

**LAWS OF MALAYSIA**  
**ACT A1065**  
**ROAD TRANSPORT (AMENDMENT) ACT 1999**

Date of Royal Assent 24th August 1999

Date of Publication in the Gazette 2nd September 1999

Date of coming into operation 18th April 2000 : Paragraphs 2(a) and 2(b) ; sections 5, 6, 7, 8, 9, 10,

**ARRANGEMENT OF SECTIONS**

Long Title & Preamble

Section 1. Short title and commencement

Section 2. Amendment of section 2

Section 3. Amendment of section 3

Section 4. Amendment of section 4

Section 5. Amendment of section 9

Section 6. Amendment of section 29

Section 7. Amendment of section 41

Section 8. Amendment of section 42

Section 9. Amendment of section 43

Section 10. Amendment of section 44

Section 11. Amendment of section 45

Section 12. Amendment of section 45A

Section 13. Amendment of section 45B

Section 14. Amendment of section 45C

Section 15. Amendment of section 45D

Section 16. Amendment of section 45F

Section 17. Amendment of section 45G

Section 18. Amendment of section 63

Section 19. Amendment of section 65

Section 20. Amendment of section 66

Section 21. Amendment of section 67

Section 22. Amendment of section 109

Section 23. Amendment of section 113

Section 24. Deletion of section 116

Section 25. New section 116A

Section 26. Amendment of section 117

Section 27. Amendment of section 119

Section 28. Amendment of section 120

Section 29. Amendment of section 123

## **Long Title & Preamble**

An Act to amend the Road Transport Act 1987.

ENACTED by the Parliament of Malaysia as follows:

## **Section 1. Short title and commencement**

(1) This Act may be cited as the Road Transport (Amendment) Act 1999.

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

## **Section 2. Amendment of section 2**

The Road Transport Act 1987 [Act 333], which in this Act is referred to as the "principal Act", is amended in section 2 -

(a) by substituting for the definition of "Chief Police Officer" the following definition

"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;';

(b) by inserting after the definition of "goods" the following definition:

"goods vehicle" shall have the same meaning as is assigned to that expression in the Commercial Vehicles Licensing Board Act 1987;';

(c) by inserting after the definition of "Highway Authority" the following definition:

' "Kawasan Perbadanan Putrajaya" means the area as described in section 10 of the Perbadanan Putrajaya Act 1995 [Act 536];';

(d) by inserting after the definition of "passenger" the following definition:

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

(e) in the definition of "traffic warden" by inserting after the words "Dato Bandar" the words "or the Perbadanan Putrajaya".

### **Section 3. Amendment of section 3**

Section 3 of the principal Act is amended by inserting after subsection (4) the following subsection:

"(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."

### **Section 4. Amendment of section 4**

Section 4 of the principal Act is amended -

(a) by inserting after the words "Dato Bandar" the words "or the Perbadanan Putrajaya"; and

(b) by inserting after the words "Federal Territory of Kuala Lumpur" the words "or the Kawasan Perbadanan Putrajaya".

### **Section 5. Amendment of section 9**

Section 9 of the principal Act is amended in the marginal note by substituting for the word "Director" the words "licensed registrar".

### **Section 6. Amendment of section 29**

Paragraph 29(1)(a) of the principal Act is amended in the English language text by deleting the words "he has".

### **Section 7. Amendment of section 41**

Section 41 of the principal Act is amended -

(a) in subsection (1) by substituting for the words "liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both" the words "punished with imprisonment for a term of not less than two years and not more than ten years and to a fine of not less than five thousand ringgit and not more than twenty thousand ringgit";

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

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

(c) by inserting after subsection (4) the following subsection:

"(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."

#### **Section 8. Amendment of section 42**

Section 42 of the principal Act is amended -

(a) in subsection (1) by substituting for the words "liable to a fine not exceeding six thousand ringgit or to imprisonment for a term not exceeding three years or to both and, in the case of a second or subsequent conviction, to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both" the words "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"; and

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

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

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

### **Section 9. Amendment of section 43**

Subsection 43(1) of the principal Act is amended by substituting for the words "liable to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months" the words "punished with a fine of not less than four thousand ringgit and not more than ten thousand ringgit and shall also be liable to imprisonment for a term not exceeding twelve months".

### **Section 10. Amendment of section 44**

Section 44 of the principal Act is amended -

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

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

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

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

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

(c) by inserting after subsection (4) the following subsection:

"(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."

#### **Section 11. Amendment of section 45**

Subsection 45(1) of the principal Act is amended by substituting for the words "liable to a fine not exceeding five hundred ringgit or to imprisonment for a term not exceeding one month, and in the case of a second or subsequent conviction, to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding three months or to both" the words "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".

#### **Section 12. Amendment of section 45A**

Subsection 45A(1) of the principal Act is amended by substituting for the words "liable to a fine not exceeding 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 offence, to a fine not exceeding four thousand ringgit or to imprisonment for a term not exceeding one year or to both" the words "punished with 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".

#### **Section 13. Amendment of section 45B**

Subsection 45B(4) of the principal Act is amended by substituting for the words "liable to a fine not exceeding 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 offence, to a fine not exceeding four thousand ringgit or

to imprisonment for a term not exceeding one year or to both" the words "punished with 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".

#### **Section 14. Amendment of section 45C**

Subsection 45C(6) of the principal Act is amended by substituting for the words "liable to a fine not exceeding 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 offence, to a fine not exceeding four thousand ringgit or to imprisonment for a term not exceeding one year or to both" the words "punished with 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".

#### **Section 15. Amendment of section 45D**

Section 45D of the principal Act is amended -

(a) in subsection (1) -

(i) by inserting before the words "for a laboratory test" the words "of blood or urine"; and

(ii) by inserting before the words "medical practitioner" the word "registered"; and

(b) in subsection (2) by inserting before the words "medical practitioner" the word "registered".

#### **Section 16. Amendment of section 45F**

Section 45F of the principal Act is amended by substituting for subsection (3) the following subsection:

"(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."

**Section 17. Amendment of section 45G**

Section 45G of the principal Act is amended -

(a) in the marginal note by inserting after the word "sections" the words "44 and";

(b) in subsection (1) by inserting after the word "sections" the words "44 and"; and

(c) by deleting subsection (3).

**Section 18. Amendment of section 63**

Subsection 63(1) of the principal Act is amended by inserting after the words "Dato Bandar" the words "or the Perbadanan Putrajaya".

**Section 19. Amendment of section 65**

Section 65 of the principal Act is amended -

(a) in subsection (1) -

(i) by inserting after the words "Dato Bandar" the words ", the Perbadanan Putrajaya"; and

(ii) by inserting after the words "Highway Authority Malaysia" the words "or the concession company duly authorised in writing by the Director General of Highway Authority Malaysia";

(b) in subsection (3) -

(i) by inserting after the words "Dato Bandar" the words ", the Perbadanan Putrajaya"; and

(ii) by inserting after the words "Highway Authority Malaysia" the words "or the concession company duly authorised in writing by the Director General of Highway Authority Malaysia";

(c) by substituting for subsection (4) the following subsection:

"(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;

(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 authorised in writing by the Dato Bandar;

(c) 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;

(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 authorised 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 authorised in writing by the Director General of Highway Authority Malaysia.";

(d) in subsection (5) by substituting for the words "A police officer or the Dato Bandar, or the Director General of Highway Authority Malaysia, or any other person acting under his directions" the words "A police officer, the Dato Bandar, the Director General of Highway Authority Malaysia, the Perbadanan Putrajaya or any other person acting under his or its directions, as the case may be,";

(e) in subsection (6) by inserting after the words "Dato Bandar," the words "or the Perbadanan Putrajaya,";

(f) in subsection (7) -

(i) by inserting after the words "Dato Bandar," the words "or the Perbadanan Putrajaya,"; and

(ii) by inserting after the words "Federal Territory of Kuala Lumpur" the words "or the Kawasan Perbadanan Putrajaya"; and

(g) by inserting after subsection (7) the following subsection:

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

#### **Section 20. Amendment of section 66**

Subsection 66(1) of the principal Act is amended -

(a) by substituting for the full stop which appears at the end of paragraph (rr) a semi-colon; and

(b) by inserting after paragraph (rr) the following paragraph:

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

#### **Section 21. Amendment of section 67**

Section 67 of the principal Act is amended in the definition of "appropriate authority"-

(a) in the national language text by substituting for the full stop which appears at the end of paragraph (d) a semicolon; and

(b) by inserting after paragraph (d) the following paragraph:

"(e) in relation to any road situated within the Kawasan Perbadanan Putrajaya, means the Perbadanan Putrajaya;"

#### **Section 22. Amendment of section 109**

Section 109 of the principal Act is amended -

(a) by inserting after subsection (3) the following subsections:

"(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."; and

(b) by inserting after subsection (4) the following subsection:

"(5) For the purposes of this section, "licence holder" means a person licensed under paragraph (a), (b), (c), (d), (e), (f) or (g) of subsection (1) of section 14 or subsection (2) of section 14 of the Commercial Vehicles Licensing Board Act 1987."

### **Section 23. Amendment of section 113**

Subsection 113(2) of the principal Act is amended by inserting after the words "Federal Territory of Kuala Lumpur" the words "or the Kawasan Perbadanan Putrajaya".

### **Section 24. Deletion of section 116**

The principal Act is amended by deleting section 116.

### **Section 25. New section 116A**

The principal Act is amended by inserting after section 116 the following section:

"116A. Jurisdiction of court of First Class Magistrate.

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."

**Section 26. Amendment of section 117**

Paragraph 117(6)(d) of the principal Act is amended by inserting after the words "Dato Bandar" the words "or the Perbadanan Putrajaya".

**Section 27. Amendment of section 119**

Subsection 119(2) of the principal Act is amended by substituting for the words "one thousand ringgit or to imprisonment for a term not exceeding three months and, in the case of a second or subsequent conviction, to a fine not exceeding two thousand ringgit or to imprisonment for a term not exceeding six months or to both" the words "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".

**Section 28. Amendment of section 120**

Subsection 120(1) of the principal Act is amended by inserting after paragraph (c) the following paragraph:

"(cc) the Perbadanan Putrajaya;"

**Section 29. Amendment of section 123**

Subsection 123(1) of the principal Act is amended by inserting after the words "Dato Bandar" the words "or the Perbadanan Putrajaya".