



# LAWS OF MALAYSIA

REPRINT

**Act 594**

## **TOURISM VEHICLES LICENSING ACT 1999**

*Incorporating all amendments up to 1 January 2006*

PUBLISHED BY  
THE COMMISSIONER OF LAW REVISION, MALAYSIA  
UNDER THE AUTHORITY OF THE REVISION OF LAWS ACT 1968  
IN COLLABORATION WITH  
PERCETAKAN NASIONAL MALAYSIA BHD  
2006

**TOURISM VEHICLES LICENSING ACT 1999**

Date of Royal Assent ... .. 30 June 1999

Date of publication in the *Gazette* ... .. 8 July 1999

*PREVIOUS REPRINT*

*First Reprint* ... .. 2001

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## Act 594

### TOURISM VEHICLES LICENSING ACT 1999

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#### ARRANGEMENT OF SECTIONS

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##### PART I

##### PRELIMINARY

##### Section

1. Short title, application and commencement
2. Interpretation
3. Delegation of powers of Commissioner

##### PART II

##### LICENSING OF TOURISM VEHICLES

4. Tourism vehicles to be licensed
5. Application for licence
6. Grant or refusal of licence
7. Revocation or suspension of licence
8. Duration of licences
9. Short term licences
10. Conditions which may be attached to licence
11. Statutory conditions of licence
12. Application for renewal of licence
13. Application for variation
14. Protection of public interest

## PART III

## APPEALS

## Section

15. Appeal to the Minister
16. Validity of licence extended in successful appeal
17. Prohibition of similar application when earlier application still pending appeal
18. Surrender of licence

## PART IV

## OFFENCES AND PENALTIES

19. Prohibition of use of unlicensed tourism vehicle
20. Offence in relation to suspended licence
21. Other transport interests to be disclosed by applicant
22. Information requested by the Commissioner from the holder of a licence
23. Alteration of authorized vehicle
24. Transfer of licence prohibited
25. Records and returns
26. False statements
27. Liability of registered owner and others
28. Powers of the police in investigation
29. Powers of road transport officers in investigation
30. Institution of prosecution
31. Jurisdiction to try offences
32. Provisions as to evidence
33. Presumptions
34. Service of notification or document
35. Power to compound
36. Officers not in uniform to produce identification cards

PART V

MISCELLANEOUS

Section

- 37. Seizure
- 38. Avoidance of contracts
- 39. Regulations
- 40. Transitional and saving
- 41. Power of Minister to make additional provisions, *etc.*



# LAWS OF MALAYSIA

## Act 594

### TOURISM VEHICLES LICENSING ACT 1999

An Act to provide for the licensing and regulation of tourism vehicles and for matters connected therewith.

[22 June 2000, P.U. (B) 198/2000]

**ENACTED** by the Parliament of Malaysia as follows:

#### PART I

#### PRELIMINARY

#### **Short title, application and commencement**

1. (1) This Act may be cited as the Tourism Vehicles Licensing Act 1999.

(2) This Act shall apply throughout Malaysia.

(3) This Act shall come into operation on a date to be appointed by the Minister by notification in the *Gazette*.

#### **Interpretation**

2. In this Act, unless the context otherwise requires—

“authorized officer” means an officer appointed under section 40 of the Tourism Industry Act 1992 [*Act 482*];

“authorized vehicle”, in relation to a licence issued under this Act, means a vehicle specified in the licence and authorized to be used under that licence;

“Chief Police Officer” has the meaning assigned to it in the Police Act 1967 [*Act 344*] and includes any police officer not below the rank of Inspector authorized in writing by a Chief Police Officer to exercise the powers vested by this Act in a Chief Police Officer;

“Commissioner” means the Commissioner of Tourism appointed under section 4 of the Tourism Industry Act 1992;

“company” has the meaning assigned to it in the Companies Act 1965 [*Act 125*];

“Director General” means the Director General for Road Transport appointed under section 3 of the Road Transport Act 1987 [*Act 333*] and includes a Deputy Director General, a Director and a Deputy Director;

“driver” means the person for the time being driving a motor vehicle;

“excursion bus” means a bus used exclusively for the conveyance of tourists and in consideration of payment which has no fare stages;

“hire and drive car” means a motor vehicle let on hire for the purpose of being driven by the hirer or his nominee whether a tourist or not, and used exclusively for the conveyance of a tourist or tourists;

“licence” means a licence issued under this Act and includes a short term licence issued under section 9;

“Minister” means the Minister charged with the responsibility for tourism;

“motor vehicle” means a vehicle of any description, propelled by means of mechanism contained within itself and constructed or adapted so as to be capable of being used on roads and includes a motor home on tow;

“owner”, in relation to a motor vehicle registered or deemed to be registered under the Road Transport Act 1987, means the registered owner of the vehicle;

“police officer” includes an extra police officer, a volunteer reserve police officer or an auxiliary police officer appointed under the Police Act 1967;

“registered owner” means the person registered as the owner of a motor vehicle under the Road Transport Act 1987;

“road transport officer” means any person appointed to be a road transport officer under section 3 of the Road Transport Act 1987;

“Secretary General” means the Secretary General of the Ministry charged with the responsibility for tourism;

“tourism enterprise” has the meaning assigned to it in the Tourism Industry Act 1992;

“tourism vehicle” means an excursion bus or a hire and drive car;

“tourism vehicle business” means the business of operating or letting out for hire a tourist vehicle;

“tourist” has the meaning assigned to it in the Tourism Industry Act 1992;

“vehicle” means a motorised structure capable of moving or being moved or used for the conveyance of any person or thing and which maintains contact with the ground when in motion.

### **Delegation of powers of Commissioner**

3. (1) The Commissioner may, in writing, delegate the exercise of any of the powers and functions conferred upon him by this Act to any public officer as he deems fit.

(2) Where any power or function is delegated to any public officer under sub section (1), any reference to the “Commissioner” in this Act shall include a reference to that public officer.

## PART II

## LICENSING OF TOURISM VEHICLES

**Tourism vehicles to be licensed**

4. (1) No person shall carry on or hold himself out as carrying on tourism vehicle business except a company which is licensed under the Tourism Industry Act 1992 and which holds a valid licence granted under this Part.

(2) Any person who contravenes subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding five years or to both, and in the case of a continuing offence shall, in addition, be liable to a daily fine not exceeding five hundred ringgit for each day during which the offence continues to be committed.

**Application for licence**

5. (1) An application for a licence shall be made in writing to the Commissioner in such form as may be prescribed.

(2) Every application under subsection (1) shall be accompanied by such documents or information as may be prescribed and the Commissioner may, orally or in writing at any time after receiving the application and before it is determined, require the applicant to provide such additional documents or information as may be considered necessary by the Commissioner for the purposes of determining the suitability of the applicant for the licence.

(3) Where any additional document or information required under subsection (2) is not provided by the applicant within the time specified in the requirement or any extension of time granted by the Commissioner, the application shall be deemed to be withdrawn and shall not be further proceeded with, without prejudice to a fresh application being made by the applicant.

**Grant or refusal of licence**

6. (1) Upon receiving an application under subsection 5(1), the Commissioner shall consider the application and may, where he

is satisfied of the suitability of the applicant and upon payment of the prescribed fee—

- (a) grant the application in full or in part;
- (b) grant a licence of a different class or of a different passenger capacity to be carried from that specified in the application;  
or
- (c) refuse the application.

(2) A person may be the holder of two or more licences, whether of the same class or of different classes.

### **Revocation or suspension of licence**

7. (1) The Commissioner may revoke or suspend any licence if he is satisfied that—

- (a) any of the provisions of this Act or any other written law or that any of the conditions of the licence has not been complied with;
- (b) the grant of the licence was induced by a false representation of fact by or on behalf of the holder;
- (c) the tourism vehicle has been or is intended to be used for an unlawful purpose or that the original purpose for which the licence was issued no longer exists; or
- (d) the tourism enterprise which carries on or operates the tourism vehicle business has ceased to carry on or operate any tourism business upon the revocation or suspension or failure to renew its licence for tourism enterprise under the Tourism Industry Act 1992.

(2) Regardless of subsection (1), the Commissioner shall not revoke or suspend the licence on the ground of the breach mentioned in paragraph (a) or (c) unless he is satisfied, after giving the holder of the licence an opportunity of making any representation in writing he may wish to make, that the licence should be revoked or suspended owing to the frequency of the breach, or to the breach having been committed wilfully, or to the danger to the public involved in the breach.

(3) For the purposes of subsection (1), a breach of any of the conditions mentioned in section 11 shall be deemed to be a breach which constitutes danger to the public.

(4) Where a licence has been revoked or suspended, it shall have no effect from the date of revocation or during the period of suspension, as the case may be.

### **Duration of licences**

**8.** (1) A licence shall, unless sooner revoked, be valid for a period not exceeding three years.

(2) When a licence is granted, the Commissioner shall specify the date on which the licence is to come into force and the date of its expiry, and such dates shall be inserted in the licence when it is issued.

(3) Where on the date of the expiration of the licence, other than a short term licence granted under section 9, proceedings are still pending before the Commissioner on an application by the holder of the licence for the renewal of such licence under section 12, such licence shall remain in force until the application is disposed of but without prejudice to the exercise in the meantime of the powers of suspension or revocation conferred by this Act.

### **Short term licences**

**9.** (1) Where an application has been made for a licence under this Act, the Commissioner may, if for administrative reasons or on the ground of the urgency of the matter he thinks it desirable so to do pending the determination of the application, grant to the applicant a short term licence for such period and subject to such conditions as he thinks fit.

(2) A short term licence shall cease to have effect from the date on which the Commissioner gives his decision on the application and in no case shall have effect for more than six months.

**Conditions which may be attached to licence**

**10.** (1) The Commissioner may attach to any licence such conditions as he may think fit and, in particular, such conditions may include the following matters:

- (a) in the case of an authorized vehicle which is an excursion bus, its itinerary and a list of the passengers with their identity cards or passport numbers, as the case may be, to be carried on the bus, both of which shall be liable to be inspected;
- (b) the maximum number of passengers which can be carried;
- (c) the requirement that only the holder of the licence or certain qualified persons may drive or operate the authorized vehicle;
- (d) the requirement that the provisions contained in any written law with respect to the conduct of the driver of tourism vehicles, be complied with;
- (e) the requirement that the holder of the licence must keep and produce on demand for inspection and verification specified accounts, documents and records.

(2) The Commissioner may, at any time and from time to time in his discretion, add to, cancel or vary any of the conditions attached to a licence under this section.

(3) The holder of a licence, or any person using or causing or permitting the use of a tourism vehicle in respect of which a licence has been issued under this Act, who fails to comply with any of the conditions attached to the licence under this section commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

**Statutory conditions of licence**

**11.** (1) It shall be a condition of every licence in respect of a tourism vehicle—

- (a) that the tourism vehicle is maintained in a fit and serviceable condition as determined by the Director General;

(b) that any provision contained in any written law with respect to limits of speed and weight, laden and unladen, of vehicles is complied with in relation to the tourism vehicle.

(2) The holder of a licence, or any person using or causing or permitting the use of a vehicle in respect of which a licence has been issued under this Act, who fails to comply with any of the conditions under this section, commits an offence and shall on conviction be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding two years or to both.

### **Application for renewal of licence**

**12.** (1) Subject to subsections (2) and (3), any person who is a holder of a licence who satisfies the Commissioner that since the date the licence is granted he has lawfully and continuously carried on a tourism vehicle business in accordance with the terms and conditions of the licence, shall on application to the Commissioner for renewal of the licence, be given preference over all other applicants for a licence to carry on tourism vehicle business substantially the same as that which the licence holder has been providing.

(2) An application for renewal of a licence under subsection (1) shall be made at least thirty, but not more than sixty days, before the date of expiry of the licence and such application shall be accompanied by such documents and information as may be required by the Commissioner.

(3) The prescribed fee shall be payable upon the approval of the application.

(4) Where no application for the renewal of a licence has been submitted, the licence holder shall within fourteen days of the date of expiry of the licence return the licence to the Commissioner.

### **Application for variation**

**13.** On an application by the holder of a licence for a variation of the conditions of the licence, the Commissioner may—

(a) grant the application in full or in part;

- (b) refuse the application; or
- (c) order any variation of any condition other than the variation specified in the application.

### **Protection of public interest**

**14.** Unless expressly provided otherwise, nothing in this Act shall be deemed to confer on the holder of a licence any right to continuance of any benefits arising from the provisions of this Act, or from any licence granted or deemed to be granted or from any conditions attached to any licence.

## PART III

### APPEALS

#### **Appeal to the Minister**

- 15.** (1) Any person who is aggrieved by—
- (a) the refusal of the Commissioner to license any tourism vehicle under paragraph 6(1)(c) or to renew any such licence under section 12;
  - (b) any condition imposed by the Commissioner; or
  - (c) the revocation or suspension of any licence under section 7,

may appeal in writing to the Minister within thirty days from the date on which the notice of refusal or revocation or suspension is served on that person.

- (2) The decision of the Minister on an appeal shall be final.

#### **Validity of licence extended in successful appeal**

**16.** Regardless of section 8, where the Minister allows in full an appeal against the revocation of a licence under this Act, the validity of the licence shall be extended by a period corresponding to that during which the licence had no effect and such extended period shall be inserted in the licence.

**Prohibition of similar application when earlier application still pending appeal**

17. (1) Where an application is made under this Act and the Commissioner makes a decision refusing or granting it in part only and the applicant thereafter appeals against such a decision, he shall not subsequently make a similar application under this Act in respect of the same class and type of vehicles irrespective of the number of tourism vehicles applied for, until the appeal has been determined or disposed of by the Minister.

(2) In the event that any licence is granted either as a result of such appeal or subsequent application, or both, the licence so granted shall be void and shall have no effect.

**Surrender of licence**

18. (1) Where an appeal is rejected under section 15, the holder of the licence shall, within fourteen days from the date the notice of the rejection of the appeal is served on him, surrender his licence to the Commissioner.

(2) Any person who fails to surrender his licence as required under subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

**PART IV****OFFENCES AND PENALTIES****Prohibition of use of unlicensed tourism vehicle**

19. (1) No person shall use a motor vehicle or cause or permit a motor vehicle to be used as a tourism vehicle unless there is in force in respect of such vehicle a licence granted under this Act authorizing such use, or otherwise than in accordance with such licence and any conditions attached thereto.

(2) Any person who contravenes subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding five years or to both.

**Offence in relation to suspended licence**

**20.** The holder of a licence who uses or causes or permits the use of a vehicle as a tourism vehicle when the licence in respect of the vehicle is suspended under section 7 commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

**Other transport interests to be disclosed by applicant**

**21.** (1) Without prejudice to section 5, any person who applies for a licence or for a variation of any of the conditions of a licence shall disclose or furnish in the application form as prescribed—

- (a) any other licence that has been issued to him under this Act or under any other written law;
- (b) any interest or right which he has in the business of any other person who provides facilities for the conveyance of tourists for hire or reward within Malaysia;
- (c) any interest or right which any other person has in his business and in the case of an applicant which is a company, any right which that other person has to nominate any director of the company.

(2) Any applicant who fails to disclose the information required under subsection (1) or supplies any information which he knows is false or incorrect in whole or in part, commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

**Information requested by the Commissioner from the holder of a licence**

**22.** (1) Whenever requested by the Commissioner, it shall be the duty of every holder of a licence under this Act to supply, within a period of time as shall be determined by the Commissioner, particulars of—

- (a) any agreement or arrangement affecting in any material respect the provision of facilities for the conveyance of

tourists for hire or reward made by him with any other person by whom such facilities are to be provided, whether within or outside Malaysia;

- (b) any interest or right which he has in the business of any other person who provides facilities for the conveyance of tourists for hire or reward within Malaysia;
- (c) any interest or right which any other person has in his business, and in the case of a holder which is a company, of any right which that other person has to nominate any director of the company.

(2) Any person who refuses or fails to supply, within the prescribed time, any information which he is required to supply under subsection (1) or supplies any information which he knows is false or incorrect in whole or in part, commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

### **Alteration of authorized vehicle**

**23.** (1) The holder of a licence shall not make any alteration, other than by way of replacement of parts, to the structure or fixed equipment of an authorized vehicle without the approval of the Director General.

(2) Any person who contravenes subsection (1) commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

### **Transfer of licence prohibited**

**24.** (1) Subject to subsection (4), the holder of a licence shall not transfer or assign the licence to any other person.

(2) Except with the prior consent of the Commissioner, the holder of a licence shall not appoint an agent or attorney for the purpose of exercising any of the rights conferred on him and shall not cause or permit any such agent or attorney to exercise any such right.

(3) The holder of a licence who purports to transfer or assign the licence or causes or permits any other person to use an authorized vehicle or to provide the service authorized in the licence commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(4) The Commissioner may authorize the transfer of a licence if a company which is the holder of a licence is liquidated or a receiver or manager is appointed in relation to the business of the holder of a licence or if for any reason the Commissioner is satisfied that it would be unjust not to do so.

### **Records and returns**

**25.** (1) It shall be the duty of the holder of a licence granted in respect of any tourism vehicle business to keep such accounts and records as may be prescribed and to furnish to the Commissioner such records, accounts, financial and statistical returns or other documents for such period and in such manner as may be prescribed, together with such other particulars as may be required by the Commissioner.

(2) It shall be the duty of the holder of such licence to keep such records as may be prescribed in relation to the use of authorized vehicles.

(3) The Commissioner or the Director General may, by notice in writing, require the holder of a licence to produce such records, accounts, financial and statistical returns or other documents, at such time and place, as may be specified in the such notice, and to afford the Commissioner, Director General, an authorized officer or a road transport officer reasonable facilities for checking and examining such records, accounts, financial and statistical returns or other documents and satisfying himself as to the completeness and accuracy thereof.

(4) Any person who contravenes this section commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

**False statements****26. (1)** Any person who—

- (a) for the purpose of obtaining under this Act the grant of any type or description of licence to himself or to any other person or the variation of any such licence, or for the purpose of preventing the grant or variation of any such licence or of procuring the imposition of any condition or limitation in relation to any such licence, makes any statement or declaration which to his knowledge is false or incorrect, either in whole or in part, or in any material respect misleading;
- (b) furnishes any particulars in relation to an application for the grant of a licence under this Act which to his knowledge are false or in any material respect misleading;
- (c) makes any entry in a record, register or other document required to be issued, kept, maintained or furnished under this Act which is false or in any material respect misleading,

commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(2) In any prosecution under this section, when it has been proved that any application, particular, return, account, document or written statement is false or incorrect in whole or in part or misleading in any material respect, it shall be presumed, until the contrary is proved, that such application, particular, return, account, document or written statement was false or incorrect or misleading in any material respect, as the case may be, to the knowledge of the person signing, delivering or supplying it.

**(3)** Any person who—

- (a) forges, alters, tampers with, defaces, mutilates or uses, or lends to or allows to be used by any other person, any mark, plate or document which is required by this Act to be carried or exhibited on a tourism vehicle or licence;
- (b) makes or has in his possession any mark, plate or document so closely resembling any such mark, plate or document as to be calculated to deceive;

- (c) alters any entry made in a register, licence or other document issued or kept under this Act;
- (d) exhibits on any motor vehicle any licence or identification mark, plate or document which has been altered, tampered with, defaced, mutilated or added to, or any imitation of a licence, mark, plate or document which is required under this Act to be carried or exhibited on a tourism vehicle;
- (e) exhibits on any motor vehicle any licence or identification mark, plate or document which signifies a tourism vehicle which does not belong to such motor vehicle;
- (f) prepares or maintains or authorizes the preparation or maintenance of false records are not required to be maintained under this Act; or
- (g) falsifies or authorizes the falsification of records that are required to be furnished under this Act,

commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(4) Regardless of paragraph (3)(d), a person shall not be found guilty of an offence if he proves that he had acted in good faith and had no reasonable grounds for supposing that such licence or identification mark, plate or document had been altered, tampered with, defaced, mutilated or added to, or that such licence, mark, plate or document was an imitation.

(5) If any police officer or road transport officer has reasonable cause to believe that a document carried on a tourism vehicle or any licence or record or other document produced to him in pursuance of this Act by the driver or person in charge of a tourism vehicle is a document in relation to which an offence under this section has been committed, he may seize the document, licence or record.

(6) For the purposes of this section, “document” includes a badge and “seize” includes “detach from the motor vehicle”.

### **Liability of registered owner and others**

**27.** (1) For the purpose of any prosecution or proceeding under this Act, the registered owner of a tourism vehicle shall be deemed to be the owner of that tourism vehicle.

(2) Any person who at the time of the commission of an offence under this Act by any body corporate is a director, general manager, manager, secretary or other similar officer of the body corporate, or was purporting to act in any such capacity, shall be deemed to be guilty of the offence unless he proves that the offence was committed without his knowledge or that he took reasonable precautions to prevent its commission.

(3) Unless expressly provided otherwise, any act or omission by any servant, agent or partner of the owner of a tourism vehicle shall, for the purpose of any prosecution or proceeding under this Act, be deemed to be the act or omission of the owner, unless he satisfies the court that he has taken all reasonable steps and precautions to prevent such act or omission.

(4) In the event of any act or omission by any servant, agent or partner of the owner of a tourism vehicle which would have been an offence against this Act if committed by the owner, that servant, agent or partner shall also be guilty of that offence.

### **Powers of the police in investigation**

**28.** Every police officer making an investigation under this Act may exercise any or all of the special powers in relation to police investigation in seizable cases conferred on such police officer by Chapter XIII of the Criminal Procedure Code [*Act 593*] and sections 112 to 114 of the Code shall apply to statements made by the persons examined in the course of such investigation.

### **Powers of road transport officers in investigation**

**29.** (1) Every road transport officer making an investigation under this Act shall have the power to require information, whether orally or in writing, from any person supposed to be acquainted with the facts and circumstances of the case under investigation.

(2) Any person who, on being required by a road transport officer to give information under this section, refuses to comply with such request or furnishes as true any information which he knows or has reason to believe to be false, commits an offence and shall on conviction be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(3) When any information provided to a road transport officer is proved to be untrue or incorrect in whole or in part, it shall be no defence to allege that the information or any part of the information was misinterpreted, or furnished inadvertently or without criminal or fraudulent intent.

### **Institution of prosecution**

**30.** No prosecution in respect of an offence under this Act shall be instituted except by or with the written consent of the Public Prosecutor.

### **Jurisdiction to try offences**

**31.** Notwithstanding any written law to the contrary, a court of a First Class Magistrate shall have the jurisdiction to try any offence under this Act and to award full punishment for any such offence.

### **Provisions as to evidence**

**32.** (1) A copy of a licence, certified by the Commissioner to be a true copy of such licence, shall be admissible as evidence for all purposes for which the original of such copy would have been admissible had such original been produced and admitted as evidence, without proof of the signature or authority of the person signing the licence or the copy.

(2) When in any proceedings for an offence under this Act it is necessary to prove that any person was, or was not, the holder of a licence, a certificate purporting to be signed by the Commissioner and certifying that a person was or was not, the holder of a licence, shall be admissible as evidence and shall constitute *prima facie* proof of the facts certified in such certificate, without proof of the signature of the Commissioner to such certificate.

### **Presumptions**

**33.** In any proceedings for an offence under this Act, in so far as it may be necessary to establish the offence charged, it shall be presumed until the contrary is proved—

- (a) that any conveyance of tourists in a tourism vehicle was for hire or reward;

- (b) that the tourists carried in a tourism vehicle were being carried in consideration of single or separate payments made by them;
- (c) that a vehicle is not an authorized vehicle under this Act;
- (d) that a person is not the holder of a licence in respect of a tourism vehicle;
- (e) that a person is not the holder of a licence authorizing him to provide any particular service;
- (f) that a person is not the holder of a licence issued under section 9;
- (g) that a person is the owner of a tourism vehicle; or
- (h) that a person is the holder of a licence.

### **Service of notification or document**

**34.** (1) Any notification or document required to be given or served under this Act may be sent by prepaid registered post to the person to or on whom the notification or document is required to be given or served.

(2) Where a notification or document is served by prepaid registered post, it shall be deemed to have been served on the day succeeding the day on which the notification or document would have been received in the ordinary course of post if the notification or document is addressed—

- (a) in the case of a company incorporated in Malaysia, to the registered office of the company;
- (b) in the case of a company incorporated outside Malaysia, either to the individual authorized to accept service of process under the Companies Act 1965, at the address filed with the Registrar of Companies or to the registered office of the company, wherever it may be situated.

(3) Where the person to whom there has been addressed a registered letter containing any notice which may be given under the provisions of this Act is informed of the fact that there is a registered letter awaiting him at a post office, and such person

refuses or neglects to take delivery of such registered letter, such notice shall be deemed to have been served upon him on the date on which he was informed.

### **Power to compound**

**35.** (1) Any of the following officers may compound any offence under this Act which is prescribed to be a compoundable offence by collecting from the person reasonably suspected of having committed the offence a sum of money not exceeding five hundred ringgit:

- (a) a Chief Police Officer or any police officer not below the rank of Inspector specially authorized in writing by name or by office in that behalf by the Minister charged with the responsibility for the police;
- (b) the Director General or any road transport officer, specially authorized in writing by name or by office in that behalf by the Director General; or
- (c) the Commissioner of Tourism or any authorized officer.

(2) An offer under subsection (1) may be made at any time after the offence has been committed but before any prosecution for it has been instituted.

(3) Where the amount specified in the offer is not paid within the time specified in the offer, or within such extended period as may be granted by the officer making the offer or any officer mentioned in the same paragraphs in subsection (1) as that officer, prosecution for the offence may be instituted at any time thereafter against the person to whom the offer was made.

(4) Where an offence has been compounded under subsection (1), no prosecution shall thereafter be instituted in respect of the offence against the person to whom the offer to compound was made.

### **Officers not in uniform to produce identification cards**

**36.** (1) Every police officer and road transport officer, if not in uniform when acting against any person under this Act, shall on demand, declare his office and produce to the person against whom

he is acting such document establishing his identity as the Chief Police Officer may direct, in the case of a police officer, or as the Director General may direct, in the case of a road transport officer, to be carried by a police officer and road transport officer respectively.

(2) It shall not be an offence for any person to refuse to comply with any request, demand or order made by any police officer or road transport officer not in uniform if such police officer or road transport officer refuses to declare his office and produce his identification document on demand being made by such person.

## PART V

### MISCELLANEOUS

#### **Seizure**

**37.** (1) A road transport officer or police officer not below the rank of Inspector may seize any motor vehicle at any place if any offence against section 20 has been committed or if he has reasonable cause to suspect that any such offence has been committed in respect of the motor vehicle.

(2) When any motor vehicle has been seized under subsection (1), a road transport officer or a police officer not below the rank of Inspector may, at his discretion, temporarily return such vehicle to the owner of the vehicle, on security being furnished to the satisfaction of such officer that the vehicle shall be surrendered to him on demand.

(3) An order for the forfeiture or for the release of any motor vehicle seized under subsection (1) shall be made by the court before which the prosecution with regard thereto has been held.

(4) An order for the forfeiture of a vehicle under subsection (3) shall be made if it is proved to the satisfaction of the court that an offence against this Act has been committed and that the vehicle was the subject matter of the offence, notwithstanding that no person may have been convicted of such an offence.

(5) Where there is no prosecution with regard to any motor vehicle seized under subsection (1), such vehicle shall be released at the expiration of one calendar month from the date of seizure unless it has sooner been released.

### **Avoidance of contracts**

**38.** Any contract for the conveyance of a tourist in a tourism vehicle shall be void, so far as it purports to negate or to restrict the liability of any person in respect of any claim which might otherwise be lawfully made against that person in respect of the death of or bodily injury to the tourist while being carried in, entering or alighting from the vehicle, or purports to impose any condition with respect to the enforcement of any such liability.

### **Regulations**

**39.** (1) The Minister may make regulations for the further, better and more convenient carrying out of the provisions of this Act, and without prejudice to the generality of this provision, the Minister may make regulations for—

- (a) the prescription of documents and information to accompany any application for a licence;
- (b) the procedure on applications and determination of questions in connection with the grant, variation, surrender, suspension and revocation of licences and conditions attached to licences, and in connection with appeals;
- (c) the grant of licences and the issue of copies of licences in the case of licences lost or destroyed;
- (d) the offences which may be compounded and the procedure for compounding such offences;
- (e) the fees to be paid, the manner of payment and the persons liable to pay the fees, the exemption of any person or classes of person or company from payment of such fees, or the reduction of such fees;
- (f) the custody of licences, the production, return, surrender and cancellation of licences on the expiration, suspension, revocation or variation of the conditions thereof and the custody, production, return and obliteration of documents;
- (g) the form of register and other records to be kept and maintained by the Commissioner, provisions for the opening, maintenance and closure thereof, provisions for the inspection and taking of extracts from the register or records and the supply of copies of the register or records and the fees to be paid for such inspection, extracts and copies respectively;

- (h) the notification to the Director General or Commissioner, of tourism vehicles which have ceased to be used under a licence granted under this Act;
- (i) the records to be kept by licence holders and by drivers of authorized vehicles and the returns to be made;
- (j) prescribing penalties (not exceeding those specified by section 119 of the Road Transport Act 1987) for any contravention of any regulation made under this Act;
- (k) the means by which tourism vehicles are to be identified as authorized vehicles, whether by plates, marks and otherwise, and providing for distinguishing words, letters, numbers, colours or marks to be affixed or not affixed to authorized vehicles;
- (l) the safe custody or disposal of any property accidentally left in a tourism vehicle and the fixing of charges made in respect of such custody.

(2) The Minister may make different regulations as respects different classes or descriptions of authorized vehicles and as respects the same class and description of authorized vehicles in different circumstances.

### **Transitional and saving**

**40.** (1) All subsidiary legislation relating to the licensing of tourism vehicles made under the Commercial Vehicles Licensing Board Act 1987 [*Act 334*] shall be deemed to have been made under this Act and shall continue to remain in force until amended or revoked under this Act.

(2) Any licence, permit or other document in respect of a tourism vehicle or any reduction of fees or any exemption issued or granted under the Commercial Vehicles Licensing Board Act 1987 and in force immediately before the coming into operation of this Act shall, in so far as its issue or grant is not inconsistent with this Act, continue in force until it expires, or is varied, amended, suspended or revoked under this Act.

(3) Where an application for the grant of a licence in respect of a tourism vehicle has been made before the date of coming into operation of this Act and was pending immediately before such

date, the application shall be determined and continued under the Commercial Vehicle Licensing Board Act 1987 by the Board established under that Act subject to such modifications to the application being made so as to bring it into accord with the provisions of this Act, and subject to such directions as the Board may give with regard to the continuation of proceedings on such an application.

(4) Where any appeal in respect of a decision made under the Commercial Vehicles Licensing Board Act 1987 is pending before any right to appeal in respect of such decision has accrued, the proceedings in respect of the appeal or in respect of any appeal under the accrued right to appeal, may be continued or instituted under that Act, as if this Act had not been enacted.

**Power of Minister to make additional provisions, etc.**

**41.** (1) The Minister may, by regulations, make such provisions as he considers necessary or expedient for the purpose of removing any difficulties occasioned by the coming into operation of this Act, and such regulations may be made so as to have effect as from the commencement of this Act.

(2) The power of the Minister under subsection (1) shall be not exercised after a period of three years from the commencement of this Act.

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**LAWS OF MALAYSIA**

**Act 594**

**TOURISM VEHICLES LICENSING ACT 1999**

LIST OF AMENDMENTS

Amending law

Short title

In force from

– NIL –

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**LAWS OF MALAYSIA**  
**Act 594**  
**TOURISM VEHICLES LICENSING ACT 1999**

LIST OF SECTIONS AMENDED

Section	Amending authority	In force from
	– NIL –	

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