

## Amendments to the Road Traffic Act – Practice Update

The latest amendments to the Road Traffic Act (Chapter 276, Revised Edition 2004) (“**RTA**”) came into effect on 1<sup>st</sup> November 2019. The amendments are intended to provide stronger deterrence against irresponsible driving and thereby improve road safety.<sup>1</sup> They introduce mandatory minimum sentences for the most serious driving offences and increase the maximum sentences that can be meted out by the Courts for various driving offences. This update provides an overview of the significant amendments to the RTA.

Under the RTA there are significant increases in the penalties for offences of reckless or dangerous driving, and driving without due care or reasonable consideration. Reckless or dangerous driving refers to driving a motor vehicle recklessly or at a speed or in a manner which is dangerous to the public, considering the circumstances including the nature, condition and use of the road and the amount of the traffic at the time.<sup>2</sup> Such driving predictably puts other road users at risk and causes other road users to be unable to react in time. Examples include swerving across lanes suddenly and without warning, driving against the flow of traffic, speeding, driving even when not being in a condition to drive safely (such as when using a mobile device or failing to wear spectacles while being seriously short-sighted) and not taking extra care when required (such as when approaching a zebra crossing).<sup>3</sup> Driving without due care or reasonable consideration refers to driving without due care and attention, or without reasonable consideration for other persons using the road.<sup>4</sup>

In the previous RTA, the penalty for causing death by reckless or dangerous driving was an imprisonment term of up to five years, with no statutory minimum penalty.<sup>5</sup> The penalties for other instances of reckless or dangerous driving was an imprisonment term of up to one year or fine of up to \$5,000 or both for first time offenders, and imprisonment term of up to two years or fine of up to \$10,000 or both for repeat offenders.<sup>6</sup> There was no differentiation of the penalties for different levels of hurt (grievous, non-grievous and no hurt) caused by reckless or dangerous driving.

In the previous RTA, the penalty for driving without due care or considerable attention, or without reasonable consideration for other persons using the road was an imprisonment term of up to 6 months or a fine of up to \$1,000 or both for first-time offenders, and an imprisonment term of up to one year or a fine of up to \$2,000 or both for repeat offenders.<sup>7</sup>

In the current RTA, the statutorily prescribed maximum imprisonment terms and fines have been significantly increased in cases that involve death, grievous hurt<sup>8</sup> or hurt. There are also mandatory minimum imprisonment terms for reckless or dangerous driving offences involving death and grievous

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<sup>1</sup> *Hansard* Parliament of Singapore Debates, vol. 94, 8 July 2019

<sup>2</sup> s 64(1) RTA

<sup>3</sup> *Hansard* Parliament of Singapore Debates, vol. 94, 8 July 2019

<sup>4</sup> s 65(1) RTA

<sup>5</sup> s 66 RTA (effective from 3 June 2019 to 31 October 2019)

<sup>6</sup> s 64(1) RTA (effective from 3 June 2019 to 31 October 2019)

<sup>7</sup> s 65 RTA (effective from 3 June 2019 to 31 October 2019)

<sup>8</sup> “Grievous hurt” is defined as emasculation, death, permanent privation of an eye or ear or member or joint, destruction or permanent impairing of the powers of any member or joint, permanent disfiguration of the head or face, fracture or dislocation, or hurt which endangers life or causes severe bodily pain or the inability to follow ordinary pursuits during the space of 20 days, based on s 320 of the Penal Code read with s 64(8) of the RTA.

hurt,<sup>9</sup> and additional punishments for “serious offenders” who were under the influence of drugs or alcohol or failed to provide a specimen for analysis for all offences.<sup>10</sup>

The previous RTA also did not specify the disqualification periods for holding or obtaining a driving licence upon the commission of driving offences. The current RTA specifies the minimum disqualification periods, unless the court for special reasons decides not to order the minimum disqualification period. For all repeat offenders who were under the influence of drugs or alcohol or failed to provide a specimen for analysis, the minimum periods of disqualification apply retroactively, i.e. they apply even if the offenders committed the offence before the amendments came into force.<sup>11</sup> For offenders who have were under the influence of drugs or alcohol or failed to provide a specimen for analysis for the third time onwards, they will be banned for holding or obtaining a driving licence for life, unless the court for special reasons decides not to order as such.<sup>12</sup>

The tables appended to this update list the current enhanced penalties for driving offences under the RTA.

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<sup>9</sup> s 64(2) & s 64(3) RTA

<sup>10</sup> s 64(8) RTA read with s 67 & s 70(4) RTA

<sup>11</sup> s 64(2D) & s 65(6) RTA

<sup>12</sup> S 64(2E) & s 65(7) RTA

<b>Current enhanced penalties for reckless or dangerous driving</b>				
Type of offender  Level of harm caused	First-time offender	Repeat offender	<i>Additional penalties for driving under the influence of drugs or alcohol or failing to provide a specimen for analysis, for the first time</i>	<i>Additional penalties for driving under the influence of drugs or alcohol or failing to provide a specimen for analysis, for the second or subsequent time</i>
Death <sup>13</sup>	2-8 years' imprisonment; disqualification of at least 10 years	4-15 years' imprisonment; disqualification of at least 10 years	1-2 years' imprisonment; disqualification of at least 12 years	2-4 years' imprisonment; disqualification of at least 15 years
Grievous hurt <sup>14</sup>	1-3 years' imprisonment; disqualification of at least 8 years	2-10 years' imprisonment; disqualification of at least 8 years	Fine of \$2,000-\$10,000 <u>and</u> 6 months-1-year imprisonment; disqualification of at least 10 years	Fine of \$5,000-\$20,000 <u>and</u> 1-2 years' imprisonment; disqualification of at least 13 years
Hurt <sup>15</sup>	Fine of up to \$10,000 or imprisonment of up to 2 years or both	Fine of up to \$20,000 or imprisonment of up to 4 years or both	Fine of \$2,000-\$10,000 or imprisonment of up to 1 year or both; disqualification of at least 2 years	Fine of \$5,000-\$20,000 <u>and</u> imprisonment of up to 2 years; disqualification of at least 5 years
Any other case <sup>16</sup>	Fine of up to \$5,000 or imprisonment of up to 1 year or both	Fine of up to \$10,000 or imprisonment of up to 2 years or both	Fine of \$2,000-\$10,000 or imprisonment of up to 1 year or both; disqualification of at least 2 years	Fine of \$5,000-\$20,000 <u>and</u> imprisonment of up to 2 years; disqualification of at least 5 years

<sup>13</sup> s 64(2) RTA

<sup>14</sup> s 64(2A) RTA

<sup>15</sup> s 64(2B) RTA

<sup>16</sup> s 64(2C) RTA

<b>Current enhanced penalties for driving without due care or reasonable consideration</b>				
Type of offender  Level of harm caused	First-time offender	Repeat offender	<i>Additional penalties for driving under the influence of drugs or alcohol or failing to provide a specimen for analysis, for the first time</i>	<i>Additional penalties for driving under the influence of drugs or alcohol or failing to provide a specimen for analysis, for the second or subsequent time</i>
Death <sup>17</sup>	Fine of up to \$10,000 or imprisonment of up to 3 years or both; disqualification of at least 8 years	Fine of up to \$20,000 or imprisonment of up to 6 years or both; disqualification of at least 8 years	Imprisonment of up to 2 years; disqualification of at least 10 years	Imprisonment of up to 4 years; disqualification of at least 13 years
Grievous hurt <sup>18</sup>	Fine of up to \$5,000 or imprisonment of up to 2 years or both; disqualification of at least 5 years	Fine of up to \$10,000 or imprisonment of up to 4 years or both; disqualification of at least 5 years	Fine of \$2,000-\$10,000 <u>and</u> imprisonment of up to 1 year; disqualification of at least 7 years	Fine of \$5,000-\$20,000 <u>and</u> imprisonment of up to 2 years; disqualification of at least 10 years
Hurt <sup>19</sup>	Fine of up to \$2,500 or imprisonment of up to 1 year or both	Fine of up to \$5,000 or imprisonment of up to 2 years or both	Fine of \$2,000-\$10,000 or imprisonment of up to 1 year or both; disqualification of at least 2 years	Fine of \$5,000-\$20,000 <u>and</u> imprisonment of up to 2 years; disqualification of at least 5 years
Any other case <sup>20</sup>	Fine of up to \$1,500 or imprisonment of up to 6 months or both	Fine of up to \$3,000 or imprisonment of up to 1 year or both	Fine of \$2,000-\$10,000 or imprisonment of up to 1 year or both; disqualification of at least 2 years	Fine of \$5,000-\$20,000 <u>and</u> imprisonment of up to 2 years; disqualification of at least 5 years

<sup>17</sup> s 65(2) RTA

<sup>18</sup> s 65(3) RTA

<sup>19</sup> s 65(4) RTA

<sup>20</sup> s 65(5) RTA