured, the licence shall be void as from the date when it was granted, and the Director General or a Director, as the case may be, shall send to the person to whom the licence was issued, by a registered letter addressed to him to the address given by him, a notice requiring him to deliver up the licence to the Director General or Director, as the case may be, within a period of seven days from the date on which the notice was posted, and if that person fails to comply with such notice within that period he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

Declaration of public body

124A. The Minister may declare any body to be a public body for the purposes of this Act.

Minister may authorize any person to carry out functions of Director

125. Notwithstanding anything in this Act, the Minister may by rules authorize any person, on such conditions as he deems fit, to carry out any functions of the Director under this Act in respect of the licensing of motor vehicles, the licensing of motor vehicle drivers and the collecting of payments or charges.

Power of Minister to authorize or grant licence

126. (1) Notwithstanding anything in this Act, the Minister shall have the power to authorize or grant a licence on such conditions as he may think fit to any person to undertake any function of a road transport officer under this Act as it appears to him to be necessary.

(2) The Minister may make rules for the purposes of subsection (1), and in particular, but without prejudice to the generality of the foregoing provisions, may make rules with respect to any of the following matters:

(a) to prescribe the charges, fees or levy which shall be paid to any person authorized or licensed under subsection (1) in respect of services provided;

(b) to prescribe the qualifications of persons to be employed by the person authorized or licensed under subsection (1) and to regulate their competency;

(c) to prescribe the type of records to be kept by the person authorized or licensed under subsection (1);

(d) to prescribe the type of returns to be submitted by the person authorized or licensed under subsection (1) to the Director General at certain intervals; and

(e) to regulate the inspection by the Director General of the premises of the person authorized or licensed under subsection (1) and the records kept thereat.

(3) The Minister may, by order published in the *Gazette*, authorize a person authorized or licensed under subsection (1) to demand, collect and retain charges, fees or levy prescribed under subsection (2) in respect of the services provided by him.

(4) An order made under subsection (3) shall specify—

(a) the type of services in respect of which charges, fees or levy may be demanded, collected and retained;

(b) the person authorized to demand, collect and retain the charges, fees or levy; and

(c) the duration of the authorization to demand, collect and retain the charges, fees or levy.

(5) Any person authorized under subsection (3) shall—

(a) maintain such accounts, books and records in respect of the payment and collection of charges, fees or levy as the Director General may require;

(b) furnish to the Director General such information, returns and accounts in respect of the payment and collection of charges, fees or levy as the Director General may require; and

(c) permit the Director General or any officer authorized in writing by the Director General to have access to or examine or inspect any document, machinery or equipment maintained or used for the payment or collection of charges, fees or levy.

(6) The authorization of any person under subsection (3) shall not render the Federal Government liable to any person in respect of any injury, damage or loss occasioned by the failure of the person authorized or licensed to carry out his obligations under the Act in respect of which charges, fees or levy are demanded, collected and retained.

(7) If a person authorized or licensed under subsection (1) contravenes or fails to comply with any condition of the authorization or licence or any of the provisions of this section or rules made thereunder for which no penalty is expressly provided the person shall be guilty of an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

(8) Notwithstanding that any person has been authorized or granted a licence under this section to undertake any function of a road transport officer, the Minister may give directions to the Director General or a Director to exercise any of such functions.

Revocation

126A. (1) An authorization or licence issued under section 126 shall, unless sooner revoked, continue in force for such period as the Minister may determine.

(2) The Minister may revoke any authorization or licence issued under section 126.

Rules

127. (1) The Minister may make rules for any purpose for which rules may be made under this Act and for prescribing anything which may be prescribed under this Act, and generally for the purpose of carrying this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make rules with respect to any of the following matters:

(a) the language and script in which any traffic sign, notice, record, application, return or other document shall be written;

(b) the exemption, with or without conditions, of any persons, or classes of persons, or vehicles or classes of vehicles, from the necessity of complying with any of the requirements of this Act;

(c) the documents, plates and marks to be carried by authorized vehicles or any class of authorized vehicles and the manner in which they are to be carried;

(d) the determination of the number of passengers a public service vehicle or a hire and drive vehicle is constructed or adapted to carry and the number that may be carried;

(e) the carriage of passenger's luggage and goods (including parcels) on public service vehicles;

(f) the equipment to be carried by a public service vehicle;

(g) the types of taximeters that may be authorized, limitations on their use, and the control of the testing, repair and maintenance of taximeters;

(h) the carriage of passengers on goods vehicles;

(i) the granting of vocational licences, the procedure of application for such licences, the conditions to be attached thereto, the fees to be charged and the manner of payment therefor;

(j) the testing of applicants for public services vehicles driver licences;

(k) the conduct of persons holding vocational licences and the means of identification to be worn by them;

(l) the conduct of persons employed on or in connection with public service vehicles, of passengers boarding, travelling in or alighting from a public service vehicle and of intending passengers waiting to board a public service vehicle;

(m) the removal from a public service vehicle of any person infringing rules made under paragraph *(l)*;

(n) requiring a passenger on a public service vehicle who is reasonably suspected by the driver or conductor thereof of contravening rules made under paragraph *(l)* to give his name and address to a police officer or to the driver, conductor or ticket inspector on demand;

(o) requiring a passenger in a public service vehicle to declare, if so requested by the driver, conductor or ticket inspector thereof, the journey he intends to take or has taken in the vehicle, to pay the fare for the whole of such journey and to accept any ticket provided thereof;

(p) requiring, on demand being made for the purpose by the driver, conductor or other person authorized by the

licensee of a public service vehicle, production during the journey and surrender at the end of the journey, by the holder thereof, of any ticket issued to him;

(q) requiring a passenger on a public service vehicle, if so requested by the driver or conductor thereof, to leave the vehicle on the completion of the journey for which he has paid the fare;

(r) requiring the surrender by the holder thereof, on expiry of the period or the end of the journey for which it is issued, of a ticket issued to him;

(s) regulating the demand, collection and retention of motor vehicle road charges, including the procedure and matters connected with the demand, collection and retention of such charges.

(2) Any rules made by the Minister under this Act shall be published in the *Gazette*.

Power of the Minister to amend schedules

127A. The Minister may, by order published in the *Gazette*, amend any of the schedules.

Repeal, transitional and saving

128. (1) The Road Traffic Ordinance 1958 [*Ord. No. 49 of 1958*] and the Modification of Laws (Road Traffic Ordinance) (Extension and Modification) Order 1984 [*P.U. (A) 136/1984*] in so far as they do not relate to the licensing of commercial vehicles are hereby repealed:

Provided that all subsidiary legislations made under the repealed Ordinance in so far as they do not relate to the licensing of commercial vehicles shall be deemed to have been made under this Act and shall continue to remain in force until amended or revoked:

Provided further that any certificate, licence, permit, plate, mark, registration certificate or any other document in respect of a motor vehicle, or any reduction of fees or any exemption, issued or granted under the repealed Ordinance and in force immediately before the commencement of this Act shall, in so far as its issue or grant is not inconsistent with this Act, be deemed to have been issued or granted under this Act and shall continue in force until it expires, or is varied, amended or revoked thereunder.

(2) Where any appeal in respect of a decision made under the repealed Ordinance is pending before any authority or court or where any right to appeal in respect of such decision has accrued, the proceedings in respect of the appeal or in respect of any appeal under the accrued right to appeal, shall be continued or had, as the case may be, under this Act as if in respect of a decision under this Act, subject to all such directions as the authority or the court, as the case may be, may deem fit or expedient to give in the matter.

Power of Minister to make additional transitional provisions, etc.

129. The Minister may by rules make such provision as he considers necessary or expedient for the purpose of removing any difficulties occasioned by the coming into force of this Act, any such rule may be made so as to have effect as from the commencement of this Act.

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[*] *NOTE—see* section 15 of the Road Transport (Amendment) Act 2020 [*Act A1618*] w.e.f. 23 October 2020 which provides the following provision:

[**] *NOTE—see* section 13 of the Road Transport (Amendment) Act 2023 [*Act A1684*] w.e.f. 15 October 2023 which provides the following provision:

***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.

****Validation and indemnity**

13. (1) Notwithstanding the provisions of the principal Act before the date of coming into operation of this Act, the fees which were charged and collected by the Road Transport Department in respect of the interim change of possession of motor vehicles during the period from 4 October 2011 to the day preceding the commencement date of this Act shall be deemed to have been validly charge and collected. .

(2) No action or legal proceeding shall be brought, instituted or maintained against the Government of Malaysia, any officer of the Government of Malaysia or any person acting under them in respect of any fees which were charged and collected during the period referred to in subsection (1), and if such action or legal proceeding has been brought, instituted or maintained, it shall be discharged and made void and no refund in respect of the fees charged and collected as stated in this Act shall be made.

FIRST SCHEDULE

[Section 2]

SCHEDULED OFFENCE

Item	Types of offence (1)	Provision of the law (2)
(i)	Driving above the speed limit	Rule 3, Motor Vehicles (Speed Limit) Rules 1989 [*P.U. (A) 25/1989*]
(ii)	Failure to comply with traffic sign	Subsection 79(2) of this Act
(iii)	Overtaking at double lines	Subsection 79(2) of this Act
(iv)	Driving in emergency lanes	Rule 53, Road Traffic Rules 1959 [*L.N. 166/1959*]
(v)	Overtaking and preventing another from overtaking	Rule 6, Road Traffic Rules 1959 [*L.N. 166/1959*]
(vi)	Queue-jumping	Rule 3(2)*(b)*, Road Traffic Rules 1959 [*L.N. 166/1959*]
(vii)	Using mobile phones while driving	Rule 17A, Road Traffic Rules 1959 [*L.N. 166/1959*]

SECOND SCHEDULE

[Section 2]

CAMERA-RECORDED OFFENCE

(i) Driving vehicle other than buses in a bus lane

(ii) Driving above the prescribed speed limit

(iii) Subject to section 76A, failing to obey a red signal at the traffic sign

(iv) Using, or causing or permitting to be used, a motor vehicle in respect of which there is not in force a motor vehicle licence granted under the Act

(v) Using, or causing or permitting to be used, a motor vehicle which does not have a policy of insurance or any security in respect of third party risks which complies with the requirements of the Act

(vi) Driving or permitting to be driven a motor vehicle which the laden weight of the motor vehicle exceed the maximum permissible laden weight

(vii) Causing or permitting a motor vehicle to remain at rest on any road in any position, condition or circumstances as to be likely to cause danger, obstruction or undue inconvenience to other users of the road or to traffic

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THIRD SCHEDULE

[Section 119B]

(i) The Environmental Quality Act 1974 [*Act 127*].

LAWS OF MALAYSIA

Act 333

ROAD TRANSPORT ACT 1987

LIST OF AMENDMENTS

Amending law	Short title	In force from
Act A709	Road Transport (Amendment) Act 1988	15-01-1989
Act A878	Road Transport (Amendment) Act 1994	04-03-1994
Act A891	Road Transport (Amendment) Act 1994	08-07-1994
Act A973	Road Transport (Amendment) Act 1996	01-01-1997 for paragraphs 2*(a)*, 2*(b)* for "learner's driving licence", 2*(c)*, 12*(b)*, section 18 until 33, paragraphs 35*(b)*, sections 38 and 40
Act A1065	Road Transport (Amendment) Act 1999	01-10-1999 for paragraphs 2*(c)* to 2*(e)*; sections 3, 4 and 18; subparagraphs 19*(a)*(i), 19*(b)*(i), paragraph 19*(c)* except in so far as it relates to the introduction of paragraph 65(4)*(e)* into the Road Transport Act 1987, 19*(d)*, 19*(e)* and 19*(f)*; sections 21, 23, 26, 28 and 29 (*see* P.U. (B) 382/1999)
		18-4-2000 for paragraphs 2*(a)* and

Amending law	Short title	In force from
		2*(b)*; sections 5 to 17; subparagraphs 19*(a)*(ii), 19*(b)*(ii), paragraph 19*(c)* in so far as it relates to the introduction of paragraph 65(4)*(e)* into the Road Transport Act 1987, and paragraph 19*(g)*; sections 20, 22, 24, 25 and 27. (*see* P.U. (B) 94/2000)
Act A1101	Road Transport (Amendment) Act 2001	28-04-2005 for sections 10 to 15 and sections 17 to 19 (*see* P.U. (B) 156/2005); Others sections - not yet in force
Act A1262	Road Transport (Amendment) Act 2006	06-03-2006
Act A1356	Road Transport (Amendment) Act 2009	01-10-2009
Act A1391	Road Transport (Amendment) Act 2011	31-01-2011
Act A1440	Road Transport (Amendment) Act 2012	15-09-2012
P.U. (B) 46/2014	Corrigendum	08-02-2014
Act A1265	Road Transport (Amendment) (No. 2) Act 2006	01-01-2015
Act A1512	Road Transport (Amendment) Act 2016	01-01-2017
Act A1585	Road Transport (Amendment) Act 2019	01-03-2019

Amending law	Short title	In force from
Act A1618	Road Transport (Amendment) Act 2020	23-10-2020
P.U. (A) 249/2023	Road Transport (Amendment of Second Schedule) Order 2023	01-09-2023
Act A1684	Road Transport (Amendment) Act 2023	15-10-2023

LAWS OF MALAYSIA

Act 333

ROAD TRANSPORT ACT 1987

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
2	Act A709	15-01-1989
	Act A878	04-03-1994
	Act A973	01-01-1997 for paragraphs 2*(a)*, *(b)* for "learner's driving licence" and *(c)*
	Act A1065	01-10-1999; 18-04-2000
	Act A1262	06-03-2006
	Act A1356	01-10-2009
	Act A1391	31-01-2011
	Act A1440	15-09-2012
	Act A1512	01-01-2017
	Act A1585	01-03-2019
	Act A1618	23-10-2020
	Act A1684	15-10-2023
3	Act A1065	01-10-1999
	Act A1265	01-01-2015
	Act A1512	01-01-2017
	Act A1585	01-03-2019
	Act A1684	15-10-2023
3A	Act A878	04-03-1994
	Act A891	08-07-1994
	Act A1512	01-01-2017
	Act A1585	01-03-2019
4	Act A1065	01-10-1999
	Act A1356	01-10-2009
	Act A1512	01-01-2017
	Act A1585	01-03-2019
4A	Act A1391	31-01-2011

Section	Amending authority	In force from
4B	Act A1391	31-01-2011
	Act A1585	01-03-2019
5	Act A878	04-03-1994
	Act A1391	31-01-2011
	Act A1440	15-09-2012
	Act A1585	01-03-2019
7	Act A709	15-01-1989
	Act A1391	31-01-2011
9	Act A1065	18-04-2000
10	Act A878	04-03-1994
	Act A1391	31-01-2011
11	Act A1391	31-01-2011
12	Act A878	04-03-1994
13	Act A878	04-03-1994
13A	Act A1684	15-10-2023
14	Act A878	04-03-1994
	Act A1391	31-01-2011
	Act A1440	15-09-2012
15	Act A1440	15-09-2012
16	Act A891	08-07-1994
17	Act A709	15-01-1989
	Act A878	04-03-1994
	Act A891	08-07-1994
	Act A973	01-01-1997 (for para. 12*(b)*)
	Act A1391	31-01-2011
	Act A1440	15-09-2012
	Act A1512	01-01-2017
19	Act A878	04-03-1994

Section	Amending authority	In force from
20	Act A878	04-03-1994
	Act A891	08-07-1994
21	Act A1391	31-01-2011
22	Act A878	04-03-1994
	Act A1391	31-01-2011
23	Act A1391	31-01-2011
26	Act A1440	15-09-2012
27	Act A878	04-03-1994
	Act A973	01-01-1997
27A	Act A1391	31-01-2011
29	Act A973	01-01-1997
	Act A1065	18-04-2000
34	Act A1391	31-01-2011
34A	Act A1101	28-04-2005
35	Act A709	15-01-1989
	Act A973	01-01-1997
	Act A1391	31-01-2011
	Act A1440	15-09-2012
	Act A1512	01-01-2017
35A	Act A973	01-01-1997
	Act A1101	28-04-2005
	Act A1391	31-01-2011
	Act A1440	15-09-2012
	Act A1512	01-01-2017
36	Act A878	04-03-1994
	Act A1101	28-04-2005
	Act A1391	31-01-2011
37	Act A878	04-03-1994
	Act A973	01-01-1997
	Act A1391	31-01-2011
	Act A1512	01-01-2017

Section	Amending authority	In force from
38	Act A878	04-03-1994
	Act A973	01-01-1997
	Act A1101	28-04-2005
	Act A1391	31-01-2011
40	Act A1440	15-09-2012
41	Act A973	01-01-1997
	Act A1065	18-04-2000
	Act A1101	28-04-2005
	Act A1618	23-10-2020
42	Act A973	01-01-1997
	Act A1065	18-04-2000
	Act A1618	23-10-2020
43	Act A973	01-01-1997
	Act A1065	18-04-2000
	Act A1618	23-10-2020
44	Act A973	01-01-1997
	Act A1065	18-04-2000
	Act A1101	28-04-2005
	Act A1618	23-10-2020
45	Act A973	01-10-1997
	Act A1065	18-04-2005
	Act A1618	23-10-2020
45A	Act A878	04-03-1994
	Act A973	01-01-1997
	Act A1065	18-04-2000
	Act A1618	23-10-2020
45B	Act A878	04-03-1994
	Act A973	01-01-1997
	Act A1065	18-04-2000
	Act A1618	23-10-2020
45C	Act A878	04-03-1994
	Act A973	01-01-1997
	Act A1065	18-04-2000
	Act A1618	23-10-2020

Section	Amending authority	In force from
45D	Act A878	04-03-1994
	Act A1065	18-04-2000
45E	Act A878	04-03-1994
45F	Act A878	04-03-1994
	Act A1065	18-04-2000
45G	Act A878	04-03-1994
	Act A973	01-01-1997
	Act A1065	18-04-2000
	Act A1618	23-10-2020
48	Act A878	04-03-1994
	Act A1391	31-01-2011
50	Act A878	04-03-1994
52	Act A1512	01-01-2017
53	Act A878	04-03-1994
	Act A1391	31-01-2011
53A	Act A1391	31-01-2011
	Act A1440	15-09-2012
	Act A1512	01-01-2017
53B	Act A1391	31-01-2011
53C	Act A1391	31-01-2011
54	Act A973	01-01-1997
	Act A1440	15-09-2012
	Act A1618	23-10-2020
PART II	Act A1684	15-10-2023
56	Act A1391	31-01-2011
	Act A1440	15-09-2012
	Act A1684	15-10-2023
57	Act A1684	15-10-2023
58	Act A878	04-03-1994
	Act A1101	28-04-2005

Section	Amending authority	In force from
58A	Act A1391	31-01-2011
59	Act A891	08-07-1994
	Act A1440	15-09-2012
60	Act A891	08-07-1994
	Act A1391	31-01-2011
61	Act A891	08-07-1994
62	Act A1391	31-01-2011
63	Act A891	08-07-1994
	Act A1065	01-10-1999
	Act A1391	31-01-2011
63A	Act A1684	15-10-2023
64	Act A1391	31-01-2011
	Act A1585	01-03-2019
65	Act A878	04-03-1994
	Act A1065	01-10-1999; 18-04-2000
	Act A1356	01-10-2009
	Act A1391	31-01-2011
	Act A1512	01-01-2017
	Act A1585	01-03-2019
66	Act A709	15-01-1989
	Act A878	04-03-1994
	Act A973	01-01-1997 (for para. 35*(b)*)
	Act A1065	18-04-2000
	Act A1391	31-01-2011
	Act A1585	01-03-2019
	Act A1684	15-10-2023
PART IIA	Act A1101	28-04-2005
66A	Act A891	08-07-1994
	Act A1440	15-09-2012
66B	Act A891	08-07-1994

Section	Amending authority	In force from
66C	Act A891	08-07-1994
66D	Act A891	08-07-1994
66DA	Act A1101	28-04-2005
66E	Act A891	08-07-1994
66F	Act A891	08-07-1994
66G	Act A891	08-07-1994
PART IIB	Act A1391	31-01-2011
66H	Act A1391	31-01-2011
66I	Act A1391	31-01-2011
66J	Act A1391	31-01-2011
66K	Act A1391	31-01-2011
67	Act A1065	01-10-1999
	Act A1356	01-10-2009
69	Act A709	15-01-1989
	Act A878	04-03-1994
	Act A1391	31-01-2011
70	Act A878	04-03-1994
	Act A1391	31-01-2011
71	Act A878	04-03-1994
72	Act A878	04-03-1994
76A	Act A1440	15-09-2012
79	Act A1440	15-09-2012
88	Act A1391	31-01-2011
	Act A1440	15-09-2012
	Act A1585	01-03-2019
	Act A1618	23-10-2020

Section	Amending authority	In force from
PART IIIA	Act A1265	01-01-2015
88A-88F	Act A1265	01-01-2015
88B	Act A1684	15-10-2023
85A	Act A878	04-03-1994
90	Act A878	04-03-1994
108	Act A709	15-01-1989
	Act A878	04-03-1994
	Act A1391	31-01-2011
109	Act A1065	18-04-2000
	Act A1391	31-01-2011
110A	Act A1262	06-03-2006
	Act A1391	31-01-2011
112	Act A878	04-03-1994
	Act A1391	31-01-2011
	Act A1440	15-09-2012
	Act 1618	23-10-2020
113	Act A1065	01-10-1999
	Act A1356	01-10-2009
115A	Act A1391	31-01-2011
	Act A1440	15-09-2012
116	Act A1065	18-04-2000
116A	Act A1065	18-04-2000
117	Act A709	15-01-1989
	Act A878	04-03-1994
	Act A891	08-07-1994
	Act A1065	01-10-1999
	Act A1391	31-01-2011
	Act A1684	15-10-2023
117A	Act A973	01-01-1997
118	Act A878	04-03-1994

Section	Amending authority	In force from
	Act A1391	31-01-2011
	Act A1440	15-09-2012
119	Act A709	15-01-1989
	Act A1065	18-04-2000
119A	Act A891	08-07-1994
119B	Act A1391	31-01-2011
120	Act A878	04-03-1994
	Act A1065	01-10-1999
	Act A1101	28-04-2005
	Act A1356	01-10-2009
	Act A1512	01-01-2017
	Act A1585	01-03-2019
122	Act A1391	31-01-2011
123	Act A1065	01-10-1999
	Act A1512	01-01-2017
	Act A1585	01-03-2019
124A	Act A878	04-03-1994
125	Act A709	15-01-1989
	Act A1391	31-01-2011
126	Act A891	08-07-1994
	Act A973	01-01-1997
126A	Act A891	08-07-1994
127	Act A1265	01-01-2015
	Act A1684	15-10-2023
127A	Act A1391	31-01-2011
128	Act A878	04-03-1994
First Schedule	Act A1391	31-01-2011
Second Schedule	Act A1391	31-01-2011
	Act A1440	15-09-2012
	P.U. (A) 249/2023	01-09-2023

Section	Amending authority	In force from
Third Schedule	Act A1391	31-01-2011



LAWS OF MALAYSIA

Act A1794

ROAD TRANSPORT (AMENDMENT) ACT 2026

Date of Royal Assent	... ...	30 August 2026
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LAWS OF MALAYSIA

Act A1794

ROAD TRANSPORT (AMENDMENT) ACT 2026

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 2026.

(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) in the definition of "road", in paragraph *(c)*, by substituting for the words "sections 41, 42, 43, 44, 45 and 45A," the words "sections 41, 42, 42A, 43, 44, 45, 45A, 48 and 65,";

(b) by inserting after the definition of "Dato Bandar" the following definition:

' "declared area" means any registration area declared by the Minister to be a declared area under subsection 16(1D);';

(c) by inserting after the definition of "motor vehicle" the following definition:

' "motor vehicle licence" means a motor vehicle licence granted under section 16 in any form;';

(d) in the definition of "driving licence", by inserting after the words "under section 29" the words "in any form";

(e) in the definition of "vocational licence", by inserting after the words "sections 56 and 57" the words "in any form";

(f) by inserting after the definition of "electric motor vehicle" the following definition:

' "electronic message" has the meaning assigned to it in the Electronic Government Activities Act 2007 [*Act 680*];'; and

(g) by inserting after the definition of "Highway Authority" the following definition:

' "information processing system" has the meaning assigned to it in the Electronic Government Activities Act 2007;'.

Amendment of section 4A

3. Section 4A of the principal Act is amended by inserting after the words "any road" the words "including to conduct any escort duty, or to control and divert any traffic".

Amendment of section 9

4. Section 9 of the principal Act is amended in the shoulder note by substituting for the words "**licensed registrar**" the word "**Director**".

Amendment of section 10

5. Section 10 of the principal Act is amended by substituting for subsection (3) the following subsection:

"(3) No motor vehicle shall be registered unless—

(a) in relation to a motor vehicle, the motor vehicle has an engine number and chassis number which are clear, distinct and untampered;

(b) in relation to an electric motor vehicle, the electric motor vehicle has an electric motor vehicle serial number and chassis number which are clear, distinct and untampered; and

(c) the prescribed fee has been paid.".

Amendment of section 14

6. Subsection 14(4) of the principal Act is amended by substituting for the words "three hundred ringgit" the words "five hundred ringgit".

Amendment of section 15

7. Subsection 15(4) of the principal Act is amended by substituting for the words "three hundred ringgit" the words "five hundred ringgit".

Amendment of section 16

8. Section 16 of the principal Act is amended—

(a) in subsection (1), by inserting after the words "registration area" the words "and on payment of the prescribed fee"; and

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

"(1A) For the purposes of subsection (1), an applicant for a motor vehicle licence shall inform the Director of a registration area the area for the motor vehicle to be used in accordance with the declared area under subsection (1D).

(1B) The applicant for a motor vehicle licence shall inform the Director of a registration area any changes of the declared area for the motor vehicle to be used in the manner as may be prescribed.

(1C) Subject to subsection (1B), the applicant for a motor vehicle licence shall pay any difference for the motor vehicle licence fee referred to in subsection (1).

(1D) The Minister may, by notification published in the *Gazette* and subject to such conditions as he thinks fit, declare any registration area to be a declared area.

(1E) Any person who contravenes subsection (1B) shall be guilty of an offence and shall on conviction be liable to a fine of not less than one thousand ringgit and not more than two thousand ringgit or to imprisonment for a term not exceeding six months or to both.

(1F) Any person who contravenes subsection (1C) shall be guilty of an offence and shall on conviction be liable to a fine of not less than five times the difference for the motor vehicle licence fee or to imprisonment for a term not exceeding five years or to both.

(1G) Where a person is convicted of an offence under subsection (1C), the court before which the person is convicted shall order the person to pay to the Director General the amount of differences for the motor vehicle licence fee and shall be recoverable in the same manner as provided in section 283 of the Criminal Procedure Code [*Act 593*].

(1H) The Minister may, by order published in the *Gazette*, exempt any person or any motor vehicle or type of motor vehicle from the operation of any of the provisions of this section subject to such conditions as the Minister thinks fit.".

Amendment of section 17

9. Subsection 17(1) of the principal Act is amended—

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

"*(b)* the identifying particulars of—

(i) the motor vehicle, including the engine number and chassis number, remain clear, distinct and untampered and are identical with the corresponding particulars contained in such registration certificate; and

(ii) the electric motor vehicle, including the electric motor vehicle serial number and chassis number, remain clear, distinct and untampered and are identical with the corresponding particulars contained in such registration certificate;";

(b) by inserting after paragraph *(bb)* the following paragraph:

"*(bc)* he is satisfied that the application for a motor vehicle licence is in accordance with the declared area in which the motor vehicle is located and to be used;"; and

(c) in paragraph *(d)*—

(i) by substituting for the words "Commercial Vehicles Licensing Board Act 1987:" the words ", the Land Public Transport Act 2010 or the Commercial Vehicles Licensing Board Act 1987."; and

(ii) by deleting the proviso.

Amendment of section 20

10. Section 20 of the principal Act is amended—

(a) in the shoulder note, by substituting for the words "**Display of motor vehicle licence**" the words "**Duty to produce motor vehicle licence information**";

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

"(1) Any person in charge of or uses a motor vehicle on a road shall, on being so required by any police officer, traffic warden or road transport officer, produce the motor vehicle licence information in the form and manner as determined by the Director General or such other evidence that satisfies such police officer, traffic warden or road transport officer that the motor vehicle holds a valid motor vehicle licence granted under section 16."; and

(c) by deleting subsection (2).

Amendment of section 26

11. Section 26 of the principal Act is amended—

(a) in subsection (1), by substituting for the words "driving licence" wherever appearing the words "valid driving licence"; and

(b) in subsection (2), by substituting for the words "three hundred ringgit" the words "five hundred ringgit".

Amendment of section 29

12. Section 29 of the principal Act is amended—

(a) in subsection (1A), by inserting after the words "against this Act" the words ", the Land Public Transport Act 2010"; and

(b) by deleting subsection (4B).

Amendment of section 32

13. Subsection 32(3) of the principal Act is amended—

(a) in paragraph *(a)*, by substituting for the words "one year" the words "three years"; and

(b) in paragraph *(b)*, by substituting for the words "not exceeding five thousand ringgit" the words "not less than three thousand ringgit and not more than ten thousand ringgit".

Amendment of section 40

14. Subsection 40(1) of the principal Act is amended by substituting for the words "three hundred ringgit" the words "five hundred ringgit".

New section 42A

15. The principal Act is amended by inserting after section 42 the following section:

"**Racing or speed trial**

42A. (1) Any person who races on a road involving two or more motor vehicles shall be guilty of an offence and shall on conviction be liable to a fine of not less than two thousand ringgit and not more than ten thousand ringgit or to imprisonment for a term not exceeding two years or to both and, in the case of a second or subsequent conviction, to a fine of not less than five thousand ringgit and not more than twenty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

(2) Any person who takes part in speed trial on a road involving one or more motor vehicles shall be guilty of an offence and shall on conviction be liable to a fine of not less than two thousand ringgit and not more than ten thousand ringgit

or to imprisonment for a term not exceeding two years or to both and, in the case of a second or subsequent conviction, to a fine of not less than five thousand ringgit and not more than twenty thousand ringgit or to imprisonment for a term not exceeding five years or to both.".

Amendment of section 52

16. Subsection 52(2) of the principal Act is amended—

(a) by inserting after the words "nearest police station" the words "or in any other manner prescribed by the Minister after consultation with the Minister charged with the responsibility for home affairs"; and

(b) by substituting for the words "if so required, the certificate of insurance issued under section 90 of this Act" the words "certificate of insurance issued under section 90, if so required".

Amendment of section 53B

17. Section 53B of the principal Act is amended by inserting after subsection (2) the following subsection:

"(2A) Subsection (2) shall not apply to the registered owner who causes or permits to be used a motor vehicle in respect of which a camera-recorded offence has been committed.".

Amendment of section 54

18. Section 54 of the principal Act is amended—

(a) in subsection (1), by inserting after the words "42(1)," the words "42A(1), 42A(2),"; and

(b) in paragraph (2)*(b)*, by substituting for the words "section 43," the words "section 42A or 43,".

Amendment of section 59

19. Subsection 59(9) of the principal Act is amended by substituting for the words "three hundred ringgit" the words "five hundred ringgit".

Amendment of section 66

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

(a) in paragraph *(o)*, by inserting after the words "to each such area," the words "to regulate any matter relating to declared area,";

(b) by substituting for paragraph *(ee)* the following paragraph:

"*(ee)* to regulate the establishment of a driving school or driving institute, to issue permit for driving school or driving institute, to regulate the training of a driver of motor vehicle and to provide for the fees to be charged relating to it;";

(c) by substituting for paragraph *(oo)* the following paragraph:

"*(oo)* to regulate and prescribe—

(i) the registration of any person who provides the technical verification of the construction, alteration, modification and repair of a motor vehicle;

(ii) the registration of any person who performs the construction, alteration, modification and repair of a motor vehicle and its component;

(iii) the procedure of any construction, alteration, modification, repair, assessment of damage and authentication of a motor vehicle and its component; and

(iv) the fees to be charged relating to it;";

(d) in paragraph *(pp)*, by inserting after the words "new model of motor vehicle" the words "and its component";

(e) in paragraph *(ss)*, by deleting the word "and" at the end of the paragraph;

(f) in paragraph *(tt)*, by substituting for the full stop at the end of the paragraph a semicolon; and

(g) by inserting after paragraph *(tt)* the following paragraph:

"*(uu)* to regulate any matter relating to the safety of a motor vehicle and its component and to provide for the fees to be charged relating to it.".

Amendment of section 66A

21. Subsection 66A(2) of the principal Act is amended by substituting for the words "three hundred ringgit" the words "five hundred ringgit".

Amendment of section 66H

22. Subsection 66H(3) of the principal Act is amended by substituting for the words "as the Director General may determine" wherever appearing the words "as the Minister may prescribe".

Amendment of section 66J

23. Section 66J of the principal Act is amended by substituting for the words "where in respect of that vehicle there is any outstanding matter" the words "if the foreign motor vehicle has no valid entry permit or there is any outstanding matter or case".

Amendment of section 72

24. Section 72 of the principal Act is amended—

(a) in paragraph (4)*(gg)*, by inserting after the words "under this Act" the words "to other place at the risk of the owner of the vehicle and the vehicle may be detained unless the prescribed fee has been paid"; and

(b) in subsection (7), by substituting for the words "three hundred ringgit" the words "five hundred ringgit".

Amendment of section 76A

25. Subsection 76A(4) of the principal Act is amended by substituting for the words "three hundred ringgit" the words "five hundred ringgit".

Amendment of section 79

26. Section 79 of the principal Act is amended—

(a) in subsection (1), by substituting for the words "three hundred ringgit" the words "five hundred ringgit"; and

(b) in subsection (2), by substituting for the words "three hundred ringgit" the words "five hundred ringgit".

Amendment of section 102

27. Subsection 102(2) of the principal Act is amended by substituting for the words "three hundred ringgit" the words "five hundred ringgit".

Amendment of section 108

28. Section 108 of the principal Act is amended—

(a) in subsection (1), by substituting for the words "not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year" the words "of not less

than ten thousand ringgit and not more than fifty thousand ringgit or to imprisonment for a term not exceeding ten years"; and

(b) in subsection (3), by substituting for the words "five thousand ringgit and not more than twenty thousand ringgit or to imprisonment for a term of not less than one year and not exceeding five years" the words "ten thousand ringgit and not more than two hundred thousand ringgit or to imprisonment for a term of not less than one year and not more than ten years".

Amendment of section 109

29. Subsection 109(3A) of the principal Act is amended by inserting after the words "42," the words "42A,".

New section 110B

30. The principal Act is amended by inserting after the deleted section 110A the following section:

"**Obstruction, assault etc.**

110B. (1) Any person who—

(a) obstructs, harasses, assaults, threatens, provokes, utters abusive words, injures, harms or molests any police officer or road transport officer in the performance of any duty imposed or powers conferred by this Act;

(b) is tailing a motor vehicle of a police officer or road transport officer in the performance of any duty imposed or powers conferred by this Act; or

(c) disseminates information on any activity of a police officer or road transport officer in the performance of any duty imposed or powers conferred by this Act,

shall be guilty of an offence and shall on conviction be liable to a fine of not less than ten thousand ringgit and not more than fifty thousand ringgit or to imprisonment for a term of not less than one year and not more than five years or to both.

(2) An offence punishable under this section shall be a seizable offence and any police officer or road transport officer may seize and detain any motor vehicle or any thing for the purposes of proceedings under this Act.".

Amendment of section 112

31. Section 112 of the principal Act is amended—

(a) in subsection (1), in paragraph *(a)*, by substituting for the words "44, 45, 45A or 50" the words "42A, 44, 45, 45A, 50 or 108"; and

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

"(4) If any micromobility vehicle is detained under subsection (3), the police officer, road transport officer or traffic warden shall give notice in writing of such detention to the owner or the user of the micromobility vehicle and if the micromobility vehicle is not claimed by its owner or user within one month from the date of the detention, the police officer, road transport officer or traffic warden shall, on the written application of the Public Prosecutor, immediately refer to a Magistrate who shall make an order for the disposal of the micromobility vehicle.

(5) Subject to subsection (4), the Magistrate shall make an order for the disposal of such micromobility vehicle and any proceeds from such disposal shall be forfeited to the revenue of the Federal Government.".

Amendment of section 117

32. Paragraph 117(6)*(aa)* of the principal Act is amended by substituting for the words "six months" the words "twelve months".

Amendment of section 118

33. Section 118 of the principal Act is amended—

(a) in subsection (1)—

(i) in paragraph *(c)*, by deleting the word "or" at the end of the paragraph;

(ii) in paragraph *(d)*, by substituting for the full stop at the end of the paragraph the words "; or"; and

(iii) by inserting after paragraph *(d)* the following paragraph:

"*(e)* by serving the notice in the form of an electronic message through an information processing system as determined by the Director General."; and

(b) by inserting after the deleted subsection (4) the following subsection:

"(5) Where a notice is served by an electronic message, the notice shall be deemed to have been served when the electronic message enters the information processing system registered to such person.".

Amendment of section 119

34. Subsection 119(2) of the principal Act is amended by substituting for the words "to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months and, in the case of a second or subsequent conviction, to a fine not exceeding four thousand ringgit or to imprisonment for a term not exceeding twelve months" the words "to a fine of

not less than one thousand ringgit and not more than two thousand ringgit or to imprisonment for a term not exceeding six months or to both and, in the case of a second or subsequent conviction, to a fine of not less than two thousand ringgit and not more than ten thousand ringgit or to imprisonment for a term not exceeding two years".

Amendment of section 119B

35. Section 119B of the principal Act is amended—

(a) in subsection (1)—

(i) by substituting for the colon after the words "Third Schedule" a full stop; and

(ii) by deleting the proviso; and

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

"(2) For the purposes of subsection (1), any outstanding matter or case in relation to a particular motor vehicle of a person shall not affect any other motor vehicle registered under his name.".

New section 119C

36. The principal Act is amended by inserting after section 119B the following section:

"**Prohibition of motor vehicle from entry into or exit from Malaysia**

119C. The Director General, police officer or road transport officer may prohibit any motor vehicle registered in Malaysia under this Act from entry into or exit from Malaysia if there is any outstanding matter or case relating to any contravention of or offence against this Act, the Commercial Vehicles Licensing Board Act 1987 or the Land Public Transport Act 2010.".

Amendment of section 120

37. Subsection 120(1) of the principal Act is amended by substituting for the words "three hundred ringgit" the words "five hundred ringgit".

Amendment of section 126

38. Section 126 of the principal Act is amended—

(a) in the shoulder note, by deleting the words "**or grant licence**";

(b) in subsection (1), by substituting for the words "or grant a licence on such conditions as he may think fit to" the words "on such conditions as he may think fit";

(c) in subsection (2)—

(i) by deleting the words "or licensed" wherever appearing;

(ii) in paragraph *(d)*, by deleting the word "and" at the end of the paragraph;

(iii) in paragraph *(e)*, by substituting for the full stop at the end of the paragraph a semicolon; and

(iv) by inserting after paragraph *(e)* the following paragraph:

"*(f)* to regulate the performance of functions of a road transport officer by the person authorized under subsection (1) and to prescribe any penalty for non-compliance with any conditions imposed under subsection (1).";

(d) in subsection (3), by deleting the words "or licensed";

(e) in paragraph (5)*(c)*, by substituting for the words "officer authorized in writing by the Director General" the words "road transport officer";

(f) in subsection (7)—

(i) by deleting the words "or licensed";

(ii) by deleting the words "or licence"; and

(iii) by substituting for the words "not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both" the words "of not less than five thousand ringgit and not more than ten thousand ringgit or to imprisonment for a term not exceeding two years or to both and, in the case of a second or subsequent conviction, to a fine of not less than ten thousand ringgit and not more than fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both"; and

(g) in subsection (8), by deleting the words "or granted a licence".

Amendment of section 126A

39. Section 126A of the principal Act is amended by deleting the words "or licence issued" wherever appearing.

Amendment of section 127

40. Subsection 127(1) of the principal Act is amended—

(a) in paragraph *(s)*, by substituting for the full stop at the end of the paragraph a semicolon; and

(b) by inserting after paragraph *(s)* the following paragraph:

"*(t)* the procedure of detention of any micromobility vehicle in respect of which an offence has been committed under this Act.".

Amendment of Third Schedule

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

(a) in item (i), by deleting the full stop at the end of the item; and

(b) by inserting after item (i) the following items:

"(ii) The Commercial Vehicles Licensing Board Act 1987

(iii) The Land Public Transport Act 2010".