

Contents

	PAGE
<i>Chapter-heads</i>	<i>I-5</i>
<i>Amendments made by Motor Vehicles (Amendment) Act, 2019 at a glance</i>	<i>I-25</i>
<i>Chart No. 1 : Offences and Punishment/Fine under Motor Vehicles Act, 1988 at a glance</i>	<i>I-33</i>
<i>FAQs on Motor Vehicles (Amendment) Act, 2019</i>	<i>I-63</i>

DIVISION ONE

GUIDE TO MOTOR VEHICLES (AMENDMENT) ACT, 2019

1

INTRODUCTION TO THE MOTOR VEHICLES (AMENDMENT) ACT, 2019

1.1	Backdrop	<i>1.3</i>
1.2	Aims and objects of the amendments	<i>1.7</i>
1.3	Resume of the amendments to the provisions of the Act	<i>1.8</i>

2

DATE OF COMING INTO FORCE OF THE AMENDMENTS

2.1	Effective date for coming into force of the amendments	<i>1.31</i>
------------	--	-------------

3

DEFINITIONS

3.1	Amendments to definitional clauses of section 2 of the Act	<i>1.33</i>
------------	--	-------------

	PAGE
3.1-1 Definitional clauses omitted	<i>1.33</i>
3.1-2 Definitional clauses amended	<i>1.33</i>
3.1-3 New definitional clauses inserted	<i>1.34</i>
3.1-4 Definitional clause renumbered	<i>1.34</i>
3.2 Adapted vehicle [Section 2(1)]	<i>1.34</i>
3.3 Aggregator [Section 2(1A)]	<i>1.36</i>
3.4 Area [New clause (1B) of section 2]	<i>1.37</i>
3.5 Community service [New clause (4A) of section 2]	<i>1.37</i>
3.5A Driver refresher training course [New clause (9A) of section 2]	<i>1.39</i>
3.5B Golden hour [New clause (12A) of section 2]	<i>1.39</i>
3.6 Scheme [New clause (38A) of section 2]	<i>1.39</i>
3.7 Testing agency [New clause (42A) of section 2]	<i>1.39</i>
3.8 Weight [Clause (49) of section 2]	<i>1.40</i>

4

PROMOTION OF INNOVATION

4.1 Central Government empowered to exempt mechanically propelled vehicles	<i>1.41</i>
4.2 Objective of new section 2B which provides for promotion of innovation	<i>1.41</i>

5

LICENSING OF DRIVERS OF MOTOR VEHICLES

5.1 Provisions relating to driving licence amended by the 2019 Amendment Act	<i>1.42</i>
5.2 Amendments to section 8 of the Act dealing with grant of learner's licence	<i>1.45</i>
5.2-1 Application for learner's licence may be made to any licensing authority in the State in which applicant ordinarily resides [Sub-section (1) of section 8]	<i>1.47</i>

	PAGE
5.2-2 Amendment enabling online application for learner's license	<i>1.47</i>
5.2-3 No need to attach medical certificate with learner's license application unless application is for commercial license	<i>1.48</i>
5.2.4 Central Government empowered to do away with test for learner's license	<i>1.48</i>
5.2-5 Enabling provisions for issue of learner's licence in electronic form	<i>1.48</i>
5.2-6 Power of licensing authority to verify the identity of the applicant before issuing the learner's licence	<i>1.49</i>
5.2-7 Consequential amendments as regards issuing licence to differently abled for driving adopted vehicle	<i>1.49</i>
5.3 Amendments to section 9 of the Act dealing with grant of driving licence	<i>1.49</i>
5.3-1 Application for D/L may be made to any licensing authority in the State in which applicant ordinarily resides [Sub-section (1) of section 9]	<i>1.50</i>
5.3-2 Removal of minimum educational qualification for licence to drivers of transport vehicles	<i>1.51</i>
5.3-3 Consequential amendments to enable issue of license to differently issue of license to differently enabled for driving an adapted vehicle	<i>1.53</i>
5.3-4 If 3 tests of competence failed, then applicant can re-appear for test only after completion of remedial driver training course	<i>1.53</i>
5.4 Amendments by the 2019 Amendment Act to section 10 relating to form & contents of licences to drive	<i>1.54</i>
5.5 Amendments by the 2019 Amendment Act to section 11 relating to additions to D/L	<i>1.54</i>
5.6 Amendments to section 12 relating to licensing & regulation of driving schools	<i>1.54</i>

	PAGE
5.7	Amendments to section 14 relating to currency of D/L 1.55
5.7-1	Whether to rush renewals of D/Ls before amendments come into force (<i>i.e.</i> On or before 31.08.2019) or defer them to 01.09.2019 Or thereafter? Which is more advantageous? 1.57
5.8	Amendments to section 15 relating to application for renewal of D/L 1.59
5.9	Amendments to section 19 to power of licensing authority to disqualify a holder from holding D/L or revoke D/L 1.60
5.10	New section 25A for establishment of a national register of driving licences 1.64
5.11	Use of electronic forms & documents - New section 211A 1.66

6

REGISTRATION OF MOTOR VEHICLES

6.0	Provisions relating to registration of motor vehicles driving which have been amended by the 2019 Amendment Act 1.73
6.1	Amendments to section 40 as regards where to register the Motor Vehicle 1.75
6.2	Amendments to section 41 to allow registration of new Motor Vehicles by dealers 1.76
6.2-1	Registration of new vehicles at the dealer's end to unburden the RTOs and for convenience of buyers 1.76
6.2-2	Omission of sub-sections (11) to (13) by way of consequential amendments 1.77
6.2-3	New provisions of section 192B - Offences relating to registration 1.77
6.2-4	Amendment allowing RC to be issued in digital form in the name of the owner 1.78
6.2-5	Renewal of RC 1.78
6.2-6	Bar on registration of oversized vehicles [New section 62A] 1.79

	PAGE
6.3 Amendments to section 43 to restrict temporary registrations of Motor Vehicles	<i>1.79</i>
6.4 Amendments to section 44 to remove requirement of production of vehicle before registering authority for registration/renewal of RC/transfer	<i>1.80</i>
6.5 Amendments to section 49 to simplify process of change of residence on RC by providing online application process	<i>1.82</i>
6.6 Amendments to section 52 to allow owners to alter/ retrofit vehicles subject to guidelines	<i>1.82</i>
6.6-1 If owner alter or retrofit vehicles as per prescribed guidelines, manufacturer's warranty shall not be void	<i>1.82</i>
6.6-2 Alteration or, causation into an 'adapted vehicle'	<i>1.83</i>
6.6-3 Central Govt. empowered to require manufactures to retrofit safety equipment on motor vehicles	<i>1.84</i>
6.7 Amendments to section 55 to cancel RC of a vehicle used by a juvenile to commit an offence punishable u/s 199A	<i>1.84</i>
6.8 Amendments as regards vehicle fitness	<i>1.87</i>
6.8-1 Central Govt. empowered to extend fitness certificate requirements to non-transport vehicles	<i>1.87</i>
6.8-2 Mandatory automated testing to reduce corruption and improve the road worthiness of the vehicle	<i>1.87</i>
6.8-3 Transport vehicles with valid certificates of fitness shall carry clear visible distinguishable marks on their bodies	<i>1.89</i>
6.8-4 Safeguards against arbitrary cancellation of fitness certificate and harassment	<i>1.89</i>
6.8-5 No certificate of fitness for oversized vehicles - New section 62A	<i>1.90</i>
6.9 Amendments to empower Central Govt. for making rules for recycling of Motor Vehicles & MV parts	<i>1.90</i>

	PAGE
6.10 Prohibition of registration and issuance of certificate of fitness to oversized vehicles - New section 62A	<i>1.90</i>
6.11 National Register of Motor Vehicles - New section 62B	<i>1.91</i>
6.12 Consequential amendments to rule-making powers of Central Govt. [Section 64] and State Govt. [Section 65]	<i>1.92</i>

7

CONTROL OF TRANSPORT VEHICLES

7.1 Provisions relating to control of transport vehicles which have been amended	<i>1.94</i>
7.2 Amendments to exempt transport vehicles operating under a scheme from permits	<i>1.96</i>
7.3 No bar against permit holders to apply and hold licences under the schemes - New section 66B	<i>1.97</i>
7.4 Option to person who holds licence as well as permit to use either of them - New fourth proviso to section 66(1)	<i>1.97</i>
7.5 New section 66A empowers Central Govt. to develop & implement a national transportation policy	<i>1.98</i>
7.6 State Govt.'s directions to STA & RTA should be for promoting effective competition instead of avoiding uneconomic competition among transporters	<i>1.99</i>
7.7 State Govt. empowered to modify permits & make schemes to usher in logistics revolution - New sub-section (3)	<i>1.100</i>
7.8 RTA empowered to waive any permit condition for stage carriage operating in rural area	<i>1.101</i>
7.9 RTA empowered to waive any permit condition for contract carriage to promote last mile connectivity	<i>1.102</i>
7.10 New section 88A empowering Central Govt. to make schemes for national, multimodal and inter-State transport of passengers and goods	<i>1.102</i>
7.11 Amendment to void any contract that negatives or restricts liability or imposes any conditions for enforcement of liability for death or bodily injury to passengers	<i>1.103</i>
7.12 Statutory recognition to transport aggregators	<i>1.103</i>

	PAGE
7.13 Jurisdiction of civil courts barred in the matter of licence issued under a scheme under Chapter V	<i>1.104</i>
7.14 Consequential amendments to section 96 of the Act	<i>1.105</i>

8

CONSTRUCTION, EQUIPMENT AND MAINTENANCE OF VEHICLES

8.1 Provisions relating to construction, equipment and maintenance of vehicles which have been amended	<i>1.106</i>
8.2 Central Govt. empowered to make rules laying down standards of software used in vehicle as built in safety device	<i>1.106</i>
8.3 Central Govt. empowered to make rules laying down procedure of investigation, officers empowered etc.	<i>1.107</i>
8.4 Power of Central Govt. to recall vehicles - New section 110A	<i>1.107</i>
8.4-1 When Central Govt. can order recall of vehicles	<i>1.108</i>
8.4-2 Liability of manufacturers when Central Govt. orders recall of vehicles	<i>1.109</i>
8.4-3 No fine payable by manufacturer if he voluntarily initiates recall proceedings	<i>1.110</i>
8.5 Type approval certificate and testing agencies - New section 110B	<i>1.110</i>
8.6 Punishment for offences relating to construction, maintenance, sale and alteration of Motor Vehicles and components - New substituted section 182A	<i>1.111</i>
8.6-1 Contravention by dealers	<i>1.112</i>
8.6-2 No contravention of section 182A is seller discloses to buyer that alteration contravenes Chapter VII or rules thereunder	<i>1.112</i>
8.6-3 Offences by manufacturer including non-recall of motor vehicles when so directed by Central Govt.	<i>1.113</i>
8.6-4 Offences by dealers of critical safety component	<i>1.113</i>
8.6-5 Offences by owner of a motor vehicle	<i>1.113</i>

9**CONTROL OF TRAFFIC**

9.1	Provisions relating to control of traffic which have been amended	<i>1.114</i>
9.2	State Govt. empowered to also persons other than officers to have vehicle weighed	<i>1.116</i>
9.3	NHAI empowered under section 116 to construct traffic signs on highways	<i>1116</i>
9.4	NHAI empowered under section 117 to determine parking places or halting stations	<i>1.117</i>
9.5	Child below 4 years of age exempt from wearing helmet while riding two-wheelers	<i>1.118</i>
9.6	Protection of Good Samaritan - New section 134A	<i>1.120</i>
	9.6-1 Who is a 'Good Samaritan'	<i>1.120</i>
	9.6-2 What legal immunities are provided to a Good Samaritan?	<i>1.120</i>
9.7	State Govt. empowered to make schemes for amenities & Central Govt. empowered to make schemes for in depth studies on accidents	<i>1.121</i>
9.8	Electronic monitoring and enforcement of road safety	<i>1.121</i>
9.9	Consequential amendments to the rule making powers of Central Govt. under section 137	<i>1.122</i>
9.10	States empowered to regulate pedestrians, bicycles and rickshaws	<i>1.122</i>

10**NO FAULT LIABILITY FOR INSURANCE**

10.1	Provisions of Chapter X relating to no fault liability omitted	<i>1.123</i>
10.2	Minimum compensation increased under no fault liability increased 10-fold	<i>1.123</i>

11**THIRD PARTY**

11.1	Chapter XI as regards third party insurance has been substituted by new Chapter XI	<i>1.124</i>
11.2	Definitions [Section 145]	<i>1.125</i>
	11.2-1 Authorised insurer [Clause (a) of section 145]	<i>1.125</i>
	11.2-2 Certificate of insurance [Clause (b) of section 145]	<i>1.125</i>
	11.2-3 Grievous hurt [Clause (c) of section 145]	<i>1.125</i>
	11.2-4 'Hit and run motor accident' [Clause (d) of section 145]	<i>1.126</i>
	11.2-5 'Insurance regulatory and development authority' [Clause (e) of section 145]	<i>1.126</i>
	11.2-6 Policy of insurance [Clause (f) of section 145]	<i>1.126</i>
	11.2-7 Property [Clause (g) of section 145]	<i>1.126</i>
	11.2-8 Reciprocating country [Clause (h) of section 145]	<i>1.127</i>
	11.2-9 Third party [Clause (i) of section 145]	<i>1.127</i>
11.3	Necessity for insurance against third party risks [New substituted section 146]	<i>1.127</i>
11.4	Requirements of policies and limits of liabilities [New substituted section 147]	<i>1.129</i>
11.5	Validity of policies of insurance issued in reciprocating countries [New substituted section 148]	<i>1.131</i>
11.6	Settlement by insurance company and procedure therefor [New section 149]	<i>1.131</i>
11.7	Duty of insurers to satisfy judgments and awards against persons insured in respect of third party risks [New section 150]	<i>1.132</i>
11.8	Rights of third party against insurers on insolvency of insured [New section 151]	<i>1.135</i>
11.9	Duty to give information as to insurance [New section 152]	<i>1.137</i>

	PAGE
11.10 Settlement between insurers and insured persons [New section 153]	<i>1.139</i>
11.11 Saving in respect of sections 151, 152 & 153 [New section 154]	<i>1.140</i>
11.12 Effect on certain causes of action [New section 155]	<i>1.140</i>
11.13 Effect of certificate of insurance [New section 156]	<i>1.140</i>
11.14 Transfer of certificate of insurance [New section 157]	<i>1.141</i>
11.15 Production of certain certificates, licence and permit in certain cases [New section 158]	<i>1.142</i>
11.16 Information to be given regarding accident [New section 159]	<i>1.143</i>
11.17 Duty to furnish particulars of vehicle involved in accident [New section 160]	<i>1.144</i>
11.18 Special provisions as to compensation in case of hit and run motor accident [New section 161]	<i>1.144</i>
11.19 Scheme for golden hour [New section 162]	<i>1.146</i>
11.20 Refund in certain cases of compensation paid under section 161 [New section 163]	<i>1.147</i>
11.21 Payment of compensation in case of death or grievous hurt, etc. [New section 164]	<i>1.148</i>
11.22 Scheme for interim relief for claimants [New section 164A]	<i>1.149</i>
11.23 Motor vehicle accident fund [New section 164B]	<i>1.149</i>
11.24 Power of Central Govt. to make rules [New section 164C]	<i>1.150</i>
11.25 Power of State Govt. to make rules [New section 164D]	<i>1.153</i>

12

CLAIMS TRIBUNAL

12.1 Provisions relating to claims tribunal of traffic which have been amended	<i>1.154</i>
12.2 Consequential amendments to sections 165 and 168	<i>1.155</i>
12.3 Claims petition before claims tribunal to lapse where person accepts compensation u/s 164	<i>1.155</i>

	PAGE
12.4 Consequential amendment to section 166(2)/168 - Omission of proviso	<i>1.155</i>
12.5 New sub-section (3) inserted in section 166 to provide a time-limit of 6 months for making a claim	<i>1.156</i>
12.6 New sub-section (5) of section 166 provides claim not to abate on death of claimant	<i>1.156</i>
12.7 Consequential amendment to section 168	<i>1.157</i>
12.8 Amendment to section 169 confers on claims tribunal the powers of civil court to enforce its decree	<i>1.157</i>
12.9 Amendment increases threshold of amount controverted for appeal against claims tribunal award to High Court	<i>1.158</i>

13

OFFENCES, PENALTIES AND PROCEDURE

13.1 Provisions relating to offences, penalties and procedure which have been amended	<i>1.159</i>
13.1-1 Rationale of the amendments	<i>1.163</i>
13.2 General provision for punishment of offence - Section 177	<i>1.164</i>
13.2-1 Whether offence is compoundable under section 200	<i>1.164</i>
13.3 Penalty for contravention of regulations under section 118 - New section 177A	<i>1.164</i>
13.3-1 Whether offence compoundable under section 200	<i>1.165</i>
13.4 Increase in penalty for travelling without pass or ticket - Section 178	<i>1.165</i>
13.4-1 Whether offence compoundable under section 200	<i>1.165</i>
13.5 Enhanced penalties for disobedience of orders, obstruction, etc. under section 179	<i>1.165</i>
13.5-1 Whether offence compoundable under section 200	<i>1.166</i>
13.6 Enhanced penalties for allowing unauthorised persons to drive vehicle under section 180	<i>1.166</i>

	PAGE
13.6-1 Whether offence compoundable under section 200	1.166
13.7 Enhanced penalties for driving without holding effective D/L and driving by underaged under section 181	1.166
13.7-1 Whether offence compoundable under section 200	1.167
13.8 Enhanced penalties for offences relating to licences	1.167
13.8-1 Whether offence compoundable under section 200	1.168
13.9 Substitution of section 182A to enhance penalties for contravention of provisions of Chapter VII by manufacturers, importers, dealers and owners of Motor Vehicles	1.168
13.9-1 Whether offence compoundable under section 200	1.168
13.10 Punishment for contravention of section 62A - New section 182B	1.168
13.10-1 Whether offence compoundable under section 200	1.169
13.11 Enhanced penalties under section 183 for driving at excessive speed	1.169
13.11-1 Whether offence compoundable under section 200	1.171
13.12 Enhanced penalties under section 184 for dangerous driving	1.171
13.12-1 Actions of drivers which will <i>per se</i> constitute dangerous driving w.e.f. 01.09.2019	1.171
13.12-2 Scope of section 184 expanded w.e.f. 01.09.2019 to cover causes a sense of alarm or distress to the occupants of the vehicle, other road users, and persons near roads	1.172
13.12-3 Enhanced penalties for dangerous driving under section 184 applicable from 01.09.2019	1.173
13.12-4 Whether offence compoundable under section 200	1.173

	PAGE
13.13 Enhanced penalties for drunken/drugged driving- [Section 185]	<i>1.174</i>
13.13-1 Alcohol in blood of driver can be detected by any other test including laboratory test also (applicable w.e.f. 01.09.2019)	<i>1.174</i>
13.13-2 W.e.f. 01.09.2019, a narcotic drug/psychotropic substance will be “drug” for section 184 purposes whether notified under the Act or not	<i>1.174</i>
13.13-3 Enhanced penalties for driving drunk or under influence of drugs applicable from 01.09.2019	<i>1.175</i>
13.13-4 Whether offence compoundable under section 200	<i>1.175</i>
13.14 Enhanced penalties under section 186 for driving when physically or mentally unfit	<i>1.175</i>
13.14-1 Whether offence compoundable under section 200	<i>1.176</i>
13.15 Enhanced penalties under section 187 for offences relating to accident	<i>1.176</i>
13.15-1 Whether offence compoundable under section 200	<i>1.177</i>
13.16 Enhanced penalties under section 189 for racing and trials of speed	<i>1.177</i>
13.16-1 Whether offence compoundable under section 200	<i>1.177</i>
13.17 Enhanced penalties under section 190 for using vehicle in unsafe condition	<i>1.177</i>
13.17-1 Whether offence compoundable under section 200	<i>1.179</i>
13.18 Omission of section 191 regarding sale of vehicle in or alteration of vehicle to condition contravening the Act	<i>1.179</i>
13.19 Use of Motor Vehicle in contravention of fitness certificate is offence under section 192	<i>1.179</i>
13.20 Enhanced penalties under section 192A for using a Motor Vehicle in contravention of section 66	<i>1.180</i>

	PAGE
13.20-1 Whether offence compoundable under section 200	<i>1.180</i>
13.21 Offences relating to registration - New section 192B	<i>1.180</i>
13.22 Enhanced penalties for agents and canvassers & penalties for aggregators	<i>1.182</i>
13.22-1 Whether offence compoundable under section 200	<i>1.183</i>
13.23 Enhanced penalties for driving vehicle exceeding permissible weight	<i>1.183</i>
13.23-1 Whether offence compoundable under section 200	<i>1.185</i>
13.24 Penalty for carriage of more passengers than authorised in the RC/permit - New section 194A	<i>1.185</i>
13.24-1 Whether offence compoundable under section 200	<i>1.186</i>
13.25 Penalty on persons for not wearing seat belts & for not seating children safely - New section 194B	<i>1.186</i>
13.25-1 Whether offence compoundable under section 200	<i>1.186</i>
13.26 Penalty for triple or more seats riding on motorcycle - New section 194C	<i>1.186</i>
13.26-1 Whether offence compoundable under section 200	<i>1.187</i>
13.27 Penalty for not wearing helmet while driving or riding a motor cycle - New section 194D	<i>1.187</i>
13.27-1 Whether offence compoundable under section 200	<i>1.187</i>
13.28 Penalty for not allowing passage to ambulance/fire engine/other emergency vehicle - New section 194E	<i>1.187</i>
13.28-1 Whether offence compoundable under section 200	<i>1.188</i>
13.29 Penalty for excessive honking - New section 194F	<i>1.188</i>
13.29-1 Whether offence compoundable under section 200	<i>1.188</i>
13.30 Section 195 omitted to eliminate discretion in imposition of fine	<i>1.189</i>

	PAGE
13.31 Enhanced penalties under section 196 for driving an uninsured motor vehicle	<i>1.189</i>
13.31-1 Whether offence compoundable under section 200	<i>1.189</i>
13.32 Enhanced penalties under section 197 for taking a motor vehicle without authority	<i>1.190</i>
13.32-1 Whether offence compoundable under section 200	<i>1.190</i>
13.33 Enhanced penalties under section 198 for unauthorised interference with a motor vehicle	<i>1.190</i>
13.33-1 Whether offence compoundable under section 200	<i>1.190</i>
13.34 Penalties for failure to comply with standards for road design, construction & maintenance - New section 198A	<i>1.191</i>
13.34-1 Whether offence compoundable under section 200	<i>1.191</i>
13.35 Offences by juveniles - New section 199A	<i>1.191</i>
13.35-1 Whether offence compoundable under section 200	<i>1.192</i>
13.36 Automatic annual increase in fines - New section 199B	<i>1.192</i>
13.37 Composition of offences subject to community service - Amendment to section 200	<i>1.192</i>
13.38 Enhanced penalties under section 201 for causing obstruction to free flow of traffic	<i>1.194</i>
13.38-1 Whether offence compoundable under section 200	<i>1.194</i>
13.39 Police officers empowered to impound D/L & forward the same for disqualification proceedings	<i>1.194</i>
13.40 Power of State Govt. to increase penalties - New section 210A	<i>1.195</i>
13.41 Penalty for offence by enforcing authority - New section 210B	<i>1.195</i>
13.41-1 Whether offence compoundable under section 200	<i>1.196</i>
13.42 Power of Central Government to make rules - New section 210C	<i>1.196</i>

	PAGE
13.43 Power of State Government to make rules - New section 210D	<i>1.196</i>

14

MISCELLANEOUS

14.1 New provisions inserted by the 2019 Amendment Act into Chapter XIV of the Act	<i>1.197</i>
14.2 Use of electronic forms & documents - New section 211A	<i>1.197</i>
14.3 Notifications under section 210A to be laid by State Govt. for legislative approval	<i>1.197</i>
14.4 Power of Central Govt. & State Govt. to delegate - New section 215A	<i>1.198</i>
14.5 National road safety board - New section 215B	<i>1.198</i>
14.6 Power of Central Govt. to make rules - New section 215C	<i>1.200</i>
14.7 Power of State Govt. to make rules - New section 215C	<i>1.200</i>

DIVISION TWO

MOTOR VEHICLES ACT, 1988

◆ Arrangement of Sections	<i>2.3</i>
◆ Text of Motor Vehicles Act, 1988 as amended by Motor Vehicles (Amendment) Act, 2019	<i>2.15</i>

DIVISION THREE

MOTOR VEHICLES (AMENDMENT) ACT, 2019

◆ Arrangement of Sections	<i>3.3</i>
◆ Text of Motor Vehicles (Amendment) Act, 2019	<i>3.7</i>

DIVISION FOUR

NOTIFICATIONS

◆ Notifications	<i>4.3</i>
-----------------	------------