

ANNEXURE – A

(BILL AS INTRODUCED IN THE ASSEMBLY)

PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 1 of 2016

THE PROVINCIAL MOTOR VEHICLES (AMENDMENT) BILL 2015

A

Bill

to amend the Provincial Motor Vehicles Ordinance, 1965.

It is necessary further to amend the Provincial Motor Vehicles Ordinance, 1965 (XIX of 1965) for purposes of regulating axle load of goods vehicles in the interest of public safety and road infrastructure; and, for other purposes.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Provincial Motor Vehicles (Amendment) Act 2015.

(2) It shall come into force at once.

2. Amendment in section 77 of Ordinance XIX of 1965.— In the Provincial Motor Vehicles Ordinance, 1965 (XIX of 1965), for brevity cited as the said Ordinance, in section 77, for the full stop at the end, a colon shall be substituted and, thereafter, the following proviso shall be inserted:

“Provided that on the direction of the authorized person, the driver shall unload the excess weight; and, the loss or risk, incurred or caused during the process, shall be responsibility of the owner or the driver.”

3. Insertion of section 112-C in Ordinance XIX of 1965.— In the said Ordinance, after section 112-B, the following section 112-C shall be inserted:

“112-C. Penalty for overloading, etc.— (1) A person, who overloads a trailer or trolley or operates an unlicensed bodybuilding workshop for transport vehicles or uses an unregistered trolley or uses a trolley in contravention of the specifications notified by the Government, shall be liable to punishment as under:

Sr. No	Violation	Penalty	
		First Offence	Repeat Offence
1.	Overloading of trailer or trolley (excess weight or volume)	(a) Rupees one thousand, for uploading up to 10%; (b) rupees two thousand and five hundred, for overloading from 11% to 30%; (c) rupees five thousand, for overloading exceeding 30%.	(a) Rupees two thousand, for uploading up to 10%; (b) rupees four thousand, for overloading from 11% to 30%; (c) rupees seven thousand, for overloading exceeding 30%.

2.	Non-compliance of the notified specifications	Rupees one thousand	Rupees two thousand and seizing of the registration certificate and impounding of the vehicle along with the trailer or the trolley
3.	Unlicensed bodybuilding workshop	Rupees ten thousand	Sealing of bodybuilding workshop
4.	Non-maintenance of record of bodybuilding of motor vehicles by bodybuilding workshop	Rupees five thousand and a letter of warning	Rupees ten thousand and cancellation of bodybuilding workshop licence

(2) The Regional Transport Authority may, on submission of the original registration book and an undertaking in writing by the owner that no such violation shall henceforth be made, release the motor vehicle, the trailer or trolley impounded for a repeat offence of non-compliance of the notified specifications.

(3) A person shall not operate a bodybuilding workshop without holding a valid licence for manufacturing or bodybuilding of trolleys or trailers.

(4) The licence shall be issued and renewed in such form and manner and on payment of such fee as may be prescribed.

(5) The owner of a bodybuilding workshop shall maintain a register of body building of motor vehicles in such form and manner as may be prescribed and the register shall be open to inspection by the authorized person.

(6) The Government shall maintain a record of convictions under this section in such form and manner as may be prescribed.

(7) Notwithstanding anything contained in this Ordinance, if a person commits an offence under this section, an authorized police officer or a person authorized by the Government may, on the spot, record the offence and draw a charge against such person.

(8) The police officer or the authorized person shall draw the charge in five copies on Form-K of the First Schedule of this Ordinance and shall immediately:

- (a) deliver three copies of Form-K to the accused and shall obtain the receipt of acknowledgement;
- (b) forward the fourth copy along with the document seized to the bank branch concerned or the prescribed government office; and
- (c) retain the fifth copy in office for record.

(9) If the person, charged with an offence under this section, does not contest the charge, he shall pay, within ten days from the date of delivery of the charge to him under subsection (8), the penalty mentioned in this section in the specified branch of the bank or the prescribed government office.

ANNEXURE - B

(BILL AS RECOMMENDED BY THE STANDING COMMITTEE ON TRANSPORT)

A

Bill

to amend the Provincial Motor Vehicles Ordinance, 1965.

It is necessary further to amend the Provincial Motor Vehicles Ordinance, 1965 (XIX of 1965) for purposes of regulating axle load of goods vehicles in the interest of public safety and road infrastructure; and, for other purposes.

Be it enacted by Provincial Assembly of the Punjab as follows:

1. Short title and commencement.— (1) This Act may be cited as the Provincial Motor Vehicles (Amendment) Act 2016.

(2) It shall come into force at once.

2. Amendment in section 77 of Ordinance XIX of 1965.— In the Provincial Motor Vehicles Ordinance, 1965 (XIX of 1965), for brevity cited as the said Ordinance, in section 77, for the full stop at the end, a colon shall be substituted and, thereafter, the following proviso shall be inserted:

"Provided that on the direction of the authorized person, the driver shall unload the excess weight; and, the loss or risk, incurred or caused during the process, shall be responsibility of the owner or the driver."

3. Insertion of section 112-C in Ordinance XIX of 1965.— In the said Ordinance, after section 112-B, the following section 112-C shall be inserted:

"112-C. Penalty for overloading etc.— (1) A person, who overloads a trailer or trolley or operates an unlicensed bodybuilding workshop for transport vehicles or uses an unregistered trolley or uses a trolley in contravention of the specifications notified by the Government, shall be liable to punishment as under:

Sr. No	Violation	Penalty	
		First Offence	Repeat Offence (If committed by the same person within six months from the date of commission of any offence under this section)
1.	Overloading of trailer or trolley (excess weight or volume)	(a) Rupees 1000/-, for overloading up to 10%; (b) rupees 2500/-, for overloading from 10% to 30%; and (c) rupees 5000/-, for overloading exceeding 30%;	(a) Rupees 2000/-, for overloading up to 10%; (b) rupees 4000/-, for overloading from 10% to 30%; and (c) rupees 7000/-, for overloading exceeding 30%.
2.	Non-compliance of	Rupees 1000/-.	Rupees 2000/- and seizing of

	<u>the notified specifications</u>		<u>the registration certificate and impounding of the vehicle along with the trailer or the trolley.</u>
<u>3.</u>	<u>Unlicensed bodybuilding workshop</u>	<u>Rupees 10000/-.</u>	<u>Sealing of bodybuilding workshop.</u>
<u>4.</u>	<u>Non-maintenance of record of bodybuilding of motor vehicles by bodybuilding workshop</u>	<u>Rupees 5000/- and a letter of warning.</u>	<u>Rupees 10000/- and cancellation of bodybuilding workshop licence.</u>

(2) The Regional Transport Authority may, on submission of the original registration book and an undertaking in writing by the owner that no such violation shall henceforth be made, release the motor vehicle, the trailer or trolley impounded for a repeat offence of non-compliance of the notified specifications.

(3) A person shall not operate a bodybuilding workshop without holding a valid licence for manufacturing or bodybuilding of trolleys or trailers.

(4) The licence shall be issued and renewed in such form and manner and on payment of such fee as may be prescribed.

(5) The owner of a bodybuilding workshop shall maintain a register of bodybuilding of motor vehicles in such form and manner as may be prescribed and the register shall be open to inspection by the authorized person.

(6) The Government shall maintain a record of convictions under this section in such form and manner as may be prescribed.

(7) Notwithstanding anything contained in this Ordinance, if a person commits an offence under this section, an authorized police officer or a person authorized by the Government may, on the spot, record the offence and draw a charge against such person.

(8) The police officer or the authorized person shall draw the charge in five copies on Form-K of the First Schedule of this Ordinance and shall immediately:

- (a) deliver three copies of Form-K to the accused and shall obtain the receipt of acknowledgement;
- (b) forward the fourth copy along with the document seized to the bank branch concerned or the prescribed public office; and
- (c) retain the fifth copy in office for record.

(9) If the person, charged with an offence under this section, does not contest the charge, he shall pay, within ten days from the date of delivery of the charge to him under subsection (8), the penalty mentioned in this section in the specified branch of the bank or the prescribed public office.

(10) Where the accused pleads guilty and pays the prescribed fine within the specified time, no further proceedings in respect of the

(10) Where the accused pleads guilty and pays the prescribed fine within the specified time, no further proceedings in respect of the offence shall be taken against him, and the document seized shall be returned on submission of proof of the payment of the fine.

(11) The bank or the prescribed government office shall retain one copy of Form-K for record, send the second copy to the treasury and hand over the third copy to the depositor.

(12) If the fine is not paid within the specified time, the prescribed Government officer shall file a complaint against the accused before the court of competent jurisdiction.

(13) If during the trial, the offender is found guilty of the offence by the court, he shall be punished with double the fine prescribed for the offence."

(14) In this section:

- (a) "bodybuilding workshop" means any workshop in which public service vehicles, commercial vehicles, trolleys or agriculture implements are manufactured; and
- (b) "trolley" means a vehicle other than a trailer and semi-trailer consisting of attached compartment enclosed from all sides with rear and side gates, having maximum three axles, drawn or intended to be drawn by a tractor and used for agriculture or commercial purposes."

4. **Amendment in First Schedule of Ordinance XIX of 1965.**— In the said Ordinance, in First Schedule, after Form J, the following Form K shall be inserted:

**"PUNJAB TRAFFIC POLICE
TRAFFIC VIOLATION TICKET**

Form "K"

District_____

Ticket

Book No.

No.

Name of Traffic Sector_____ Date and time_____

Offender's Name_____

Address_____

Registration No. of Vehicle_____ Violation code_____

Document seized_____

Signature of offender_____ Ticket Issuing Officer_____

1. The offender is to deposit the prescribed fine at any notified branch of the Bank of Punjab of the town within 10 days failing which he shall be prosecuted in the court of

2. If the offender is found guilty by the court, he shall be convicted with double the fine prescribed for the offence.

FOR BANK USE ONLY

Received Rs. _____ (in words) _____

Signature

Official stamp of the branch"

5. **Repeal.**— The Provincial Motor Vehicles (Amendment) Ordinance, 2015 (XXXIII of 2015) is hereby repealed.

MINISTER INCHARGE

Lahore:
1st February 2016

RAI MUMTAZ HUSSAIN BABAR
Secretary