

ROAD TRAFFIC AMENDMENT BILL 2019

SAMOA

Explanatory Memorandum

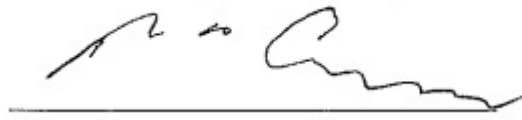
1.0 Objects and reasons:

- 1.1 The Bill seeks to amend the Road Traffic Ordinance 1960 (“principal Act”) to prohibit and criminalise activities such as operating a vehicle in a race or in an unnecessary exhibition of speed or acceleration or in a manner that causes the vehicle to undergo sustained loss of traction on a road (“unauthorised street or drag racing”).
- 1.2 The Bill further provides for the power of authorised officers to seize and impound a vehicle that has been involved with unauthorised street or drag racing.

Clauses:

- Clause 1:** - provides the short title and commencement of the Bill.
- Clause 2:** - amends section 37 of the principal Act by inserting “disaster and emergency works”.

- Clause 3:** - inserts a new section 38C in the principal Act to prohibit unauthorised street or drag racing, or other related prohibited activities on the road.



(Hon PAPALETELE Niko Lee Hang)

MINISTER FOR WORKS, TRANSPORT AND INFRASTRUCTURE
AND MINISTER FOR LAND TRANSPORT AUTHORITY

ROAD TRAFFIC AMENDMENT BILL 2019

SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Section 37 amended
3. New section 38C inserted

2019, No.

A BILL INTITULED

AN ACT to amend the Road Traffic Ordinance 1960 (“principal Act”).

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement:

This Act may be cited as the Road Traffic Amendment Act 2019 and commences on the date of assent by the Head of State.

2. Section 37 amended:

In the *proviso* of section 37 of the principal Act, after “fire brigade,” insert “disaster and emergency works,”.

3. New section 38C inserted:

After section 38B of the principal Act insert:

“38C. Unauthorised street or drag racing, or other related prohibited activities on roads:

- (1) A person must not operate a vehicle on a road:
 - (a) in a race or in an unnecessary exhibition of speed or acceleration; or
 - (b) in a manner that causes the vehicle to undergo sustained loss of traction.
- (2) A person who contravenes subsection (1) and by that act or omission causes an injury to any person:
 - (a) commits an offence and is liable upon conviction to imprisonment for a term not exceeding five (5) years or to a fine not exceeding 20 penalty units; and
 - (b) the court must order the person to be disqualified from holding or obtaining a driving licence for one (1) year or more.
- (3) A person who contravenes subsection (1) and by that act or omission causes the death of any person:

- (a) commits an offence and is liable upon conviction to imprisonment for a term not exceeding five (5) years or to a fine not exceeding 20 penalty units; and
 - (b) the court must order the person to be disqualified from holding or obtaining a driving licence for one (1) year or more.
 - (4) A person who contravenes subsection (1) but does not, by that act or omission, cause injury to, or the death of any person:
 - (a) commits an offence and is liable upon conviction to imprisonment for a term not exceeding two (2) years or to a fine not exceeding 10 penalty units; and
 - (b) the court must order the person to be disqualified from holding or obtaining a driving licence for six (6) months or more.
 - (5) Despite section 72D(1), if an authorised officer believes on reasonable grounds that a person has contravened this section, an authorised officer must seize and impound the vehicle under section 72D.
 - (6) This section does not apply in respect of the driving of any vehicle on an occasion when it is being used for fire brigade, disaster and emergency works, ambulance, or police purposes if the observance of those provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.”
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