PARLIAMENT OF THE DEMOCRATIC

SOCIALIST REPUBLIC OF

SRI LANKA

—————————

MOTOR TRAFFIC (AMENDMENT)

ACT, NO. 8 OF 2009

—————————

[Certified on 11th March, 2009]

Printed on the Order of Government

—————————

Published as a Supplement to Part II of the Gazette of the Democratic

Socialist Republic of Sri Lanka of March 13, 2009

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING,SRILANKA

TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU,COLOMBO5

Price : Rs. 88.00 Postage : Rs. 22.50

Motor Traffic (Amendment) Act, No. 8 of 2009 1

[Certified on 11th March, 2009]

L.D. —O. 1/2007.

AN ACT TO AMEND THE MOTOR TRAFFIC ACT (CHAPTER 203)

BE it enacted by the Parliament of the Democratic Socialist

Republic of Sri Lanka as follows:—

1. This Act may be cited as the Motor Traffic Short Title.

(Amendment) Act, No. 8 of 2009.

2. The Motor Traffic Act (Chapter 203) (hereinafter Amendment of

referred to as “the principal enactment”) is hereby amended— Chapter 203.

(1) by the substitution for the word “Commissioner”

wherever that word occurs in the principal

enactment, of the word “Commissioner-General” ;

(2) by the substitution for the words “demerit points”

wherever these words occur in the principal

enactment of the words “driver improvement

points”;

(3) by the substitution for the word “highway”

wherever that word occurs in the principal

enactment of the word “road” ; and

(4) by the substitution for the word “lorry “ wherever

that word occurs in the principal enactment, of the

words “motor lorry”.

3. The heading to Part I of the principal enactment is Replacement of

hereby repealed and the following heading substituted heading to

PartI of the

therefor :—

principal

enactment.

“REGISTRATION, POSSESSION AND USE OF MOTOR

VEHICLES”

4. Section 2 of the principal enactment is hereby Amendment of

Section 2 of the

amended as follows :— principal

enactment.

(1) by the repeal of subsections (2) and (2A) thereof

2—PL 003293—4,250 (10/2008)

2 Motor Traffic (Amendment) Act, No. 8 of 2009

and the substitution of the following subsection

therefor:—

“(2) The possession by a dealer or a manufacturer

of an unregistered motor vehicle for the purposes

of sale shall be deemed not to be a contravention of

subsection (1) so long as the vehicle remains unsold

and is not used on any road except under the

authority of a dealer’s licence or manufacturer’s

licence as the case may be, issued under Part III and

is identified by a distinctive number assigned for

that purpose by the Commissioner-General.”.

(2) by the repeal of subsection (5) of that section and

the substitution therefor of the following

subsection:—

“(5) The use of a motor vehicle which upon

importation into Sri Lanka is used on a road only

for the purpose of and in the course of removal from

the Customs premises or for the purpose of

installing any equipment or which is being driven

to or from any place specified by the Commissioner-

General for the purpose of testing or registration,

shall be deemed not to be a contravention of

subsection (1), provided it is used under the

authority of a dealer’s licence or temporary permit

issued for the purposes of this subsection by the

Commissioner-General valid for a period of seven

days.”;

(3) by the repeal of subsection (6) thereof ;

(4) by the addition immediately after subsection (9)

thereof of the following subsection which shall have

effect as subsection (10 ) thereof:—

“(10) A person who contravenes the provisions

of subsections (1) or (5) of this section shall be

guilty of an offence and shall on conviction be liable

to a fine not less than two thousand five hundred

rupees and not exceeding five thousand rupees and

Motor Traffic (Amendment) Act, No. 8 of 2009 3

on a second conviction to a fine not less than five

thousand rupees and not exceeding ten thousand

rupees and on a third or subsequent conviction to a

fine not less than ten thousand rupees and not

exceeding fifteen thousand rupees.”.

5. The following new section is hereby inserted Insertion of new

immediately after section 2 of the principal enactment and section 2A in the

principal

shall have effect as section 2A of that enactment :— enactment.

“Motor 2A. (1) No person shall knowingly use a

vehicle motor vehicle –

fabricated

unlawfully

&,.. not to (a) that has been manufactured, assembled,

be used. fabricated, innovated, adapted, modified,

or the construction of which has been

changed illegally or otherwise than in

conformity with the prototype approved

by the Commissioner-General;

(b) that has been assembled otherwise than

with branded new parts or without the

permission of the manufacturer of those

parts ;

(c) that is mechanically defective ;

(d) that fails to comply with prescribed

standards of safety ;

(e) that is stolen ;

(f) that has a false identity ;

(g) the chassis number of which has been

tampered with ; or

(h) which has been manufactured, assembled,

fabricated, adapted, modified, or the

4 Motor Traffic (Amendment) Act, No. 8 of 2009

construction of which has been changed

in any manner, without the prior written

approval of the Commissioner-General.

(2) A person who contravenes the

provisions of section 2A shall be guilty of an

offence and shall on conviction be liable to a

fine not less than fifty thousand rupees and not

exceeding one hundred thousand rupees or to

imprisonment of either description for a term

of one month or to both such fine and

imprisonment and on a second conviction to a

fine not less than one hundred thousand rupees

and not exceeding two hundred thousand

rupees or to imprisonment for a term of two

months or to both such fine and imprisonment

and on a third or subsequent conviction to a

fine not less than two hundred thousand rupees

and not exceeding three hundred thousand

rupees or to imprisonment for a term of six

months or to both such fine and imprisonment

and confiscation of the vehicle.”.

Amendment of 6. Section 3 of the principal enactment is hereby

section 3 of the amended as follows:—

principal

enactment.

(1) by the repeal of subsection (1) thereof and the

substitution therefor the following subsection:—

“(1) No motor vehicle shall be registered unless

that vehicle conforms to the provisions of this Act

and regulations made hereunder in regard to the

construction, weight, dimensions and equipment

of motor vehicles of the class or description to which

that vehicle belongs.”;

(2) in subsection (2) thereof by the substitution for the

words “exceeds two and a half metric tons” of the

words “exceeds four thousand five hundred

kilograms ; and

Motor Traffic (Amendment) Act, No. 8 of 2009 5

(3) by the addition immediately after subsection (1)

thereof of the following subsections which shall

have effect as subsections (2), (3), (4) and (5)

thereof:—

“(2) The Commissioner-General shall not register

any motor vehicle —

(a) if he has reason to believe —

(i) that it has been manufactured, assembled,

fabricated, innovated, adapted, modified,

or its construction changed, illegally or

otherwise than in conformity with the

prototype approved by the

Commissioner-General ;

(ii) that it has been assembled otherwise than

with branded new parts or without the

permission of the manufacturer of those

parts;

(iii) that it is mechanically defective;

(iv) that it fails to comply with prescribed

standards of safety;

(v) that it is stolen ;

(vi) that the identity of the vehicle is false or

in doubt;

(vii) that the chassis number has been

tampered with;

(viii) that the applicant for registration of the

vehicle has failed to furnish particulars

of a previous registration, if any;

(ix) that the applicant has furnished inaccurate

particulars in the application for

registration of the vehicle; or

6 Motor Traffic (Amendment) Act, No. 8 of 2009

(x) that the vehicle has been imported with

forged documents or that the application

for registration contains a forged

signature or is accompanied by forged

documents;

(b) where the motor vehicle comprises features

which—

(i) are not in accordance with the particulars

contained in the application;

(ii) are not in his opinion roadworthy or are by

reason of its design, construction or any

condition thereof or any equipment thereof

are not in compliance with the provisions of

this Act;

(iii) require the prior written approval of the

Commissioner-General for the import thereof

and has been imported without obtaining

such approval;

(iv) have been manufactured, assembled,

fabricated, adapted, modified or the

construction of which has been changed in

any manner, without the prior written

approval of the Commissioner-General.

(3) The decision of the Commissioner-General

not to register a motor vehicle by reason of his

findings under paragraphs (a) or (b) shall be final.

(4) No person under the age of eighteen years

shall be registered as the owner of a motor vehicle:

Provided however, that a person under the age

of eighteen years may be registered as the beneficial

Motor Traffic (Amendment) Act, No. 8 of 2009 7

owner of a motor vehicle in which event the parent

or guardian of such person shall be registered as the

owner thereof.

(5) Any person who submits an application for

registration, which contains a forged signature or is

accompanied by forged documents shall be guilty

of an offence and shall on conviction be liable to a

fine not less than ten thousand rupees and not

exceeding fifteen thousand rupees. ”.

7. Section 4 of the principal enactment is hereby Amendment of

amended in paragraph (a) of subsection (1) thereof, by the section 4 of the

principal

substitution for the words “a passenger service permit”, of

enactment.

the words, “the holder of a passenger service permit.”

8. Section 5 of the principal enactment is hereby Amendment of

amended in subsection (2) of that section by the repeal of section 5 of the

principale

paragraph (a) thereof, and the substitution therefor of the

enactment.

following paragraph :—

“(a) which is a motor cycle, light motor cycle, motor

car, dual purpose vehicle, motor tricycle, motor

tricycle van, motor lorry, light motor lorry, heavy

motor lorry, motor coach, light motor coach, heavy

motor coach, land vehicle, hand tractor, special

purpose vehicle, motor ambulance, motor hearse or

invalid carriage as the case may be shall be

registered as such ;”.

9. Section 10 of the principal enactment is hereby Amendment of

amended as follows :— section 10 of the

principal

enactment.

(1) by the repeal of subsection (2) of that section and

the substitution therefor of the following

subsection:—

“(2) The registered owner of a motor vehicle

shall –

(a) forthwith inform the Commissioner General

in the specified form, of any circumstance or

8 Motor Traffic (Amendment) Act, No. 8 of 2009

event which affects the accuracy of any entry

in the registers relating to the motor vehicle

and shall at the same time forward or deliver

to the Commissioner-General the Certificate

of Registration of such motor vehicle

accompanied by the prescribed fee ; and

(b) where he intends to effect such alteration in a

motor vehicle as will change the class, overall

measurements, external appearance , wheel

base or seating capacity as specified in the

Certificate of Registration, obtain the prior

approval of the Commissioner-General to

effect such changes.”;

(2) by the addition, immediately after subsection (2)

of that section, of the following subsections which

shall have effect as subsections (3) and (4)

thereof:—

“(3) The registered owner of a motor vehicle

shall forthwith inform the Commissioner-General

in the specified form of any circumstance or event

which affects the accuracy of any entry in the

registers relating to himself and shall at the same

time forward or deliver to the Commissioner-General

the Certificate of Registration of the motor vehicle

accompanied by the prescribed fee.

(4) The registered owner of a motor vehicle who

contravenes or fails to comply with any of the

provisions of the preceding subsections shall be

guilty of an offence and shall, on conviction be

liable to a fine not less than ten thousand rupees

and not exceeding twenty thousand rupees.”.

Motor Traffic (Amendment) Act, No. 8 of 2009 9

10. The following new section is hereby inserted Insertion of new

section 11A in

immediately after section 11 of the principal enactment and

the principal

shall have effect as section 11 A of that enactment:— enactment.

“Transfer to 11A. Where the registered owner of a motor

be on vehicle wishes to transfer such vehicle he shall

specified do so substantially in the prescribed Forms, A,

forms.

A1, B, B1, C and C1.”.

11. Section 12 of the principal enactment is hereby Amendment of

amended as follows :— section 12 of the

principal

enactment.

(1) by the repeal of subsections (2) and (3) of that

section and the substitution therefor of the

following subsections :—

“(2) On the change of possession of a motor

vehicle upon a voluntary transfer made by the

registered owner —

(a) the registered owner shall, within fourteen

days after such change of possession —

(i) transmit direct to the Commissioner

General either by registered post or

personal delivery, the duly perfected

prescribed Form A ; and

(ii) shall deliver to the new owner the duly

perfected prescribed Forms B, B1, C

and C1, the Certificate of Registration

relating to the motor vehicle or a

duplicate thereof, and the revenue

licence of that motor vehicle, and shall

retain the duly perfected prescribed

Form A1 as proof of change of

possession ;

(b) such motor vehicle shall not be used at any

time after fourteen days of such change of

10 Motor Traffic (Amendment) Act, No. 8 of 2009

possession unless the new owner has applied

for registration as the new owner thereof :

Provided that this subsection shall not apply in

any case where the change of possession of a motor

vehicle is consequent on a contract of hiring where

the period of hiring does not exceed three months.

(3) (a) A registered owner who fails to inform

the Commissioner-General of the change of

possession within fourteen days shall be guilty of

an offence and shall on conviction be liable to a

fine not less than three thousand rupees and not

exceeding six thousand rupees.

(b) The new owner of a motor vehicle who fails

to apply within fourteen days after change of

possession to be registered as the new owner shall

be guilty of an offence and shall on conviction be

liable to a fine not less than one hundred rupees for

each day after the fourteenth day up to the forty

fourth day of such failure.

(c) The new owner of a motor vehicle who fails

to apply within forty four days after change of

possession to be registered as the new owner shall

be guilty of an offence and shall on conviction be

liable to a fine not less than five thousand rupees

and not exceeding ten thousand rupees.

(d) A registered owner or a new owner who

submits any document which is forged or which

contains a forged signature shall be guilty of an

offence and shall on conviction be liable to a fine

not less than ten thousand rupees, and not

exceeding fifteen thousand rupees.

(e) A police officer may detain a motor vehicle,

the possession of which has changed and which is

in use on a road for such period as may reasonably

Motor Traffic (Amendment) Act, No. 8 of 2009 11

be necessary for the purpose of verification of

ownership and shall release it to the new owner—

(i) on confirmation by the Commissioner-

General that such vehicle has been

registered in the name of the new owner

thereof; and

(ii) on production of the Certificate of

Registration thereof.”;

(2) in subsection (4) of that section—

(a) by the substitution in paragraph (a) thereof,

for the words “within seven days” of the

words, “within fourteen days” ;

(b) by the substitution in paragraph (b) thereof

for the words “within fourteen days”, of the

words “within sixteen days”;

(c) by the repeal of paragraph (e) of that

subsection and the substitution therefor of

the following paragraph :—

“(e) the provisions of subsection (2)(b) shall

apply to that motor vehicle in like

manner as they would apply, if there

was a change of possession of that

vehicle consequent upon a voluntary

transfer made by the registered owner.”.

12. Section 13 of the principal enactment is hereby Amendment of

section 13 of the

amended as follows :—

principal

(1) by the repeal of subsection (1) of that section and enactment.

the substitution therefor of the following

subsection:—

“(1) Every application for the registration of a

new owner upon any change of possession of any

motor vehicle shall—

(a) be made to the Commissioner General

substantially in the prescribed Forms Band C;

12 Motor Traffic (Amendment) Act, No. 8 of 2009

(b) shall set out all particulars relating to that

motor vehicle in respect of such of the matters

specified in that form as may be applicable

to that motor vehicle ;

and a receipt of acceptance shall be obtained from

the Commissioner General.”;

(2) by the renumbering of subsection (2) of that section

as subsection (3) thereof ;

(3) by the insertion immediately after subsection (1) of

that section of the following subsection which shall

have effect as subsection (2) thereof :—

“(2) (a) The new owner shall retain the duly

completed prescribed Forms B1 and C1 .”.

Amendment 13. Section 18 of the principal enactment is hereby

of section 18 amended as follows :—

of the

principal

enactment. (1) by the re-numbering of that section as subsection

(1) thereof ;

(2) in the re-numbered subsection (1) of that section

by the substitution for all the words from “the

Commissioner” to the end of that section, of the

words “the owner shall report such fact to the

Commissioner-General within fourteen days and

shall also forward the Certificate of Registration to

him and the Commissioner-General shall cancel

the registration of such motor vehicle ;

(3) by the repeal of the proviso to subsection(1) ;

(4) by the insertion, immediately after subsection (1)

of that section, of the following subsections which

Motor Traffic (Amendment) Act, No. 8 of 2009 13

shall have effect as subsections (2), (3), (4), (5) (6)

and (7) thereof :—

“(2) The Commissioner-General may for reasons

to be recorded, of his own motion, cancel the

registration of a motor vehicle,—

(a) if he has reason to believe—

(i) that it has been manufactured,

assembled, fabricated, innovated,

adapted, modified, or its construction

changed, illegally or otherwise than in

conformity with the prototype

approved by the Commissioner-

General ;

(ii) that it has been assembled otherwise

than with branded new parts or without

the permission of the manufacturer of

those parts;

(iii) that it is mechanically defective;

(iv) that it fails to comply with prescribed

standards of safety;

(v) that it is stolen ;

(vi) that the identity of the vehicle is false;

(vii) that the chassis number has been

tampered with;

(viii) that the applicant for registration of the

vehicle has failed to furnish particulars

of a previous registration if any;

(ix) that the applicant has furnished

inaccurate particulars in the application

for registration of the vehicle; or

14 Motor Traffic (Amendment) Act, No. 8 of 2009

(x) that the vehicle has been imported with

forged documents or that the

application for registration contains a

forged signature or is accompanied by

forged documents;

(b) where the motor vehicle comprises features

which—

(i) are not in accordance with the

particulars contained in the

application;

(ii) are not in his opinion roadworthy or

which by reason of its design,

construction or any condition thereof

or any equipment thereof, are not in

compliance with the provisions of this

Act;

(iii) require the prior written approval of

the Commissioner-General for the

import thereof and has been imported

without obtaining such approval;

(iv) have been manufactured, assembled,

fabricated, adapted, modified or the

construction of which has been

changed in any manner, without the

prior written approval of the

Commissioner-General;

(v) the registered owner thereof is dead,

or cannot be found or that such vehicle

has ceased to be a motor vehicle ; or

(c) the registration of such motor vehicle has

been obtained on the basis of documents

which were , or by representation of facts

which was, false in any material particular,

Motor Traffic (Amendment) Act, No. 8 of 2009 15

or the engine number or the chassis number

embossed thereon are different from such

number entered in the Certificate of

Registration,

after giving the owner an opportunity to make

such representation as he may wish to make (by

sending to the owner a notice by registered post to

his address entered in the Certificate of

Registration).

(3) The Commissioner - General shall, on

receiving evidence or information to the effect that

a motor vehicle has not been issued a revenue

license for two consecutive years and has not been

issued a Certificate of Non-user issued by the

Licensing Authority for that period, forthwith

require the registered owner to produce a valid

revenue license or such Certificate of Non-user

issued by the Licensing Authority and surrender

the Certificate of Registration within a period of

one month. If the owner fails to produce the

revenue license or such Certificate of Non-user

referred to in this section, the Commissioner -

General shall cancel the registration of such motor

vehicle.

(4) The Commissioner - General may order the

examination of any vehicle, and if upon such

examination and after giving the owner an

opportunity to make any representation he may

wish to make (by sending to the owner a notice by

registered post to his address entered in the

Certificate of Registration) he is satisfied that the

vehicle is in such a condition that it is incapable of

being used or its use in a public place would

constitute a danger to the public and that it is

beyond reasonable repair, he shall order that the

vehicle be written off and shall cancel the

registration of such motor vehicle.

16 Motor Traffic (Amendment) Act, No. 8 of 2009

(5) If a motor vehicle is declared unroadworthy

consequent to an accident or other circumstance

the Commissioner- General shall suspend the

registration of such motor vehicle:

Provided however, that if on application made

thereafter by the registered owner, in a prescribed

form together with the prescribed fee, the

Commissioner - General is satisfied that the vehicle

has been made roadworthy and that it complies with

the provisions of this Act and regulations made

thereunder, he may remove the suspension.

(6) Where the registration of a motor vehicle

has been cancelled under paragraph (b) of

subsection (2) or where the identity of the vehicle

or the identity of the owner of such vehicle is in

question, such vehicle may be considered for re-

registration under this Part, provided that—

(a) the owner complies with the provisions of this

Act and regulations made thereunder ; and

(b) the vehicle is inspected by an officer

authorized for the purpose by the

Commissioner-General, and an endorsement

to the effect that the owner has complied with

the provisions of this Act is made on the

Certificate of Registration.

(7) Upon the cancellation of the registration of

a motor vehicle, the registered owner shall cease to

use such vehicle and shall return the identification

plate to the Commissioner - General within seven

days from the date of being notified of such

cancellation.

(8) (a) The Commissioner - General shall

maintain a register of written off vehicles in

accordance with the prescribed procedure, wherein

Motor Traffic (Amendment) Act, No. 8 of 2009 17

information regarding motor vehicles that are

written off, is entered. Such register shall be made

available for inspection by the public during office

hours.

(b) Entries in the register of written off vehicles

may be made, amended and removed only in

accordance with regulations made hereunder.

(9) For the purposes of subsections (7) and (8) a

motor vehicle shall be written off only if, –

(a) the vehicle has been damaged by collision,

fire, flood, accident, trespass or other event

or circumstances ; and

(b) the insurer of the vehicle or, if there is no

insurer, the registered owner of the vehicle

makes a determination that the extent of the

damage is such that the vehicle’s fair salvage

value plus the cost of repairing it for use on

a road or road related area would be more

than its fair market value immediately before

the event or circumstances that caused the

damage.

(10) An insurer of a vehicle referred to in sub-

section (a) is taken to have made a determination

under paragraph (b) of subsection (9) if the insurer—

(a) allows a claim for the full insured value of

the vehicle ; or

(b) disposes of the vehicle to a third party.

(11) A registered owner of a vehicle referred to

in subsection (9) (b) is taken to have made a

determination under that section if the registered

owner disposes of the vehicle to a motor wrecker.

18 Motor Traffic (Amendment) Act, No. 8 of 2009

(12) The Commissioner General shall ensure

that a person who notifies the Commissioner General

of a written-off vehicle, or who applies for an entry

on the register of written-off vehicles to be amended

or removed, is informed at the time of notification

or application (as the case requires) that any

information given or document submitted in

connection with the notification or application, or

a copy of such document, may be disclosed or used

for investigation, law enforcement and allied

purposes.

(13) The Minister may make regulations

regarding the disposal of written off vehicles, and

the records to be kept in that regard.

(14) Any person who contravenes any provision

of this section shall on conviction be liable to a

fine not less than ten thousand rupees and not

exceeding twenty thousand rupees and on a second

or subsequent conviction to a fine not less than

twenty thousand rupees and not exceeding thirty

thousand rupees.”.

Insertion of new 14. The following new section is hereby inserted

section 18B in immediately after section 18A in the principal enactment

the principal

and shall have effect as section 18B of that enactment:—

enactment.

“Penalty for 18B. Any person who —

fraudulently

using or

(a) fraudulently uses or allows any other

mutilating

etc. of person to use ; or

certificate of

registration. (b) imitates, alters, mutilates, defaces, or

destroys a Certificate of Registration of a

motor vehicle, shall be guilty of an

offence and shall on conviction be liable

to a fine not less than fifteen thousand

rupees and not exceeding twenty five

thousand rupees and on a second or

Motor Traffic (Amendment) Act, No. 8 of 2009 19

subsequent conviction to a fine not less

than thirty thousand rupees and not

exceeding fifty thousand rupees or to

imprisonment for a term not exceeding

three months or to both such fine and

imprisonment.”.

15. Section 19 of the principal enactment is hereby Amendment of

amended as follows :— section 19 of the

principal

enactment.

(1) by the re-numbering of subsections (2) and (3) of

that section as subsections (3) and (4) thereof;

(2) by the insertion immediately after subsection (1) of

that section of the following subsection which shall

have effect as subsection (2) thereof:—

“(2) In particular and without prejudice to the

generality of the foregoing provisions, the Minister

may make regulations –

(a) to regulate the width, height, wheel base,

length and overhang of vehicles and trailers

and the load carried thereon, the diameter of

wheels and the width, nature and condition

of tyres of such vehicles and trailers and to

prohibit the use of any tyres likely to cause

damage to the roads ;

(b) to prohibit excessive noise from warning

devices, noise emitted from engine exhaust

and noise due to the design or condition of

the motor vehicle or the loading thereof ;

(c) to regulate the maximum unladen and laden

weight of vehicles and trailers and the

maximum axle load to be transmitted to the

road or any specified area thereof by a motor

vehicle of any class or description or by any

20 Motor Traffic (Amendment) Act, No. 8 of 2009

part or parts of such a vehicle in contact with

the road and the conditions under which such

weights may be required to be tested ;

(d) to prescribe the particulars to be marked on

vehicles and trailers ;

(e) to specify the number and nature of springs

and brakes on vehicles and trailers and to

ensure that springs, brakes, silencers,

emission, light, weight and steering gear shall

be efficient and kept in proper working order

and for empowering any person or classes of

persons designated, named or described in

such regulations to test and inspect any such

springs, brakes, silencers, emission, light,

weight and steering gear on a road or, subject

to the consent of the occupier of any premises,

on any such premises;

(f) to regulate the appliances to be fitted for

signalling the approach of a vehicle or

enabling the driver of a motor vehicle to

become aware of the approach of another

vehicle from the rear or for intimating any

intended change of speed or direction of a

motor vehicle and to regulate or to prohibit

the use of any such appliances and to ensure

that they shall be kept efficient and in proper

working order ;

(g) to regulate the lights to be installed in

vehicles and trailers 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 kept lighted or otherwise;

(h) to prescribe the safety equipment to be

installed in vehicles ;

Motor Traffic (Amendment) Act, No. 8 of 2009 21

(i) to control, in connection with the use of a

motor vehicle, the emission of smoke, oily

substance, ashes, water, steam, visible vapour,

noxious fumes, sparks, cinders, gas or grit ;

(l) to regulate the towing or drawing of motor

vehicles by motor vehicles and the manner

of attachments used therefor ;

(k) to prohibit in connection with the use of a

motor vehicle the use of any appliances or

the commission of any act which is likely to

cause annoyance or danger to other users of

the road or its vicinity ;

(l) to regulate the number of trailers that may be

attached in train to any motor vehicle, the

manner of attachment and the manner in

which trailers shall be kept under control and

the maximum weight thereof ;

(m) to prescribe the number of persons to be

employed in driving or attending to motor

vehicles or trailers and to regulate the duties

and conduct of such persons ;

(n) to prescribe a maximum speed for motor

vehicles of any class or description and to

provide for exemption in special cases ; and

prescribe the procedure of ascertaining the

speed by the use of radar detectors and laser

speed guns and photographic detection

devices ;

For the purposes of this paragraph different

speeds may be prescribed as the maximum

speed of a motor vehicle or class of motor

vehicles in respect of a road or part of a road

or a road in any area;

22 Motor Traffic (Amendment) Act, No. 8 of 2009

(o) to regulate or prohibit either generally or in

specified areas or roads and either at all times

or between specified hours, the use of horns

or other warning appliances, and different

rules may be made in respect of different

classes or description of motor vehicles or in

respect of the same class or description of

vehicles in different circumstances ;

(p) to prescribe the degree of transmission of

light into a motor vehicle and the procedure

for determining the intensity of light

penetration ;

(q) to specify the standards of emission of air

pollutants ;

(r) to regulate the installation of catalytic

converters in any prescribed class of vehicles;

(s) to regulate the transport of chemicals, gas or

other dangerous goods ;

(t) to prohibit any class or classes or types of

motor vehicles using the expressway or any

road ; and

(u) to prescribe procedures for de-registering of

motor vehicles (cancellation from the

register) and the fees to be charged therefor.”.

Insertion of 16. The following new sections are hereby inserted

new sections immediately after section 19 of the principal enactment and

19A, 19B and

shall have effect as sections 19A, 19B and 19C of that

19C in the

principal enactment:—

enactment.

“No person to 19A. (1) No person shall fabricate,

fabricate, manufacture, assemble, innovate, adapt,

manufacture modify or change the construction of a motor

& c., motor

vehicle vehicle in Sri Lanka except with the prior

except with written approval of the Commissioner-General.

permission of

Commissioner-

General.

Motor Traffic (Amendment) Act, No. 8 of 2009 23

(2) The Commissioner - General may upon

application made in the prescribed Form and

on payment of the prescribed fee, grant approval

to such applicant to manufacture, assemble,

fabricate, innovate, adapt, modify or change

the construction of a motor vehicle as the case

may be, subject to compliance by the applicant

with terms and conditions which the

Commissioner-General may specify by notice

in writing, prior to the grant of such approval.

(3) Terms and conditions specified by notice

under subsection (2), may include a

requirement that the applicant’s facility for

manufacturing, assembling, fabricating,

innovating, adapting, modifying or changing

the construction of a motor vehicle as the case

may be shall conform to specifications set out

in such notice.

(4) The Commissioner-General shall refuse

to grant the written approval referred to in

subsection (1), where he is satisfied that the

applicant has not complied with any term or

condition specified under subsection(2).

Written notice of such refusal shall be given to

the applicant.

(5) Any person aggrieved by the refusal of

the Commissioner-General to grant written

approval under this section may, within

fourteen days of the receipt of the written notice

of such refusal, appeal in writing to the Motor

Traffic Appeals Tribunal constituted under

section 213AA, whose decision thereon shall

be final.

(6) The Commissioner-General may, by

notice in writing, require a manufacturer,

assembler, fabricator, innovator, adaptor,

24 Motor Traffic (Amendment) Act, No. 8 of 2009

modifier or person engaged in the business of

changing the construction of a motor vehicle,

to effect such additions, improvements, or

modifications as he may specify in such notice,

to an existing facility for manufacturing,

assembling, fabricating, innovating, adapting,

modifying or changing the construction of a

motor vehicle.

(7) The Commissioner-General shall cancel

a written approval granted under subsection

(2) where he is satisfied that the manufacturer,

assembler, fabricator, innovator, adaptor,

modifier or person engaged in the business of

changing the construction of a motor vehicle—

(a) has failed to comply with the

requirements of a notice sent to him under

subsection (6) ; or

(b) (i) has carried on the business of

manufacturing, assembling,

fabricating, innovating, adapting,

modifying or changing the

construction of a motor vehicle in an

improper or unsatisfactory manner ;

(ii) has failed to comply with any of the

terms and conditions subject to which

such written approval was granted ;

or

(iii) has been convicted of an offence under

this Part or has contravened the

provisions of any regulation made

thereunder.

(8) The Commissioner - General shall

before cancelling any written approval under

Motor Traffic (Amendment) Act, No. 8 of 2009 25

subsection (7), give notice in writing of his

intention to do so, specifying a date, not less

than fourteen days from the date of the notice,

upon which such cancellation shall be made

and calling upon such manufacturer, fabricator,

assembler, innovator, adaptor, modifier or

person changing the construction of a motor

vehicle to show cause to the Commissioner-

General as to why such written approval should

not be cancelled.

(9) Where the Commissioner-General has

cancelled any written approval granted to a

person under the provisions of subsection (7),

he shall forthwith inform such person of such

cancellation by notice in writing.

(10) Any person aggrieved by the decision

of the Commissioner General under subsection

(7) may, within fourteen days of the receipt of

the notice referred to in subsection (9), appeal

in writing against such cancellation to the

Motor Traffic Appeals Tribunal established

under section 213AA, whose decision thereon

shall be final.

(11) An order of cancellation shall not take

effect until the expiration of a period of fourteen

days from the date of receipt of the notice of

cancellation under subsection (9).

(12) If within that period, the person

aggrieved by such cancellation appeals to the

Motor Traffic Appeals Tribunal established

under section 213AA the order shall not take

effect until such Tribunal confirms such order

of cancellation or the appeal is dismissed.

26 Motor Traffic (Amendment) Act, No. 8 of 2009

(13) Where an order of cancellation becomes

effective under subsections (7) or (11), the

manufacturer, assembler, fabricator, innovator,

adaptor, modifier or person changing the

construction of a motor vehicle shall as from

the date when such order becomes effective,

cease to carry on the business of manufacturing,

assembling, fabricating, innovating, adapting,

modifying or changing the construction of a

motor vehicle as the case may be.

(14) Where written approval has been

granted to a manufacturer, assembler, fabricator,

innovator, adaptor, modifier, or person

changing the construction of a motor vehicle,

for the carrying on of business in such capacity,

and an order of cancellation has been made in

respect of any such category of persons, such

person shall, within seven days of the making

of such order of cancellation, surrender to the

Commissioner - General –

(a) the letter of written approval issued to

such person; and

(b) the Certificate of Registration issued to

him as a manufacturer, assembler,

fabricator, innovator, adapter, modifier or

construction changer, as the case may be,

(15) A manufacturer, assembler, fabricator,

innovator, adapter, modifier, or person engaged

in the business of changing the construction of

a motor vehicle, the written approval for whose

business has been cancelled under this section,

may on satisfying the Commissioner - General

that he has, since such cancellation—

(a) complied with the requirements of a notice

sent to him under subsection (6);

Motor Traffic (Amendment) Act, No. 8 of 2009 27

(b) complied with the terms and conditions

subject to which such written approval

was previously granted ; and

(c) is carrying on such business in a proper

and satisfactory manner,

re-apply to the Commissioner-General-

(i) for the grant of written approval for

his business ; and

(ii) for the issue of a Certificate of

Registration as a manufacturer,

assembler, fabricator, innovator,

adapter, modifier or construction

changer as the case may be.

(16) Any person aggrieved by the refusal

of the Commissioner-General to re-issue written

approval or issue or renew the Certificate of

Registration issued to such person as a

manufacturer, assembler, fabricator, innovator,

adapter, modifier or construction changer as

the case may be, may within fourteen days of

the receipt of the written notice of refusal,

appeal in writing to the Secretary of the Ministry

of the Minister, whose decision thereon shall

be final.

(17) A person who contravenes the

provisions of subsections (1), (13) or (14) shall

be guilty of an offence and shall on conviction

be liable to a fine not less than fifty thousand

rupees and not exceeding one hundred

thousand rupees and to the confiscation of such

motor vehicle.

28 Motor Traffic (Amendment) Act, No. 8 of 2009

(18) The Minister may make regulations in

respect of the procedure for the issue of a

Certificate of Registration as a manufacturer,

assembler, fabricator, innovator, adapter,

modifier or construction changer as the case

my be, including the conditions to be attached

to such Certificate and the conduct of such

certificate holders.

Prohibition 19B. (1) No person shall assemble a motor

on assembly vehicle except –

of motor

vehicles

(a) with branded new parts ; and

except

withbranded

newparts. (b) with the prior written permission of the

manufacturer of such parts.

(2) Any person who assembles a motor

vehicle otherwise than in accordance with the

provisions of subsection (1), shall be guilty of

an offence and shall on conviction be liable to

a fine not less than fifty thousand rupees and

not exceeding one hundred thousand rupees.

Prohibition 19C. (1) No person shall import a motor

on vehicle into Sri Lanka—

importation

of certain

vehicles. (a) which is not in conformity with the

prototype approved by the

Commissioner-General; and

(b) except under the authority of a permit

issued in that behalf by the

Commissioner-General.

(2) A person who contravenes the provisions

of subsection (1) shall be guilty of an offence

and shall on conviction be liable to a fine not

less than three hundred thousand rupees and

not exceeding five hundred thousand rupees.”.

Motor Traffic (Amendment) Act, No. 8 of 2009 29

17. The following new section is hereby inserted Insertion of new

section 24A in

immediately after section 24 of the principal enactment and

the principal

shall have effect as section 24A of that enactment :— enactment.

“Penalty for 24A. A person who —

contravention

of sections

21, 22, 23 (a) contravenes the provisions of sections 21,

and 24. 22, 23 and 24 of this Act ; or

(b) (i) fraudulently uses or allows any other

person to use any identification plate,

or

(ii) imitates, alters, mutilates, defaces or

destroys any identification plate,

shall be guilty of an offence and shall on

conviction be liable to a fine not less than fifteen

thousand rupees and not exceeding twenty five

thousand rupees and on a second or subsequent

conviction to a fine not less than thirty

thousand rupees and not exceeding fifty

thousand rupees or to imprisonment for a term

not exceeding three months or to both such

fine and imprisonment.”.

18. Section 29 of the principal enactment is hereby Replacement of

repealed and the following section substituted therefor:— section 29 of the

principal

enactment.

“Revenue 29. (1) (a) No revenue license for a motor

licences for lorry, light motor lorry, heavy motor lorry,

motor

vehicles. motor coach, light motor coach, heavy motor

coach, motor hearse or motor ambulance shall

be issued by any licensing authority unless a

Certificate of Fitness and an Emission

Certificate issued in respect thereof under

section 196, is produced.

30 Motor Traffic (Amendment) Act, No. 8 of 2009

(b) No revenue license for a motor cycle,

light motor cycle, motor car, dual purpose

vehicle, motor tricycle, motor tricycle van, land

vehicle, hand tractor or special purpose vehicle

shall be issued by any licensing authority

unless an Emission Certificate issued in respect

thereof under section 196, is produced.

(2) The Minister may make regulations—

(a) providing for the amalgamation of the

Certificate of Fitness and Emission

Certificate if so required;

(b) identifying new classes of vehicles in

respect of which either the Certificate

of Fitness or the Emission Certificate

may be required.”.

Replacement 19. Section 44 of the principal enactment is hereby

of section 44 repealed and the following section substituted therefor :—

of the

principal

enactment. “Visitor’s 44. (1) The Commissioner-General, may if

temporary he is satisfied upon application made in the

licence .

prescribed form and accompanied by the

prescribed fee and documents relating to the

importation of a motor vehicle, that such

motor vehicle has been imported into Sri

Lanka—

(a) for participation in a motor sports meet

approved by the Minister in charge of

the subjects of sports; or

(b) for the purpose of being used by the

owner of that vehicle during a visit to Sri

Lanka ,

notwithstanding that no person has been

registered as the owner of that vehicle, issue to

Motor Traffic (Amendment) Act, No. 8 of 2009 31

the owner a visitor’s temporary licence in the

prescribed form, authorizing the possession

and use of the motor vehicle for a period not

exceeding twelve months from the date of

importation.

(2) The powers conferred on the

Commissioner General by subsection (1) may

in the case of motor vehicles imported through

any Port in Sri Lanka, be exercised by the

Government Agent or Divisional Secretary of

the Administrative District within which the

Port is situated or by the Superintendent of

Customs of that Port.

(3) Every application made to, and a copy

of every visitor’s temporary licence issued by,

any officer under subsection (2) shall be

forwarded to the Commissioner-General within

fourteen days from the date of issue.

(4) Every visitor’s temporary licence shall

specify the make, model, chassis number,

engine number and colour of the motor vehicle

and the details of distinctive plates issued under

subsection (5).

(5) The Commissioner-General shall issue

to such owner two plates bearing a distinctive

number or numbers assigned for the purposes

of this section.

(6) Such plates shall be displayed as

prescribed and shall be returned to the

Commissioner-General on the expiry of the

licence.

(7) The owner of the visitor’s temporary

licence shall de-register the temporary

registration of such vehicle prior to it’s

exportation.”.

32 Motor Traffic (Amendment) Act, No. 8 of 2009

Amendment of 20. Section 102 of the principal enactment is hereby

section 102 of

amended in subsection (5) of that section by the substitution

the principal

enactment. of that words “eighteen years”, of the words “seventeen

years”.

Amendment of 21. Section 106 of the principal enactment is hereby

section 106 of repealed and the following section substituted therefor:—

the principal

enactment.

“Liability of 106. (1) No sum shall be payable by an

insurer in insurer under the provisions of section 105 in

respect of

respect of any decree—

any decree.

(a) unless before or within seven days of the

commencement of the action the plaintiff

in the action in which such decree was

entered has given notice of such action

to such insurer; or

(b) so long as execution of such decree is

stayed pending appeal.

(2) Every notice given under subsection (1)

shall—

(a) specify the name of the court in which

such action is instituted;

(b) specify the number assigned to the

action;

(c) specify the names of, the parties to

the action;

(d) specify the number of the insurance

policy in respect of which the action

is instituted;

(e) specify the nature of the action ; and

Motor Traffic (Amendment) Act, No. 8 of 2009 33

(f) require the insurer to answer the plaint

before a date to be specified in such

notice.

(3) Every notice shall be accompanied by a

copy of the plaint filed in the action.

(4) An insurer to whom such notice is given

shall be made a party to such action and shall

be entitled to defend such action.”.

22. The following new section is hereby inserted Insertion of new

immediately after section 112 of the principal enactment section 112A of

the principal

and shall have effect as section 112A of that enactment:— enactment.

“Transfer of 112A. (1) Where a person in whose favour

Certificate of the Certificate of Insurance has been issued in

Insurance.

accordance with the provisions of this Chapter

transfers to another person the ownership of

the motor vehicle in respect of which such

insurance was taken together with the policy

of insurance relating thereto, the Certificate of

Insurance and the policy described in the

Certificate shall be deemed to have been

transferred in favour of the person to whom the

motor vehicle is transferred with effect from

the date of its transfer.

Explanation – For the removal of doubts, it

is hereby declared that such

deemed transfer shall include

the transfer of rights and

liabilities of the said

Certificate of Insurance and

policy of insurance.

(2) The transferee shall apply within forty-

four days from the date of transfer in the

prescribed Form to the insurer for making

34 Motor Traffic (Amendment) Act, No. 8 of 2009

necessary changes in regard to the fact of

transfer in the Certificate of Insurance and the

insurer shall make the necessary changes in

the Certificate and the policy of insurance in

regard to the transfer of insurance.”.

Replacement 23. Section 122 of the principal enactment is hereby

of section repealed and the following section substituted therefor :—

122 of the

principal

enactment. “Classification 122. (1) For the purposes of this Act, motor

of driving vehicles shall be divided into the classes

licences for

specified in Columns 1, 2 and 5 of the Schedule

motor

vehicles. to this section and a licence for the classes

specified in Columns 1, 2 and 5 shall be

deemed to authorize the holder thereof to drive

a motor vehicle of a class specified in Columns

1, 2, 3 and 5 as defined in I.S.O. Standard No.

I.S.O. / TEC/ FDIS-18013-1-2005(E) hereof.

(2) Notwithstanding the provisions of

subsection (1), the Minister may in exceptional

circumstances make regulations to the effect

that a driving licence other than a licence

specified in subsection (1) shall be deemed to

authorize the holder thereof to drive a motor

vehicle of a class specified in such regulations.

Motor Traffic (Amendment) Act, No. 8 of 2009 35

SCHEDULE

Column Column Column Column Column

1 2 3 4 5

Description New Validity Pictograph Present

classess other Class

classes

1 (i) Motor Cycles A A1, G1 D

Motorcycles of

which engine

capacity exceeds

100CC

(ii) Light Motor Cycles A1 G1 D

Motorcycle of

which engine

capacity does not

exceed 100CC

2 Dual purpose Motor B G1 C, C1

vehicle of which

Gross Vehicle

Weight does not

exceed 3500

kilograms and the

seating capacity

does not exceed 9

seats inclusive of

the driver’s seat,

which may be

combined with a

trailer of which

maximum

authorized tare does

not exceed 750

kilograms; motor

vehicles in this class

include an invalid

carriage. And all

cars where the

seating capacity

does not exceed 9

seats inclusive of

the Driver’s seat.

3 Motor Tricycle / B1 G1 E,F

Motor Tricycle van.

Motor tricycle or

van of which the

tare does not exceed

36 Motor Traffic (Amendment) Act, No. 8 of 2009

Column Column Column Column Column

1 2 3 4 5

Description New Validity Pictograph Present

classess other Class

classes

500 KG and Gross

vehicle weight does

not exceed 1000

kilograms; motor

vehicle in this class

include an invalid

carriage.

4 (i) Motor Lorry – C C1, G1 B

Motor Lorry of B, B1,

which Gross J, G

Vehicle Weight is

more than 17000

kilograms; may be

combined with a

trailer having a

maximum

authorized tare

which does not

exceed 750

kilograms

(ii) Light Motor Lorry- C 1 G, G1, B

Motor Lorry of B, B1

which Gross

Vehicle Weight

exceeds 3500 and

does not exceeds

17000 kilograms;

motor vehicles in

this class may be

combined with a

trailer having a

maximum

authorized tare

which does not

exceed 750

kilograms; motor

vehicles of this

class include a

motor ambulance

and motor hearse.

Motor Traffic (Amendment) Act, No. 8 of 2009 37

Column Column Column Column Column

1 2 3 4 5

Description New Validity Pictograph Present

classess other Class

classes

5 Heavy Motor Lorry CE C, C1, B

Combination of B,B1,

motor lorry and G, G1, J

trailer (s) including

Articulated Vehicles

and its trailer (s) of

which maximum

authorized tare of

the trailer exceeds

750 kilograms and

Gross vehicle

weight exceeds

3500 kilograms

6 (i) Motor Coach-Motor D D1, C, A

Coach where the C1, B,

seating capacity B1, G,

does not exceed 33 G1, J

seats inclusive of the

driver’s seat; motor

vehicles in this class

may be combined

with a trailer having

a maximum

authorized tare

which does not

exceed 750

kilograms.

(ii) Light Motor Coach- D1 C1, B, A1

Motor vehicles used B1, G,

for the carriage of G1

persons and having

a seating capacity of

not less than 9 seats

and not more than

33 seats inclusive of

the driver’s seat;

motor vehicles in

this class may be

combined with a

trailer having a

38 Motor Traffic (Amendment) Act, No. 8 of 2009

Column Column Column Column Column

1 2 3 4 5

Description New Validity Pictograph Present

classess other Class

classes

maximum

authorized tare

which does not

exceed 750

kilograms.

7 Heavy Motor DE D, D1,

Coach- CE, C,

Combination of C1, B, A

motor coach having B1, G,

a seating capacity of G1, J

33 seats inclusive of

the driver’s seat and

its trailer having a

maximum

authorized tare

exceeding 750

kilograms or a

combination of two

motor coaches

8 Land Vehicle- G G1 G,G1

Agricultural Land

Vehicle with or

without a Trailer

9 Hand Tractors-Two G1

Wheel Tractor with

a Trailer

10 Special purpose J G 1

Vehicle,Vehicle used

for construction,

loading &c,. B

excluding motor G

lorries, light motor

lorries and heavy

motor lorries,

equipped with

construction

equipment and

equipment for

loading and

unloading goods

Motor Traffic (Amendment) Act, No. 8 of 2009 39

24. The following new section is hereby inserted Insertion of new

immediately after section 122 of the principal enactment section 122A in

and shall have effect as section 122A thereof :— the principal

enactment.

“Classes of 122A. (1) For the purposes of this Act

driving driving licences or permits as the case may be

licences. shall—

(a) in the case of motor vehicles belonging

to the classes specified in items 1(i), 1(ii),

2, 3, and 8 of the Schedule to section

122, be of the following classes :—

(i) Learner’s Permit ; and

(ii) Regular Driving Licence for light

vehicles ;

(b) in the case of motor vehicles belonging

to the classes specified in items 4(i), 4(ii),

5, 6 (i), 6 (ii), 7, 9 and 10 of the Schedule

to section 122, be of the following

classes:—

(i) Learner’s Permit ;

(ii) Regular Driving Licence for heavy

vehicles.

(2) Every person who desires to obtain a driving licence

under this Act for classes specified in items 4(i), 4(ii), 5, 6(i),

6(ii), 7, 9 and 10 of the Schedule to section 122 (heavy

vehicles) shall at the time of applying therefor, possess a

Regular Driving Licence for motor vehicles of the classes

specified in items 2, 3 or 8 of such Schedule.”.

25. Section 123 of the principal enactment is hereby Amendment of

amended as follows :— section 123

of the principal

(1) in subsection (1) of that section, by the substitution enactment.

for the words “effective driving licence” wherever

those words appear in that section, of the words

“regular driving licence subject to a probation

period.”

40 Motor Traffic (Amendment) Act, No. 8 of 2009

(2) by the repeal of subsection (2) thereof and the

substitution therefor of the following subsection:—

“(2) (a) A person who does not hold a driving

licence and who wishes to learn or to be permitted

to drive a motor vehicle shall make application to

the Commissioner-General for a Learner’s Permit—

(i) in the prescribed form; and

(ii) accompanied by the prescribed levy and the

prescribed documents.

(b) The Commissioner-General shall conduct a

theory examination for the purpose of ascertaining

whether the applicant is competent to be granted a

Learner’s Permit and if such applicant is successful

at such examination, and satisfies the

Commissioner- General in regard to the

requirements specified in paragraph (c) of this

subsection, issue him with a Learner’s Permit.

(c) Every applicant for a Learner’s Permit shall

prove to the satisfaction of the Commissioner-

General—

(i) in the case of an application for a Learner’s

Permit to drive light vehicles that he has

completed the age of seventeen years; and in

the case of an application for a Learner’s

Permit to drive heavy vehicles that he has

completed the age of twenty years ; and

(ii) that he is physically fit to drive the class or

classes of vehicles in respect of which the

application is made.

(d) Every person who is successful at the theory

examination referred to in paragraph (b) shall—

(i) apply to the Commissioner-General in the

prescribed form accompanied by the

prescribed fee, for the ‘L’ plate which shall be

Motor Traffic (Amendment) Act, No. 8 of 2009 41

fixed and maintained on a motor vehicle in

accordance with the succeeding provisions

of this section ;

(ii) obtain an insurance cover in accordance with

the provisions of section 99.

(e) A holder of an ‘L’ plate shall not permit or

cause the owner or any other person in charge of a

motor vehicle who is not the holder of an ‘L’ plate

to use that plate for the purpose of learning:

Provided that—

(i) no person other than the holder of a

Learner’s Permit and the person

instructing him shall travel in such motor

vehicle; where the person so instructing

such learner is a registered driving

instructor, the maximum number of

learners carried in a motor vehicle

belonging to the class referred to in item2

of the Schedule to section 122 shall not

exceed three persons and in motor

vehicles of a class referred to in items 6(i),

6(ii) and 7 of the Schedule to section 122

shall not exceed six persons;

(ii) the holder of a Regular Driving Licence

which is valid for motor vehicles of that

class and who should be at least twenty

one years of age, shall accompany him

for the purpose of instructing him and

shall be seated at his side :

Provided however that the

requirements herein contained shall not

apply to motor cycles and tractors ; and

42 Motor Traffic (Amendment) Act, No. 8 of 2009

(iii) there is carried above each identification

plate fixed on the vehicle, in such manner

as not to obstruct any such identification

plate, a white board or plate bearing the

letter ‘L’ painted thereon in red the

dimensions of such letter being at least

twice the corresponding dimensions of

any letter forming part of the distinctive

number on the identification plate.

(f) The holder of a Learner’s Permit may on

completion of a period of three months from the

date of issue of such Learner’s Permit and if he has

satisfied the requirements set out in section 125,

apply to the Commissioner-General in the

prescribed Form accompanied by the prescribed levy

to convert his Learner’s Permit into a Regular

Driving Licence.

(g) Regulations may be made prescribing—

(i) any other requirement or condition for

the issue of a Learners’ Permit ; and

(ii) the shape, size, colour, details of display

and the procedure for the issue of ‘L’

plate.”.

(3) by the addition, immediately after subsection (2)

of that section of the following subsections which

shall have effect as subsections (3), (4) (5), (6) and

(7) thereof :—

“(3) (a) A Regular Driving Licence shall be

subject to a minimum probationary period of one

year from the date of issue and a maximum

probationary period of two years from the date of

issue.

Motor Traffic (Amendment) Act, No. 8 of 2009 43

(b) Where the holder of a Regular Driving

Licence has within the probationary period of one

year accumulated the prescribed number of driver

improvement points as would result in the

cancellation or suspension of his driving licence

under section 133A, or driver improvement points

over and above such prescribed number, the

Commissioner-General shall extend the period of

probation for a further period of one year.

(c) If the Commissioner-General is satisfied that

the holder of a Regular Driving Licence under

paragraph (b), has during the extended probationary

period of one year accumulated the prescribed

number of driver improvement points which would

result in the suspension or cancellation of a driving

licence under section 133A or driver imporvement

points over and above such prescribed number, he

shall forthwith cancel such probationary licence.

(4) (a) For the purposes of this Act, every driving

licence, irrespective of whether it is a Regular

Driving Licence subject to a probationary period

or a Regular Driving Licence, shall be treated as a

valid driving licence for the class or classes of motor

vehicles referred to therein.

(b) All levies recovered by the Commissioner-

General in respect of the issue of every such licence

or permit referred to in subsection (1) of section

122 shall be deemed to have been validly recovered

under the provisions of this Act.

(5) (a) A person who contravenes the provisions

of paragraph (a) of subsection (1) shall be guilty of

an offence and shall on conviction be liable to a

fine not less than three thousand rupees and not

exceeding six thousand rupees and on a second or

subsequent conviction to a fine not less than six

thousand rupees and not exceeding ten thousand

rupees.

44 Motor Traffic (Amendment) Act, No. 8 of 2009

(b) A person who contravenes the provisions of

paragraph (b) of subsection (1) shall be guilty of an

offence and shall on conviction be liable to a fine

not less than four thousand rupees and not

exceeding eight thousand rupees and on a second

or subsequent conviction to a fine not less than

eight thousand rupees and not exceeding twelve

thousand rupees.

(6) (a) A person who contravenes the provisions

of paragraph (d) of subsection (2) shall be guilty of

an offence and shall on conviction be liable to the

penalty specified in section 224.

(b) A person who contravenes the provisions of

paragraph (e) of subsection (2), shall be guilty of

an offence and shall on conviction be liable to the

penalty specified in section 224.

(7) A person who contravenes the provisions of

paragraph (a) of subsection (3) shall be guilty of an

offence and shall on conviction, be liable to the

penalty specified in section 224.”.

Replacement 26. Section 124 of the principal enactment is hereby

section 124 of repealed and the following section substituted therefor:—

the principal

enactment.

“Application 124. (1) Every application for a Learners

for a Permit and Regular Driving Licence shall be

Learners

made to the Commissioner-General in the

Permit and

Regular prescribed Form, and shall be accompanied

Driving by—

Licence.

(a) a Medical Certificate from the National

Transport Medical Institute established

under the National Transport Medical

Institute Act, No. 25 of 1997 or a medical

practitioner registered under the Medical

Ordinance (Chapter 105) and duly

Motor Traffic (Amendment) Act, No. 8 of 2009 45

authorized by the National Transport

Medical Institute or authorized by the

Commissioner-General, which certifies

that the applicant is physically fit to drive

the class or classes of vehicles in respect

of which the application is made ;

(b) the prescribed levy ;

(c) two copies of a photograph of the

applicant of such size as may be

prescribed and taken not earlier than six

months prior to the date of the making of

the application;

(d) a declaration made by the applicant in

the prescribed Form as to whether or not

he is suffering from any disease or mental

or physical disability as would be likely

to cause his driving to be a source of

danger to the public.

(2) Every applicant for a driving licence valid

for motor vehicles belonging to the classes

specified in items 1(i), 1(ii), 2, 3 and 8 of the

Schedule to section 122 shall prove to the

satisfaction of the Commissioner-General—

(a) that he has completed the age of eighteen

years ; and

(b) that he has been a learner driver for at

least three months from the date he

obtained ‘L’ plate from the

Commissioner-General.

(3) Every applicant for a driving licence

valid for motor vehicles belonging to the

classes specified in items 4(i), 4(ii), 5, 6(i), 6(ii),

46 Motor Traffic (Amendment) Act, No. 8 of 2009

7, 9 and 10 of the Schedule to section 122

shall prove to the satisfaction of the

Commissioner-General that he –

(a) has completed the age of twenty-one

years;

(b) has been a learner driver of the class of

vehicles in respect of which the

application is made for at least three

months from the date he obtained ‘L’

plate from the Commissioner-General;

(c) possesses an adequate practical

knowledge of the mechanism of motor

vehicles as may be prescribed ;

(d) possesses such educational and other

qualifications as may be prescribed ;

(e) possesses such physical requirements as

may be prescribed ;

(f) has been in possession of a Regular

Driving Licence valid for motor vehicles

belonging to the classes specified in

items 2 and 3 of the Schedule to section

122, for a period of not less than two

years.”.

Insertion of new 27. The following new sections are hereby inserted

sections 124B,

immediately after section 124A of the principal enactment

124C and 124D

in the principal and shall have effect as sections 124B, 124C and 124D of

enactment. that enactment :—

“Motor 124B. (1) There shall be Motor Traffic

Traffic Appeals Board (hereinafter in this Part referred

Appeals to as “the Board”) consisting of the following

Board.

members who shall be persons who have gained

recognition or integrity:—

(a) a nominee of the Secretary to the

Ministry of the Minister in charge of the

subject of Transport;

Motor Traffic (Amendment) Act, No. 8 of 2009 47

(b) a retired examiner of Motor Traffic

nominated by the Secretary to the

Ministry of the Minister in charge of the

subject of Transport; and

(c) one person from the Police Department

nominated by the Inspector General of

Police.

(2) An applicant for a driving licence who

has complied with the requirements set out in

subsection (2) of section 123 and section 124,

and who is aggrieved by the decision of the

Commissioner-General refusing to issue him a

driving licence may prefer an appeal to the

Board against such decision.

(3) The Board shall within a period of thirty

days from the date of preferring the appeal

communicate its decision on such appeal to

the applicant and the Commissioner-General,

and the Commissioner-General shall give effect

to such decision.

Medical 124C. (1) The Minister shall appoint a

Committee. Medical Committee comprising of –

(a) the Commissioner-General of Motor

Traffic or his nominee ;

(b) the Director -General of Health Services

or his nominee ;

(c) Specialist/Medical Officer registered

under the Medical Ordinance (Chapter.)

who has specialized in the particular field;

and

(d) a representative of the Ministry of the

Minister in charge of the subject of

Transport :

48 Motor Traffic (Amendment) Act, No. 8 of 2009

(2) The duties of the Medical Committee

shall be to hear appeals from persons aggrieved

by the refusal to issue Medical Certificates by

medical practitioners or the National Transport

Medical Institute under section 124D.

(3) A medical practitioner who wilfully

issues a Medical Certificate which is incorrect

as regards the medical condition of an applicant

or is incorrect in regard to any material

particulars specified therein shall be guilty of

the offence of fraudulent issue of a medical

certificate and shall on conviction be liable to

a fine not less than ten thousand rupees and

not exceeding twenty thousand rupees and

such practitioner shall also be reported to the

Sri Lanka Medical Council.

Appeals to 124D. (1) An applicant for a Learners Permit

Medical and Regular Driving Licence who is aggrieved

Committee. by the refusal of a Medical Practitioner referred

to in section 124 or the National Transport

Medical Institute to issue him with a Medical

Certificate may prefer an appeal against such

refusal to the Medical Committee appointed

under section 124C.

(2) Such Medical Committee shall within

a period of seven days cause such applicant to

be examined by a registered medical

practitioner other than a medical practitioner

referred to in paragraph (1) and shall if such

medical practitioner certifies that the applicant

is fit to be issued a driving licence, issue him a

Medical Certificate and shall report such fact

to the Sri Lanka Medical Council.

Amendment of 28. Section 125 of the principal enactment is hereby

section 125 of amended as follows :—

the principal

enactment. (1) in subsection (1) of that section, by the substitution

for the words “licence which it accompanies.” of

the words, “licence which it accompanies and any

Motor Traffic (Amendment) Act, No. 8 of 2009 49

endorsement made on such form shall be deemed

to have been made upon such driving licence.”;

(2) in subsection (4) of that section, by the substitution

for the words “driving a motor vehicle in a safe and

proper manner.” of the words “driving a motor

vehicle in a safe or proper manner:

Provided that, the Commissioner-General may

refuse to issue a driving licence in circumstances

that appear to him to be detrimental to the interest

of the public.”;

(3) by the repeal of subsection (5) thereof and the

substitution therefor of the following subsection:—

“(5) No Regular Driving Licence shall be

issued—

(a) in respect of motor vehicles belonging

to the clauses specified in items 1(i),

1(ii), 2, 3 and 8 and of the Schedule to

section 122 to any person who has not

attained the age of eighteen years ; and

(b) in respect of motor vehicles belonging

to the clauses specified in items 4(i),

4(ii), 5, 6(i), 6(ii), 7, 9 and 10 of the

Schedule to section 122 to any person

who has not attained the age of twenty-

one years,

and, a licence issued to any such person shall be of

no force or effect in law.”.

29. Section 126 of the principal enactment is hereby Amendment of

amended as follows :— section 126 of

the principal

(1) by the repeal of subsection (1) of that section and enactment.

the substitution therefor of the following

subsection:—

“(1) Unless otherwise prescribed by the

Minister and subject to the provisions of

50 Motor Traffic (Amendment) Act, No. 8 of 2009

subsections (2) and (3) of section 126A and

section 126B, Learners Permit and Regular

Driving Licence issued in respect of motor

vehicles —

(a) belonging to the classes specified in

items 4(i), 4(ii), 5, 6(i), 6(ii), 7, 9 and 10

of the Schedule to section 122, shall

be valid for a period of four years ;

(b) belonging to the classes specified in

items 1(i), 1(ii), 2, 3 and 8 of the

Schedule to section 122, shall be valid

for a period of eight years.”.

(2) by the addition, immediately after subsection (3)

of that section, of the following subsections which

shall have effect as subsections (4) and (5)

thereof:—

“(4) A person who drives a motor vehicle on a

road at any time during which his driving licence

has been suspended or cancelled or where the period

of validity of such licence has expired shall be

guilty of an offence and shall on conviction be liable

to a fine not less than five thousand rupees and not

exceeding ten thousand rupees.

(5) The Minister may make regulations

prescribing the period of validity of driving licences

issued under this Act for any class or classes of

vehicles specified under section 122”.

Insertion of new 30. The following new sections are hereby inserted

sections 126B immediately after section 126A of the principal enactment

and 126C in the

principal and shall have effect as sections 126B and 126c thereof:—

enactment.

“Renewal of 126B. (1) Subject to the provisions of

driving subsections (2) and (3) of section 126 and

licences.

section 126A every driving licence may, on the

Motor Traffic (Amendment) Act, No. 8 of 2009 51

expiry of the period for which it is issued, be

renewed in the case of motor vehicles of a class

referred to in items 1(i), 1(ii), 2, 3, 8 and 10 of

the Schedule to section 122 for further periods

of eight years each at a time and in the case of

motor vehicles of a class referred to in items

4(i), 4(ii), 5, 6(i), 6(ii), 7 and 9 of the Schedule

to section 122 for further periods of four years

each, at a time.

(2) Every application for the renewal of a

driving licence shall be in the prescribed Form

and shall be accompanied by–

(a) (i) in the case of belonging to the classes

specified in items 1(i), 1(ii), 2, 3 and 8

of the Schedule to section 122 a

Medical Certificate from the National

Transport Medical Institute

established under the National

Transport Medical Institute Act, No.

25 of 1997 or from a medical

practitioner registered under the

Medical Ordinance (Chapter 105) or

duly authorized by the National

Transport Medical Institute or

authorized by the Commissioner-

General, which certifies that the

applicant is physically fit to drive

motor vehicles of the class or classes

in respect of which such application

is made ; and

(ii) in the case of vehicles belonging to

the classes specified in items 4(i), 4(ii),

5, 6(i), 6(ii), 7, 9 and 10 of the Schedule

to section 122 a Medical Certificate

from the National Transport Medical

Institute established under the

National Transport Medical Institute

52 Motor Traffic (Amendment) Act, No. 8 of 2009

Act, No. 25 of 1997 or or by a Medical

Practitioner registered under the

Medical Ordinance (Chapter 105)

duly authorized by the National

Transport Medical Institute or

authorized by the Commissioner-

General, which certifies that the

applicant is physically fit to drive

motor vehicles of the class or classes

in respect of which such application

is made;

(b) the prescribed levy ; and

(c) two copies of a photograph of the

applicant, of such size as may be

prescribed, taken not earlier than six

months prior to the date of the making

of the application.

(3) Every application for the renewal of a

driving licence shall be forwarded to the

Commissioner-General three months prior to

the expiry of a licence currently in force.

Amendment of 31. Section 128 of the principal enactment is hereby

section 128 of amended as follows:—

the principal

enactment.

(1) by the repeal of subsection (1) of that section and

the substitution therefor of the following

subsection:—

“(1) A driving licence, unless expressed to be

valid for all classes of vehicles, shall be valid only

for the class or classes of motor vehicles specified

in Column 3 of the Schedule to section 122.”;

(2) by the repeal of subsections (2) and (4);

Motor Traffic (Amendment) Act, No. 8 of 2009 53

32. The following new sections are hereby inserted Insertion of new

sections 128A

immediately after section 128 of the principal enactment

and 128B in the

and shall have effect as sections 128A and 128B of that principal

enactment :- enactment.

“Emergency 128A. (1) No person, who is the holder of a

service driving licence valid for any class or classes of

vehicles and

motor vehicles shall drive any emergency

public

service service vehicle or public service vehicle on

vehicles. any road unless he is specifically authorized

to do so by a special endorsement of the

Commissioner –General on his driving licence.

(2) A person wishing to drive an emergency

service vehicle or a public service vehicle on

any road shall make application to the

Commissioner –General on the prescribed form

accompanied by the prescribed levy.

(3) The Minister may make regulations

prescribing the requirements, qualifications

and tests to be conducted to qualify for an

endorsement on a driving licence empowering

a licence holder to drive an emergency service

vehicle or public service vehicle as the case

may be.

Special 128B. (1) A person wishing to drive a

purpose special purpose vehicle shall make application

vehicles.

for a licence for that purpose to the

Commissioner- General in the prescribed from

accompanied by the prescribed levy.

(2) The Minister may make regulations

prescribing the requirements to be satisfied,

the qualifications necessary and the tests to be

conducted for the purpose of determining

whether a person qualifies to drive a special

purpose vehicle.”.

54 Motor Traffic (Amendment) Act, No. 8 of 2009

Amendment of 33. Section 132 of the principal enactment is hereby

section 132 of

amended as follows —

the principal

enactment.

(1) in subsection (1) of that section by the substitution

for the words “not exceeding three months” of the

words “not exceeding twelve months”; and

(2) in subsection (5) of that section by the substitution,

for the words “shall not apply to the issue of”, of

the words “shall apply to the issue of”.”.

Insertion of new 34. The following new sections are hereby inserted

sections 132A immediately after section 132 of the principal enactment

and 132B in the

and shall have effect as sections 132A and 132B thereof :—

principal

enactment.

“International 132A. (1) Any person ordinarily resident in

Driving Sri Lanka, being the holder of a driving licence

Permit.

issued under Part VII of this Act, may on

application made in the manner hereinafter

provided, obtain an International Driving

Permit authorizing him to drive a vehicle whilst

abroad in any of the contracting States or

Territories that have acceded to the Vienna

Convention on Road Traffic of Eighth

November, One Thousand Nine Hundred and

Sixty Eight.

(2) An application for any such driving

Permit shall be in the prescribed Form and be

accompanied by the prescribed levy and may

be submitted to the prescribed associations who

shall forward the application to the

Commissioner-General.

(3) Every applicant for an International

Driving Permit shall be examined by an

authorized officer appointed for the purpose

by the Commissioner-General, prior to the issue

of the said Permit.

Motor Traffic (Amendment) Act, No. 8 of 2009 55

(4) Such International Driving Permit shall

be valid for a period of one year commencing

from the date of issue.

(5) For the purpose of this section

“prescribed association” means the Automobile

Association of Ceylon or any other Association

which is affiliated to the Alliance International

de Tourism in Geneva, Switzerland, being the

regulatory body for the issue of International

Permits as may be prescribed by the Minister

by Notification published in the Gazette.

Recognition 132B. A person who is a bonafide visitor to

of Sri Lanka and who possesses a valid

international

International Driving Permit issued by any of

driving

permit or the Contracting States to, or the States or

certificate in Territories that have acceded to the Vienna

Sri Lanka. Convention of eighth November One

Thousand Nine Hundred and Sixty Eight, shall

be deemed to possess a driving licence issued

under the provisions of this Act and to be

authorized to drive the class or classes of

vehicles specified in the driving permit:

Provided that—

(a) the Permit is valid within the meaning

of Article 41 of the Vienna Convention

of 1968 ;

(b) the holder carries such permit while

driving in Sri Lanka and produces it

on demand by a police officer or

Examiner of Motor Vehicles for

inspection ; and

(c) the holder fulfils in all respects the

conditions set out in Article 41 of the

Vienna Convention of 1968.”.

56 Motor Traffic (Amendment) Act, No. 8 of 2009

Amendment of 35. Section 133A of the principal enactment is hereby

section 135 of amended as follows :—

the principal

enactment.

(1) by the repeal of subsection (1) of that section and

the substitution therefor of the following

subsection:—

“(1) Where the holder of a Learner’s Permit and

Regular Driving Licence is convicted of any offence

prescribed by the Minister under this section and

the court does not suspend or cancel the driving

licence of such holder, the court may—

(a) if the Learner’s Permit and Regular Driving

Licence of such holder is available, enter or

cause to be entered upon such licence; or

(b) if the Learner’s Permit and Regular Driving

Licence of such holder is not available, direct

the Commissioner to enter upon such

licence,such number of driver improvement

points prescribed in respect of the offence in

respect of which the holder of such driving

licence was convicted:

Provided however, that in the case of a Learner’s

Permit and Regular Driving Licence issued in the

form of a card without the micro chip such entry

may be made on the Endorsement Form prescribed

under section 125 and an entry so made shall for

the purposes of this Act, be deemed to have been

made upon such driving licence.”:

(2) by the insertion immediately after the proviso to

subsection (1) thereof of the following subsection

which shall have effect as subsection (1A)

thereof:—

“ (1A) Where the holder of a Learner’s Permit

and Regular Driving Licence on detection by a

police officer admits liability for the contravention

of any section prescribed by the Minister under

Motor Traffic (Amendment) Act, No. 8 of 2009 57

this section and makes, in lieu of prosecution for

such contravention, payment of the fine prescribed

in respect of that offence any police officer of the

rank of sergeant or above shall enter such fine on

the prescribed form under the subsection and

forward a copy of the entry made thereon to the

Commissioner- General for the purpose of record

and on receipt of such record, the Commissioner-

General shall enter upon such Learners Permit and

Regular Driving Licence the number of driver

improvement points prescribed in respect of such

offence under this section.”;

(3) by the repeal of subsection (3) thereof, and the

substitution therefor of the following subsection:—

“(3) Where any court enters or causes to be

entered driver improvement points on any driving

licence under subsection (1), the court shall forward

to the Commissioner-General a copy of the entry

made on the licence.

For the purpose of this section the Inspector

General of Police shall notify the Commissioner

General of the commission of any offence under

this section.”;

(4) by the addition immediately after subsection (4) of

that section, of the following subsection which shall

have effect as subsection (5) thereof:—

“(5) The Minister may make regulations

identifying the offences and the number of driver

improvement points which shall be entered on a

driving licence or assigned by the Commissioner-

General on the commission of such offences.”.

36. Section 135 of the principal enactment is hereby Amendment of

section 133A of

amended as follows :—

the principal

enactment.

(1) in the proviso to subsection (1) of that section, by

the substitution for the words, “extension of its

58 Motor Traffic (Amendment) Act, No. 8 of 2009

validity,” of the words “extension of its validity,

replacement, renewal or additional endorsement,”.

(2) by the insertion, immediately after subsection (1),

of the following new subsections which shall have

effect as subsections (1A), (1B), (1C) and (1D)

thereof :—

“(1A) Any person who fails to carry a valid

Learner’s Permit and Regular Driving Licence

including the endorsement form while driving a

motor vehicle shall be guilty of an offence and

shall on conviction be liable to a fine not less than

two thousand five hundred rupees and not

exceeding five thousand rupees.

(1B) Where a driver of a motor vehicle does not

possess a valid Learner’s Permit and Regular Driving

Licence a police officer may detain such driver of

the motor vehicle until such driver produces a valid

Learner’s Permit and Regular Driving Licence.

Where it is found that such driver does not hold a

valid Learner’s Permit and Regular Driving Licence,

such driver and owner of the motor vehicle shall be

guilty of an offence and shall be liable to a fine not

less than three thousand rupees and not exceeding

six thousand rupees and to imprisonment of either

description for a term of six months:

Provided however that the owner of such motor

vehicle shall not be deemed to be guilty of an

offence if he proves to the satisfaction of the Court

that the vehicle was removed by such driver without

his knowledge.

(1C) (a) Where the driver of a motor vehicle

wilfully refuses to produce the Learner’s Permit and

Regular Driving Licence on demand by a police

officer, such police officer may take such driver

and the vehicle into custody and produce such

driver at the nearest police station for the purpose

of investigation.

Motor Traffic (Amendment) Act, No. 8 of 2009 59

(b) Any person who wilfully refuses to produce

the learner’s permit or regular driving licence or

endorsement form on demand by a police officer

shall be guilty of an offence and shall on conviction

before a Magistrate be liable to a fine not less than

five thousand rupees and not exceeding ten

thousand rupees:

Provided however, that no person shall be

deemed to be guilty of an offence under this section,

if he proves to the satisfaction of the court that his

learner’s permit or regular driving licence had at

the time of the alleged contravention, been

forwarded to the Commissioner-General for an

additional endorsement or for an extension of its

validity, or for replacement or renewal.

(1D) (a) No person shall drive a motor vehicle

carrying or possessing a learner’s permit or regular

driving licence which is faded, defaced, damaged,

or obscure.

(b) Any person who contravenes the provisions

of paragraph (a) shall be guilty of an offence under

this Act and shall on conviction be liable to the

penalty specified in section 224;” ; and

(3) in subsection (5) of that section, by the substitution

for the words, “charged, may specify by

endorsement” of the words, “charged, may cause

to be specified by endorsement.”.

37. Section 138 of the principal enactment is hereby Amendment of

amended by the insertion, immediately after subsection (1) section 138 of

the principal

thereof of the following subsection which shall have effect

enactment.

as subsection (1A) thereof:—

“(1A)(a) If any person whose Learner’s Permit and

Regular Driving Licence is in the custody of the police or

any court in connection with the commission of an offence

under this Act or the commission of an offence related to the

driving of a motor vehicle under any other written law, applies

for a new Learner’s Permit and Regular Driving Licence or a

60 Motor Traffic (Amendment) Act, No. 8 of 2009

duplicate Learner’s Permit and Regular Driving Licence that

person shall be guilty of an offence and any licence so

obtained shall be of no effect.

(b) Any person who is guilty of an offence under paragraph

(a) of this subsection shall on conviction be liable to a fine

not less than five thousand rupees and not more than ten

thousand rupees and on a second or subsequent conviction

to a fine not less than ten thousand rupees and not exceeding

twenty thousand rupees and to the cancellation of his driving

licence.

(c) If any person shall possess more than one driving

licence issued by the Commissioner-General at any one time,

or is in possession of the driving licence of another person

without lawful authority he shall be guilty of an offence and

shall on conviction be liable to a fine not less than ten

thousand rupees and not exceeding fifteen thousand rupees

and to the confiscation of such licence. ”.

Insertion of new 38. The following new section is hereby inserted

section 138A of immediately after section 138 of the principal enactment

the principal

enactment. and shall have effect as section 138A thereof:—

“Commissioner 138A. (1) Every holder of a driving licence

General to be

notified of shall notify the Commissioner-General either

change of by registered post or personal delivery, of any

residence. changes in his residence and postal address

within thirty days of such change and the

Commissioner General shall endorse such

changes in the respective endorsement form

and record them in the appropriate registers.

(2) Any person who contravenes the

provisions of subsection (1) shall be guilty of

an offence under this Act and shall on

conviction be liable to the penalty specified in

section 224.”.

Insertion of

39. The following new heading is hereby inserted

heading to Part

VIIA. immediately after Part VIIA of the principal enactment:—

Motor Traffic (Amendment) Act, No. 8 of 2009 61

“LICENCING OF DRIVING SCHOOLS AND

INSTRUCTORS”.

40. Section 139 A of the principal enactment is hereby Amendment of

amended by the repeal of subsection (2) of that section and section 139A of

the substitution therefor of the following subsection:— the principal

enactment.

“(2) Any person who contravenes the provisions of

subsection(1) shall be guilty of an offence and shall, on

conviction be liable to a fine not less than five thousand

rupees and not exceeding ten thousand rupees or to

imprisonment of either description for a term not exceeding

six months or to both such fine and imprisonment and on a

second or subsequent conviction to a fine not less than fifteen

thousand rupees and not exceeding twenty five thousand

rupees or to imprisonment of either description for a term

not exceeding one year or to both such fine and

imprisonment .”.

41. Section 139B of the principal enactment is hereby Amendment

amended by the repeal of subsection (2 )of that section and of section

the substitution therefor of the following subsection:— 139B of the

principal

enactment.

“(2) No instructor’s licence of any class shall be

issued to any person unless he—

(a) is the holder of a valid driving licence of a

class which is specified under section 139BB

to make him eligible to be issued an instructor’s

licence of such class as is specified in that

section ; and

(b) possesses such suitable qualifications and

experience as may be prescribed.”.

42. The following new section is hereby inserted Insertion of

immediately after section 139 B of the principal enactment new

section139BB

and shall have effect as section 139BB thereof:—

of the

principal

“Instructor’s 139BB. (1) An instructor’s licence issued

Licence and enactment.

under this Part shall be divided into three

assistant

instructor’s classes, namely Class A, Class B and Class C.

licence.

62 Motor Traffic (Amendment) Act, No. 8 of 2009

(2) An Assistant Instructor’s Licence shall

be of Class C.

(3) An Instructor or Assistant Instructor shall

be eligible to be issued a Class C licence if he

has been the holder of a valid Regular Driving

Licence stated to be valid for a motor vehicle

belonging to the classes specified in items 1(i),

2 and 3 of the Schedule to section 122, for a

minimum period of five years immediately prior

to the application. Such instructor’s licence or

Assistant instructor’s licence shall authorize

him to instruct learners of classes of motor

vehicles belonging to the classes specified in

items 1(i), 1(ii), 2, 3 and 8 of the Schedule to

section 122.

(4) A person shall be eligible to be issued an

Instructor’s Licence of Class B, if he has been

the holder of a valid Regular Licence stated to

be valid for Motor Vehicles belonging to the

classes specified in items 1(i) and 6 of the

Schedule to section 122, for a minimum period

of five years immediately prior to the

application. Such instructor’s licence shall

authorize him to instruct learners of Motor

Vehicles belonging to the classes specified in

items 1(i), 1(ii), 2, 3, 4(i), 4(ii), 6(i), 6(ii), 8 and

10 the Schedule to section122.

(5) A person shall be eligible to be issued

an Instructor’s Licence of Class A, if he has

been the holder of a valid regular licence

expressed to be valid for motor vehicles

belonging to the classes specified in items 1(i),

5 and 7 of the Schedule to section 122, together

with emergency service vehicle and public

service vehicle endorsements valid for a

minimum period of five years immediately

prior to the application. Such instructor’s

Motor Traffic (Amendment) Act, No. 8 of 2009 63

licence shall authorize him to instruct learners

of motor vehicles belonging to the classes

specified in items 1(i), 1(ii), 2, 3, 4(i), 4(ii), 5,

6(i), 6(ii), 7, 8, 9 and 10 of the Schedule to

section 122.”.

43. Section 139E of the principal enactment is hereby Amendment of

amended as follows :— section 139E of

the principal

enactment.

(1) in subsection (1) of that section—

(a) by the omission in paragraph (b) thereof of

the word “or”;

(b) by the substitution in paragraph (c) of that

subsection for the words, “regulations made

thereunder.” of the words, “regulations made

thereunder; or” ; and

(c) by the insertion immediately after paragraph

(c) thereof, of the following new paragraph

which shall have effect as paragraph (d)

thereof :—

“(d) has accumulated more than the

specified number of driver

improvement points.”;

(2) in subsection (4) of that section, by the substitution

for the words “Secretary to the Ministry” of the

words “Secretary to the Ministry of the Minister”;

(3) in subsection (6) of that section, by the substitution

for the words “Secretary to the Ministry” of the

words “Secretary to the Ministry of the Minister” ;

and

(4) in subsection (8) of that section, by the substitution

for the words “shall forthwith surrender it to the

Commissioner”, of the words, “shall surrender such

licence to the Commissioner - General within seven

days of such cancellation.”.

64 Motor Traffic (Amendment) Act, No. 8 of 2009

Amendment of 44. Section 139F of the principal enactment is hereby

section 139F of

the principal amended in subsection (3) of that section by the substitution

enactment. for the words “to a fine not less than five hundred rupees” of

the words “to a fine not less than seven thousand five

hundred rupees and not exceeding fifteen thousand rupees.”.

Amendment of 45. Section 139N of the principal enactment is hereby

section 139N of amended by the repeal of the definition of the expression

the principal

“driving instructor”.

enactment.

Replacement of 46. Section 145 of the principal enactment is hereby

section 145 of repealed and the following section substituted therefor:—

the principal

enactment.

“Condition 145. (1) No motor vehicle shall be used on

of motor a road unless it is in all respects in such a

vehicles.

condition that it will not cause or be likely to

cause—

(a) danger, discomfort, annoyance or harm to

any person in the vehicle or any person

using the road;

(b) danger to any vehicle on the road ; or

(c) damage to any property on or adjoining

the road.

(2) Where a driver of a motor vehicle

contravenes any provision of subsection (1)

such driver, and registered owner of such motor

vehicle shall be guilty of an offence and shall

on conviction be liable to a fine not less than

ten thousand rupees and not exceeding twenty

thousand rupees.

(3) Where a driver of a motor vehicle

contravenes the provisions of subsection (1)

and thereby causes injury to any person such

driver, and registered owner of such motor

vehicle shall be guilty of an offence and shall

Motor Traffic (Amendment) Act, No. 8 of 2009 65

on conviction be liable to a fine not less than

ten thousand rupees and not exceeding twenty

five thousand rupees or to imprisonment for a

term not exceeding two months or to both such

fine and imprisonment and to the suspension

of his driving licence for a period of six months.

(4) Where a driver of a motor vehicle

contravenes any provision of sub-section (1)

and thereby causes grievous injury to any

person, such driver and registered owner of

such motor vehicle shall be guilty of an offence,

and shall on conviction be liable to a fine not

less than twenty five thousand rupees and not

exceeding thirty five thousand rupees or to

imprisonment for a term not exceeding six

months or to both such fine and imprisonment

and to the suspension of his driving licence for

a period of six months.

(5) Where a driver of a motor vehicle

contravenes any provision of sub-section (1)

and thereby causes the death of any person,

such driver and registered owner of such motor

vehicle shall be guilty of an offence, and shall

on conviction be liable to a fine not less than

fifty thousand rupees and not exceeding

seventy five thousand rupees or imprisonment

for a term not exceeding one year or to both

such fine and imprisonment and to the

suspension of his driving licence for a period

of twelve months. ”.

47. Section 155 of the principal enactment is hereby Amendment

of section 155

amended as follows :—

of the principal

enactment.

(1) in subsection (1) of that section, by the substitution

for the words “efficient instrument” of the words

“efficient warning instrument”;

66 Motor Traffic (Amendment) Act, No. 8 of 2009

(2) by the re-numbering of subsections (2), (3) and (4)

of that section as subsections (4), (5) and (6)

thereof;

(3) by the insertion, immediately after subsection (1)

thereof, of the following subsections which shall

have effect as subsections (2) and (3) thereof :—

“(2) (a) Notwithstanding the provisions of

subsection (1), the driver of a motor vehicle shall

not use, or cause or permit to be used the warning

instrument of such vehicle except –

(i) when necessary as a traffic warning to avoid

an accident ; or

(ii) as an indication of his intention to overtake

another vehicle, provided however, that at

night, such driver may flash the head lights

for such purpose and also sound a warning

instrument .

(3) No person shall use a motor vehicle that has

been equipped with a multi-tone horn sounding a

succession of different notes, or with any other

sound producing device giving a harsh, shrill, loud

or alarming noise :

Provided that such a multi-tone horn or other

sound producing device may be fitted or used –

(a) on a vehicle used by the fire brigade ;

(b) on a vehicle used by members of the police

or armed services ; or

(c) on an ambulance responding to an

emergency call. ”;

Motor Traffic (Amendment) Act, No. 8 of 2009 67

(4) in the renumbered subsection (4) thereof, by the

substitution for the words “ highway within the

limits of an urban area.” of the word “road.”.

(5) by the repeal of the renumbered subsection (5) of

that section and the substitution of the following

subsection therefor :—

“(5) Regulations may be made—

(a) prohibiting or restricting for the

purposes of this section the use of all

warning instruments or any specified

instrument in any area or part thereof

during any specified hours of the day ;

(b) prescribing the maximum noise level

that may emanate from a vehicle

whether from the engine, the exhaust

device or the horn;

(c) prescribing the maximum noise level

that is permissible for any class or

classes of vehicles with regard to a

warning device or reverse warning

device or any amplifying devices fitted

on such class or classes of vehicles.”;

(6) in the re-numbered subsection (6) of that section

by the substitution, for the word and figure

“subsection (3),” of the word and figure

“subsection(5).”;

(7) by the insertion, immediately after the re-numbered

subsection (6) of that section, of the following

subsection which shall have effect as subsection

(7) thereof:—

“(7) Any person who contravenes the provisions

of this section shall be guilty of an offence and

68 Motor Traffic (Amendment) Act, No. 8 of 2009

shall on conviction be liable to a fine not less than

three thousand rupees and not exceeding five

thousand rupees and to the confiscation of such

instruments.”.

Insertion of new 48. The following new section is hereby inserted

section 155A in immediately after section 155 of the principal enactment

the principal

and shall have effect as section 155A thereof :—

enactment.

“Emission in 155A. (1) A person who drives or uses a motor

certain vehicle that emits smoke, visible vapour, grit,

instances to

sparks, ashes, cinder, grease or oily substances,

be an offence

which is likely to –

(a) constitute a health hazard or cause

annoyance or injury to any person ;

(b) obscure the visibility of any other road

user ; or

(c) cause damage to any road or other public

place or property,

shall be guilty of an offence, and shall on

conviction be liable to a fine not less than two

thousand rupees and not exceeding five

thousand rupees and on a second or

subsequent conviction, to a fine not less than

five thousand rupees and not exceeding ten

thousand rupees.

(2) An examiner or a police officer

authorized by the Inspector -General of Police

who has reason to believe that an offence under

subsection (1) is being committed in respect of

a motor vehicle which is on a road or other

public place -

(a) may stop and examine the vehicle and

may measure or cause to be measured by

Motor Traffic (Amendment) Act, No. 8 of 2009 69

means of a prescribed apparatus, the

emission of smoke or visible vapour from

the vehicle ; or

(b) may by notice in writing served on the

owner of the vehicle either personally or

by post require the production of such

vehicle at a vehicle examination centre

or police station on such date and at such

time as may be specified in the notice for

the purpose of—

(i) measuring the emission of smoke or

visible vapour by means of a

prescribed apparatus ; or

(ii) examining the vehicle to ascertain

whether its condition is such that its

use results in the commission of an

offence under this section.

(3) An owner of a vehicle who is served

with a notice under subsection (2) and who

fails without reasonable cause to produce such

vehicle on the date, time and place specified

in such notice shall be guilty of an offence and

shall on conviction, be liable to a fine not less

than five thousand rupees and not exceeding

ten thousand rupees.

(4) (a) The Minister may prescribe the

standard of emission which shall be applicable

in respect of motor vehicles.

(b) Such regulations may provide different

standards in respect of different classes of motor

vehicles.

(5) For the purposes of this section,

“examiner” means an examiner of motor under

this Act, or a person authorized in that behalf

70 Motor Traffic (Amendment) Act, No. 8 of 2009

by the Commissioner-General or by the

Inspector General of Police.”.

Insertion of 49. The following new section is hereby inserted

new section immediately after section 157 of the principal enactment

157A in the

and shall have effect as section 157A of that enactment —

principal

enactment.

157A. (1) No person shall travel in a

“Use of seat

prescribed seat in a vehicle of a prescribed class

belts.

or description unless he uses a seat belt of a

type prescribed by the Minister.

(2) Regulations may be made

prescribing:—

(a) the seats to which the requirement

applies;

(b) the class or description of vehicles ; and

(c) the type or description of seat belts for

the purposes of subsection (1).

(3) No person shall sell or offer for sale or

have in his possession for sale any seat belt,

which is not of a type prescribed by the

Minister.

(4) Any person who contravenes the

provisions of subsection (1) or (3) or any

regulation made under this section shall be

guilty of an offence and shall on conviction be

liable to the penalty specified in section 224.”.

Amendment of 50. Section 160 of the principal enactment is hereby

section 160 of repealed and the following section substituted therefor :—

the principal

enactment.

“Noise. 160. (1) The driver of a vehicle which is in

motion or stationary shall not use or permit

any person to use, and no person in the vehicle

Motor Traffic (Amendment) Act, No. 8 of 2009 71

shall use, any amplifying equipment with

loudspeaker fitted to or carried on the vehicle:

Provided, however, that an amplifying

equipment may be used in a motor vehicle, if

the volume of the sound emanating from such

equipment is so regulated as to ensure that it is

confined within the vehicle and intended for

the hearing only of the occupants thereof.

(2) All motor vehicles which have an

internal combustion engine shall be equipped

with an efficient silencing device through

which all exhaust from the engine is projected

and which prevents the creation of undue

noise.

(3) An examiner, or a police officer

authorized in that behalf by the Inspector

General of Police may direct a driver of any

vehicle to sound the warning device for the

purpose of making a noise level reading.

(4) Regulations may be made prescribing—

(a) the maximum noise levels that may

emanate from engine exhaust device ;

and

(b) the maximum noise level permissible

for different class or classes of vehicles

with regard to horn, warning device or

reverse warning device and amplifying

devices fitted on such class or classes

of vehicles.

(5) Any person who contravenes the

provisions of this section shall be guilty of an

offence and shall on conviction be liable to a

fine not less than three thousand rupees and

not exceeding five thousand rupees.

72 Motor Traffic (Amendment) Act, No. 8 of 2009

(6) For the purposes of this section

“examiner” means an Examiner of Motor

Vehicles appointed or deemed to be appointed

under this Act and includes a person authorized

in that behalf by the Inspector General of

Police.”.

Amendment of 51. Section 161 of the principal enactment is hereby

section 161 of amended as follows:—

the principal

enactment.

(1) in subsection (1) of that section—

(a) by the insertion, immediately after sub-

paragraph (iv) of paragraph (a), of the

following sub-paragraph which shall have

effect as sub-paragraph (v) of that

paragraph:—

“(v) a driver who fails to report such

accident forthwith to the officer-in-

charge of the nearest police station

shall on conviction be liable to a fine

not less than three thousand rupees

and not exceeding five thousand

rupees. ”;

(b) by the addition, immediately after paragraph

(c) of that subsection, of the following

paragraph which shall have effect as

paragraph (d) thereof:-

“(d) The insurer to whom a claim for

insurance is made in connection with

such accident shall inform the officer-

in-charge of the nearest police station

of such accident, for the purpose of

compiling statistical records relating

to accidents giving—

(i) details relating to such accident;

and

Motor Traffic (Amendment) Act, No. 8 of 2009 73

(ii) the names and addresses of the

parties involved in such accident,

as informed to him by the person

making the claim.;’;

(2) in subsection (2) of that section, by the omission of

the words “or of security”;

(3) by the insertion, immediately after subsection (2)

thereof, of the following subsection which shall

have effect as subsection (3) thereof:—

“(3) A person who contravenes the provisions

of paragraph (d) of subsection (1) shall be guilty of

an offence and shall on conviction be liable to a

fine not less than five thousand rupees and not

exceeding ten thousand rupees.”.

52. Section 194 of the principal enactment is hereby Amendment of

amended in subsection (5) of that section by the repeal of all section 194 of

the principal

the words from “to a fine not exceeding one thousand enactment.

rupees” to the end of that subsection and the substitution of

the words “to a fine not less than three thousand rupees and

not exceeding five thousand rupees and on a second or

subsequent conviction to a fine not less than five thousand

rupees and not exceeding ten thousand rupees.”.

53. Section 195 of the principal enactment is hereby Replacement of

section 195 of

repealed and the following new section substituted the principal

therefor:— enactment.

“Approved 195. (1) The Commissioner-General may,

garages,

upon application made in that behalf in the

approved

inspection prescribed form by the registered owner of a

and testing garage or inspection and testing centre and

centres and upon payment of the prescribed levy and

certifying service charge, by Order declare—

officers.

(a) that the garage or inspection or testing

centre specified in such order shall be an

74 Motor Traffic (Amendment) Act, No. 8 of 2009

approved garage or approved inspection

or testing centre for the annual

examination and certification of vehicles

for the purposes of section 29; and

(b) that such registered owner, and the other

person or persons employed at such

approved garage or approved inspection

or testing centre and specified in the order,

shall each be an approved certifying

officer for the purpose of such

examination and certification of motor

vehicles at such approved garage or

approved inspection or testing centre.

(2) Where the Commissioner-General makes

an order under subsection (1), he shall issue to

each approved certifying officer a letter of

authority stipulating therein, the conditions

subject to which such letter of authority is

issued.

(3) The Commissioner-General may revoke

or alter any order made under subsection (1) if

there is a contravention of any condition

specified in the letter of authority issued to

any approved certifying officer of such

approved garage or such approved inspection

or testing centre in respect of which such order

was made.

(4) The Commissioner-General may specify,

in relation to each approved garage and

approved inspection or testing centre the

maximum number of motor vehicles which may

be examined and certified at that approved

garage or approved inspection or testing centre

during the course of a day.

Motor Traffic (Amendment) Act, No. 8 of 2009 75

(5) Where the Commissioner-General

rejects an application referred to in subsection

(1), he shall state his reasons therefor in writing.

(6) The Minister may make regulations

prescribing—

(a) the equipment and facilities that should

be made available at an approved garage

or approved inspection or testing centre;

(b) the qualifications required of an

approved certifying officer;

(C) the frequency of mandatory inspection

for different classes or descriptions of

motor vehicles ;

(d) the amount of any deposit to be made by

an approved garage or approved

inspection or testing centre.”.

54. Section 196 of the principal enactment is hereby Replacement of

repealed and the following section substituted therefor :— section 196 of

the principal

enactment.

“Issue of 196. (1) Upon the production of a motor

Emission vehicle before an examiner or an approved

Certificate

certifying officer referred to in section 195 and

and

Certificate of upon payment of the prescribed levy or service

Fitness. charge, for the purpose of obtaining an

Emission Certificate and a Certificate of Fitness

as is referred to in section 29, an examiner or

approved certifying officer shall on such

criteria as may be prescribed, examine such

vehicle and shall certify whether or not such

Certificates may be issued in terms of this Act.

(2) An Emission Certificate and Certificate

of Fitness issued in respect of a motor vehicle

76 Motor Traffic (Amendment) Act, No. 8 of 2009

shall remain in force for one year from the date

of issue or such shorter period not less than

three months as may be specified in such

certificate.

(3) Where an examiner or approved

certifying officer certifies that a motor vehicle

is unfit for use, he shall state his reasons therefor.

(4) The registered owner of a motor vehicle

which is certified after examination under the

preceding provisions of this section to be unfit

for use, may, appeal to the Commissioner -

General against the issue of such Certificate

and the decision of the Commissioner -

General on such appeal shall be final.

(5) The Emission Certificate and Certificate

of Fitness issued in respect of a motor vehicle

under this section shall be—

(a) carried in that vehicle at all times;

(b) made available for inspection on demand

by a police officer, Grama Niladhari or

Examiner or authorized officer appointed

under this Act, or by any person

authorized in writing by the

Commissioner - General:

Provided however, that such certificate

shall be produced when required, before a

Court, the Commissioner - General or a

Licensing Authority.

(6) The registered owner of an approved

garage or approved inspection or testing centre

shall forward in the prescribed form to the

Motor Traffic (Amendment) Act, No. 8 of 2009 77

Commissioner General before the tenth day of

the following month. a monthly summary of

the Emission Certificates and Certificates of

Fitness issued by him during each month.

(7) (a) If the registered owner of an approved

garage or approved inspection or testing centre

fails to send the monthly summary referred to

in subsection (6) before the tenth day of each

month, the Commissioner General shall, in the

first instance, issue him with a warning that the

order made under section 195 in respect of such

garage may be revoked if such monthly

summary is not sent within the time specified

under subsection (6).

(b) If the registered owner of such approved

garage or approved inspection or testing centre

fails to send such monthly summary for three

consecutive months the Commissioner General

shall revoke the order made under section 195

in respect of that approved garage or approved

inspection or testing centre.

(c) A person who contravenes the provisions

of subsection (6) shall be guilty of an offence

and shall on conviction be liable to a fine not

less than five thousand rupees and not

exceeding ten thousand rupees and on a

second or subsequent conviction to a fine not

less than ten thousand and not exceeding

fifteen thousand rupees.

(8) Regulations may be made providing for the

procedures for the examination of motor vehicles for the

purpose of the issue of an Emission Certificates and

Certificates of Fitness .”.

78 Motor Traffic (Amendment) Act, No. 8 of 2009

Insertion of new 55. The following new section is hereby inserted

section 196B in immediately after section 196A of the principal enactment

the principal

and shall have effect as section 196B thereof :-

enactment.

Effect of 196B. (1) Where any person issues a

issue of a fraudulent Emission Certificate and Certificate

fraudulent

of Fitness, or where there is a contravention of

Emission

Certificate any one or more of the conditions specified in

and the letter of authority issued to an approved

Certificate of certifying officer, the Commissioner-General

fitness. or any other Authority shall—

(a) appropriate the full deposit made by

such approved garage ;

(b) revoke the authority given to such

garage and to such approved certifying

officer of such garage ; and

(c) cancel any permit, licence or certificate

obtained on the basis of the fraudulent

Emission Certificate and Certificate of

Fitness.

(2) Any approved certifying officer who

issues a fraudulent Emission Certificate and

Certificate of Fitness or contravenes any

condition specified in a letter of authority

issued to such approved certifying officer shall

be guilty of an offence and shall, on conviction

be liable to a fine not less than twenty thousand

rupees and not exceeding twenty five thousand

rupees.”.

Amendment of 56. Section 198 of the principal enactment is hereby

section 198 of amended as follows :—

the principal

enactment.

(1) by the substitution for the words “lorry or motor

tricycle van” wherever those words occur in that

section of the words “any motor vehicle”;

Motor Traffic (Amendment) Act, No. 8 of 2009 79

(2) by the substitution for subsection (10) of that

section of the following subsection:—

“(10) Any person who contravenes the provisions

of subsection (9) shall be guilty of an offence and

shall, on conviction after summary trial before a

Magistrate be liable in the case of a first offence to

a fine not less than five thousand rupees and not

exceeding ten thousand rupees and in the case of a

second or subsequent offence, to a fine not less

than ten thousand rupees and not exceeding twenty

thousand rupees or to imprisonment of either

description for a term not exceeding three months

or to both such fine and imprisonment.”.

57. Section 199 of the principal enactment is hereby Repeal of

repealed. section 199 of

the principal

enactment.

58. Section 200 of the principal enactment is hereby Amendment of

amended by the addition, immediately after subsection (2) section 200 of

the principal

of that section of the following subsection which shall have

enactment.

effect as subsection (3) thereof:—

“(3) Any person who commits an offence under

subsection (1) shall be liable, on conviction to a fine not less

than three thousand rupees and not exceeding five thousand

rupees.”.

59. Section 201 of the principal enactment is hereby Repeal of

repealed. section201 of

the principal

enactment.

60. The following new section is hereby inserted Insertion of new

immediately after section 213A of the principal enactment section 213AA in

the principal

and shall have effect as section 213AA of that enactment:—

enactment.

“Motor 213AA. (1) There shall be a Motor Traffic

Traffic Appeals Tribunal (hereinafter referred to as “the

Appeals

Tribunal. Tribunal”) consisting of the following members

80 Motor Traffic (Amendment) Act, No. 8 of 2009

who shall be persons of integrity, and eminence

in their respective fields :—

(a) one person from the Institute of

Automotive Engineers established under

the Institute of Automotive Engineers’ of

Sri Lanka (Incorporation) Act No. 48 of

1992 nominated by the Minister in charge

of the subject of Science and

Technology;

(b) one person having recognition in the field

of law, nominated by the Minister in

charge of the subject of Justice ; and

(c) one person from the Ministry of Transport,

nominated by the Minister in charge of

the subject of Transport.

(2) The Minister shall appoint one member

as the Chairman of the Tribunal.

(3) Every member of the Tribunal shall,

unless he vacates office earlier by death or

resignation by letter in that behalf addressed

to the Minister or unless he is removed from

office by the Minister under subsection (4)

hold office for a period not exceeding three

years as may be specified by the Minister in

his letter of appointment. Any member

vacating office by effluxion of time shall be

eligible for reappointment.

(4) The Minister may remove from office

any member of the Tribunal for reasons

assigned.

Motor Traffic (Amendment) Act, No. 8 of 2009 81

(5) In the event of the vacation of office of

any member the Minister shall appoint another

person to succeed such member and the member

so appointed shall hold such office for the

unexpired period of the term of office of his

predecessor.

(6) The Chairman of the Tribunal may

summon meetings of such Tribunal whenever

he deems it necessary :

Provided however, that such Chairman shall

summon a meeting of such Tribunal, whenever

he is requested in writing to do so by two

members, of such Tribunal

(7) The quorum for any meeting of the

Tribunal shall be two members.

(8) Regulations may be made providing for

the conduct of business of the Tribunal and

prescribing the procedure to be followed at

meetings of such Tribunal. Subject to such

regulations, and the provisions of subsection

(6), the Tribunal may regulate its own

procedure.

(9) No act or proceeding of the Tribunal

shall be invalid by reason only of the existence

of any vacancy therein or any defect in the

appointment of any member thereof.

(10) The functions of the Tribunal shall be

to hear appeals from persons aggrieved by -

(a) the refusal of the Commissioner-General

to grant written approval under

subsection (4) of section 19A; and

82 Motor Traffic (Amendment) Act, No. 8 of 2009

(b) the cancellation under subsection (7) of

section 19A of any written approval

granted by the Commissioner-General,

for the manufacture, assembly, fabrication, innovation,

adaptation, modification or change of construction of a

motor vehicle.”.

Insertion of new 61. The following new sections are hereby inserted

sections 213C,

immediately after section 213B of the principal enactment

213D and 213E

in the principal and shall have effect as sections 213C, 213D and 213E

enactment. thereof:—

“One Half of 213C. One half of all fines, other than fines

the fines to

imposed by Courts, recovered under the

be credited

to the Police provisions of this Act other than monies

Reward specified under paragraph (b) of subsection (2)

Fund.

of section 213D shall be credited to the

Consolidated Fund and the other half shall be

credited to the Police Reward Fund, established

under section 73 of the Police Ordinance

(Chapter 53).

Motor 213D. (1) There shall be established for

Traffic the purposes of this Act, a fund to be called the

Reward Motor Traffic Reward Fund (hereafter referred

and

Incentive to as “the Reward and Incentive Fund .”)

Fund.

(2) There shall be paid into the Reward and

Incentive Fund—

(a) all sums directed to be paid thereto

under section 213E or by the Director

General of Customs or under any other

written law ;

(b) one half of the fines, other than fines

imposed by Court, recovered under

court actions instituted by the

Department of Motor Traffic ;

Motor Traffic (Amendment) Act, No. 8 of 2009 83

(c) one percent of the fees, levies and

surcharges, charged under this Act.

(3) There shall be paid out of the Reward

and Incentive Fund—

(a) all payments given as rewards to

officers engaged in the regulation,

supervision, inspection, investigation,

detection and control of vehicles in

accordance with regulations made

hereunder ;

(b) the expenses incurred in the

administration of the Fund ; and

(c) prescribed payments.

(4) Regulations may be made –

(a) prescribing the manner in which the

Fund is to be administered ;

(b) in respect of matters connected with

the Fund which are required by this

Act to be prescribed ;

(c) in respect of all matters incidental to

or connected with the establishment

and administration of the Fund.

(5) The accounts of the Fund shall be

audited by the Auditor General.

Surcharge 213E. (1) Where a vehicle is modified,

for altered or changed as regards its construction,

modification and identity or any changes are effected to its

and alteration

of vehicles. mechanical components, the Commissioner

General shall have the power to impose such

surcharges in accordance with the provisions

of regulations made hereunder and such

imposition shall be final and conclusive.

84 Motor Traffic (Amendment) Act, No. 8 of 2009

(2) The amount of the surcharges imposed

by the Commissioner under the provisions of

sub-section (1) shall be credited to the Motor

Traffic Reward fund established under section

213D.”

Amendment of 62. Section 215B of the principal enactment is hereby

section 215B of

amended by the substitution for all the words from , “be

the principal

enactment. liable to imprisonment” to the end of that section, of the

words “be liable to a fine not less than five thousand rupees

and not exceeding ten thousand rupees or to imprisonment

of either description for a term not exceeding six

months.”.

Replacement of 63. Section 218 of the principal enactment is hereby

section 218 of

repealed and the following section substituted therefor :—

the principal

enactment.

“Penalty for 218. A person who contravenes the

driving provisions of section 99 or subsection (5) or

without

certificate of (6) of section 196 shall be guilty of an offence

insurance or and shall on conviction be liable to a fine not

certificate of

less than five thousand rupees and not

fitness or

emission exceeding twenty five thousand rupees or to

certificate. imprisonment for a term not exceeding one

month or to both such fine and imprisonment.

Amendment of 64. Section 219 of the principal enactment is hereby

section 219 of

amended by the substitution for all the words from “shall be

the principal

enactment. liable to a fine not less than” to the end of that section, of the

words “shall be liable to a fine not less than twenty five

thousand rupees and not exceeding fifty thousand rupees or

to imprisonment for a period not exceeding three months, or

to both such fine and imprisonment and the documents issued

or registered shall be deemed to be invalid from the date of

such issue or registration.”.

Motor Traffic (Amendment) Act, No. 8 of 2009 85

65. Section 220 of the principal enactment is hereby Amendment of

section 220 of

amended as follows :—

the principal

enactment.

(1) by the insertion, immediately after subsection (1)

thereof, of the following subsection which shall

have effect as subsection (1A) thereof :—

“(1A) Any person who fraudulently issues a

driving licence shall be guilty of an offence and

shall on conviction be liable to a fine not less than

twenty five thousand rupees and not exceeding fifty

thousand rupees and on a second or subsequent

conviction to a fine not less than fifty thousand

rupees and not exceeding one hundred thousand

rupees.”.

(2) in subsection (2) of that section —

(a) by the omission in paragraph (a) thereof, of

the words,” or certificate of security” ;

(b) by the omission, in paragraph (b) thereof, of

the words, “or security” ;

(c) by the omission, in paragraph (c) thereof, of

the words, “or a certificate of security” ;

(d) by the substitution, for all the words from

“be liable to a fine not less than one thousand

rupees” to the end of that section, of the words

“be liable to a fine not less than fifteen

thousand rupees and not exceeding fifty

thousand rupees and to imprisonment of

either description for a term not exceeding

three months and the documents issued or

registered shall be deemed to be invalid from

the date of such issue or registration.”.

86 Motor Traffic (Amendment) Act, No. 8 of 2009

(3) in subsection (3) of that section —

(a) by the omission, of the words “or a certificate

of security ; and

(b) by the substitution, for all the words from

“liable to a fine not less than one thousand

rupees” to the end of that section, of the

words., “liable to a fine not less than fifteen

thousand rupees and not exceeding twenty

five thousand rupees or to imprisonment of

either description for a term not exceeding

two months or to both such fine and

imprisonment.”.

Amendment of 66. Section 223 of the principal enactment is hereby

section 223 of amended by the substitution for all the words from “gives

the principal

enactment. any information respecting the offence” to the end of that

section, of the words “gives any information or makes any

statement respecting the offence which he knows or believes

to be false, shall where that offence is not an offence within

the meaning of sections 38 (3) and 198 of the Penal Code, be

guilty of an offence under this Act, and shall, on conviction

be liable to a fine not less than ten thousand rupees and not

exceeding twenty thousand rupees or to imprisonment of

either description for a term not exceeding six months or to

both such fine and imprisonment.”.

Replacement of 67. Section 224 of the principal enactment is hereby

section 224 of repealed and the following section substituted therefor:—

the principal

enactment.

“General 224. Any person guilty of any offence, for

Penalty. which no other punishment is expressly

provided for in this Act, shall, on conviction

after summary trial be liable to a fine not less

than one thousand rupees and not exceeding

two thousand rupees and on a second

conviction to a fine not less than two thousand

rupees and not exceeding three thousand

Motor Traffic (Amendment) Act, No. 8 of 2009 87

rupees and on a third or subsequent conviction

to a fine not less than three thousand five

hundred rupees and in addition to the

cancellation of his driving license”.

68. The following new sections are hereby inserted Insertion of new

sections 232B,

immediately after section 232A of the principal enactment

232C, 232D,

and shall have effect as sections 232B, 232C, 232D, 232E and 232E and 232F

232F thereof:— in the principal

enactment.

“Seizure and 232B. (1) An Examiner of Motor Vehicles,

forfeiture of an authorized officer or a police officer may, if

vehicles.

he has reason to believe that a motor vehicle

which has been fabricated, manufactured,

assembled, innovated, adapted, modified or the

construction of which has been changed in

contravention of the provisions of section 19A

has been used for the commission of or in

connection with the commission of an offence

under any law in force for the time being seize

and detain such motor vehicle for such time as

may be necessary for the purposes of any

inquiry.

(2) Where any authorized officer seizes any

motor vehicle under subsection (1), such motor

vehicle shall be kept in the custody and control

of the Commissioner-General pending inquiry.

(3) Where after due inquiry by an Examiner

of Motor Vehicles or an authorized officer or a

police officer, such examiner of Motor Vehicles

authorized officer or police officer is satisfied

that any motor vehicle seized -

(a) has been fabricated, manufactured,

assembled, innovated, adapted, modified

or its construction changed in

contravention of the provisions of

section 19A ; and

88 Motor Traffic (Amendment) Act, No. 8 of 2009

(b) was used for the commission of or in

connection with the commission of an

offence under any law in force for the

time being,

such officer shall submit a report of the facts

elicited in the course of such inquiry to the

Commissioner General of Motor Traffic and

shall institute proceedings against the driver

of such vehicle in a court of competent

jurisdiction under section 2A and such other

law.

(4) The Commissioner General of Motor

Traffic shall, if he is satisfied in regard to the

genuineness of the facts contained in the report

give instructions for the forfeiture of such

vehicle and such vehicle shall thereupon be

forfeited.

(5) Any motor vehicle forfeited under

subsection (4) shall upon forfeiture vest

absolutely in the State. Such vesting shall

take effect—

(a) after the expiration of the period within

which an appeal may be preferred to the

Court of Appeal against the order of

forfeiture; or

(b) where an appeal has been preferred to

the Court of Appeal against the order of

forfeiture upon the determination of such

appeal confirming or up holding the

order of forfeiture.

(6) In the application the aggrieved person

shall be described as the plaintiff and the

Motor Traffic (Amendment) Act, No. 8 of 2009 89

Examiner, authorized officer or police officer

as the case may be, as the defendant. The

application shall contain—

(a) the name of the Court of Appeal and the

date of making of the application to the

court ;

(b) the name and address of the Examiner of

Motor Vehicles, authorized officer or

police officer; and

(c) a plain and concise statement of the

matter which has to be determined by

the court, namely, that the seizure and

forfeiture of the motor vehicle, which is

the subject matter of the application was

unlawful and that the court shall

determine—

(i) that such seizure and forfeiture was

unlawful ; and

(ii) that such vehicle shall be forthwith

returned to the plaintiff.

(7) In any proceedings in the Court of

Appeal on any application made to it in respect

of the seizure and forfeiture of any motor

vehicle the burden of proving that such seizure

and forfeiture under that subsection was

unlawful, shall lie on the plaintiff.

(8) The Minister may make regulations

specifying the procedure for the disposal of

vehicles that have been forfeited under this

section.

90 Motor Traffic (Amendment) Act, No. 8 of 2009

Reduction of 232C. (1) Where a person is convicted of

disqualification

an offence under this Act and the Court makes

period.

order disqualifying him from driving for any

period not less than twelve months, such

period of disqualification may be reduced by

the Court if by a date specified in the Order

under this section such person successfully

completes a course approved by the Minister

for the purpose of this section and designated

by a Court.

(2) The reduction made by an order under

this section in a period of disqualification

imposed by the Court shall be a period

specified in the order of not less than three

months and not more than one quarter of the

unreduced period and accordingly, where the

period imposed is twelve months the reduced

period shall be nine months, and where the

period imposed by the order is six months, the

reduced period shall be three months.

(3) The Court shall not make an Order

under this section unless—

(a) it is satisfied that a place on the course

specified in the order is available for

the offender ;

(b) the Court has explained the effect of

the order to the offender and has

informed him of the amount of the fees

for the course and the requirement that

he must pay them before the

commencement of the course ; and

(c) the offender has agreed that the order

should be made.

Motor Traffic (Amendment) Act, No. 8 of 2009 91

(4) The date specified in an order as the

latest date for completion of a course must be

at least two months before the last day of the

period of disqualification as reduced by the

order.

(5) On the successful completion of the

course, a Certificate shall be issued by the

officer who conducted the course to the

Registrar of the Court which made the order. If

the Certificate referred to is received by the

Registrar of the Court before the end of the

period of disqualification imposed but after

the end of the period as it would have been

reduced by the order, the order shall have effect

as if the reduced period ended on the day on

which the certificate is received by the Court.

(6) Where the course is not completed

before the end of the period of disqualification

as reduced by the Court, the Court may order

the convicted person to remain disqualified

until the approved course is completed

successfully.

Protection 232D. (1) No suit or prosecution shall be

of action.

instituted against any officer for any act which

in good faith is done or purported to be done

by such officer under this Act.

(2) Any expense incurred by such officer as

is referred to in subsection (1) in any suit or

prosecution brought against him before any

Court in respect of any act which is done or

purported to be done by him under this Act

shall, if the Court holds that such act was done

in good faith, be paid by the State.

92 Motor Traffic (Amendment) Act, No. 8 of 2009

Detention of 232E. A police officer may detain, for such

drivers. time as is reasonably necessary for purposes of

inquiry and investigation, the driver of a motor

vehicle at a police station—

(a) who, on being requested to give his

name and address refuses or fails to do

so, or gives a name and address which

the police officer reasonably suspects

to be false;

(b) who is involved in an accident

resulting in death or grievous injury;

(c) who, he reasonably suspects has

consumed alcohol or drugs;

(d) who, in his opinion is in possession of

false or forged documents or false

identification number plates;

(e) who, in his opinion is in possession of

a motor vehicle with a forged or altered

chassis and engine number; or

(f) whom he reasonably suspects is in

possession of a stolen vehicle.

Detention of 232F. (1) An Examiner of Motor Vehicles

vehicles. or a police officer who has reason to believe

that the provisions of this Act or regulations

made thereunder in regard to construction,

equipment and use have not been complied

with in respect of any vehicle, may require the

driver of such vehicle to drive it to the nearest

police station and may if necessary detain it

for such time as may be reasonably necessary

for the purpose of inspection and investigation.

Motor Traffic (Amendment) Act, No. 8 of 2009 93

(2) A police officer may also detain a motor

vehicle at any police station, if -

(a) the driver is unable to produce a valid

policy of insurance under section 99 ;

(b) the driver does not possess a valid

driving licence; or

(c) the vehicle belongs to a dealer, repairer

or manufacturer who does not hold a

Dealer’s Registration Certificate,

Repairer’s Registration Certificate or

Manufacturer’s Registration

Certificate.

(3) An Examiner of Motor Vehicles or a

Police officer may also detain a motor vehicle

at any police station or at any premises of the

Department of Motor Traffic if he has

reasonable grounds to believe that,—

(a) the documents submitted for

registration of such vehicle are false

or forged documents;

(b) the vehicle has a forged, tampered or

altered chassis or engine number;

(c) the vehicle is mechanically defective;

(d) the vehicle is stolen or if he reasonably

suspects it to be stolen; or

(e) the vehicle is fitted with false or forged

identification plates.”.

94 Motor Traffic (Amendment) Act, No. 8 of 2009

Insertion of new 69. The following new sections are inserted immediately

sections 239D

and 239E in the after section 239C and shall have effect as sections 239D

principal and 239E thereof :—

enactment.

“Offences to 239D. Notwithstanding anything to the

be contrary in the Code of Criminal Procedure

cognizable

Act, No 15 of 1979, every offence under this

Act shall be a cognizable offence within the

meaning and for the purposes of the Code of

Criminal Procedure Act.

Offences 239E. All offences under this Act shall be

triable by triable by a Magistrate’s Court.”.

Magistrate’s

Court.

Sinhala text 70. In the event of any inconsistency between the

to prevail in

Sinhala and Tamil texts of this Act, the Sinhala text shall

case of

inconsistency. prevail.

Amendment of 71. Section 240 of the principal enactment is hereby

section 240 of amended as follows :—

the principal

enactment.

(1) by the insertion, immediately before the definition

of the expression “animal” of the following new

definitions:—

“accident” means an accident—

(a) which occurs or originates on a road, street

or any other place open to public traffic ;

(b) which results in one or more persons being

killed or injured or causes damage to

property ; and

(c) in which at least one moving vehicle was

involved, and includes collisions between

vehicles, between vehicles and pedestrians

Motor Traffic (Amendment) Act, No. 8 of 2009 95

and between vehicles and animals or fixed

objects and includes accidents in which one

vehicle alone is involved.;

“Act” means the Motor Traffic Act, (Chapter 203);

“anchor fitting” means the terminal part of a seat

belt designed to be attached to a vehicle or

seat;”;

“approved certifying officer” means a certifying

officer referred to in section 195 who

examines a motor vehicle for the purpose of

issuing a certificate of fitness under section

196;

“approved garage” means a garage declared by

the Commissioner-General or by the

Provincial Commissioner of Motor Traffic to

be an approved garage by order under section

195 for the purpose of the examination and

certification of fitness of motor vehicles prior

to the issue of annual revenue licences;

(2) by the insertion, immediately after the definition

of the expression “animal” of the following

definition:—

“assembled illegally” means the assembling of a

motor vehicle—

(a) otherwise than with branded new parts ;

(b) without the prior written permission of

the manufacturer of those parts ; or

(c) without the prior written approval of the

Commissioner-General.”;

96 Motor Traffic (Amendment) Act, No. 8 of 2009

(3) by the substitution for the definition of the

expression ‘articulated vehicle’ of the following

definition:—

“articulated vehicle” means a motor vehicle

comprising a Prime Mover and a Semi

Trailer;”;

(4) by the insertion immediately after the definition of

the expression “ at night” of the following

definition :—

“branded” means branded with the trade name of

a manufacturer registered with the Registrar

of Trade Marks or with the equivalent

authority of the foreign country from which

the branded parts originated and includes

parts branded by a manufacturer who has

entered into an agreement with the original

manufacturer of such parts;

“buckle component” means each one of the two

parts of the buckle assembly designed to be

latched to each other to complete the buckle

assembly;”;

“Certificate of Fitness” means the Certificate

issued under section 196 of this Act, and which

includes a statement on the mechanical

condition of the vehicle;

(5) by the insertion, immediately after the definition

of the expression “Certificate of Insurance” of the

following definitions:—

“Certificate of Registration” means a Certificate

issued by the Commissioner General to the

effect that a motor vehicle has been duly

registered under the provisions of this Act ;”;

Motor Traffic (Amendment) Act, No. 8 of 2009 97

(6) by the substitution for the definition of the

expression “Commissioner” of the following

definition:—

““Commissioner-General” means the

Commissioner General of Motor Traffic

appointed under section 204 of this Act” ;

(7) by the insertion, immediately after the definition

of the expression “Commissioner General” of the

following definitions:—

“ “dealer” means a person who is engaged in the

business of hypothecation, sale, importation,

leasing or hire purchase of motor vehicles in

an approved garage and includes an

importer;”;

“death” means the death of any person who was

killed outright or who died within thirty days

of a motor accident as a result of that accident”;

(8) by the repeal of the definition of the expression;

“driving instructor” and the substitution therefor

of the following definition:—

“driving instructor or assistant driving instructor”

means a person who possesses a valid

instructor’s licence and is employed in a

driving school and who gives instructions in

the driving of a motor vehicle for a fee or

reward, as approved by the Commissioner -

General;

“driving licence” means a licence issued under

Part VII of this Act ;

“driving school” means an establishment where

persons are given instruction in the driving

98 Motor Traffic (Amendment) Act, No. 8 of 2009

of motor vehicles for fee or reward and

registered under the provisions of this Act;

“dual purpose vehicle” means a motor vehicle

designed and constructed for the purpose of

carrying both persons and goods

contemporaneously, provided that the number

of persons being carried (including the driver)

does not exceed nine in number, and the gross

vehicle weight does not exceed three

thousand five hundred kilograms”;

“emergency service vehicle” means –

(a) a vehicle used by the Fire Brigade or

Police or an ambulance, responding to

an emergency call and identified :—

(i) in the case of the Fire Brigade, by

the use of a red light ;

(ii) in the case of a vehicle used by the

Police by the use of a red and blue

light; and

(iii) in the case of an ambulance, by the

use of a red light; and

(b) any other vehicle responding to an

emergency using blinking blue light or

blinking amber light with the approval

of the Commissioner-General of Motor

Traffic;”;

“Emission Certificate” means the Certificate

containing a statement to the effect that the

emission of smoke, visible vapour, grit,

sparks, ashes, cinder, greases or oily

substance emanating from the vehicle is

within the permitted limit.

Motor Traffic (Amendment) Act, No. 8 of 2009 99

(9) by the substitution for the definition of the

expression “examiner” of the following

definition:—

‘ “examiner” means an examiner of motor

vehicles appointed or deemed to be

appointed under this Act and includes a Chief

Examiner and Deputy Chief Examiner;”;

(10) by the insertion immediately after the definition of

the expression “examiner” of the following

definition:—

“ “fabricated illegally” means the fabrication

carried out on a chassis or a part of a chassis

or body or part of a body of a motor vehicle,

which causes changes to its prototype

without the prior written approval of the

Commissioner-General.”.

“fatal accident” means an accident involving a

single moving vehicle or several moving

vehicles in which one or more persons are

killed within thirty days of such accident;

“goods” includes livestock and anything (other

than equipment ordinarily used with the

vehicle) carried by a vehicle except a living

person but does not include baggage or

personal effects carried in a motor car or in a

trailer attached to a motor vehicle or the

personal baggage of passengers travelling

in the vehicle;”;

(11) by the insertion, immediately after the definition

of the expression “Grama Seva Niladhari” of the

following definitions:—

‘ “grievous injury” means an injury resulting

in one or more of the kinds of hurt

enumerated in section 311 of the Penal

Code (Chapter(19) ;

100 Motor Traffic (Amendment) Act, No. 8 of 2009

“gross vehicle weight” means the total weight of

the vehicle and load certified and registered

by the registering authority as permissible

for that vehicle;

(12) by the insertion, immediately after the definition

of the expression “hand tractor” of the following

definition:—

“ “heavy motor coach” means a combination of

a motor coach having a seating capacity of

not more than thirty three seats inclusive of

the driver’s seat and its trailer and having a

maximum authorized tare weight exceeding

seven hundred and fifty kilograms or a

combination of two motor coaches ;

“heavy motor lorry” means a combination of a

motor lorry and trailer, or trailer or an

articulated vehicle and its trailer and such

trailer having an authorized tare weight in

excess of seven hundred and fifty kilograms

and such motor lorry and trailer or trailers or

articulated vehicle and trailer or trailers

having a gross vehicle weight in excess of

three hundred and fifty kilograms;”;

(13) by the repeal of the definition of “highway”;

(14) by the insertion, immediately after the definition

of “heavy motor lorry” of the following

definitions:—

“ “Inspection Certificate” means a Certificate

granted by an officer authorized by the

Commissioner-General where, after an

examination of a motor vehicle, he is

Motor Traffic (Amendment) Act, No. 8 of 2009 101

satisfied that the body, engine and the chassis

of the vehicle conforms to the provisions of

this Act and regulations made thereunder;

“inspection and testing centre” means an

inspection and testing centre approved by

the Commissioner-General under

section195;

“instructor” includes an assistant instructor ; and

“instructor’s licence” includes an assistant

instructor’s licence;

(15) by the substitution for the definition of the

expression “land vehicle” of the following

definition:—

““land vehicle” means a mechanically or

electrically propelled vehicle or a vehicle

propelled by solar energy or a vehicle

propelled by liquid petroleum gas,

including a vehicle including a trailer the

gross vehicle weight of which does not

exceed three thousand five hundred

kilograms and which is constructed wholly

or mainly for use on land in connection with

an agricultural purpose or the carriage of

construction material and garbage;”;

(16) by the insertion, immediately after the definition

of the expression “land vehicle” of the following

definitions :—

“lap belt” means a seat belt designed to provide

pelvic restraint only ;

102 Motor Traffic (Amendment) Act, No. 8 of 2009

“lap-sash seat belt” means a seat belt combining

a lap strap designed to provide pelvic

restraint and the torso strap designed to

provide upper torso restraint;”;

(17) by the repeal of the definition of the expression

“Licencing Authority” and the substitution of the

following definition therefor:—

“Licencing Authority” means the authority

empowered to issue revenue licences under

the Constitution of the Democratic Socialist

Republic of Sri Lanka;

(18) by the insertion, immediately after the definition

of the expression “Licensing Authority” of the

following definition:—

“light motor coach” means a motor vehicle not

being a motor ambulance or motor hearse

having a seating capacity of ten or more

persons and less than thirty four persons,

including of the driver’s seat and their effects

and includes a trailer so constructed or

adapted of which the authorized tare does

not exceed seven hundred and fifty

kilograms ;

“light motor lorry” means a motor lorry the gross

vehicle weight of which exceeds 3500

kilograms and does not exceed 17000

kilograms and which may be combined with

a trailer having a minimum authorized tare

which does not exceed 750 kilograms, and

includes a motor hearse and ambulance;”;

(19) by the repeal of the definition of “lorry” ;

Motor Traffic (Amendment) Act, No. 8 of 2009 103

(20) by the insertion, immediately after the definition

of “local authority” of the following definition :—

“ “manufacturer” means a person who is engaged

in the business of building bodies for

attachment to chassis in an approved

factory;”;

“ “manufactured, innovated, adapted , modified

or the construction of which has been

changed illegally” means the manufacture,

innovation, adaptation, modification or the

change of construction of a motor vehicle

without the prior written approval of the

Commissioner-General, under subsection (2)

of section 19A”;

(21) by the substitution for the definition of the

expression “moped” of the following definition:—

“ “moped” means a motor cycle with an internal

combustion engine having a cylinder

capacity not exceeding fifty cubic

centimetres and which is equipped with

pedals by means of which it can be

propelled;”;

(22) by the repeal of the definition of “motor coach”

and the substitution of the following definitions

therefor :—

“motor coach” means a motor vehicle not being

a motor ambulance or motor hearse having a

seating capacity of more than thirty three

persons (including the driver) and their

effects and includes a trailer so constructed

or adapted which does not exceed seven

hundred and fifty kilograms;

104 Motor Traffic (Amendment) Act, No. 8 of 2009

“motor cycle” means a motor vehicle, including

a moped other than a motor tricycle or a

motor tricycle van designed to travel on not

more than three wheels, and having a tare

which together with the tare of any side car

attached thereto, does not exceed two

hundred and fifty kilograms ;”;

(23) by the insertion, immediately after the definition

of the expression “Motor hearse” of the following

definition:—

“motor lorry” means a motor vehicle constructed

or adapted wholly or mainly for the carriage

of goods the gross vehicle weight of which

is more than 17000 kilograms and which may

be combined with a trailer so constructed or

adapted having a maximum authorized tare

which does not exceed 750 kilograms;”;

(24) by the repeal of the definition of “motor tricycle”

and “motor tricycle van” and the substitution of

the following definitions therefor:—

“motor tricycle” means a motor vehicle designed

to travel on three wheels and having a tare

which does not exceed 500 kilograms and

which is constructed wholly or mainly for

the carriage of passengers;

“motor tricycle van” means a motor vehicle which

is designed to travel on three wheels and

having a tare which does not exceed 500

kilograms the gross vehicle weight of which

does not exceed 1000 kilograms and which

is constructed or adapted wholly or party for

the carriage of goods;”;

Motor Traffic (Amendment) Act, No. 8 of 2009 105

(25) by the repeal of the definition of “motor vehicle”

and the substitution therefor of the following

definition :—

“motor vehicle” means—

(a) any mechanically and/or electrically,

and/or solar energy propelled vehicle or

vehicle propelled by liquid petroleum gas

or vehicle propelled by alternative fuel

including a tractor or trailer which is

intended or adapted for use on roads but

does not include a road-roller ;

(b) any mechanically and/or electrically

and/or solar energy propelled vehicle, or

vehicle propelled by liquied petroleum

gas or vehicle propelled for altenative fuel

or intended for use on land in connection

with an agricultural or constructional

purpose such as leveling dredging,

earthmoving, forestry or any similar

operation but does not include a road-

roller;”;

(26) by the substitution for the definition of the

expression “owner” of the following new

definition:—

“owner” in relation to a motor vehicle means a

person in whose name a motor vehicle stands

registered and where such person is a minor,

the guardian of such minor and in relation to

a motor vehicle which is the subject of a

hire purchase agreement or an agreement of

lease or an agreement of hypothecation, the

person in possession of the vehicle under

that agreement;”;

(27) by the insertion, immediately after the definition

of the expression “passenger” of the following

definition:—

““permit” means a permit issued by the

Commissioner-General”;

106 Motor Traffic (Amendment) Act, No. 8 of 2009

(28) by the insertion, immediately after the definition

of the expression “private coach” of the following

definitions :—

“public place” means a road, street, way or other

place, whether a thoroughfare or not to

which the public have a right of access, and

includes any place or stand at which

passengers are picked up or set down by an

omnibus ;

“public service vehicle” means any motor

vehicle used or adapted to be used or kept

for the carriage of passengers for a fee or

reward ;”;

(29) by the insertion immediately after the definition of

the expression “register” of the following

definition :-

“registered owner” in relation to a motor vehicle

or a trailer means a person in whose name

such motor vehicle or trailer is registered;”;

(30) by the insertion, immediately after the definition

of “repealed Ordinance” of the following

definitions :-

“road” means the entirety of any public way or

any other road to which the public has

access and includes a national highway,

express way and restricted access highway

and any bridge or culvert over which such

road passes ;

“sash guide” means a system of one or more

devices which locate the torso strap of a lap-

sash seat belt;

Motor Traffic (Amendment) Act, No. 8 of 2009 107

“seat belt” means an arrangement of straps, anchor

fittings securing buckle, adjusting devices,

and at least one sash guide device designed

to restrain a motor vehicle occupant in the

event of an impact or accident ;

“special purpose vehicle” means a mechanically

propelled vehicle specially constructed for

purposes of agriculture, construction or

loading and unloading of goods ;

“stopping place” means a place set out under

any law as a place at which omnibuses may

be halted for the purpose of picking up or

setting down passengers ;

“strap” means a part of a seat belt designed with

flexure to facilitate correct and comfortable

wearing;”;

(31) by the insertion, immediately after the definition

of the expression “trailer” of the following

definition:—

“vehicle” means a conveyance that is designed

to be propelled or drawn by any means,

whether or not capable of being so propelled

or drawn and includes a bicycle or other

peddle powered vehicle and trailer carriage,

cart, coach, tram car and mechanically

propelled and/or electrically and/or solar

energy propelled vehicle or vehicle

propelled by liquid petroleum gas or vehicle

propelled by alternative fuel and any

artificial contrivance used or capable of being

used as a means of transportation on land

but does not include a railway locomotive.”.

108 Motor Traffic (Amendment) Act, No. 8 of 2009

Amendment of 72. Section 241 of the principal enactment is hereby

section 241 of amended by the addition immediately after subsection (2)

the principal

thereof of the following subsections which shall have effect

enactment.

as subsections (3), (4), (5), (6) and (7) thereof :—

“(3) A person who on the date of the commencement

of this Act, carries on the business of manufacturing,

assembling, fabricating, innovating, adapting,

modifying or changing the construction of a motor

vehicle as the case may be, shall within three months

from the date of commencement of this Act, apply in

the prescribed Form to the Commissioner - General,

accompanied by the prescribed fee, and obtain the

written approval of the Commissioner - General for

such business of manufacturing, assembling,

fabricating, innovating, adapting, modifying or

changing the construction of a motor vehicle as the

case may be.

(4) A person who, before the date of commencement

of this Act, has carried on the business of

manufacturing, assembling, fabricating, innovating,

adapting, modifying or changing the construction of

a motor vehicle as the case may be, and who has not

registered any motor vehicle so manufactured,

assembled, fabricated, innovated, adapted, modified,

or the construction of which has been changed, shall

apply in the prescribed Form to the Commissioner -

General, accompanied by the prescribed fee, and

obtain the written approval of the Commissioner -

General for such manufacture, assembly, fabrication,

innovation, adaptation, modification, or change of

construction of a motor vehicle as the case may be, of

which has been changed,

(5) The Commissioner - General, may upon an

application made in the prescribed Form under section

3 or 4 and on payment of the prescribed fee, grant

approval for the manufacture, assembly, fabrication,

innovation, adaptation, modification, or change of

construction of a motor vehicle as the case may be.

Motor Traffic (Amendment) Act, No. 8 of 2009 109

(6) The Commissioner - General shall, where he is

satisfied that the applicant has carried on the business

of manufacturing, assembling, fabricating, innovating,

adapting, modifying or changing the construction of

a motor vehicle—

(a) in an improper or unsatisfactory manner;

(b) in such manner as in not in conformity with

the provisions of this Act or any regulations

made thereunder, or in regard to the standard

of safety, design, construction, or any

conditions or equipment thereof; or

(c) in such manner as is likely to endanger road

safety or the environment,

refuse to grant the written approval referred to in

subsection (1) and subsection (2) by notice in writing.

(7) Any person aggrieved by the decision of the

Commissioner - General in refusing to grant written

approval under this section may, within fourteen days

of the receipt by him of such notice of refusal, appeal

in writing to the Tribunal, whose decision thereon shall

be final.”.

110 Motor Traffic (Amendment) Act, No. 8 of 2009

Annual subscription of English Bills and Acts of the Parliament Rs. 885 (Local), Rs. 1,180

(Foreign), Payable to the SUPERINTENDENT, GOVERNMENT PUBLICATIONS BUREAU, DEPARTMENT OF

GOVERNMENT INFORMATION, NO. 163, KIRULAPONA MAWATHA, POLHENGODA, COLOMBO 05 before 15th

December each year in respect of the year following.