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SUPPLEMENT

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MOTOR TRAFFIC (AMENDMENT)

A

BILL

to amend the Motor Traffic Act (Chapter 203)

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STATEMENT OF LEGAL EFFECT

Clause 2: This Clause amends section 123 of the Motor Traffic Act (Chapter 203) (hereinafter referred to as the “principal enactment”) and the legal effect of the amendment is to cast a duty on the person to drive a light vehicle or a heavy vehicle on a road only on having attained the lawful age to drive such vehicle and to impose a fine for the contravention of those provisions and to increase the fines for driving a vehicle without driving licences.

Clause 3: This Clause inserts a new section 141A of the principal enactment. The new section imposes a penalty for driving at an excessive speed.

Clause 4: This Clause inserts a new section 148A of the principal enactment. The new section provides for precautions to be taken in crossing a railway crossing and also provides for the imposition of the penalty for the contravention of that section.

Clause 5: This Clause inserts a new section 152A of the principal enactment. The new section provides for the prohibition of a the use of mobile phone etc. while driving and provides for the imposition of the penalty for the contravention of that section.

Clause 6: This Clause amends section 196 of the principal enactment and the legal effect of the section as amended is to provide for the general penalty under section 224 to be applicable when contravening the provisions pertaining to the Emission Certificate and the Certificate of Fitness.

Clause 7: This Clause amends section 216 of the principal enactment and the legal effect of the section as amended is to increase the fine prescribed for driving a motor vehicle after consuming of alcohol or drugs.

Clause 8: This Clause amends section 216A of the principal enactment and the legal effect of the section as amended is to increase the fine prescribed for driving a motor vehicle used for the carriage of persons for a fee after the consuming of alcohol or drugs.

Clause 9: This Clause amends section 216B of the principal enactment and the legal effect of the section as amended is to increase the fine for causing death of a person by driving a motor vehicle after consuming of alcohol or drugs, and to further regulate the scope of the offence and to provide for the penalty of causing hurt or grievous injury to a person by driving a motor vehicle after the consuming of alcohol and drugs.

Clause 10: This Clause amends section 217 of the principal enactment and the legal effect of the section as amended is to increase the fine prescribed for driving recklessly or dangerously.

Clause 11: This Clause repeals section 218 of the principal enactment and replaces it with the penalty for driving without a certificate of insurance.

Clause 12: This Clause amends section 224 of the principal enactment and the legal effect of the section as amended is to make the necessary change to the general penalty.

Clause 13 : This Clause amends the Second Schedule to the principal enactment and the legal effect of the section as amended is to enable the Minister to prescribe on the spot fines in respect of sections 141A and 152A.

Motor Traffic (Amendment)

L.D.—O. 53/2017

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 (Amendment) Act, No. of 2019. Short title.

5 2. Section 123 of the Motor Traffic Act (Chapter 203) (hereinafter referred to as the “principal enactment”) is hereby amended as follows:— Amendment
of section
123 of
(Chapter
203).

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

10 (a) in paragraph (a) thereof, by the deletion of the word “and”, appearing at the end of that paragraph;

(b) in paragraph (b) thereof, by the insertion of the word “and”, at the end of that paragraph;

15 (c) by the addition immediately after paragraph (b) thereof, of the following new paragraph:-

20 “(c) no person shall drive a light vehicle on a road unless he has completed the age of eighteen years and shall not drive a heavy vehicle on a road unless he has completed the age of twenty-one years.”.

(2) in subsection (5) of that section-

(a) by the repeal, in paragraph (a) thereof, of all the words from “to fine not less than three

thousand rupees” to the end of that paragraph and the substitution therefor of the following words:—

5 “to a fine not less than twenty five thousand rupees and not exceeding thirty thousand rupees and on a second or subsequent conviction to a fine not less than thirty thousand rupees and not exceeding fifty thousand rupees.”;

10 (b) by the repeal, in paragraph (b) thereof, of all the words from “to a fine not less than four thousand rupees” to the end of that paragraph and the substitution therefor of the following words:—

15 “to a fine not less than twenty five thousand rupees and not exceeding thirty thousand rupees and on a second or subsequent conviction to a fine not less than thirty thousand rupees and not exceeding fifty thousand rupees.”;

20 (c) by the addition immediately after paragraph (b) thereof, of the following new paragraph which shall have the effect as paragraph (c) thereof:-

25 “(c) A person who contravenes the provisions of paragraph (c) of subsection (1) shall be guilty of an offence and shall on conviction be liable to a fine not less than thirty thousand rupees and not exceeding forty thousand rupees and on a second or subsequent conviction to a fine not less than forty thousand rupees and not exceeding fifty thousand rupees.”.

30

3. The following new section is hereby inserted immediately after section 141 of the principal enactment and shall have effect as section 141A of the that enactment:—

Insertion of new section 141A in the principal enactment

5 “Penalty for driving at an excessive speed.

141A. (1) Any person who contravenes the provisions of section 140 and 141 or any regulation made thereunder shall be guilty of an offence and shall on conviction be liable, where the speed is -

10 (a) in excess of the prescribed speed limit up to twenty *per centum*, to a fine not less than three thousand rupees and not exceeding five thousand rupees;

15 (b) in excess of twenty per centum and less than thirty *per centum* of the prescribed speed limit, to a fine not less than five thousand rupees and not exceeding ten thousand rupees;

20 (c) in excess of thirty *per centum* and less than fifty *per centum* of the prescribed speed limit, to a fine not less than ten thousand rupees and not exceeding fifteen thousand rupees; and

25 (d) in excess of fifty *per centum* of the prescribed speed limit, to a fine not less than fifteen thousand rupees and not exceeding twenty five thousand rupees.

30 (2) Notwithstanding the provisions of subsection (1), any person who contravenes the provisions of sections 140 and 141 shall also be liable to on the spot fines as may be prescribed under section 215A.”.

4. The following new section is hereby inserted immediately after section 148 of the principal enactment and shall have effect as section 148A of that enactment:-

Insertion of new section 148A of the principal enactment.

5 “Precautions in crossing a railway. 148A. (1) No person shall drive a motor vehicle on or across a railway crossing—

(i) when the railway gate is closed;

(ii) disregarding the railway signal system; or

10 (iii) without obeying directions of an authorized officer,

to likely endanger one’s own safety or that of any other person.

15 (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 twenty five thousand rupees and not exceeding thirty thousand rupees and on a second conviction to a fine not less than thirty thousand rupees and not exceeding forty thousand rupees and the suspension of his driving licence for a period of not exceeding six months, and on a third or subsequent conviction to a fine not less than forty thousand rupees and not exceeding fifty thousand rupees and the suspension of his driving licence for a period not exceeding twelve months.”

30 5. The following new section is hereby inserted immediately after section 152 of the principal enactment and shall have effect as section 152A of that enactment:—

Insertion of new section 152A in the principal enactment.

“Prohibit the use of mobile phone etc. while driving. 152A. (1) No person shall use a telephone, mobile phone or any other movable communication equipment when driving a motor vehicle on a road.

5 (2) A person who contravenes subsection (1) shall be guilty of an offence and shall on conviction be liable to the penalty specified in section 224 and also be liable to the amount prescribed for on the spot fines under section 215A.”.

10 **6.** Section 196 of the principal enactment is hereby amended in subsection (5) thereof by the addition, immediately after the proviso to paragraph (b) of that subsection of the following paragraph:-
Amendment of section 196 of the principal enactment.

“(c) a person who contravenes the provisions of this subsection shall be guilty of an offence and shall on conviction be liable to the penalty specified in section 224.”.

15 **7.** Section 216 of the principal enactment is hereby amended by the repeal of all the words from “to a fine not less than three thousand five hundred rupees” to the end of that section and the substitution of the words “to a fine not less than twenty five thousand rupees and not exceeding
20 thirty thousand rupees or to imprisonment of either description for a term not exceeding three months or to both such fine and imprisonment and to the suspension of his driving licence for a period not exceeding twelve months.”.
Amendment of section 216 of the principal enactment.

25 **8.** Section 216A of the principal enactment is hereby amended by the repeal of all the words from “to a fine not less than four thousand rupees” to the end of that section and the substitution of the words “to a fine not less than twenty five thousand rupees and not exceeding thirty
30 thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment and the cancellation of his driving licence.”.
Amendment of section 216A of the principal enactment.

9. Section 216B of the principal enactment is hereby amended as follows:-
Amendment of section 216B of the principal enactment.

35 “(a) by the repeal, in paragraph (a) thereof, of all the words from “to imprisonment of either description

for a term not less than two years” to the end of that paragraph and the substitution of the words “to a fine not less than one hundred thousand rupees and not exceeding one hundred and fifty thousand rupees or to imprisonment of either description for a term not less than two years and not exceeding ten years or to both such fine and imprisonment and to the cancellation of the driving licence”; and

(b) by the repeal of paragraph (b) thereof and the substitution therefor of the following paragraph:—

“(b) where he causes—

(i) hurt to any person, to a fine not less than thirty thousand rupees and not exceeding fifty thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment and to the cancellation of his driving licence; or

(ii) grievous injury to any person, 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 not exceeding five years or to both such fine and imprisonment and to the cancellation of his driving licence.”.

30 **10.** Section 217 of the principal enactment is hereby amended as follows:—

(1) in subsection (1) of that section by the repeal of all the words from “to a fine not less than one thousand five hundred rupees” to the end of that subsection

Amendment
of section
217 of the
principal
enactment.

5 and the substitution of the words “to a fine not less than ten thousand rupees and not exceeding twenty five thousand rupees, and on a second conviction to a fine not less than fifteen thousand rupees and not exceeding thirty thousand rupees, and the suspension of his driving licence, and on a third or subsequent conviction, to a fine not less than twenty thousand rupees and not exceeding forty thousand rupees or to rigorous imprisonment for a term not exceeding six months or to both such fine and imprisonment and the cancellation of his driving licence.”; and

15 (2) in subsection (2) of that section by the repeal of all the words from “to a fine not less than one thousand five hundred rupees” to the end of that subsection and the substitution of the words “to a fine not less than ten thousand rupees and not exceeding twenty five thousand rupees, and on a second conviction to a fine not less than fifteen thousand rupees and not exceeding thirty thousand rupees and on a third or subsequent conviction, to a fine not less than twenty thousand rupees and not exceeding forty thousand rupees and the suspension of his driving licence for a period of six months”.

25 **11.** Section 218 of the principal enactment is hereby repealed and the following section substituted therefor:—

Replacement of section 218 of the principal enactment.

30 “Penalty for driving without certificate of insurance. 218. A person who contravenes the provisions of section 99 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 or to imprisonment for a term not exceeding one month or to both such fine and imprisonment.”.

12. Section 224 of the principal enactment is hereby amended by the repeal of all the words from “to a fine not less than two thousand five hundred rupees” to the end of that section and the substitution of the words “to a fine not less than two thousand five hundred rupees and not exceeding three thousand five hundred rupees, and on a second conviction to a fine not less than three thousand five hundred rupees and not exceeding five thousand rupees, and on a third and subsequent conviction to a fine not less than five thousand rupees and not exceeding twenty five thousand rupees.”.

Amendment of section 224 of the principal enactment.

13. The Second Schedule to the principal enactment, is hereby amended as follows:—

Amendment of the Second Schedule to the principal enactment.

(1) by the repeal of item 10 thereof and the substitution thereof of the following item:—

“

	Section	Provision
10.	140 and 141	- Non- compliance with speed limits
20	141A(1)(a)	- In excess of the speed limit prescribed up to twenty <i>per centum</i>
25	141A(1)(b)	- In excess of twenty <i>per centum</i> and less than thirty <i>per centum</i> of the speed limit prescribed
	141A(1)(c)	- In excess of thirty <i>per centum</i> and less than fifty <i>per centum</i> of the speed limit prescribed
30	141A(1)(d)	- In excess of fifty <i>per centum</i> of the speed limit prescribed

.”;

- (2) by the addition immediately after item 12 thereof, of the following new item which shall have the effect as item 12(a):—

5 “

	Section	Provision
12a.	152A	- Use of mobile phones

,”

14. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to prevail in case of inconsistency.

