

SAMOA**Arrangement of Provisions**

1. Short title and commencement
2. Section 2 amended
3. Section 37 amended
4. New section 38C inserted
5. Section 39A amended
6. Section 42 amended
7. Section 45 amended

2020, No. 10

AN ACT to amend the Road Traffic Ordinance 1960
(“principal Act”). *[20th March 2020]*

BE IT ENACTED by the Legislative Assembly of Samoa in
Parliament assembled as follows:

1. Short title and commencement:

This Act may be cited as the Road Traffic Amendment Act 2020 and commences on the date of assent by the Head of State.

2. Section 2 amended:

In section 2 of the principal Act, insert in its alphabetical order the following new definition:

““state motorcade” means a motor vehicle or a group of motor vehicles travelling together for the purposes of conveying Samoan or foreign state dignitaries or for any purposes approved by the Commissioner and escorted by police officers to ensure a safe and unimpeded journey for the motor vehicle or motor vehicles;”.

3. Section 37 amended:

In the *proviso* of section 37 of the principal Act, after “fire brigade,” insert “disaster and emergency situations for the purposes of the Disaster and Emergency Management Act 2007”.

4. New section 38C inserted:

After section 38B of the principal Act insert:

“38C. Street racing or loss of traction:

- (1) A person must not operate a vehicle on a road:

- (a) in a race or in an unnecessary exhibition of speed or acceleration; or
 - (b) in a manner that causes the vehicle to undergo sustained loss of traction.
- (2) A person who contravenes subsection (1) and by that act or omission causes an injury to any person:
 - (a) commits an offence and is liable upon conviction to imprisonment for a term not exceeding seven (7) years or to a fine not exceeding 200 penalty units; and
 - (b) the court must order the person to be disqualified from holding or obtaining a driving licence for one (1) year or more.
- (3) A person who contravenes subsection (1) and by that act or omission causes the death of any person:
 - (a) commits an offence and is liable upon conviction to imprisonment for a term not exceeding ten (10) years or to a fine not exceeding 250 penalty units; and

- (b) the court must order the person to be disqualified from holding or obtaining a driving licence for one (1) year or more.
- (4) A person who contravenes subsection (1) but does not, by that act or omission, cause injury to, or the death of any person:
 - (a) commits an offence and is liable upon conviction to imprisonment for a term not exceeding two (2) years or to a fine not exceeding 45 penalty units; and
 - (b) the court must order the person to be disqualified from holding or obtaining a driving licence for six (6) months or more.
- (5) Despite section 72D(1), if a police officer believes on reasonable grounds that a person has contravened this section, a police officer must seize and impound the vehicle under section 72D.
- (6) This section shall not apply in respect of any motor vehicle being used in any car show exhibition, as prescribed by Regulations.”.

5. Section 39A amended:

For section 39A of the principal Act substitute:

“39A. Negligent driving causing bodily injury or death:

- (1) A person must not drive or ride a vehicle on a road in a negligent or reckless manner.
- (2) A person who contravenes subsection (1) and by that act causes an injury to any person:
 - (a) commits an offence and is liable upon conviction to imprisonment for a term not exceeding seven (7) years or to a fine not exceeding 200 penalty units; and
 - (b) the court must order the person to be disqualified from holding or obtaining a driving licence for one (1) year or more.
- (3) A person who contravenes subsection (1) and by that act causes the death of any person:
 - (a) commits an offence and is liable upon conviction to imprisonment for a term not exceeding ten (10) years or to a fine not exceeding 250 penalty units; and
 - (b) the court must order the person to be disqualified from holding or obtaining a driver licence for one (1) year or more.”.

6. Section 42 amended:

In section 42 of the principal Act, after “dangerous driving” insert:

“street racing or loss of traction,”.

7. Section 45 amended:

After section 45(1)(q) of the principal Act, insert:

“(r) to give effect to the operation of state motorcades;

(s) to set conditions and standards for the operation of motor vehicles for the purpose of any car show exhibition.”.

The Road Traffic Amendment Act 2020 is administered
by the Ministry of Works, Transport and Infrastructure.

**Printed by the Clerk of the Legislative Assembly,
by authority of the Legislative Assembly.**