

LOK SABHA

MOTOR VEHICLES (AMENDMENT) BILL, 2016

[As Introduced in Lok Sabha]

Notice of Amendments

Sl. No.	Name of the member and text of Amendment	Clause No.
SHRI NITIN GADKARI :		
1.	Page 1, line 1, for "Sixty-seventh", substitute "Sixty eighth".	Enacting Formula
2.	Page 1, line 3, for "2016", substitute "2017".	1
3.	Page 1, for lines 5 to 7, substitute— "in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision."	1
4.	Page 3, after line 9, insert— "Provided also that the licensing authority may, before issuing the license verify the identity of the applicant in such manner as may be prescribed by the Central Government".	4
5.	Page 3, for lines 25 to 27, substitute— 7. In section 11 of the principal Act,— (i) in sub-section (1), for the words "the licensing authority having jurisdiction in the area", the words "any licensing authority in the State" shall be substituted; (ii) in sub-section (2), the following proviso shall be inserted, namely:— "Provided that the licensing authority may, before issuing the license verify the identity of the applicant in such manner as may be prescribed by the Central Government."	7
6.	Page 4, for line 20, substitute— 'the words "either one year prior to date of its expiry or within one year" shall be'.	10
7.	Page 4, line 22, for "six months", substitute "one year".	10
8.	Page 4, line 25, for "six months", substitute "one year".	10
9.	Page 4, line 28, for "six months", substitute "one year".	10

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10.	Page 5, after line 37, insert— “(db) the manner in which a licensing authority may verify the identity of the applicant under the third proviso to subsection (6) of section 8;”.	14
11.	Page 5, after line 43, insert— “(jc) the manner in which a licensing authority may verify the identity of the applicant under the third proviso to sub-section (2) of section 11;”.	14
12.	Page 7, after line 25, insert— “Provided that the State Government may register a motor vehicle that plies, temporarily, within the State and issue a certificate of registration and registration mark for a period of one month in such manner as may be prescribed by the State Government.”.	17
13.	Page 8, line 34, for “2018”, substitute “2019”.	22
14.	Page 10, after line 41, insert— ‘26A. In section 65 of the principal Act, in sub-section (2), in clause (f), after the word “marks”, the words and figures “under proviso to section 43” shall be inserted.’.	26A (New)
15.	Page 14, line 4, for “shall”, substitute “may”.	34
16.	Page 16, after line 25, insert— “Provided that for the purposes of this sub-section, the National Highways Authority of India or any other agency authorised by the Central Government may seek assistance from the authorities of the State Government and the said State Government shall provide such assistance.”.	40
17.	Page 18, for lines 5 to 7, substitute— “(1A) The State Government may, in the interest of road safety, make rules for the purposes of regulating the activities and access of non-mechanically propelled vehicles and pedestrians to public places and national highways: Provided that in the case of national highways, such rules shall be framed in consultation with the National Highways Authority of India.”.	47
18.	Page 18, line 16, after Insurance Regulatory and Development Authority insert “of India”.	49
19.	Page 18, line 39, for “Government”, substitute “Government, the driver and any other co-worker on a transport vehicle”.	49
20.	Page 19, for lines 6 to 13, substitute— (2) The provisions of sub-section (1) shall not apply to any vehicle owned by the Central Government or a State Government and used for purposes not connected with any commercial enterprise.	49

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	<p>(3) The appropriate Government may, by order, exempt from the operation of sub-section (1), any vehicle owned by any of the following authorities, namely—</p> <p>(a) the Central Government or a State Government, if the vehicle is used for purposes connected with any commercial enterprise;</p> <p>(b) any local authority;</p> <p>(c) any State Transport Undertaking:</p> <p>Provided that no such order shall be made in relation to any such authority unless a fund has been established and is maintained by that authority in such manner as may be prescribed by appropriate Government.</p> <p><i>Explanation.</i>—For the purposes of this sub-section, "appropriate Government" means the Central Government or a State Government, as the case may be, and—</p> <p>(i) in relation to any corporation or company owned by the Central Government or any State Government, means the Central Government or that State Government;</p> <p>(ii) in relation to any corporation or company owned by the Central Government and one or more State Governments, means the Central Government;</p> <p>(iii) in relation to any other State Transport Undertaking or any local authority, means that Government which has control over that undertaking or authority.</p>	
21.	Page 19, <i>omit</i> lines 38 to 41.	49
22.	Page 19, for lines 48 to 51, <i>substitute</i> —	49
	“(4) Notwithstanding anything contained in this Act, a policy of Insurance issued before the commencement of the Motor Vehicles (Amendment) Act, 2017 shall be continued on the existing terms under the contract and the provisions of this Act shall apply as if this Act had not been amended by the said Act.”.	
23.	Page 20, line 21 <i>for</i> “either” <i>substitute</i> “either from claimant or”.	49
24.	Page 20, line 25, <i>for</i> “such time”, <i>substitute</i> “thirty days”.	49
25.	Page 21, line 17, <i>after</i> “disqualification” <i>insert</i> “or driving under the influence of alcohol or drugs as laid down in section 185”.	49
26.	Page 21, <i>omit</i> lines 46 to 48.	49
27.	Page 22, <i>omit</i> lines 1 to 5.	49
28.	Page 25, line 48, <i>for</i> “such time”, <i>substitute</i> “three months”.	49
29.	Page 26 lines 12 to 14, <i>for</i> “the General Insurance Council of India formed under section 9 of the said Act and the insurance companies for the time being carrying on general insurance business in India”, <i>substitute</i> “the Central Government”.	49

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30.	Page 26, <i>omit</i> lines 44 to 49.	49
31.	Page 27, <i>for</i> lines 5 and 6, <i>substitute</i> — “and the schemes made under this Act for treatment of road accident victims, including during the golden hour.”.	49
32.	Page 27, <i>for</i> lines 40 to 45, <i>substitute</i> — “hurt due to any accident arising out of the use of motor vehicle, a compensation, of a sum of five lakh rupees in case of death or of two and a half lakh rupees in case of grievous hurt to the legal heirs or the victim, as the case may be.”.	49
33.	Page 28, <i>omit</i> lines 9 to 16.	49
34.	Page 28, line 19, <i>omit</i> “a cess or tax or”.	49
35.	Page 28, after line 21, <i>insert</i> — “(ba) the balance of the fund created under scheme framed under section 163, as it stood immediately before the commencement of the Motor Vehicles (Amendment) Act, 2017;”.	49
36.	Page 28, <i>for</i> lines 27 to 34, <i>substitute</i> — “(a) treatment of the persons injured in road accidents in accordance with the scheme framed by the Central Government under section 162; (b) compensation to representatives of a person who died in hit and run motor accident in accordance with schemes framed under section 161; (c) compensation to a person grievously hurt in a hit and run motor accident in accordance with schemes framed under section 161;”.	49
37.	Page 29, <i>after</i> line 16, <i>insert</i> — “(11) Any scheme framed under sub-section (3) of section 161, as it stood immediately before the commencement of the Motor Vehicles (Amendment) Act, 2017, shall be discontinued and all rights and liabilities accruing there under shall be met out of the fund with effect from the date of commencement of this Act.”.	49
38.	Page 30, <i>after</i> line 2, <i>insert</i> — “(ia) administration of the fund established under sub-section (3) of section 146;”.	49
39.	Page 30, <i>omit</i> lines 5 and 6.	49
40.	Page 30, <i>omit</i> lines 19 and 20.	49
41.	Page 30, <i>omit</i> line 23.	49
42.	Page 30, <i>for</i> lines 24 and 25 <i>substitute</i> — “(v) the procedure for payment of compensation under sub-section (1) of section 164;”.	49

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43.	<p>Page 30, <i>after</i> line 44, <i>insert</i>—</p> <p>“(i) in sub section (1), after the proviso, the following proviso shall be inserted, namely:—</p> <p>“Provided further that where a person accepts compensation under section 164 in accordance with the procedure provided under section 149, his claims petition before the Claims Tribunal shall lapse.”.</p>	51
44.	<p>Page 30, <i>after</i> line 45, <i>insert</i>—</p> <p>“(ia) after sub-section (2), the following sub-section shall be inserted, namely—</p> <p>“(3) No application for compensation shall be entertained unless it is made within six months of the occurrence of the accident.”.</p>	51
45.	Page 35, line 9, <i>for</i> “one year”, <i>substitute</i> “six months”.	73
46.	Page 35, <i>omit</i> line 13.	73
47.	Page 35, line 16, <i>for</i> “twenty thousand rupees”, <i>substitute</i> “ten thousand rupees”.	73
48.	Page 35, line 32, after “whichever is higher”, <i>insert</i> “and with imprisonment for a term which shall not be less than six months but may extend to one year”.	74
49.	<p>Page 35, <i>for</i> lines 37 and 38, <i>substitute</i>—</p> <p>“punishable with imprisonment for a term which shall not be less than six months but may extend to one year and shall also be liable to fine equal to ten times the amount of annual road tax or two-third the lifetime tax of the motor vehicle.”.</p>	74
50.	Page 36, line 44, <i>for</i> “one thousand rupees”, <i>substitute</i> “two hundred rupees”.	77
51.	<p>Page 38, <i>after</i> line 4, <i>insert</i>—</p> <p>“81A. After section 198 of the principal Act, the following section shall be inserted, namely:—</p> <p>‘198A. (1) Any designated authority, contractor, consultant or concessionaire responsible for the design or construction or maintenance of the safety standards of the road shall follow such design, construction and maintenance standards, as may be prescribed by the Central Government from time to time.</p> <p>(2) Where failure on the part of the designated authority, contractor, consultant or concessionaire responsible under sub-section (1) to comply with standards for road design, construction and maintenance, results in death or disability, such authority or contractor or concessionaire shall be punishable with a fine which may extend to one lach rupees and the same shall be paid to the Fund constituted under section 164B.</p>	81A (New)
		Failure to comply with standards for road design, construction and maintenance.

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	<p>(3) For the purposes of sub section (2), the court shall in particular have regard to the following matters, namely:—</p> <p>(a) the characteristics of the road, and the nature and type of traffic which was reasonably expected to use it as per the design of road;</p> <p>(b) the standard of maintenance norms applicable for a road of that character and use by such traffic;</p> <p>(c) the state of repair in which road users would have expected to find the road;</p> <p>(d) whether the designated authority responsible for the maintenance of the road knew, or could reasonably have been expected to know, that the condition of the part of the road to which the action relates was likely to cause danger to the road users;</p> <p>(e) whether the designated authority responsible for the maintenance of the road could not reasonably have been expected to repair that part of the road before the cause of action arose;</p> <p>(f) whether adequate warning notices through road signs, of its condition had been displayed; and</p> <p>(g) such other matters as may be prescribed by the Central Government.</p> <p><i>Explanation.</i>—For the purposes of this section, the term “contractor” shall include sub-contractors and all such persons who are responsible for any stage in the design, construction, and maintenance of a stretch of road.”.</p>	
52.	Page 38, line 5, for “following section”, substitute “following sections”.	82
53.	Page 38, after line 35, insert—	82
	“199B. The fines provided in this Act shall increase by such amount not exceeding ten per cent. in value of the existing fines, on an annual basis on 1st day of April of each year from the date of commencement of the Motor Vehicles (Amendment) Act, 2017, as may be notified by the Central Government”.	Revision of fines.
54.	Page 40, after line 3, insert—	86
	<p>“210C. The Central Government may make rules for—</p> <p>(a) design, construction and maintenance standards for National highways;</p> <p>(b) such other factors as may be taken into account by the Court under sub-section (3) of section 198A;</p> <p>(c) any other matter which is, or has to be, prescribed by the Central Government.</p>	Power of Central Government to make rules.

Sl. No.	Name of the member and text of Amendment	Clause No.
	210D. The State Government may make les for design, construction and maintenance standards for roads other than national highways, and for any other matter which is, or may be, prescribed by the State Government.”.	Power of State Government to make rules.
55.	Page 41, line 3, for “person or groups of persons”, substitute public servant or public authority”.	89
56.	Page 41, line 4, for “person or group of persons”, substitute public servant or public authority”.	89
57.	Page 41, line 8, for “any person or groups of persons”, substitute “public servant or public authority”.	89
58.	Page 41, lines 8 and 9, for “person or group of persons”, substitute “public servant or public authority”.	89
59.	Page 41, after line 34, insert —	89
	“215D. (1) The Central Government shall, by notification in National the Official Gazette, constitute a National Road Safety Board consisting of a Chairman, such number of Board representatives from the State Governments, and such other members as it may consider necessary and on such terms and conditions as may be prescribed by the Central Government.	National Road Safety Board
	(2) The National Board shall render advice to the Central Government or State Government, as the case may be, on all aspects pertaining to road safety and traffic management including, but not limited to,—	
	(a) the standards of design, weight, construction, manufacturing process, operation and maintenance of motor vehicles and of safety equipment;	
	(b) the registration and licensing of motor vehicles;	
	(c) the formulation of standards for road safety, road infrastructure and control of traffic;	
	(d) the facilitation of safe and sustainable utilisation of road transport ecosystem;	
	(e) the promotion of new vehicle technology;	
	(f) the safety of vulnerable road users;	
	(g) programmes for educating and sensitizing drivers and other road users; and	
	(h) such other functions as may be prescribed by the Central Government from time to time.	
	215E. The Central Government may make rules—	
	(a) regarding terms and conditions of appointment of Chairman and members of the National Road Safety Board under sub-section (1) of section 215D;	Power of Central Government to make rules

<i>Sl. No.</i>	<i>Name of the member and text of Amendment</i>	<i>Clause No.</i>
	(b) other functions of the National Road Safety Board under sub-section (2) of section 215D;	
	(c) any other matter which is, or has to be, prescribed by the Central Government.”	
60.	Page 41, <i>after</i> line 34, <i>insert</i> —	90 (New)
	“90. In the principal Act, the Second Schedule shall be omitted.”.	Omission of Second Schedule.

NEW DELHI;
 April 5, 2017
 Chaitra 15, 1939 (Saka)

ANOOP MISHRA
 Secretary General

LOK SABHA

MOTOR VEHICLES (AMENDMENT) BILL, 2016

[As introduced in Lok Sabha]

Notice of Motions under Rule 388

Sl. No.	Name of Member and text of Motion	Clause No.
SHRI NITINGADKARI:		
61.	“That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 14* to the Motor Vehicles (Amendment) Bill, 2016 and that this amendment may be allowed to be moved.”	26A (New)
62.	“That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 51* to the Motor Vehicles (Amendment) Bill, 2016 and that this amendment may be allowed to be moved.”	81A (New)
63.	“That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 60* to the Motor Vehicles (Amendment) Bill, 2016 and that this amendment may be allowed to be moved.”	90 (New)

*Vide Amendments list No. 1 circulated on 5.4.2017.

NEW DELHI;
April 5, 2017

Chaitra 15, 1939 (Saka)

ANOOP MISHRA
Secretary General