

LAWS OF SOUTH SUDAN

ROAD TRAFFIC AND SAFETY BILL, 2012

Draft (6)

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ROAD TRAFFIC AND SAFETY BILL, 2012

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LAWS OF SOUTH SUDAN

ROAD TRAFFIC AND SAFETY BILL, 2012

Inaccordance with the provisions of Article 55(3) (b), read together with the provisions of Article 85(1) of the Transitional Constitution of the Republic of South Sudan, 2011. The National Legislature, with the assent of the President of the Republic of South Sudan, hereby enacts the following-

CHAPTER I

PRELIMINARY PROVISIONS

1. Title and Commencement

This Bill may be cited as “Road Traffic and Safety Bill, 2012” and shall come into force on the date of its signature by the President.

2. Repeal and Saving

- (1) The Traffic Act, 2003 is hereby repealed, provided that all proceedings, orders, regulations appointments and decisions made under the repealed Act shall remain in force until repealed or amended in accordance with provisions of this Bill.

3. Purpose

The purpose of this Bill is to provide a regulatory framework for establishment of road traffic safety in South Sudan, including inspection, registration of vehicles, issuance of driving licences , other licences and prescribed offences relating to use of vehicles and any other related matters.

4. Authority and Application

- (1) This Bill is drafted inaccordance with provisions of Article 52 and with Schedule (A), paragraphs 39, 47 and 50 of the Transitional Constitution of the Republic of South Sudan 2011, which confers upon the National Government authority over types of activities provided for under this Bill.
- (2) This Bill shall apply throughout South Sudan on all matters related to road traffic and safety regulations.

5. Interpretation

In this Bill, unless the context otherwise requires:

“Animal” Includes cattles, horses, camels, mules, asses, sheeps, goats, pigs, dogs, cats and wildlife animals.

Approving Authority"	means the competent authority responsible for granting approval of public transport vehicle lane.
"Bicycle"	means any bicycle or tricycle not equipped with motor machine and moves by the energy of the rider.
“Bus “	means public service vehicle with a seating capacity for more than twenty five passengers and excluding the driver and conductor.
"Commercial Vehicle"	means motor vehicle registered and licensed by the respective competent registration and licensing authorities, which construct or adapt for the carriage of goods or loads of any description in connection with any trade, business or agriculture, but does not include any type or class of Motor Vehicle which the Registrar may by notice published in the gazette, declared not to be commercial vehicles for the purpose of this Bill.
“Competent Minister”	means national minister responsible for Roads and Bridges or minister responsible for Transport, as the case may be.
“Competent Ministry”	means national ministry responsible for Roads and Bridges or Transport, as the case may be.
“Council	means road traffic and safety coordinating council established under section 7 of this Bill.
“Traffic Lights”	include connected lights, road lights and driving lights which details shall be specified in regulations.
"Dealer"	means any person who deals by way of business in motor vehicles and trailers.
"Dealer General License"	means licence granted under this Bill to a Dealer.
“Driver”	means any person licenced to drive a vehicle on the road.
"Driving Licence"	means a licence to drive vehicle issued under this Bill and any document deemed to be a driving licence by any rules made under this Bill;
“Driving Test Examiner”	means any person assigned to be a driving test examiner.
“Director”	means director responsible for licencing of public vehicle in the Ministry of Transport.
“Directorate”	means Directorate of Roads Traffic in the National Ministry of Interior.

“Detection Equipment”	means any electronic or technological equipment for monitoring of traffic.
“Inspector General”	means Inspector General of South Sudan Police Service.
“Insurance Certificate”	means certificate issued by any licenced insurance company registered in South Sudan.
"Licencing Authority"	means competent licencing authority assigned to organize traffic lines and granting of driving and vehicles licences under this Bill.
“Log Book”	means an ownership document issued by registrar containing all relevant particulars of vehicle.
“Manufacturer”	means a manufacturer of motor vehicles and trailers.
“Mini-bus”	means public service vehicle for transportation passengers having seating accommodation for not more than twenty five passengers exclusive of driver
“Minister”	means minister responsible for Ministry of Interior.
“Ministry”	means Ministry of Interior.
"Motor Vehicle"	means any vehicle with exception of vehicles pulled by an animal or moving by energy of its rider, excluding railway vehicles.
"Motorcycle"	means a motor vehicle equipped with two or three wheels and not designed in form of vehicle and meant for transport of persons or things and may be connected with box, including special vehicle or persons with impediments and restricted to personal use.
"National Roads"	means national roads classified under the provisions of existing law.
"Owner”	means registered owner of a vehicle by relevant licencing registration authority under this Bill.
“Pedestrian”	means any person walking on road.
“Private Hire Vehicle”	means any public service vehicle for carrying not more eight passengers, excluding the driver, for cash.
"Public Transport Vehicle"	means any motor vehicle registered and licenced under this Bill to transport passengers for cash.

"Registrar"	means registrar in directorate in Ministry of Transport responsible for registration of government vehicles.
"Road"	means any road to which the general public has access, including bridges and railways over which the road passes, forecourt and parking place which are part of the road.
"Roads Authority"	means roads authority established under the existing road authority law.
"Road Lane"	means any lane which is part of the road with width that permits passing of traffic.
"Taxi"	means a special car for hire to transport members of the public for cash.
"Traffic Signs"	means any sign regulating traffic as may be determined in the regulations.
"Traffic Signals"	means any sign that is physical or electronic for regulating traffic.
"Tractor"	means any motor vehicle used for the purpose of hauling trailers and pulling of heavy machinery.
"Trailers"	means a truck or container with wheels that is pulled by another vehicle.
"Traffic Accident"	means an accident caused by a vehicle and resulted into death or injury or hurt or damage;
"Vehicle Plate"	means a plate of metal or plastic that uniquely identifies one vehicle from another by letters and numbers;

CHAPTER II
GUIDING PRINCIPLES

6. Guiding Principles

- (1) When driving a driver shall be alert and cautious to avoid causing damage, risk, obstruction or inconvenience to the traffic and other road users.
- (2) The creation and development of an effective management system shall focus on enhancement of road safety.
- (3) Driving is a privilege not a right and safety is a primary responsibility of all roads users which shall be a practicing norm and behaviour.
- (4) Road safety is a responsibility of all levels of government.

CHAPTER III
ROAD TRAFFIC AND SAFETY COUNCIL

7. Establishment, Structure and Composition of Council

- (1) There shall be established under this Bill a body to be known as road traffic and safety coordination council.
- (2) Seat of the Council shall be in the national capital but it may establish branches in the States.
- (3) The Council shall be established by resolution of Council of Ministers upon recommendation of Minister of Interior after agreement with Minister of Transport and Minister of Road and Bridges.
- (4) The Council shall be composed of the following:
 - (a) chairperson to be appointed by resolution of Council of Ministers on recommendation of Minister of Interior after agreement with Minister of Transport and Minister of Roads and Bridges provided that the chairperson shall be from one of the three ministries .
 - (b) two members each representing one of the two ministries other than which the chairperson has been appointed.
 - (c) ten members each representing one of the ten states.
- (5) The Council shall nominate a secretary from among its members for the conduct of its business.

- (6) The Council shall make rules for procedure of its meetings.
- (7) Remuneration of the chairperson and other members of the Council shall be determined by resolution of the Council of Ministers after consultation with Minister of Finance and Economic Planning.

8. Powers and Functions of Council

The Council shall have the following powers and functions:

- (a) approve general criteria for the culture of traffic safety awareness
- (b) coordinate efforts , formulate plans, policies, strategies and curriculum related to traffic safety;
- (c) formulate general policy to regulate traffic safety in conformity with the international standards, international, regional and bilateral agreements;
- (d) coordinate among the relevant institutions with respect to the traffic flow.

9. Eligibility for Appointment of Members Council(consultation to be made)

10. Tenure of Members of Council(consultation to be made)

- (a) a member of the Council shall hold office for a period of two years renewable once for the same period.fo
- (b) a Member of the Council may resign by submission of written resignation to the Council of Minister through the chairperson.
- (c) the Competent Minister as the case may be may remove any member of the Council from office for inability to perform the functions of his or her office or for any other cause, provided that such member represents the relevant Competent Ministry.
- (d) if any member of the Council is for any other reason, unable to exercise the powers or perform the duties of his or her office, the Competent Minister may appoint another person to be a temporary member of the Council during the absence or incapacity of that member.
- (e) if a member of the Council dies, resigns, removed from office or for any other reason, ceases to hold office, the Competent Minister shall appoint another person to take the place of that member and the person appointed shall hold office until expiration of the term of office of a member in whose place he or she is appointed.

CHAPTER IV

DIRECTORATE OF ROAD TRAFFIC

11. Establishment of Directorate of Roads Traffic

- (1) There shall be established a directorate of road traffic within Ministry of Interior and shall be headed by a director.
- (2) The Inspector General after consultation with the Minister shall assign a director to directorate of road traffic.
- (3) The director in consultation with Inspector General shall assign heads of the following units:
 - (a) Registrar;
 - (b) Licencing Authority;
 - (c) Vehicle Inspector and
 - (d) Driving lincence examiner.

12. Powers and Functions of Directorate

The directorate shall have the following powers and functions:

- a. control professional and technical performance of its units so as to attain good utilization of its resources and promotion of its technical and professional performance and safety of road users by periodical inspection.
- b. set plans ,programmes and how to implement such plans and programmes by continuous inspection and monitoring so as to attain the safety standard.
- c. undertake administrative and technical supervision of highways traffic operations in discharge of its duty inaccordance with paragraph (b) of this section.
- d. create channels of cooperation with local, regional and international organizations in field of traffic.
- e. regulate roads traffic and register public, commercial and private vehicles and issue driving licences.
- f. educate public about road safety measures.
- g. coordinate with the council on general policies related to traffic flow and road safety.
- h. implement policies of the council assigned to it.
- i. prepare plans ,research and recommendations for development of traffic system.
- j. prepare specialized and annual training programmes in the field of traffic.

- k. establish and develop school for training of traffic police personnel by providing necessary technical support for monitoring of public transport and schools buses.
- l. work to provide technical support that contribute to development in the field of traffic.
- m. coordinate with the Council and institutions of relevant ministries in the field of roads and bridges for attainment of specifications of traffic control and road safety.
- n. submit proposals for amendment of this Bill to Inspector General and set regulations and rules aiming for unification of traffic system and its development.
- o. collect data and information related to types of vehicles ,driving licences and traffic accidents and undertake study and analyse such data and information so as to prepare necessary measures to prevent traffic accidents.
- p. perform any other functions it may deem necessary for implementation of its powers and functions under this Bill.

CHAPTER V

REGISTRATION AND LICENCE OF VEHICLES

Registration of Vehicles

13. Registration

- (1) Government vehicles shall be registered by Competent Ministry, which has the relevant Directorate to be responsible for the registration of such vehicles. (more consultation is needed)
- (2) Diplomatic and non-governmental organization vehicle shall be registered by the Ministry in consultation with ministry responsible for foreign affairs and international cooperation.
- (3) Public, commercial and private vehicles shall be registered by the Ministry.
- (4) In case of foreign vehicle entering South Sudan for the purposes of tourism, visit or trade the Registrar shall:
 - (a) at the point of entry grant permit for use of such vehicle in South Sudan,
 - (b) the owner or user of foreign vehicle shall not dispose of such vehicle by sale or gift in South Sudan,
 - (c) in case of disposition of such foreign vehicle in South Sudan customs duty and taxes shall be collected.

14. Classification of Motor Vehicles

- (1) For purposes of registration, motor vehicles shall be classified as follows:
 - (a) Public vehicle (includes bus, mini bus, taxi or private hire vehicle).

- (b) Commercial vehicles.
- (c) Tractors.
- (d) Motor cars.
- (e) Motor cycles.
- (f) persons with special needs vehicles and
- (g) Heavy mechanical equipment vehicles.

(2) The vehicle mentioned in paragraph (f) of subsection (1) of this section shall be obtained and used with prior written authorization from the director.

15. Records of Vehicles

(1) The Registrar shall keep records of all motor vehicles registered in South Sudan, including the following:

- (a) type of vehicle;
- (b) type of fuel;
- (c) year of manufacturing;
- (d) number of chassis;
- (e) number of engine;
- (f) color of vehicle;
- (g) plate number;
- (h) purpose of use;
- (i) ownership data;
- (j) any other data determined by regulations.

(2) Vehicle records maintained by the Registrar shall be open for inspection by authorized persons.

16. Registration of Motor Vehicles

- (1) No person shall own a vehicle other than the vehicles mentioned in section 14 of this Bill.
- (2) Application for registration of any vehicle shall be made to the Registrar in prescribed form and payment of prescribed fees.
- (3) Before registration of any vehicle the Registrar shall verify all particulars of the vehicle, including the result of inspection, in prescribed form.
- (4) If an application is made for registration of any commercial vehicle or trailer in which manufacturer has not specified load capacity, the Registrar shall not register the vehicle or trailer until the vehicle inspector has determined its load capacity and the determination shall be final.
- (5) When the Registrar is satisfied with the accuracy of particulars of a vehicle he or she shall assign the vehicle a registration number to be the identification mark of such vehicle.
- (6) Upon registration of a vehicle the Registrar shall issue a vehicle licence to the owner.

- (7) If a vehicle licence is lost, destroyed, defaced or particulars thereon have become illegible the owner shall apply for a duplicate.
- (8) In the event of any change of circumstance which affects the accuracy of the registered particulars of any vehicle, the owner shall inform the Registrar of such change and forward the vehicle licence for purpose of effecting the change.
- (9) If it transpires to the Registrar that the purpose for which a vehicle has been registered is changed the Registrar shall be entitled to cancel the registration of such vehicle.

17. Inspection Fees

The owner of a vehicle subject of inspection shall pay the prescribed fees for such inspection.

18. Ownership of Vehicles

A person in whose name a vehicle is registered shall be deemed to be the owner, unless proved to the contrary.

19. Change of Ownership

- (1) A vehicle which ownership has been transferred shall not be used unless the new owner has registered the ownership with the Registrar.
- (2) Upon legitimate transfer of vehicle:
 - (a) The previous owner before the new owner take possession of the vehicle shall within seven days at most notify the Registrar in writing of the transfer, including the correct name and address of the new owner.
 - (b) If the previous owner fails to comply with paragraph (a) of this section the contract shall be considered void.
 - (c) The new owner shall register the vehicle in his or her name and pay the prescribed fees.

20. Import of Motor Vehicles

Any imported vehicle shall not be registered unless the importer is in possession of a valid licence or permit.

21. Licence Plate

Any vehicle shall not be used unless it has the following:

- (a) Identification plate on which the registration number is written
- (b) a readable identification plate displayed upon the vehicle on a permanent basis in front and rear.

(c) colour of the plate.

22. Production of vehicle licence

Any person driving a vehicle on road shall carry the vehicle licence of that vehicle and produce it to the police on request.

23. Compulsory Third Party Insurance

No person shall drive a vehicle unless it is insured at least against third party risk.

24. Application and Conditions for Issuance of Vehicle Licence

(1) Application for vehicle licence shall be made to the Registrar.

(2) The Registrar shall issue a vehicle licence only if he or she is satisfied that:

- (a) the particulars in the log book are correct;
- (b) the vehicle is at least insured against third party risks;
- (c) the vehicle complies with any other technical requirements as prescribed in the regulations.

(3) Before issuing a licence for any vehicle under subsection (2) of this section a vehicle inspector shall examine the vehicle and produce a valid inspection report that the vehicle complies with provisions of this Bill.

(4) In case of a vehicle in use inspection shall be carried out either for purpose of transfer of ownership or renewal of vehicle licence.

25. Form of Licence

Every vehicle licence shall be in the form prescribed in the regulations.

26. Fee and Duration of Licence

Every vehicle licence, other than dealers licence, shall be valid for the period specified only upon payment of the fee.

27. Road Licence

Road licence shall be displayed permanently, clearly and visibly in front on windscreen of vehicle to ensure that the licence is legible.

28. Duplicate Licence

If a vehicle licence is lost, defaced, mutilated or rendered illegible, the Registrar shall issue a duplicate on payment of the prescribed fee.

29. New Licence to be Applied for in Certain Circumstances

- (1) The holder of a vehicle licence shall apply for a new license where:
 - (a) he or she desires to use the Vehicle for any purpose not authorized by the licence or
 - (b) the vehicle is altered that a higher duty or a duty of a different class is required.
- (2) A new licence under this section shall not be issued until the old licence has been surrendered.

30. Dealer General Licence

- (1) The Registrar may issue to a dealer or an authorized repairer of vehicles one licence with five temporary plates. Such licence plates shall be affixed on vehicle visible location on the front and rear. Provided that motor cycle and tractor shall have only one licence plate affixed on the rear or front.
- (2) Subject to sections 27, 28, 29, 30 and 31 of this Bill and to any other conditions which may from time to time be prescribed, a holder of dealer general licence shall use the licence only in respect of vehicle in his or her possession.

31. Use of Dealer General Licence

A dealer general licence shall be used only for the vehicles:

- (a) proceeding to or returning from any inspection, examination or test as provided in this Bill,
- (b) proceeding from premises of a dealer to a railway station or wharf for the purpose of consignment or shipment or from a train or ship to the premises of a dealer,
- (c) on test or trial during or after repair,
- (d) on test or trial by or on behalf of an intending purchaser or for proceeding to or from the place where the purchaser intends to keep it,
- (e) proceeding to or from a public weighbridge for the purpose of its weight being ascertained or to or from a place for registration,
- (f) being exported to any territory in neighboring countries,
- (g) proceeding from the premises of a dealer to the premises of a purchaser or of another dealer,
- (h) proceeding to or returning from a workshop in which a body is to be or has been fitted or where it has been painted or repaired or
- (i) proceeding to or returning from an exhibition of vehicles.

- (1) A dealer general licence shall be issued in duplicate, one copy with the dealer and the other copy to remain in the vehicle to which it relates.

(2) One copy of the vehicle licence shall be produced for inspection when requested by any Police Personnel or Licensing Authority and shall be available for inspection at the place specified in the application for a Dealer General Licence. (to consult on the above yellowish points)

(3) No dealer licence holder shall deface, mutilate, obliterate or alter any record in his or her dealer general licence.

32. Duration of Dealer General Licence

(1) A dealer general licence shall be valid for one year from the date of its issuance subject to renewal.

(2) Any dealer general licence shall cease to be valid if the dealer ceases to carry on the business for which the licence was issued or fails to renew.

(3) When a dealer general licence expires or is revoked or otherwise ceases to be valid under this Bill the holder shall deliver to the Registrar the license plates that were issued to the holder with the general licence.

(4) Upon expiry of general licence the holder may retain the licence plates issued under a general licence if he or she obtains renewal of the general licence.

33. Revocation of Dealer General Licence

(1) In case of breach of any conditions of general licence the Registrar may revoke a dealer general licence for such breach.

(2) The Registrar shall in writing inform the dealer whose general licence has been revoked.

(3) A holder of dealer general licence who is aggrieved by the decision of the Registrar under this section may, within one month from the date of receipt of letter of revocation object against the revocation to the competent court.

34. Transfer of Dealer General Licence

A dealer general licence shall not be used for any purpose other than provided for in section 31 of this Bill nor be transferred or assigned to any other person without the explicit written consent of the Registrar.

CHAPTER VI

DRIVING LICENCES

35. Driving Licence

(1) No person shall drive a vehicle of any class on road unless he or she is a holder and in possession of a valid driving licence or a provisional driving licence.

- (2) The Registrar may permit alien having a valid driving licence to drive in South Sudan using his or her foreign driving licence for a period not exceeding ninety days.
- (3) No person owing or being in charge of a vehicle shall cause or permit any other person to drive such vehicle unless that person is a holder of a valid driving licence or provisional driving licence issued by the Registrar in respect of that class of vehicle.
- (4) The Registrar shall issue driving licence valid for a period of five years and upon expiry renew the driving licence for a period of five years.
- (5) In event of any change affecting accuracy of any particulars provided for under section 36 of this Bill which may operate to prevent issuance of driving licence the holder of the driving licence shall forthwith in writing inform the Registrar of such change.

36. Types of Driving Licences.

(1) Driving licences shall be of the following types:

- a. Provisional driving licence,
 - b. Private driving Licence;
 - c. General driving licence,
 - d. International driving licence,
 - e. Heavy vehicle driving licence,
 - f. Military vehicle driving licence
 - g. Government vehicle driving licence
 - h. Persons with special needs driving licence
 - i. Any other licence that may be determined by the directorate
- (2) Any driving licence issued in South Sudan shall be on the prescribed form and be valid for a period of five years with a permitted provisional period of fifteen days for its renewal.
 - (3) The Licencing Authority shall maintain regular records for all types of licences.
 - (4) The Licencing Authority may issue driving licence for persons with special needs on such conditions and guidelines to be determined in the regulations.

37. Conditions for Issuance of Provisional Driving Licence

- (1) The **Licencing Authority** shall issue a provisional driving license to an applicant who fulfils the conditions in paragraphs (a), (b) and (c) of section 38 of this Bill.
- (2) Provisional driving licence shall be valid for a period of three months only, and may be renewed for further periods on payment of the prescribed fee.
- (3) Any person holding a provisional driving licence shall comply with the conditions of the provisional driving licence.

38. Conditions for Issuance of Private Driving Licence

The **Licensing Authority** shall issue private driving licence to any person who fulfills the following conditions:

- a. be a holder of a provisional driving license for a period not less than three months;
- b. be not less than 18 years of age;
- c. be medically fit and
- d. has passed the prescribed tests prescribed by the regulations.

39. Conditions for Issuance of General Driving Licence

The **Licensing Authority** may issue the general driving licence to any person who fulfills the following conditions:

- a)has obtained a private driving licence for a period not less than three years;
- b) has attained the age of at least 21years;
- c) is medically fit;
- d)has not been convicted and his or her licence withdrawn as result of an offence related to traffic and
- e)has passed the prescribed tests as may be determined in the regulations;

40. Conditions for Issuance of Government or Military Driving Licence

Government or military driving licence may be issued to a person who has obtained private or general driving licence.

41. Conditions for issuance licence for Persons with Special Needs

The **Licensing Authority** may issue driving licence to persons with special needs who fulfill the following conditions:

- (a) be not less than 18 years of age;
- (b) be subject to medical examination to determine type of special needs for him or her to drive safely and
- (c) has passed the tests prescribed by the regulations.

42. Conditions for Issuance of Heavy Vehicle Driving Licence

The **Licensing Authority** shall issue driving licence for heavy vehicle exceeding three tons and not use for carrying passengers after the applicant has fulfilled the following conditions:

- a. he or she has obtained and used a private driving licence for a period not less than three years;
- b. has attained the age of twenty three years;
- c. is medically fit;
- d. has a clean driving record;
- e. has passed the tests prescribed by the regulations.

43. Application for Driving Licence

- (1) Application for **driving license** shall be made to the **licencing Authority** on the prescribed form signed by the applicant.
- (2) Any person holding a driving licence of any type of vehicle and desires to change or renew such licence shall apply to the **Licensing Authority** in the prescribed form signed by him or her.

44. Issuance of Driving Licences

- (1) A Private Driving License or Provisional Driving License shall only be issued to a person of eighteen years of age or above.
- (2) A Driving License or Provisional Driving License shall be approved in respect of Public Transport Vehicles and Commercial Vehicles only if:-
 - (a) The applicant is twenty-three years of age or above;
 - (b) has, for not less than three years, held a Driving License approved in respect of Motor Cars and,
 - (c) Has successfully passed a Driving Test as specified in the regulations in the use of such Vehicles.
- (3) Notwithstanding the provisions of subsections (1) and (2) above, any person who satisfies the Licensing Authority that he or she had before the commencement of this Bill, been in possession of a valid license authorizing him or her to drive a Motor Vehicle in South Sudan, be entitled to receive a license in respect of the same type or description of Vehicles which he or she is by such license authorized to drive.
- (4) If the applicant for a Driving License fails to produce his or her birth certificate, and it is not clear that the applicant is eighteen years of age or above, in the case of the private license, or twenty-three years of age or above, in the case of a license in respect of a Public Service Vehicle or Commercial Vehicle, the Licensing Authority shall refuse issuing of the driving license to the applicant, until he or she produces a valid birth or

assessment of age certificate, or secondary documentary evidence including a valid passport, identity card or nationality certificate.

45. Driving Tests

- (1) For the purposes of this Bill, Driving Tests shall be conducted by a Driving Test Examiner.
- (2) Driving Tests shall be carried out in such a manner as the Director may direct, and shall be a practical test of his or her:-
 - (a) knowledge of the rules of the road, including recognised Traffic Signs and road signals and;
 - (b) Fitness to drive a Vehicle of the class for which the license is required, including the safe and proper use of the Vehicle and the satisfactory completion of common maneuvers, such as reversing, parking, turns and emergency stops.
- (3) Notwithstanding the provisions of sub-section (2) above, No person shall undergo a Driving Test unless he or she has paid the prescribed fee

46. Conditions for Establishing Driving Schools

- (1) No person shall establish or administer any driving school for educating driving vehicles or exercising work in educating driving of vehicles unless he or she obtains a license from the Licensing Authority
- (2) For the purposes of this section the trainer of driving school shall be considered as a driver, and shall be individually responsible or collectively with the trainee for any contraventions of the provisions of this Bill, during the training.
- (3) The regulations may specify the training rules.

47. Issuance of Driving Licenses to Members of Armed Forces and Civil Service

- (1) Driving licenses for the Government or Military vehicles shall not be issued, unless the applicant possesses a valid private or general license
- (2) Notwithstanding the provisions of subsection (1) above, the Minister may make such appropriate and necessary rules and procedures related to special terms and conditions for the issuing of Driving Licenses to members of the armed forces and Civil Service, or any foreign force lawfully present in South Sudan for the purpose of driving Government or Military Vehicles while on duty, with or without payment of any fee.

48. International Driving License

- (1) Nobody shall be engaged in the issuance of the international driving licenses, except with the written approval of the Directorate;
- (2) International driving license may be granted, after the applicant fulfils the following conditions-
 - (a) Obtain a valid driving license
 - (b) Is of a good conduct and behavior
 - (c) Comply with such other conditions as may be required by the international driving license.

49. Production of Driving License on Demand

Any person driving a Motor Vehicle on a Road, shall carry his or her driving License and, on being required by a Police Personnel, produce it for examination.

50. Form of Driving Licenses

- (1) Driving Licenses shall be in the prescribed form, and the photograph of the license holder shall be affixed to each Driving License which shall be impressed with the official stamp of the Registrar.
- (2) No person shall use a mutilated or defaced Driving License
- (3) A Driving License issued pursuant to section 46 of this Bill, to any person suffering from any disease or disability, shall state all the restrictions and conditions required by the Licensing Authority, and the license shall not be valid unless such conditions or restrictions are fulfilled or complied with by the holder of the license.

51. Duplicate License

If a Driving License is lost, defaced or mutilated, the Registrar shall, upon application made in the prescribed form, and payment of the prescribed fee, issue to the holder a duplicate Driving License.

52. Revocation and Restoration of Driving Licenses

- (1) The Court may where it deems fit, revoke a driving license however that the Licensing Authority may revoke a license as prescribed by the regulations;
- (2) Where the Registrar has revoke a driving license under subsection (1) above, the owner of such license shall deliver his or her driving license to the Registrar ,who shall state on it the reason for its revocation;
- (3) Any person aggrieved by the revocation of a license under this section may, after serving the Registrar with the notice of his or her intention to appeal to the court, which shall, after considering the grounds for such revocation make such orders as it deems fit, and any order made, shall be binding on the Registrar.
- (4) The Registrar shall restore a Driving License revoked under subsection (1) above, to the person in question, under the following conditions:-
 - (a) In the case of a license revoked under subsection (1) above, if he or she satisfies the Registrar, by, means of a certificate from Competent South Sudan Medical Commission, that he or she does not suffer from any disease or physical disability likely to cause the driving by him or her of a Motor Vehicle, of the type of such driving license, in respect of which his or her license was issued, to be a source of danger to the public;
 - (b) A court has ordered the restoration of a license revoked under subsection (3) above; or,
 - (c) Where an applicant who has had his or her license revoked under this section, satisfied the Registrar that his or her character has changed, that he or she is unlikely to re-offend, the Registrar may, where sufficient evidence exists, order the restoration of the revoked Driving License.
 - (d) Whenever the driving licence of any person is suspended or revoked, the Licensing Authority may on application after the suspension or revocation period by the person whose licence is suspended or revoked reinstate to the applicant his or her driving licence. (to move to revocation)

CHAPTER VII

RULES OF TRAFFIC FLOW ON THE ROAD

53. Traffic Standards and Rules

All different levels of Governance shall comply with the traffic safety policies and rules, determine by this Bill and the regulations.

54. Rules Governing Flow of Vehicles on the Road

- (1) Every vehicle passing on the road, shall have a valid license and plates numbers issued in accordance with provisions of this Bill;
- (2) No person shall drive a vehicle without license or permit any other person to drive such a vehicle;
- (3) The license of the vehicle shall be valid for a period of twelve months;
- (4) Every owner of the vehicle who fails to license the vehicle, after the expiry of the license validity, shall deliver the plate number to the Licensing Authority;
- (5) Any motor vehicle imported by a tourist or any person temporarily on transit South Sudan for a period not exceeding ninety days shall be exempted from the application of the provisions of this section, provided that :-
 - (a) The vehicle Possess valid license
 - (b) The driver possess a valid driving license
 - (c) Be insured against third party, after conducting technical examination thereof;

55. System of Driving on the Road

- (1) The driver of any vehicle shall concentrate and adhere to keep right on the road and not overpass the vehicles in the same direction, except on the left side as specified by the regulations.
- (2) The pedestrians and the drivers of all vehicles shall adhere to the rules and ethics of traffic and comply with its signs, signals and obey orders of the Police Personnel.
- (3) To give priority to allow vehicles of police, ambulance, fire brigade and other emergencies, where alerting instruments are use and shall park on the extreme right side of the road.

56. Driving Motor Cycle

- (1) The rider of the motor cycle shall wear a helmet while riding
- (2) The rider of motorcycle shall not carry any person where the motorcycle is not equipped with side seat.
- (3) The rider of motorcycle shall not carry a size that exceeds his or her size or any load that may affect the balancing of the motorcycle.

57. Restrictions on Riding Bicycles

- (1) No person shall carry on a bicycle a load that exceed its size or the manner in which it is carried is likely to be a danger to other persons using the road.
- (2) Any person who contravenes the provisions of this section shall be guilty of an offence and liable to a fine not exceeding one hundred and fifty South Sudanese Pounds or imprisonment for a period not exceeding one month.
- (3) Notwithstanding the provisions of the subsections above, no rider of a bicycle shall:-
 - a. Ride on the side pedestrians or tarmac or pedestrians paths or blockages;

- b. Ride side by side with any other person riding bicycle;
- c. Withdraw both hands from the handle of the bicycle;
- d. Riding in the manner other than the sitting on the seat of the bicycle with leg open;
- e. Carry any other person on the bicycle; however an adult rider of the bicycle may carry a child in the front.

58. Reckless Driving

- (1) No person shall drive a Motor Vehicle on the road recklessly, or at speed, or in the manner which may endanger the user of the road, and shall pay attention at all circumstances including the nature of the road, system and situation of driving, and its use and the real and potential size of traffic flow.
- (2) Any person, who contravenes the provisions of this section, shall be arrested without warrant of arrest.
- (3) Where a person is convicted of aiding, abetting, counseling, procuring or inciting the commission of an offence under this section, and it is proved that he or she was present in the vehicle at the time, the offence of which he or she is convicted shall, for the purpose of the provisions of this Bill, relating to disqualification for holding or obtaining Driving Licenses, be deemed to be an offence in connection with the driving of a Motor Vehicle.

59. Driving vehicle in dangerous situation

- (1) No any person shall drive a motor vehicle, and no owner or hirer of a motor vehicle shall intentionally or negligently permit it to be driven if its height on the ground exceeds the prescribed limit in accordance with the following:-
 - a. Public Transport Vehicles for passagers (Buses)
 - (i) The maximum limit for the height of its seats (6 feet) is prescribed by the regulations;
 - (ii) the maximum limit for the height for the total height of the vehicle (20 feet is prescribed by the regulations
 - b. Any vehicle which its loads is 5 tons and not exceeding 10 tons, the maximum limits of its total height shall be (16 feet) and not exceeding the weight or height limits as prescribed by the regulations.
 - c. Any other vehicle which its load is three tons and not exceeding five tons the maximum limit for its total height shall be fourteen (14) feet;
 - d. Any other vehicle which its load is not exceeding three (3) tons the maximum limit for its total height shall be nine (9) feets and six (6) inches;

- (2) If it is probably by virtue of its situation or load, which may expose it to danger, or expose the safety of its passenger to danger, or any other traffic flow, or the user of the road or cause damage to the road.
- (3) In the situations where the necessity requires the exceeding of the height and width of the vehicles, or the prescribed capacity of the load, under this section, the approval by the Licensing Authority shall be obtained, before being driven on the road.
- (4) The traffic police before permitting the vehicle to be driven, shall confirm that the vehicle is equipped with day and night alerting signs, which determine the height and width, and shall determine the lane and time of its movement, and shall assume it's company, and open the road for its use, when deemed necessary.

60. Congestion of Passengers in Public Transport Vehicles

- (1) The driver or the fare collector of the public transport or co-transport shall not carry passengers more than the number approved thereof.
- (2) No person shall be permitted to board a vehicle, which its approved number of passengers has been completed.

61. Limitation of Loads

- (1) No vehicle on used on the road shall carry a load, that exceed the load specified by the manufacturer of the chassis of the vehicle or exceed the load capacity prescribed by the Inspector of Vehicles provided under this Bill;
- (2) No vehicle on used on the road shall be loaded in such a manner which may endanger the safety of any other persons using the road or to persons traveling on the vehicle; and the falling down from the vehicle of any loaded material or goods from the vehicle, shall be considered to be prima facie evidence that the vehicle was loaded in a dangerous manner until the contrary is proved to the satisfaction of the court.
- (3) For the purpose of this section, persons traveling on a vehicle shall be deemed to be part of the load.

62. Power of Road Blocking

- (1) The Governor of the State, or the Licensing Authority as the case may be, may prohibit the usage of any road or part of that road which located within the border of his or her State, for all the vehicles or any type of vehicles, and may also restrict the load of any vehicle, and determine entrance or exit corridors for the vehicle in the State.
- (2) The notice of prohibition shall be clearly displayed along the blocked road as described.

- (3) No any person shall drive or permit any vehicle to be driven on the blocked road for use, except after obtaining a written approval from the Competent Traffic Police Division.

63. Local Speed Limit

- (1) The Governor of the State may, pursuant to the recommendation of the Licensing Authority specify the speed of motor vehicles on any road within his or her State.
- (2) The notice of the speed limit shall be published locally, and the sign of the speed limit shall be displayed in a visible place on the road.
- (3) No person shall drive or permit a vehicle to be driven with the speed that exceed the specified speed on such road;
- (4) The provisions of subsection (3) above shall not be applicable to the police, fire brigades, ambulances and emergency vehicles, where discharging its emergency duties, provided that it uses the cyron.

64. Vehicles Race, Pace Making and Speed Trials

- (1) No person shall organize or administer vehicles race without prior approval from the Licensing Authority;
- (2) The Licensing Authority shall not be liable for any damage or injury to persons or partial damage of the properties as a result of the race, which has been approved by the Licensing Authority, provided that the organizing or administering person of the race shall not be exempted from the liability.
- (3) A person convicted of an offence under this section shall, unless the court for special reasons deems fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of conviction for holding or obtaining a Driving License.
- (4) The motor vehicles participating in the race shall be ensured comprehensively

65. Lighting

- (1) No person shall drive a vehicle at the time that commences after the sunset by half an hour, and expires before sunrise by half an hour, or where the vision is unclear cause by bad weather during day hours, unless the vehicle is equipped with indicating lights under the following:-
 - (a) On both sides of the front part of the vehicle, a lights arraying a whitish bright, which may be seen from a reasonable distance at the direction of the vehicle lane.
 - (b) on the left and right side of the rear part of the vehicle, and on the right side and on the right hand of the side trailer a light arraying read, which may be read from a reasonable distance in the opposite direction of the lane of the vehicle, and also a white light reflecting on the rear number plate, which may be read from reasonable distance.
 - (c) Separated light signals to be used for attention at the roundabout, and the deviation for different directions.

- (d) Indicator lights located on the front and rear of the vehicle to draw attention for right or left turns.
- (2) All motor vehicles or bicycle shall carry the following lights:-
- (a) An identical lamp described under subsection (1) above, in front of the motorcycle or bicycle, and the lamp in all situation be fixed on the cycle;
 - (b) An identical lamp described under subsection (1) above, and rear side on the motorcycle or bicycle, and the lamp on the motorcycle shall exceed the one on the bicycle where it is equipped with rear reflector.
- (3) All motorcycles with side trailers, shall carry the lights described under subsection (2) above, and carry in addition to the lamp on the side of the trailer, white bright light arraying for a reasonable distance in the direction of the vehicle lane.
- (4) No motor vehicle with the exception of ordinary bicycle, shall use lights or to equip with electrical lights, that drip its power direct from the rolling of the wheels.
- (5) Drivers of motor vehicles shall not use the brighter driving lights in the following situations:-
- (a) In the populated Sites, where the road are sufficiently lighted;
 - (b) In the situation where a vehicle is stopped or awaited;
 - (c) Where the vehicle face other vehicle;
 - (d) In all situations where the drivers may not use brighter lights on the users of the road.
- (6) The driver of a vehicle may light the brighter driving lights in a separated manner, for notifying another driver of a vehicle moving in front in the same direction, at the short distance, of his or her desire to overtake.
- (7) Drivers of vehicles that are pull by animals shall use white light in the front of the vehicle red light at its rear while moving at night, when need requires.
- (8) Every driver of a vehicle that stops on the road which is not equipped with general lighting during the night or in the day, where the vision is unclear cause, by bad weather, shall leave on the red light or reflector in the rear of the vehicle for cautioning the users of the road of its presence on the road.
- (9) No light shall be fixed in the front of the vehicle, with the exception of the white light in the ordinary situations or yellow in the situation where the vision is unclear.
- (10) A driver of a vehicle shall exert his or her efforts reasonably to adjust the driving light and the road light to the right side of the road a little bit.

66. Traffic Signs, Alerting Sounds and Signals

- (1) The Driver of a vehicle shall at all times comply-
 - (a) With all directions indicated on any stand sign or design on the road by the Licensing Authority;
 - (b) With any sign or signal to stop, requested by Police Personnel in the official uniform, authorized to regulate traffic on the road;
 - (c) With traffic light signal or any other independent traffic signal;
 - (d) With any sign given by any person in charge of any cattle raises his or her hand or in any manner that gives a signal to stop, the driver of the vehicle shall stop forthwith his or her vehicle, and keep it stationary as may be reasonably necessary.
- (2) Any person who contravenes or fails to comply with any of the provisions of this section, commits an offence and upon first conviction, shall be liable to a fine not exceeding three hundred (300) South Sudanese Pounds or to imprisonment for a period not exceeding three months or both, and on each subsequent conviction, to a fine not exceeding six hundred (600) South Sudanese Pounds or to imprisonment for a period not exceeding six months or both.
- (3) No person shall drive a motor vehicle, unless such a motor vehicle is equipped with sound alerting system, or any other equipment that sends sufficient alerting ringing sound.
- (4) No person shall use any sound alerting system, or any other equipment between mid night and half past five in the morning (from 12:00 pm to – 5:30 am), and shall not use any of them at other times except for necessity.
- (5) A driver of vehicle shall be prohibited, unless extremely necessity necessitate, with respect to the traffic flow, to use sound alerting system in the following situations:-
 - a. Near the hospitals, schools and worshipping places;
 - b. When the vehicle stopped;
 - c. On continues basis and without justification;
 - d. At times and places to be determined by the Licensing Authority;
 - e. For requesting persons or draw attention;
- (6) No airing or singing alerting equipment shall be used;
- (7) No lighting or sound alerting systems used by the police, ambulance, fire brigade and emergency vehicles, or any other similar sound or light thereof, shall be used or fixed on any motor vehicle;
- (8) No person shall drive a vehicle on the road, unless the vehicle is equipped with sound silencer of the exhausting pipe, sufficient for the purpose and fit for use, and shall not produce thick smoke or irritating smell or leaking inflammable substance or detrimental to the public health, and no any system that may produce disturbing sounds shall be fixed thereon.

67. Brakes.

No person shall drive a vehicle, unless it is equipped with foot and+ hand break in good condition, which may stop a vehicle at a reasonable distance.

CHAPTER VIII

PARKING SITES

68. Power to make Parking Sites

- (1) The Competent Local Government Authority may establish such appropriate and necessary parking Sites, as may be prescribed in the regulations and rules to be issued by the Competent Authority, in accordance with the provisions of this Bill.
- (2) Notwithstanding the generality of the provisions of subsection (1) above, the Competent Authority may:-
 - (a) Designate parking Sites on roads, within its area of jurisdiction for Vehicles or Vehicles of any particular class or description, having regard to both the interest of traffic and the interest of owners and occupiers of adjoining property;
 - (b) Prescribe the manner in which Vehicles shall stand in or be driven into or out of the designated parking Sites;
 - (c) Provide that a Vehicle may not be left continuously in the designated parking Sites for longer than a specified period;
 - (d) Provide that a Vehicle which has been taken away from the space in which it was left in the designated parking place shall not again be left in that designated parking place until after the expiration of such interval as may be prescribed;
 - (e) Empower a police personnel or any specified person to effect the moving, in case of emergency, of Vehicles left in a designated parking place, or the moving of Vehicles left in a designated parking place in contravention of this Chapter or any by-law made thereunder, to suspend the use of a parking place or any part thereof when expedient and to provide for the temporary removal of a parking meter;
 - (f) Provide for the reservation of spaces in a parking place for the exclusive use of ministers, undersecretaries of ministries and heads of diplomatic missions;
 - (g) Provide for the removal from a parking place and the safe custody of any Vehicle in respect of which any requirement of this

Chapter has been contravened in relation to a parking place and for the recovery of the cost of removal and safe custody;

- (h) Prohibiting or restricting the carrying on of trade or other activities or the doing of any other thing within a designated parking place;
 - (i) Prescribe anything that under this Chapter may be prescribed; or,
 - (j) Make such incidental or consequential provisions as appears to the Local Government to be a requisite for the purpose of the satisfactory operation of a parking place or for giving effect to the provisions and purposes of this Chapter; and,
 - (k) Impose charges for the use of parking Sites provided and provide penalties for the contravention of the by-laws.
- (3) The procedures for making approvals for the construction of parking Sites, referred under the provisions of subsection (2) above, including the enforcement and disposal of fines enforce for the contravention of such procedures, shall be prescribed in the regulations by the Competent Local Government Authority, to be issued in accordance with the provisions of this Bill.
- (4) Notwithstanding the provisions of the preceding subsections, the regulations may provide the use of clamps on motor vehicle park in Sites other than designated for parking.

69. Exemption from Liability

The Competent Local Authority in exercise of powers provided under the provisions of this Chapter shall not be liable, in respect of any loss or damage to any Vehicle, or to the contents or fittings thereof.

70. Parking of Vehicles Carrying Explosive or Petroleum Substances

- (1) No Vehicle carrying explosive ammunition, petroleum or any inflammable substance shall remain parked for more than fifteen minutes within a city, Town or village except:
- (a) When unloading or;
 - (b) In an area designated by local authority for parking of such vehicles.
- (2) Any person who contravenes the provisions of subsection (1) above, commits an offence, and upon conviction shall be liable to penalties to be prescribed in the regulations.

CHAPTER IX

ACCIDENTS

71. Duties of Drivers in the Situation of Accidents.

- (1) When a traffic accident occurred on the road, that causes damage or injury to any person or vehicle or animal or damage properties, the driver of a vehicle shall stop and:-
 - (a) Render necessary assistance for any injured person or animal.
 - (b) Provide his or her name and address when required from him or her by any police personnel or authorized person, shall provide the name and address of the owner of a vehicle;
 - (c) Report the accident to the Public Attorney or the Police forthwith, and where no Police Personnel is present at the scene of the accident;
 - (d) Maintain to reserve the scene of the accident as possible;
 - (e) Prohibit the driver or owner of any vehicle or the owner of a garage to maintain any damage on any vehicle, unless after the written approval of the Licensing Authority;
 - (f) Where the Driver does not stop as required by subsection (1) for fear of his or her safety, he or she shall immediately report the accident to the nearest police station.
 - (g) Whenever the Driver of the Motor Vehicle is physically incapable of giving immediate report of an accident as required by paragraph (c) above, and:-
 - (i) There is an accompanying person in the same Motor Vehicle, at the time of the accident capable of reporting, or
 - (ii) After the knowledge of the owner of the vehicle involved in the accident, the accompanying person in the motor vehicle at the time of accident or the owner of the motor vehicle involved in the accident, as the case may be, shall report the particulars of the accident to the Public Attorney or Police Station.
 - (h) Upon the examination of Police Personnel of the motor vehicle involved in the accident, and thereafter with the opinion that its condition is not fit and safe for use on the road, the Police Personnel may remove the plates number of such vehicle and deliver them to the Licensing Authority;
 - (i) A motor vehicle, from which the registration plates number have been removed under paragraph (h) above, shall not thereafter be driven under its own motive power on the road, until it has been tested and granted a certificate of fitness by the inspector of vehicles, and the Licensing Authority is satisfied that the license plates may be reissued to the owner of the vehicle;

- (j) Any person who fails to comply with any provisions of this section, commits an offence and upon conviction shall be liable to a fine of not less than five hundred South Sudanese Pounds (SSP 500), or to imprisonment for a period not exceeding three months or both;

72. Inspection of Vehicles Involved in Accident

Where an accident occurs out in the presence of a Motor Vehicle on a Road, any police personnel may inspect any Vehicle in connection with such an accident, and for that purpose may enter at any reasonable time any premises where the Vehicle, is, and if any person obstructs such police personnel in the performance of his or her duty under this section, commits an offence, and upon conviction shall be punishable in accordance with the provisions of section 98 of this Bill.

CHAPTER X

PUBLIC TRANSPORT VEHICLES

73. Public Transport Vehicles to be Licensed

No person shall own or Drive or be in charge of any Public Transport Vehicle on a Road, unless after being issued with the Public Transport Vehicle License, by the Competent Licensing Authority, in accordance with the provisions of this Bill.

74. Application for Public Transport Vehicle License

- (1) Application for the Licensing Authority of any Motor Vehicle as a Public Transport Vehicle, shall be made by the registered Owner of the Vehicle.
- (2) An application under subsection (1) above, shall be made to a Competent Licensing Authority in the prescribed form and manner.
- (3) No Public Transport Vehicle license shall be issued in respect of any Motor Vehicle except:-
 - (a) to the registered Owner of such Vehicle;
 - (b) is not registered and licensed under Chapter (V) of this Bill;
 - (c) it complies with the provisions of this Bill, as to construction, equipment and use;
 - (d) is intended to be used as mini-Bus, provided that the owner of such Vehicle is in possession of a valid license issued in accordance with the provisions of Chapter (V) of this Bill, and such a vehicle complies with any conditions attached to such license;
 - (e) is intended to be used as a Taxi, provided that such Vehicle has been registered as a Taxi under any by-laws in force in any municipality, town or county Council;

- (f) a certificate authorizing the issuance of such a license is granted to the applicant by traffic police officer-in-charge, who shall certify that the applicant is fit and eligible to hold such a license;
- (g) has not been previously licensed or the construction of which has been altered or modified in any way since it was last licensed and is intended to be used as an minibus provided that the Owner of the Vehicle has obtained in respect thereof a certificate of fitness in the prescribed form signed by the Inspector and upon payment of the prescribed fee;
- (h) is intended to be used as Public Transport Vehicle and has been inspected by an Inspector, and has complied with the provisions of this Bill, in regard to its use.

75. Issuance and Conditions of Public Transport Vehicle License

- (1) The Licensing Authority, when satisfied that the provisions of section 78 (3) above, have been complied with, shall upon payment of the prescribed fee issue such License.
- (2) Public Transport Vehicle license, shall be issued for such period as may be prescribed; provided that where a period is prescribed, a license issued before the prescribed period, shall not be invalid on the ground that the period for its issuance differs from the prescribed period.
- (3) Where any Public Transport Vehicle license is revoked or withdrawn for any reason during the period of its validity, no refund of license fee shall be made in respect of the unexpired period of the license.
- (4) Every license issued under this section, shall be carried on the Vehicle to which it relates in the prescribed manner.
- (5) A Public Transport Vehicle license shall not be transferred or assigned to any other person or Vehicle.
- (6) Whenever the holder of any Public Transport Vehicle license ceases to be the Owner of the Vehicle specified in the license, he or she shall forthwith return the license to the respective Registrar and the Vehicle shall from the date of such change of ownership cease to be licensed as a Public Transport Vehicle.
- (7) If any Public Transport Vehicle license is lost or illegible, the Owner of the Vehicle to which such license relates shall where the license is illegible forthwith apply to the respective Registrar in the prescribed form for a duplicate thereof and shall return it to the respective Registrar; who shall, upon payment of the prescribed fee issue a duplicate license.

76. Passengers and Load

- (1) Regulations shall provide the approved maximum number of passengers, or the maximum weight of luggages or goods to be carried on the Public Transport Vehicle, provided that the manufacturing, fabricating, seating capacity and weight of the vehicle shall be taken into consideration thereof.

(2) where in the opinion of a police personnel that the provisions of subsection (1) above, is being contravened, he or she may order:-

- (a) any person who appears to him or her to be an extra passenger off the Public Transport Vehicle; or
- (b) the Driver or Conductor or Owner of the Public Transport Vehicle to remove any extra baggage or goods from the Public Transport Vehicle.

(3) For the purposes of this section:-

- (a) a child who is under the apparent age of five years and who does not occupy a seat shall not be counted as an extra passenger;
- (b) any two children each of whom is over the apparent age of five years and under the apparent age of twelve years shall count as one passenger.

77. Refund of Paid Fare

Where at any place the Public Transport Vehicle on its scheduled trip, is late by reasonable timeframe to the relevant timetable of its ordinary trip, owing to a breakdown or any fault or neglect of the Owner or his or her servants or agents, any passenger who has paid his or her fare may elect to alight from the Public Transport Vehicle and recover that proportion of the fare paid by him or her in respect of the uncompleted portion of his or her trip.

78. Organization of Public Transport Vehicles

- (1) No private or hire vehicle shall be permitted to operate or assume the duties of Public Transport vehicle, to Ply for Hire on any taxi rank, Road, car park or other public place.
- (2) No person shall own, drive or be in charge of any Taxi unless such vehicle is painted, in such color or colors or is permanently marked in such manner as may be prescribed by appropriate regulation, no any vehicle, other than a Taxi, shall be painted or marked in the manner prescribed for a Taxi.
- (3) The Road Authority may, after consultation with the traffic police officer in charge in the area concerned, appoint stopping places where Public Transport Vehicles may set down and pick up passengers, and no Driver of any minibus shall stop his or her vehicle to the specified places for setting down or pick up passengers on any road where stopping places have been provided other than at such stopping places.
- (4) No person shall drive or permit to be used a Public Transport Vehicle in a dirty or neglected condition.

79. Touting

No person shall for the purpose of obtaining passengers for any Public Transport Vehicle, make any noise or sound any instrument or do anything that causes or is

likely to cause annoyance, inconvenience or danger to the public and other users of the roads.

CHAPTER XI

VEHICLE INSPECTION

80. Inspection of Vehicles

- (1) any traffic police officer shall at any time stop any vehicle on the road, and for purposes of the compliance with the provisions of this Bill, any police officer, or Licensing Authority or Vehicle Inspector, may: -
 - (a) enter any vehicle
 - (b) drive any vehicle or cause any vehicle to be driven
 - (c) Upon reasonable suspicion of any offence under this Bill, order and require the owner or driver of any vehicle to bring the vehicle to him or her.
- (2) Any person, who fails to comply with any instruction or order given under this section, commits an offence and upon conviction shall be punishable with the fine not exceeding one hundred South Sudanese Pounds (SSP 100) or imprisonment for a period not exceeding one month or both.

81. Condition of Vehicles

- (1) No vehicle shall be used on a road unless such vehicle and all parts and equipment thereon, including lights and tires, comply with the requirements of this Bill, and such parts and equipment shall at all times be maintained in such a condition that the driving of the vehicle is not likely to be a danger to other users of the road or to persons traveling on the vehicle.
- (2) No Motor Vehicle with weight or dimensions of which laden or un-laden exceeds the maximum weight or dimensions provided for such vehicles by rules made under this Bill, shall be used on a road.

82. Removal of Vehicles from Roads

- (1) Where any vehicle is found in use on a Road in contravention of the provisions of this Bill, or where any vehicle has been left on any road or in other public places in such circumstances as to make it appear that such vehicle has been abandoned, or such vehicle shall be removed to a place of safety, or where any vehicle has been left on a road in a position that causes or is likely to cause danger to other road users and the owner or Driver cannot readily be found, the traffic police personnel, or any inspector of vehicle shall take the vehicle or cause it to be taken to a police station or other place of safety by such method, route and under such conditions as he or she may consider necessary having regard to all the circumstances of the situation.
- (2) Where under subsection (1) above, it is considered necessary to have a vehicle towed,

transported, driven or otherwise removed, or where it is considered necessary to carry out emergency repairs or to adjust, or off-load any part of the load of such vehicle, any expense incurred thereby shall be payable by the owner of the vehicle, and no such vehicle shall be released from the police station or other place of safety until either:-

- (a) Such expenses have been paid to the person to whom they are due or
 - (b) Such person certifies in writing that he or she is willing to allow the vehicle to be removed before he or she receives such expenses due to him or her.
- (3) A police personnel or inspector who orders the removal of a vehicle under this section, shall not be held liable for any damage to or loss of any item from such vehicle during its removal to or detention at a police station or other place of safety.
 - (4) Any police officer, Licensing Authority or Vehicle Inspector if he or she is of the opinion that any vehicle is being used in contravention of section 67 or 68 or in contravention of any rules relating to the construction, use and equipment of vehicles may by order prohibit the use of such vehicle, under such conditions and for such purposes as he or she may consider necessary for the safety of the public or to ensure that such does comply with provisions of Section. 67 or 68 and any such order shall remain in force until the repairs specified therein have satisfactorily completed and the vehicle has been certified as complying with the rules relating to construction, use, equipment and weight.
 - (5) Where a police officer, Licensing Authority or Vehicle Inspector makes an order under subsection (4) above, he or she may remove the vehicle license plates, and the vehicle license, and if he or she does it shall deliver them to the respective Registrar to be kept while that order remains in force.
 - (6) Any person, who permits the use of or drives any vehicle in respect of which any prohibition or restriction is in force other than in conformity with any conditions or for such purpose as may be specified, commits an offence and upon conviction shall be punishable in accordance with the provisions of subsection (9) below, of this Bill.
 - (7) Any order issued under this section shall be in writing.
 - (8) Where any vehicle is required to be examined and tested for the purpose of being certified as complying with the provisions of this Bill, the fee shall be paid, by the owner of the vehicle.
 - (9) Any person, who fails to comply with any instruction or order given under this section commits an offence and upon conviction shall be punishable with a fine not exceeding one hundred South Sudanese Pounds (SSP 100) or imprisonment of a period not exceeding one month or both.

83. Detention of Vehicles

any police officer shall be empowered to detain at a police station or other place of safety any vehicle which has been removed from a road or other public place under this Bill, until such inquiries have been made by the police as they may deem necessary in the circumstances of the case.

84. Certificate of Vehicle Inspection as Evidence

- (1) If in any proceedings under this Bill any question arises as to whether a vehicle does or does not comply with any provisions of this Bill, the certificate of an Inspector of Vehicle to the effect that he or she has examined the vehicle and the result of his or her examination may be considered as an evidence, with respect to the compliance of the Vehicle with the provisions of this Bill, even if the Vehicle Inspector is not summoned as a witness.
- (2) The court, if it deems fit may summon and examine the Vehicle Inspector as to the subject matter of his or her certificate.

85. Certified Extract from Records to be Admissible in Evidence

In any proceedings under this Bill, an extract from the records of registered vehicles, certified under the hand of a Licensing Authority, may be admissible in evidence even if the Licensing Authority is not summoned as a witness, and shall be *prima facie* evidence of the facts set forth.

CHAPTER XII

TRAFFIC OFFENCES AND PENALTIES

86. Speed of Motor Vehicles

- (1) No person shall drive, or, being the Owner or person in charge of a Vehicle, cause or permit any other person to drive, a Vehicle on a road at a speed greater than such speed as may be prescribed as the maximum speed for that class of Vehicle.
- (2) No person shall drive, or, being the Owner or person in charge of a Vehicle, cause or permit any other person to drive, any vehicle at a speed exceeding forty five kilometers per hour on any Road within the boundaries of any urban area, provided that the Road Authority shall erect and maintain Traffic Signs as prescribed plainly to indicate to Drivers entering or leaving such Roads or areas where the forty five kilometers per hour speed limit restriction, begins and ends.
- (3) Notwithstanding subsections (1) and (2), it shall be lawful for Road Authority or Directorate of Traffic:-

- (a) to impose on any Road such lower limit of speed as it considers necessary in circumstances when, by reason of repairs, reconstruction or damage to the Road or the condition of the road, any lower limit of speed is necessary for the public safety or to prevent damage to the Road; provided that such lower limit shall be imposed only for such period as may be necessary to carry out repairs or reconstruction or until the condition of the road is satisfactory;
 - (b) To impose on any road or area, either permanently or for, such time as he or she considers appropriate, such lower limit of speed as may be necessary to prevent damage to the Road or for the safety of the public having regard to any permanent or temporary hazards, the alignment or characteristics of the Road, the width of streets, nature of traffic or general development of the area; provided that, in any case whilst such lower limit is in force under this subsection, indication of the maximum speed permitted shall be given by prescribed Traffic Signs erected and maintained plainly to indicate to Drivers entering or leaving such restricted Road where the lower speed limit begins and ends.
- (4) The provisions of this section or any other section of this Bill, imposing a speed limit on Motor Vehicles, shall not apply to any Vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of such provisions may be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion
- (5) Nothing in subsection (4) above, authorizes a person to use a Motor Vehicle for fire brigade, ambulance or police purposes in contravention of any other provisions of this Bill.

87. Penalties Related to Speed

- (1) Any person who, contravenes or fails to comply, with the provisions of section 88 of this Bill, commits an offence and upon conviction shall be punishable with the fine of not less than fifty South Sudanese Pounds (SSP 50) and not exceeding three hundred South Sudanese Pounds (SSP 300).
- (2) In the first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding and obtaining a license for a longer period than, in the case of a first conviction, one month, or in the case of a second conviction three months; provided that, if the offender has been convicted of reckless or dangerous driving within the three years period immediately preceding the date of his or her conviction for an offence under this section, such previous conviction shall be treated for the purposes of this subsection as if it had been a conviction for an offence under this section.

88. Driving Under the Influence of Alcohol or Other Intoxicating Substances

- (1) Any person who drives or attempts to drive or when in charge of a Motor Vehicle on a Road or other public place and is under the influence of alcohol or a drug to such an extent as to be incapable of having proper control of the

vehicle, commits an offence and upon conviction shall be punishable with the fine not exceeding one thousand eight hundred (1800) South Sudanese Pounds or to imprisonment for a period not exceeding two years or both.

- (2) If a police officer has reasonable grounds to suspect that a person has alcohol or a drug in his or her body and that the person has, within the preceding three hours, operated a Motor Vehicle or had the care or control of a Motor Vehicle, whether it was in motion or not, the police officer may, by demand, require the person to comply with paragraphs (a), (b) and (c) below:
 - (a) to perform forthwith physical coordination tests prescribed by regulation, to enable the police officer to determine whether a demand may be made under this section and, if necessary, to accompany the police officer for that purpose;
 - (b) a sample of either oral fluid or urine that, may enable a proper analysis to be made to determine whether the person has alcohol or a drug in this or her body; or;
 - (c) Samples of blood that, in the opinion of the qualified medical practitioner, may enable a proper analysis to be made to determine whether the person has alcohol or a drug in his or her body.
- (3) A person convicted of an offence under this section shall be disqualified for a period of twelve months from the date of conviction for holding and obtaining a license.

89. Causing Death by Driving or Obstruction

Any person, who causes the death of another person by driving a Motor Vehicle on a road recklessly or negligently or carelessly or at a speed or in a manner dangerous to the public, or by leaving any vehicle on a road in such a position or manner or in such a condition as to be dangerous to the public, without having regard to all the circumstances of the situation of the road, commits an offence, and upon conviction shall be punishable with the imprisonment for a period not exceeding ten years, or compensation or both, or be punishable in accordance with the provisions of Section 210 (1) of the *Penal Code 2008*, in addition the court may exercise the powers provided under Chapter VIII of this Bill, with respect to the canceling of any Driving License or Provisional Driving License held by the offender and declaring the offender disqualified for holding or obtaining a Driving License for a period of three years starting from the date of conviction or the end of any prison sentence imposed under this section whichever is the later.

90. Reckless Driving

- (1) Any person who drives a Motor Vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, or uses a mobile phone while driving, having regard to all the circumstances of the case, including the nature, condition and use of the road and the actual amount of traffic at the time or which might reasonably be expected to be on the road, commits of an offence and upon conviction shall be punishable with the fine not exceeding two hundred South Sudanese pounds (SSP 200) or to imprisonment for a period not exceeding six months or both; and the court

shall exercise the power conferred by Chapter XI of this Bill, related to cancellation of any Driving License or Provisional Driving License held by the offender and declaring the offender disqualified for holding or obtaining a Driving License for such period as it deems fit.

- (2) Where a person is convicted of aiding, abetting, counseling, procuring or inciting the commission of an offence under this section, and proved that he or she was present in the vehicle at the time, the offence of which he or she is convicted shall, for the purpose of the provisions of this Bill relating to disqualification for holding or obtaining Driving Licenses, be deemed to be an offence in connection with the driving of a Motor Vehicle.

91. Careless Driving

- (1) Any person who drives a Motor Vehicle on a road without due care and attention or without reasonable consideration for other persons using the road, commits an offence and upon conviction for the first offence shall be punishable with the fine not exceeding eight hundred (800) South Sudanese Pounds and for a second or subsequent offence to a fine not exceeding one thousand two hundred (1200) South Sudanese Pounds or to imprisonment for a period not exceeding 12 months or both.
- (2) The first or second conviction for an offence under this section, shall not render the offender liable to be disqualified for holding or obtaining a license for a longer period than, in the case of a first conviction, one month, or in the case of a second conviction three months; provided that, if the offender has been convicted of reckless or dangerous driving within the three years immediately preceding the date of his or her conviction for an offence under this section, such previous conviction shall be treated for the purposes of this subsection as if it had been a conviction for an offence under this section.
- (3) Where any person is charged with an offence under section 65 of this Bill, and the court considers that the evidence is such as to justify a conviction under this section, but not under section 70 of this Bill, the court may convict such person of an offence under this section.

92. Escaping After Causing Accident

A driver shall have committed an offence when he or she escapes from the scene of the accident.

93. Power of Arrest

Any Police Personnel may arrest without warrant any person who:-

- (a) Commits traffic accident;
- (b) Drives any vehicle recklessly or negligently or by any manner that exposes the users of the road or their properties to danger;
- (c) Drives any vehicle by speed that exceed the maximum limit of speed;
- (d) Drives any vehicle under the influence of alcohol or drug;
- (e) Escapes or assists any person to escape after committing any of the offences or cancels signs of an offence or particulars;

- (f) Violates any traffic signal or sign that regulate the traffic flow;
- (g) Drives the vehicle without the plates or with the plates specified for other vehicle, or permits other person to drive the vehicle;
- (h) Refuses to produce his or her driving license, or the vehicle license or any other document requested by the Police Authority or Public Attorney;

94. Giving False Information

Any person who makes any statement which to his or her knowledge is false or in any respect misleading in connection with any information lawfully demanded or required under this Bill, commits an offence and upon conviction shall be punishable with the fine not exceeding two hundred(200) South Sudanese Pounds or to imprisonment for a period not exceeding two months or both, and if such statement is made to any person in connection with an application for any License or permit, the court convicting such person may also order that such license or permit not be granted for a stated period.

95. Notice to Attend Court

- (1) Notwithstanding the requirements of the provisions in this Bill, it shall be lawful for any police officer to serve, either personally or by registered post upon any person who is reasonably suspected of having committed any offence in connection with the driving or use of any vehicle, punishable only by a fine, or imprisonment for a period not exceeding six months notice in the prescribed form, requiring such person to attend court in answer to the charges stated thereon at such place and on such date and time as may be shown on such notice or to appear by advocate or to enter a written plea of guilty Provided that:-
 - (a) Such notice shall be served not later than fourteen days from the date upon which the offence is alleged to have been committed.
 - (b) Failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the court is satisfied that the name and address of the accused may not with reasonable diligence have been ascertained in time for such notice to be served as aforesaid or that the accused by his or her own conduct contributed to the failure.
- (2) Such notice as aforesaid shall for all purposes be regarded as a summon issued under the *Code of Criminal Procedure 2008*.
- (3) A copy of such notice as aforesaid shall be placed before the court in which the charge is to be heard before the time fixed for such hearing.

96. Minor Traffic Offences

- (1) The Minister may prescribe:-
 - (a) A schedule of minor traffic offences which may be dealt with and prosecuted in accordance with the provisions of this section, and may for the purposes of this section prescribe a statutory maximum penalty, which shall not exceed the penalty prescribed for such offence under this Bill, for any of the scheduled minor offences to be dealt with and prosecuted; and

- (b) A form of police notification of a traffic offence for use under this section.
- (2) Subject to this section, any statutory maximum penalty prescribed under subsection (1) above, shall notwithstanding any other penalty that may be prescribed under this Bill, have effect for offences dealt with under this section.
 - (3) Notwithstanding any provisions or any other applicable law, it shall be lawful for any police officer to serve, either personally or by affixing the same prominently to the vehicle concerned, upon the owner or person in charge of any Motor Vehicle who is reasonably suspected of having committed any of the scheduled minor offences, a police notification of a traffic offence in the prescribed form charging such person of having committed the offence or offences indicated in the notification and requiring such person to attend court to answer such charge or charges, at such time as is shown on such notification.
 - (4) Such notification as aforesaid shall for all purposes be regarded as a summon issued under the Code of Criminal Procedure 2008, Provided that the person served with the notification shall not be obliged to attend court to answer the charge if he or she has pleaded guilty in writing and sent the notification, together with the amount of the statutory maximum penalty or penalties for the offence or offences to which he or she has pleaded guilty, by prepaid registered post or by hand, to the court indicated in the notification and to reach that court within the time indicated in the notification.
 - (5) The court may, on receipt of a plea of guilty, proceed to convict and May, after Considering any mitigating circumstances stated in writing or personally by the accused, passes a sentence imposing the statutory maximum penalty or remitting the penalty in whole or in part and direct that a refund of the whole or of any portion of the penalty remitted to be made to the accused.
 - (6) If any person served with a notification under this section fails to comply with such notification, the person to be held liable for the offence shall be the registered owner of the vehicle or, when the registered owner is a company, the person appointed by the company to be liable under this subsection, or in default of such appointment, the secretary, or person Performing the duties of secretary of such company, unless it is shown by such person owner, or secretary as the case may be, that he or she was not in charge of the vehicle at the relevant time and satisfies the court that he or she has given all information at his or her disposal to the police or the court to enable the person who was in charge at the relevant time to be summoned.
 - (7) A copy of the notification shall be placed before the court in which the charge is to be dealt with at the time fixed for the attendance of the accused to answer the charge, and, unless the court otherwise directs, such copy may be used as a charge sheet.
 - (8) If any person who has been served with a notification issued under this section fails either to attend the court on the date and at the time specified in such notice or to plead guilty and pay the statutory maximum penalty in the manner indicated before such date, he or she may be brought before the court either by summon or by warrant of arrest and, unless he or she shows good cause to the contrary, commits an offence and upon conviction shall be punishable with the fine not exceeding two hundred (200) South Sudanese Pounds or to imprisonment for a period not exceeding two months or both.

- (9) If any person, other than an authorized person removes from a vehicle a police notification of a traffic offence which has been affixed thereto by a police officer in pursuance of this section, or any portion of such notification, or tears or defaces the same, commits an offence and upon conviction on first offence shall be punishable with the fine not exceeding fifty(50) South Sudanese pounds and on each subsequent conviction to a fine not exceeding one hundred (100) South Sudanese or to imprisonment for a period not exceeding two months or both. However, in this subsection, authorized person, means the owner or person in charge of the vehicle or any person authorized by the owner to remove the notification.
- (10) Any owner or person in charge of a vehicle who finds affixed police notification thereon, of a traffic offence which appears to have been torn or defaced that is not fully legible shall within two days report, either in writing or personally to the Police station of the area in which the notification was found and if he or she fails to report he or she commits an offence and upon conviction shall be punishable with the fine not exceeding fifty (50) South Sudanese pounds.

97. Other Offences in Connection with Roads

- (1) No Owner or person in charge of a Vehicle drawn by animals shall allow an animal which is of materially defective vision to be used for drawing such Vehicle on a Road.
- (2) No person shall do any of the following on a road:-
- (a) Willfully or negligently lead or drive any animal or Vehicle on a footpath or in a road drain;
 - (b) Play any game that causes annoyance, inconvenience or endanger of persons using the Road;
 - (c) Willfully obstruct the free passage of persons or Vehicles passing along the road;
 - (d) Drive or conduct any Vehicle drawn by animals without having reins to guide the animals unless a person leads the animals in such a manner as to have proper control over them;
 - (e) When driving a Vehicle, sleep whilst such Vehicle is in motion;
 - (f) Permit any Cattle to be at large without being under such efficient control as to prevent them damaging the Road and obstructing the traffic of vehicle; and,
 - (g) Out span any animals from a wagon or car.

98. Encroachment and Damage on Roads

- (1) Every person who without the written permission of the Roads Authority:-
- (a) Encroaches on a Road or on any land reserved at the side or sides thereof by making or erecting any building, fence, ditch, advertisement sign or other obstacle, or by digging thereon or by planting or sowing any tree, shrub or seeds thereon;

- (b) Deposits or causes to be deposited in any manner whatever on a road any material or matter, other than road-making materials deposited for the purpose of making up or repairing the Road;
- (c) Digs up removes or alters in any way the soil or surface of a Road or of any land reserved at the side or sides thereof or if done for the purpose of moving a Vehicle without immediately making thereafter the damage;
- (d) Willfully fills up alters or obstructs any ditch or drain whether on a Road or contiguous thereto made by or under the control of the Roads Authority to carry water off the Road or to keep it from flowing on to the road;
- (e) Allows any sludge or any filthy or noisome matter to flow from any building or land in his or her occupation on to a Road or into any ditch or drain made by the Roads Authority;
- (f) Causes or allows any timber, sledge, plough or other heavy materials, Vehicle or implement not wholly raised above the ground on wheels to be dragged on a road;
- (g) Pitches any tent, booth, kiosk, or stall on a road;
- (h) Makes any fire on any road; or,
- (i) Any other action that impedes the flow of traffic on, or causes damage to a Road.

(2) It shall be lawful for the police, or a Roads Authority as the case may be, to remove anything whatsoever which has been placed or erected on a Road or land reserved in contravention of this section.

99. Prohibited Vehicles

- (1) No person shall use or cause or permit to be used on any Road any Motor Vehicle, having ribbed, studded or spiked wheels or fitted with chain or crawler type metal track; provided that this subsection shall not apply-
 - (a) Where such wheels or tracks are fitted with special rims or street plates that may ensure and even contact with the road surface.
 - (b) To any road set-aside by a Roads Authority for the use of Cattle-drawn Vehicles.
 - (c) In any case where the Roads Authority has given permission in writing for the use of such a Vehicle, the permission shall be carried on the Vehicle, to which it relates.
- (2) No person shall use or cause or permit to be used on any Road any Cattle-drawn Vehicle not fitted with pneumatic tyres except on a road set aside for Cattle-drawn Vehicles or on a Road where no alternative road in a reasonably usable condition exists for Cattle-drawn Vehicles.
- (3) No person shall use or cause or permit to be used on any Road that has a bituminous surface any Vehicle the wheels of which are fitted with non-skid chains or any device of a similar kind for a similar purpose.

100. Exemption of Roads Authority for Damages

- (1) The Roads Authority shall not be liable for any loss or damage which may be caused to any person or property through the condition of a Road or the failure of a Road to sustain the weight of a Vehicle.
- (2) Without prejudice to the right of the police, Roads Authority or of any person to recover compensation from the Owner or Driver of any Vehicle, for any loss, damage or injury which may be sustained by the police personnel, Roads Authority or such person by the use of a Vehicle.

101. Riding in a Dangerous Position

- (1) Except for the purpose of testing or repairing a Motor Vehicle, no person shall ride or be carried on the footboard, tailboard, steps, mudguards, canopy, roofing or elsewhere on the outside of any Vehicle.
- (2) No person shall ride or be carried on, any load upon a Vehicle if such a proceeding is unsafe by reason of the insufficiency of space available for such person to stand or sit or by reason of the position in which he or she is carried or the height or arrangement of the load.
- (3) If a person is, in the opinion of a Police Personnel contravenes subsections (1) or (2) above, the Police Personnel may order him or her to a safe place on the Vehicle or may order him or her off the Vehicle.
- (4) If a person refuses or delays or fails to comply with an order made by a Police Personnel under subsections (1), (2) and (3) above, he or she commits an offence and upon conviction shall be punishable to a fine not exceeding one hundred (100) South Sudanese Pounds or to imprisonment for a period not exceeding one month or both.

102. Restriction on Person Being Towed

No person otherwise than with lawful authority or reasonable cause, shall take or retain hold of, or get on or off a Motor Vehicle while in motion.

103. Causing Damage to Motor Vehicle

No person shall throw any object at any Vehicle or at any person in or on such Vehicle, nor shall he or she places any object on any Road, nor by any means that impedes the progress of any Vehicle whereby injury or damage might be caused to such Vehicle or any person.

104. Tampering with Motor Vehicle

No person shall without the knowledge or permission of the owner or without reasonable excuse get on to a Motor Vehicle or attempt to manipulate any of the

levers the starter, brakes or machinery of such a Vehicle or in any way tamper with a Motor Vehicle while it is standing on a Road or parking place.

105. Unattended Motor Vehicle

No person shall:-

- (a) Leave unattended on a road any Motor Vehicle with the engine running;
- (b) Quit any Vehicle without having taken due precautions against its moving along the Road from its stationary position.

106. Maximum Driving Hours

- (1) No person shall drive a Public Transport Vehicle or a Commercial Vehicle for more than a total of eight hours in any period of twenty four hours.
- (2) Any person who contravenes or fails to comply with subsection (1) above, commits an offence and shall be punishable-
 - (a) On first conviction to a fine not exceeding six hundred(600) South Sudanese Pounds or to imprisonment for a period not exceeding six months or both; and ,
 - (b) On each subsequent conviction to a fine not exceeding one thousand(1000) South Sudanese Pounds or to imprisonment for a period not exceeding two years, and in addition the court may order the suspension of any Driving License held by that person for a period of not less than thirty days;

107. Careless While in Charge of Cattle

Any person who drives or conducts any Cattle, dog or other animal, on any Road or fails to exercise reasonable care to keep it or them under proper control or allows such Cattle, dog or animal to become a danger or annoyance to the public, commits an offence and upon conviction shall be punishable with the fine not exceeding three hundred(300) South Sudanese Pounds or imprisonment not exceeding one month or both.

CHAPTER XIII

MISCELLANOUS PROVISIONS

108. Owner to Keep a List of Drivers Employed

- (1) Any person who employs any other person to drive a Motor Vehicle shall keep a written record of the name, address and Driving License number of such other persons:-
 - (a) Such record shall be preserved for a period of six months after the date when such person ceases to be employed as a Driver, and shall be made available to any police officer on demand.

- (b) Any person who fails to comply with the provisions of subsection (1) above, commits an offence and upon conviction shall be punishable with the fine not exceeding two hundred (200) South Sudanese Pounds or imprisonment to period not exceeding two months or both.

109. Verification of Facts

Any person to whom any application is made for anything to be done under this Bill may require any facts stated in the information to be verified to his or her satisfaction.

114. Fraudulent Imitation of Documents

- (1) Any person who fraudulently imitates, alters, mutilates, destroys or uses, or fraudulently lends or allows to be used by, any other person, any license, document, plate or mark issued or prescribed under this Bill, commits an offence and shall be punishable with the fine not exceeding two hundred (200) South Sudanese Pounds or to imprisonment for a period not exceeding two months or both.
- (2) A police officer may take possession of any license, document, plate or mark relating to any suspected offence under this section.

115. Endorsement of License to be Proof of Conviction

Notwithstanding any provisions to the contrary in any applicable law, it shall be lawful for a Competent Court to accept the particulars of endorsements on any license issued in compliance with this Bill as *prima facie* evidence at previous convictions recorded against the holder thereof.

116. Transfer of Ownership, Mortgage and Registration Guidelines

- (1) No ownership of any motor vehicle shall be transferred, except by a certificate to be issued by the Competent Licensing Authority, or by an attested deed from a Competent body, and the Licensing Authority shall be notified of the fact of the Transfer of ownership of motor vehicle within a period of one week, together with the statement of the name and address of new the owner, and the new owner shall submit the certificate or the attested deed within two weeks.
- (2) Any motor vehicle may be mortgaged for the interest of any person by a deed or by a letter from the owner of the vehicle, and the mortgage may be discharged by an endorsed letter from the mortgager.
- (3) The owner of any motor vehicle may be entitled to transfer the registration of his or her vehicle from any State to another, after the approval of the Licensing Authority, to be determined in the regulations.

117. Alteration of Parts of the Motor Vehicle or the Owner Particulars

- (1) No person shall alter any part of the structure of the motor vehicle or engine or colour, except by the approval of the Licensing Authority.
- (2) The owner of any vehicle shall notify the Licensing Authority of any alteration on his or her personal particulars.

118 Pedestrians Use of Road

- (1) Pedestrians shall comply with the traffic systems and rules that govern the traffic lane;
- (2) The pedestrians when crossing the road shall comply with the following:-
 - (a) Where the crossing path is equipped with lighting signals or with specific traffic signs related to pedestrian, they shall comply therewith;
 - (b) Where the path is equipped with specific pedestrians lighting signals, and the flow of vehicle at this path is regulated by lighting signal, or the path is regulated by any police personnel, the pedestrian shall not cross the road of vehicle, since the lighting signal or signal of the traffic police allow the vehicle to flow;
- (3) Pedestrians shall not penetrate the lines of the military parade or other organized groups that march under the supervision of a responsible person, and all other permitted processions;
- (4) No person shall-
 - (a) Walk on the road or mount or drive any animal without due care or sufficient attention or without reasonable consideration for the traffic system on the road or the users of the road;
 - (b) Cross the road at fenced or outside fenced places or by mounting thereon.

119 Use of Technological Systems and Motor Vehicles Monitoring System

- (1) The users of the road shall comply with the technological and numbering systems, that regulate traffic flow, and control the motor vehicles flow on the road;
- (2) No person shall drive Public Transport Vehicle for passengers or goods on the National Road, unless it is equipped with the vehicles monitoring system, as may be determined in the regulations.

120 Prohibition of Use of Tinted Glass

- (1) No person shall drive a motor vehicle using tinted glass, that prevent the visioning from outside, except with the approval of the Minister;
- (2) The regulations may regulate the use of tinted glass.

121. Organization of Traffic on the National Roads

- (1) The Directorate shall organize the use of the National Roads, and monitoring of vehicles flow;
- (2) The regulations shall provide the guidelines and procedures related to the organization of vehicles traffic on the National Roads, control and limitation of speed, and safety procedures.

122. General Penalties

- (1) Any person who acts in contravention of or fails to comply with the provisions of this Bill or who acts in contravention of or who fails to comply with the conditions of any license, order demand requirement or direction issued under or in pursuance of this Bill, commits of an offence.
- (2) Any person guilty of an offence under this Bill for which no penalty is otherwise provided shall be liable-
 - (a) For a first offence, to a fine not exceeding one hundred (100) South Sudanese Pounds or imprisonment for a period not exceeding one month or both:
 - (b) For a second or subsequent offence, to a fine not exceeding three hundred (300) South Sudanese Pounds or to imprisonment for a period not exceeding three months or both.
- (3) All offences under this Bill shall be cognizable to the police service.

123. Power to Organize Taxicabs, etc

- (1) The Competent Local Government Authority may make appropriate organization of the taxicabs to be provided by the regulations issued in accordance with the provisions of this Bill, with the following objectives:-
 - (a) Controlling Taxicabs within its area;
 - (b) Fulfilling the number at Taxicabs permitted in its area;
 - (c) Requiring the installation and providing for the inspection of meters on such Taxicabs;
 - (d) Licensing the Drivers of such Taxicabs;
 - (e) Fixing the fees for any such licenses; and,
 - (f) Prohibiting the parking of taxicabs except for the picking up or depositing passengers or loads elsewhere than on stands provided for Taxicabs.
- (2) The Competent Local Government Authority may make rules for controlling animal drawn vehicles which are not licensed under any of the provisions of this Bill.
- (3) The procedure for the making, approval and publication of rules made under subsections (1) and (2) above, shall be that prescribed in accordance with the *Local Government Act 2009*, and for the purposes of their enforcement and the

disposal of fines imposed for their contravention, and such rules shall be deemed to have been made under this Bill.

124. Powers to Suspend or Exempt the Provisions of this Bill

The Minister, may by notice published in the Gazette, suspend, restrict or limit the application of any of the provisions of this Bill or regulations made thereunder generally or in respect of any particular class or classes or description of Vehicle for such period and subject to such conditions as he or she may think fit, and may exempt any Vehicle or any class or classes or description of Vehicles from all or any of such provisions.

125. Joint Responsibility in Traffic Accidents

The Court shall determine the civil responsibility in compensation suits for damage resulting from any person or more in the traffic accidents according to the percentage of mistake, that its occurrence is being proved on every party.

126. Insurance of Vehicles

- (1) No person shall drive a vehicle or permit it to be driven, unless the vehicle is insured against risks that other persons or properties may be exposed, in any of the registered insurance companies in South Sudan, and licensed to practice the insurance of vehicles.
- (2) The provisions of the Insurance Bill 2011, shall apply on the vehicles with respect to the comprehensive insurance, third party insurance and the responsibility towards passengers and goods.

127. Integration of Traffic Safety Education into the School Curriculum

- (1) The Council shall, in collaboration with the National Ministry responsible for General Education, take all measures necessary for integrating traffic safety education into the school curriculum including:
 - (a) Developing traffic safety teaching materials initially for primary schools and eventually for all teachers; and
 - (b) Making traffic safety education mandatory in all formal institutions.
- (2) A traffic safety research fund may be established to support research programs in traffic safety.

128. Amendment of Schedules

The Minister may by order published in the Gazette, and after the approval of the Council amend the Schedules attached to this Bill.

129. Competent Traffic Court

- (1) All traffic offences and contraventions cases shall be considered by Competent Traffic Courts, which shall be Competent to adjudicate on both Criminal and

Civil nature of the offence or contravention against all the parties, including insurance companies;

- (2) The Traffic Courts shall have Criminal and Civil jurisdiction;
- (3) Traffic Courts shall apply the procedures provided under the provisions of the Code Criminal Procedures, 2006, and the Civil Procedures Act, 2007, as the case may be.

130. Competent Traffic Public Attorney

The supervision of investigation and prosecution of all traffic offences and contraventions shall be performed and exercised by the Competent Traffic Public Attorney, to be established by regulations issued in accordance with the provisions of the *Ministry of Legal Affairs and Constitutional Development Organization Act 2008*.

131. Instant Settlements

- (1) The Minister may issue in consultation with the National Minister of Justice, and the National Minister of Finance and Economic Planning the instant settlements regulations, which shall be binding for all different levels of Government.
- (2) Instant settlements shall be collected and remitted in accordance with the regulations.

132. Regulation

- (1) The Minister may make such rules, regulations and procedures that may be necessary and appropriate for the effective and efficient implementation of the provisions of this Bill, envisaging the following matters:-
 - (a) Forms used for the purposes of the application of this Bill;
 - (b) Inspection, examination and registration of vehicles;
 - (c) Traffic signs and signals;
 - (d) Determination of form of the plates of vehicles, registration certificate and driving and vehicles licenses;
 - (e) Formulation of guidelines related to the establishment and organization of the performance of the vehicles driving schools;
 - (f) Special rules organizing the use of vehicles of the National Roads;
 - (g) Determination of safety equipments and facilities, and emergency doors on the Public Transport Vehicles;
 - (h) Instant settlements;
 - (i) Organization of the hire of motor vehicles and transfer of the ownership registration.
 - (j) Organization of the use of tinted glass.
 - (k) Devices to be fitted to any class or type of vehicle for restricting their speed. And the standards for inspection, approval and testing of such devices.
 - (l) Regulation of establishment or persons engage in teaching the driving of motor vehicles and the relating matters as testing instruments, the inspection of vehicles, premises and fees payable for any of the above.
 - (m) All matters related to the type and shape of vehicle plated temporary plates, registration certificate, vehicle license, driving and plates factory

- (2) Without prejudice to the generality of subsection (1) above, the Competent National Minister responsible for Roads and Bridges or responsible for Transport as the case be, may make such regulations, including but not limited to the following regulations:-
- (a) Relating to the use, safety or maintenance of road;
 - (b) Relating to the erection of structures on, near, over or under road;
 - (c) Relating to the prescription of rates, fees, charges and fines for registration, renewal use of the road by vehicle, and fines accruing from contraventions of the provisions of these regulations and damage on the road in consultation with the Ministry of Finance and Economic Planning
 - (d) For the drainage of streets, lands, compounds and buildings adjacent to Roads;
 - (e) Respecting the level, width and construction of road and streets;
 - (f) For the removal, demolition or alteration of any projection, structure or thing obstructing a road or likely to cause damage or inconvenience to Road users;
- (3) Rules or regulations made under the provisions of subsection (1) above, may prescribe in respect of any contravention of any provisions thereof, a penalty or fine, and may also prescribe in the case of continuing offences an additional penalty in respect of each day in which the offence continues.
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