

A BILL

FOR

AN ACT TO AMEND THE FEDERAL ROAD SAFETY COMMISSION (ESTABLISHMENT) ACT, 2007 TO EMPOWER THE FEDERAL ROAD SAFETY COMMISSION WITH THE RESPONSIBILITY FOR ROAD TRAFFIC ADMINISTRATION AND SAFETY MANAGEMENT, PREVENTING AND MINIMIZING ROAD TRAFFIC CRASHES ON PUBLIC ROADS, THE SUPERVISION OF USERS OF SUCH PUBLIC ROADS, THE REGULATION OF TRAFFIC THEREON AND CLEARING OF OBSTRUCTION ON ANY PART OF THE PUBLIC ROADS AND FOR EDUCATING DRIVERS, MOTORISTS AND OTHER MEMBERS OF THE PUBLIC GENERALLY ON THE PROPER USE OF PUBLIC ROADS AND MATTERS RELATED TO SAFETY ON THE PUBLIC ROADS AND FOR RELATED MATTERS

Sponsored by Hon. Abiodun Derin Adesida

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows-

1 PART I - ESTABLISHMENT AND COMPOSITION OF THE FEDERAL ROAD
2 SAFETY COMMISSION, ETC.

3 1.-(1) The Federal Road Safety Commission (Establishment) Act,
4 2007 (in this Act referred to as the "Principal Act) is hereby amended as set
5 out in this Bil.

Amendment of
Federal Road
Safety Commission
(Establishment)
Act. 2007

6 (2) In section 1(2) as follows:

7 1(2) The Commission shall consist of:-

8 (a) (i) A Chairman and three other persons appointed by the
9 President;

10 (ii) One representative of Federal Ministry of Transport not below
11 the rank of a Director;

12 (iii) One representative of Federal Ministry of Works not below the

1 rank of a Director;
2 (iv) One representative of Federal Ministry of Health not below the
3 rank of a Director;

4 (b) The Corps Marshal of the Corps;

5 (c) Members mentioned in paragraph (a) above shall serve on part
6 time basis

Amendment of
Section 2

7 In section 2 as follows:

Tenure of Office
of Members of
the Commission

8 2.-(1) Subject to subsection (2) of this section, a member of the
9 Commission other than the Corps Marshal shall hold office for a term of four
10 years and no more provided that a member representing any of the ministries
11 shall cease to hold office when he ceases to hold the office that qualified him to
12 be a member of the Commission.

13 (2) Any member of the Commission not being a public officer may
14 resign his appointment by a letter addressed to the President.

15 (3) Members of the Commission shall be paid such remuneration and
16 allowances, as the President may determine.

17 (4) The President may at any time remove any member from office if
18 in his opinion it is in the interest of the Commission or of the public for such
19 member to be removed from the Commission.

20 In section 5 as follows:

Power to make
Regulations

21 *“Power to make Regulations:*

22 5. The Commission may make regulations generally for the carrying
23 out of its functions under this Act and, in particular, may make regulations
24 relating to-

25 (a) ranks, payment of salaries and allowances of members of the
26 Corps;

27 (b) hours of duty and leave periods of members of the Corps;

28 (c) the procedure and terms of appointment of members of the Corps;

29 (d) subject to the provisions of this Act, the qualification for
30 appointments of members of the Corps to any rank and the procedure for

- 1 promotion to any such rank;
- 2 (e) the maintenance of discipline among members of the Corps;
- 3 (f) the Conditions and Schemes of Service of members of the
- 4 Corps;
- 5 (g) the design and production of drivers' licences and vehicle
- 6 number plates to be used by various categories of vehicle operators;
- 7 (h) registration and licensing of vehicles, drivers' licences, use of
- 8 expressways, use and construction of vehicles, road codes and in general on
- 9 human, vehicular and environmental factors to make the roads safe;
- 10 (i) the penalty point based system to be awarded against road traffic
- 11 offenders;
- 12 (j) establishment of a central database for registered vehicles and
- 13 licenced drivers with the Corps Marshal as the Chief Registrar and custodian
- 14 of the data;
- 15 (k) establishment of road side clinics for the treatment of road crash
- 16 victims;
- 17 (l) establishment and regulation of ambulance services engaged in
- 18 road traffic crash rescue and emergency duties;
- 19 (m) the establishment, investigation and certification of driving
- 20 schools;
- 21 (n) the certification of convoy drivers;
- 22 (o) the certification of commercial drivers;
- 23 (p) the certification and registration of Fleet Operators;
- 24 (q) speed limiting devices to be used by motor vehicles of any class
- 25 or description;
- 26 (r) the speed at which motor vehicles of any class or description
- 27 may be driven either generally on any public road or within any defined
- 28 area;
- 29 (s) the emission of smoke, and visible vapour, sparks, ashes and
- 30 grits,

- 1 (t) excessive noise of vehicles;
- 2 (u) the maximum laden weight of motor vehicles and trailers, and the
3 maximum weight to be transmitted to the road or any specified area thereof by a
4 motor vehicle or trailer of any class or description or by any part or parts of such
5 a vehicle or trailer in contact with the road and the conditions under which the
6 weights may be required to be tested;
- 7 (v) the placing on or near a public road of traffic signs;
- 8 (w) the prohibition or control of advertising on public roads,
- 9 (x) the particulars to be marked on motor vehicles and trailers,
- 10 (y) the towing or drawing of vehicles by motor vehicles,
- 11 (z) the appliances to be fitted for signalling the approach of a motor
12 vehicle or enabling the driver of a motor vehicle to become aware of the
13 approach of another vehicle from the rear,
- 14 (aa) regulating the use of sirens by motor vehicles on public roads,
- 15 (bb) the use of seat belts,
- 16 (cc) use of mobile phones, eating, smoking or any act capable of
17 distracting the driver of a motor vehicle while driving,
- 18 (dd) the supervision of the use and users of public roads;
- 19 (ee) the restriction or exclusion of type or class of vehicles,
20 roadworthiness of vehicles and vehicle inspection;
- 21 (ff) the restriction of the use of public roads by any vehicle or breed
22 of animals;
- 23 (gg) the use of public roads,
- 24 (hh) offences and penalties payable by offenders provided that the
25 penalties shall not be more than the highest penalty provided by the Act;
- 26 (ii) the construction and use of motorcycles, tricycles and the
27 regulation of operations of motorcycles and tricycles generally;
- 28 (jj) the education of motorists and other road users;
- 29 (kk) standards for road traffic administration and safety in Nigeria;
- 30 (ll) psychological/medical evaluation of persons arrested for

1 violating the provisions of this Act or any regulation made pursuant to it

2 (oo) road safety matters.

3 In section 7 as follows:

Amendment of
Section 7

4 *“7. Corps Marshal of the Nigeria Road Safety Corps:*

5 (1) There shall be a Corps Marshal of the Federal Road Safety
6 Corps established under section 10 of this Act who shall be appointed by the
7 President from among serving members of the Corps.

Corps Marshal
of the Nigeria
Road Safety Corps

8 (2) Without prejudice to the provisions of subsection (2) of this
9 section, the Corps Marshal shall -

10 (a) exercise general supervision and control over members of the
11 Corps and volunteers;

12 (b) direct the activities of members of the Corps and volunteers;

13 (c) manage the Commission's financial affairs;

14 (d) deploy the human and material resources of the Commission in
15 such manner as will best ensure the attainment of the aims and objectives of
16 this Act; and.

17 (e) appoint marshals.

18 In section 10 as follows:

Amendment of
Section 10

19 *“Part II - Establishment and Functions of the Federal Road Safety Corps:*

20 10 (1) There is established for the Commission, a body to be known
21 as the Federal Road Safety Corps (in this Act referred to as "the Corps")
22 which shall be the lead agency in road safety administration and road traffic
23 management in Nigeria.

24 (2) There shall be such number of Deputy Corps Marshals,
25 Assistant Corps Marshals, as the Commission consider appropriate and
26 such ranks as may from time to time be appointed by the Commission or the
27 Corps Marshal as the case may be.

28 (3) The Corps shall discharge functions relating generally to-

29 (a) making the roads safe for motorists and other road users;

30 (b) recommending works and devices designed to eliminate or

1 minimise road traffic crashes and advising the Federal or State Governments,
2 including the Federal Capital Territory Administration and relevant
3 government agencies on the localities where such works and devices are
4 required;

5 (c) educating motorists and other members of the public on the
6 importance of discipline on the road;

7 (d) designing and producing the driver's licence to be used by various
8 categories of vehicle operators; and such driver's licence shall be valid
9 throughout Nigeria;

10 (e) reviewing and re-designing driver's licence and vehicle number
11 plates;

12 (f) designing and producing the international driver's permit in line
13 with international convention;

14 (g) determining, from time to time, the requirements to be satisfied by
15 an applicant for a driver's licence;

16 (h) designing and producing vehicle plate identification numbers
17 which shall be valid throughout Nigeria;

18 (i) determining the number plates to be used by each category of
19 vehicles;

20 (j) determining the type of speed limiting devices to be used by
21 vehicles in Nigeria;

22 (k) enforcing and controlling the use of speed limiting devices by
23 vehicles;

24 (l) the standardisation of road traffic codes;

25 (m) producing road and directional signs;

26 (n) enforcing any law with respect to insurance of vehicles; and

27 (4) In particular, but without prejudice to the generality of the
28 provision of subsection (3) of this section, members of the Corps shall, subject
29 to the provisions of this Act, be charged with responsibility for-

30 (a) preventing or minimising road traffic crashes;

- 1 (b) clearing obstructions on any part of the road;
- 2 (c) educating drivers, motorists and other members of the public
- 3 generally on the proper use of the road;
- 4 (d) giving prompt attention and care to victims of road traffic
- 5 crashes;
- 6 (e) conducting road safety inspection, road safety audit and other
- 7 forms of researches into causes of road traffic crashes and methods of
- 8 preventing them and putting into use the result of such researches;
- 9 (f) determining and enforcing speed limits for all categories of
- 10 roads and vehicles;
- 11 (g) determining the validity period for driver's licences and number
- 12 plates subject to renewal at the expiration of the validity period;
- 13 (h) co-operating with bodies or agencies or groups engaged in road
- 14 safety activities or in the prevention of road traffic crashes;
- 15 (i) regulating the use of sirens, flashers and beacon lights on
- 16 vehicles. other than Ambulances and vehicles belonging to the Armed
- 17 Forces, Nigeria Police, Fire Service and other Para-Military Agencies;
- 18 (j) providing roadside and mobile clinics for the free initial
- 19 treatment of victims of road traffic crashes;
- 20 (k) inspecting the roadworthiness of vehicles;
- 21 (l) investigating road traffic crashes
- 22 (m) designing and producing the international driver's permit in
- 23 line with international conventions;
- 24 (n) determining the number plates to be used by each category of
- 25 vehicles;
- 26 (o) designing and re-designing number plates to be used by various
- 27 categories of vehicles;
- 28 (p) enforcing any law with respect to insurance of vehicles;
- 29 (q) controlling vehicular traffic on public roads;
- 30 (r) performing such other functions as may, from time to time, be

1 assigned to the Corps by the Commission.

2 (6) The Corps may establish a consultancy outfit or firm for the
3 purposes of rendering professional services to government and non
4 governmental agencies at a fee to be determined by the Corps.

5 (7) In the exercise of the functions conferred by this Act, members of
6 the Corps shall have power to arrest and prosecute offenders reasonably
7 suspected of having committed any of the following offences or other offences
8 contained in this Act or in any law or regulations made pursuant to this Act, and
9 serve same with a Court summons, notice of offence sheet or issue notice of
10 offence (ticket) electronically, that is-

11 (a) obstructing the flow of traffic with vehicle or any other object or
12 waiting or parking or loading or offloading at unauthorized places;

13 (b) driving or riding any vehicle on the road in excess of the
14 prescribed speed;

15 (c) dangerous or wrongful overtaking of another vehicle;

16 (d) failing to obey traffic lights, road signs or pavement /road
17 markings;

18 (e) driving a vehicle without carrying breakdown transparent warning
19 cones or triangles, or in the case of a breakdown, without reporting within
20 reasonable time of the breakdown to members of the Corps so that necessary
21 measures may be taken to effect the removal of the breakdown vehicles from
22 the road;

23 (f) being on a road without lights as specified or fixed by the
24 manufacturer;

25 (g) driving a vehicle on the road with additional lights other than the
26 manufacturer's specification;

27 (h) contravention of the provision of any order, bye-laws, regulations
28 or rules relating to-

29 (i) the route to be followed by vehicles generally or by vehicles of the
30 class to which the vehicle belongs; or

- 1 (ii) the roads which are to be used for traffic by such vehicles; or
2 (iii) road safety generally.
- 3 (i) being on a road without a valid vehicle licence being displayed;
4 (j) being on a road without the driver thereof being in possession of
5 a valid Insurance cover/certificate required by law;
6 (k) unauthorised pasting of bills/posters on road signs or defacing
7 or removal of or tampering with road signs or directions;
8 (l) creating a road hazard without adequate warning signs;
9 (m) removing a vehicle on which the sign DO NOT MOVE is
10 pasted by members of the Corps or other duly authorised body;
11 (n) failure to observe speed limit erected at road construction areas;
12 (o) in the case of slow moving vehicles, failure to move to the
13 extreme shoulder of the road where up to four vehicles are held up and
14 unable to overtake;
15 (p) in the case of a vehicle carrying a load of gravel or other
16 unstable materials, failure to cover such materials with tarpaulin or strong
17 plastic;
18 (q) failure to display valid number plates on vehicles;
19 (r) carrying passengers or loads in excess of the number or weight a
20 particular vehicle is licensed to carry;
21 (s) in the case of road construction companies, failure to provide
22 adequate warning signs at construction areas day or night;
23 (t) driving a vehicle without a valid or roadworthy spare tyre;
24 (u) driving a vehicle with expired tyre, tyre whose threading are
25 worn out, or offering such tyres for sale;
26 (v) driving a vehicle without a windscreen or broken/shattered
27 windscreen to the extent that it affects the visibility of the driver;
28 (w) driving a vehicle with a projecting load and without a red flag
29 warning attached to the end of the projecting load;
30 (x) riding a motor cycle without crash helmet properly strapped to

- 1 the head and fastened under the chin by both rider and passenger;
- 2 (y) riding motorcycle with more than one passenger;
- 3 (z) driving a motor vehicle or motor cycle when below the age of 18
- 4 years;
- 5 (aa) rejection of road traffic crash victims by hospitals and, or medical
- 6 personnel;
- 7 (bb) assaulting a member of the Corps in the performance of his
- 8 duties;
- 9 (cc) failure to reclaim detained vehicle after 24 hours;
- 10 (dd) driving a vehicle with expired fire extinguisher or without a fire
- 11 extinguisher which conforms to the required specifications;
- 12 (ee) driving a passenger-carrying commercial vehicle on an intercity
- 13 journey without passengers' manifest;
- 14 (ff) driving a vehicle not fitted with functional seat belts or where
- 15 fitted, not wearing same by the driver and other occupants of the vehicle and
- 16 failure of the driver to ensure that his passengers wear seatbelt while the vehicle
- 17 is in motion;
- 18 (gg) using communication device(s) while driving a vehicle;
- 19 (hh) being a compulsive, wanted or violent traffic offender
- 20 (Reprobate Offender Alert Series);
- 21 (ii) driving a motor vehicle on a road without the authority of the
- 22 owner;
- 23 (jj) driving on any road a motor vehicle having its steering apparatus
- 24 on the right hand side;
- 25 (kk) driving a motor vehicle on the pedestrian walkway or kerb or
- 26 against the flow of traffic;
- 27 (ll) obstructing a marshal on duty;
- 28 (mm) attempting to corrupt a marshal on duty;
- 29 (nn) driving a motor vehicle on the road without due care and
- 30 attention or without reasonable consideration for other road users;

- 1 (oo) pedestrian crossing the road within 50 metres of crossing zone
2 on a public highway;
- 3 (pp) illegal production, distribution/circulation and sale of Driver's
4 License and Vehicle Number Plates;
- 5 (qq) production, distribution/circulation and sale of fake Driver's
6 License and Vehicle Number Plate;
- 7 (rr) smoking, eating or drinking while driving;
- 8 (ss) driving a vehicle or motorcycle not fitted with retro-reflective
9 tapes;
- 10 (tt) driving a truck or vehicle with a holding container not fitted
11 with holding twist locks or fitted with other equipment and gadgets;
- 12 (uu) driving a vehicle not fitted with speed limiting device;
- 13 (vv) engaging in the distribution, sale, or installation of
14 substandard or fake speed limiting device;
- 15 (ww) tampering with any speed limiting device installed in a motor
16 vehicle;
- 17 (xx) unauthorised use of sirens, flashers or beacon lights on public
18 roads;
- 19 (yy) obstructing authorised vehicles using sirens, flashers or
20 beacon lights;
- 21 (zz) driving a vehicle on a public road in a dangerous or reckless
22 manner;
- 23 (ab) preaching or hawking using a vehicle's apparatus designed to
24 produce or amplify sound;
- 25 (ac) refusal to submit oneself for preliminary road side breath test;
- 26 (ad) refusal by fleet operators to adhere to laws and regulations on
27 fleet operations;
- 28 (ae) operating towing services without licence;
- 29 (af) carrying passengers in vehicles compartment meant for
30 goods only;

- 1 (ag) trading/hawking on a pedestrian bridge.
- 2 (9) No person shall, on or immediately adjacent to any public road-
- 3 (a) drive or permit the movement of livestock, other than that being
- 4 carried in a motor vehicle;
- 5 (b) permit or be concerned with the buying or selling of livestock;
- 6 (c) permit the grazing of livestock;
- 7 (d) operate or permit the operation of any handcart.
- 8 (10) Any person who fails to comply with the provisions of subsection
- 9 (9) of this section shall be guilty of an offence and liable on conviction to a fine
- 10 of N10,000 or to a term of imprisonment not exceeding six months or to both
- 11 such fine and imprisonment.
- 12 (11) In the discharge of the functions of the Corps under this Act, a
- 13 member of the Corps shall have power to-
- 14 (a) arrest any person suspected of committing or having committed an
- 15 offence under this Act and any other Regulation made pursuant to this Act;
- 16 (b) remove and detain for a reasonable length of time any vehicle
- 17 which has been parked in a manner that causes an obstruction on a road:
- 18 Provided that no vehicle shall be removed or detained where there is
- 19 reasonable cause to believe that such action would cause damage to the
- 20 vehicle; but the owner or driver of the vehicle shall pay a sum of N5,000 for
- 21 every day or part thereof of such obstruction in addition to any other penalty
- 22 which may have been prescribed under this Act;
- 23 (c) endorse, after conviction, any driver's licence indicating the
- 24 offence committed by its holder;
- 25 (d) seize the driver's licence of any person suspected to have
- 26 committed an offence under this Act or any Regulations made pursuant to this
- 27 Act and the documents or particulars in respect of the vehicle by which the
- 28 offence is suspected to have been committed.
- 29 (e) impound a vehicle suspected to have been stolen where the driver
- 30 of the vehicle fails to produce, on demand and to the satisfaction of the member

- 1 of the Corps, the particulars of such vehicle;
- 2 (f) tow away and park such impounded vehicle within the premises
- 3 of the Corps and promptly notify the Police of the matter for further
- 4 investigation;
- 5 (g) declare a person suspected of having committed an offence
- 6 wanted when he fails to report to answer charges against him under this Act
- 7 or any Regulations made pursuant to this Act;
- 8 (h) impound any vehicle by which an offence under this Act is
- 9 reasonably suspected to have been committed;
- 10 (i) arrest and prosecute any person offering bribe to a member of
- 11 the Corps or attempting to corrupt a Marshal on duty; and
- 12 (j) remove and keep in custody properties or monies recovered at
- 13 scene of road traffic crash. Provided that if the money or property remains
- 14 unclaimed for six months after the date of its recovery, the Corps may apply
- 15 to the high Court for an order forfeiting the property or money to the Corps
- 16 which shall thereafter dispose of the property by public auction and deposit
- 17 the proceeds of the sale including recovered money into Government
- 18 Treasury;
- 19 (k) conduct preliminary road side test, laboratory test or analysis of
- 20 specimen (blood, breath or urine) in the enforcement of section 86 of this
- 21 Act. Provided that medical analysis or laboratory test shall be conducted by
- 22 a medical doctor, laboratory scientist or a paramedic;
- 23 (l) arrest any person who drives a motor vehicle with tinted glass
- 24 fitted to the motor vehicle without a tinted permit.
- 25 (12) The driver or owner of a vehicle shall be liable to pay a sum of
- 26 N200 for every day or part thereof during which the vehicle is detained:
- 27 Provided that if the driver or owner of the vehicle fails to reclaim
- 28 such vehicle within six months of the date of its detention, the Corps may
- 29 apply to the High Court for an order forfeiting the vehicle to the Corps which
- 30 may thereafter dispose of the vehicle by public auction and deposit the

1 proceeds of sale into Government Treasury.

2 (13) Any person who contravenes any of the provisions of subsection
3 (7) of this section commits an offence under this Act and shall be liable on
4 summary conviction to penalty as specified in the second schedule to this Act.

5 (14) A person suspected of having committed an offence under this
6 Act may be prosecuted in a High Court, Magistrate's Court, Special or Mobile
7 Court or Area Court in the Federal Capital Territory, Abuja, or the State within
8 which the offence is committed.

9 (15) The Chief Judge of a State or the Federal Capital Territory, Abuja
10 shall have power to establish Special or Mobile Courts for the purpose of a
11 speedy trial of road traffic offenders under this Act or any other Regulations.

12 (16) Notwithstanding the provisions of subsection (13) of this
13 section, the Court convicting an offender under this Act may impose a term of
14 imprisonment not exceeding six months in lieu of any of the penalties provided
15 for in the Second Schedule to this Act.

16 (17) For the purpose of enforcing or prosecuting offences under this
17 Act, the Road Traffic Laws of a State, and any regulations made under this Act
18 shall apply to this Act.

19 (18) Any person who commits:

20 (a) a breach of or fails to comply with any of the provisions of this Act,
21 the Road Traffic Laws of a State, and any regulations made under these Laws;

22 (b) an offence against this Act shall, where no special penalty is
23 provided in this Act, be liable on conviction to a fine of N 20,000.00 or to
24 imprisonment for a term not less than 6 months, or to both such fine and
25 imprisonment.

26 (19) Without prejudice to subsections (7) and (14) of this section, a
27 person arrested for any traffic offence may voluntarily elect to pay the
28 statutorily prescribed penalty.

Amendment of
Section 15

29 **3.** Section 15 of the Principal Act is amended by-

30 *“15. Jurisdiction and Operational Zones:*

1 The operation of the Corps shall cover all public roads.

2 Section 15 of the Principal Act is also amended by inserting new
3 paragraph-

4 (a) to establish Federal Road Safety offices at all entry points to
5 Nigeria, for documentation of vehicles registration/chassis numbers;

6 (b) about 60% of all charges collected on penalties should be
7 retained with Federal Road Safety Commission for administrative
8 purposes”.

9 **4.** Section 16 of the Principal Act is amended by-

Amendment of
Section 16

10 *“16. Pre-Action Notice and Immunity:*

11 (1) No suit shall be commenced against the Commission or the
12 Corps before the expiration of a period of one month after written notice of
13 intention to commence the suit shall have been served upon the Commission
14 or the Corps by the intending plaintiff or his agent, and the notice shall
15 clearly and explicitly state the cause of action, the particulars of the claim,
16 the name and place of abode of the intending plaintiff and the relief which he
17 claims.

18 (2) In addition to the provisions of the Public Officers Protection
19 Act, a member of the Corps, shall not, while on duty, be liable for any act
20 validly done by him in the exercise of his duties and within the limits of the
21 powers conferred on him by this Act or any rules or regulations made
22 pursuant to this Act and a volunteer special marshal or a member of Road
23 Safety Club shall, while on duty, and operating on the route assigned to him,
24 enjoy the same immunity as a member of the Corps under this section”.

25 **5.** Section 17 of the Principal Act is amended by-

Amendment of
Section 17

26 *“17. Members to be regarded as Persons in the Public Service of*
27 *the Federation, Etc.:*

28 (1) Service by members of the Corps under this Act shall be
29 deemed to be service in the Public Service of the Federation within the
30 provision of section 318 (1) of the Constitution of the Federal Republic of

1 Nigeria, 1999 (as amended).

2 (2) The Corps Marshal, Deputy Corps Marshals and Assistant Corps
3 Marshal shall be on consolidated salaries and emoluments and shall earn 100%
4 of their total annual emoluments as pension for life provided that such Corps
5 Marshal, Deputy Corps Marshals and Assistant Corps Marshal have put in not
6 less than 20 years in the service of the Corps.

7 (3) The Commission may require any person employed as a member
8 of the Corps to undergo such courses of training related to the functions of the
9 Corps under this Act, and at such institutions or organisations as the
10 Commission may, from time to time, decide.

Amendment of
section 21

11 6. Section 21 of the Principal Act is amended by-

12 *“Part VII - Offences and Miscellaneous Provisions”*

13 21. Reckless Driving On the Road:

14 (1) Any person who drives a motor vehicle on a road recklessly or
15 negligently, or at a speed or in a manner which is dangerous to the public, shall
16 be guilty of an offence and liable on conviction to a fine of N 100,000.00 or to
17 imprisonment for a term not exceeding two years or to both such fine and
18 imprisonment.

19 (2) If upon the trial of a person for an offence against section 20 of this
20 Act the Court is not satisfied that the person's driving was the cause of the death
21 but is satisfied that he is guilty of driving as contained in subsection (1) of this
22 section, the Court may convict that person of an offence under this section”.

Insertion of a
new Section 22

23 7. Insert a new section 22 and re-number the existing section 22
24 accordingly-

25 *“Careless and Inconsiderate Driving:*

26 22(1) Any person who drives a motor vehicle on a road without due
27 care and attention, or without reasonable consideration for other road users
28 shall be guilty of an offence and be liable on conviction to a fine of N10, 000 for
29 a first offender and in the case of a second or subsequent conviction, to a fine of
30 N20,000 or to imprisonment for six months or to both such fine and

1 imprisonment.

2 (2) Where a person is charged with an offence under section 21 of
3 this Act and the Court is of the opinion that the offence is not proved, then at
4 any time during the hearing or immediately thereafter the Court may,
5 without prejudice to any other power exercisable by the Court, direct or
6 allow a charge for an offence under this section to be preferred forthwith
7 against that person and may thereupon proceed with that charge, so however
8 that the person charged or his counsel shall be informed of the new charge
9 and be given an opportunity, whether by way of cross-examining any
10 witness whose evidence has already been given against him or otherwise, of
11 answering the new charge, and the Court shall, if it considers that he is
12 prejudiced in his defence by reason of the new charge being so preferred,
13 adjourn the hearing.

14 “Driving under the influence of Alcohol: Power to Disqualify from
15 driving in certain cases”

16 By renumbering section 22 as section 23 as amending as follows:

17 23.(1) Any person, who while driving or attempting to drive or
18 when in charge of a motor vehicle is under the influence of intoxicating
19 drugs or alcohol above the legal limit or to such an extent as to be incapable
20 of having proper control of such motor vehicle, shall be guilty of an offence
21 and liable on conviction to a fine of N100,000 or to imprisonment not
22 exceeding two years, or to both such fine and imprisonment.

23 (2) The alcohol legal limit for each category of drivers shall be:

24 (a) 0.002 for young or novice drivers;

25 (b) 0.000 for commercial drivers;

26 (c) 0.05 for general population.

27 (3) Any person who fails to cooperate with a preliminary road side
28 breath test when required to do so shall be guilty of an offence and liable on
29 conviction to a fine of #50,000 or to imprisonment for a term not exceeding
30 six months.

1 (4) Any person who fails to provide an evidential specimen (blood,
2 breath or urine) for analysis while in charge of a vehicle shall be guilty of an
3 offence and liable on conviction to a fine of N50,000 or to a term of
4 imprisonment not exceeding six months.

5 (5) If a person is convicted under this section or under sections 20, 21,
6 22 or 23 of this Act, he shall have his driver's licence suspended for a period not
7 less than twelve months but not exceeding 24 months.

Amendment of
Section 26 -
Overloading of
Vehicle

8 **8.** By amending the existing section 26 and renumbering same as
9 section 27:

10 27. A driver or any person in charge of a vehicle who overloads the
11 vehicle with passengers or loads beyond the capacity permitted or prescribed in
12 this Act commits an offence and shall on conviction be liable to a fine of
13 N50,000:00 or to a term of 6 months imprisonment or both.

Insertion of a
new section 28

14 **9.** By inserting a new section 28 and renumbering the existing section
15 28 accordingly:

16 28. (1) Any person who obstructs or assaults a member of the Corps in
17 the performance of his duty shall be liable on conviction to a fine of N100, 000
18 or to imprisonment for six months or to both such fine and imprisonment.

19 (2) any person who causes bodily harm or injury to a member of the
20 Corps in the performance of his duty shall be liable on conviction to
21 imprisonment not exceeding two years.

Insertion of a
new section 28

22 (3) Any person suspected of having committed an offence under this
23 section shall before prosecution undergo psychological/medical evaluation at
24 a government approved hospital and the cost of such evaluation shall be borne
25 by him.

26 (4) The charges for the printing of vehicles plate numbers should be
27 managed and supervised by the Commission.

Insertion of a
new section 29

28 *“Power of Members of the Corps to Retain Driving Licence, etc.:*

29 29(1) Notwithstanding any other provision of this Act, if a member of
30 the Corps is of the opinion that there may be difficulty in effecting service of a

1 summons, he may demand and retain the driver's licence of any person who
2 is suspected by him of having committed an offence under this Act.

3 (2) Where a driver's licence is retained, whether or not pursuant to
4 this section, the member of the Corps retaining the licence shall give a
5 written receipt for it and inform the person surrendering the licence of the
6 address of the office of the Corps at which it may be reclaimed.

7 (3) If a summons in respect of an offence under this Act is served on
8 the person whose driver's licence is retained by the Corps and the person
9 appears personally at the nominated office of the Corps not later than seven
10 days after retention of the driver's licence, he may have it returned to him
11 upon giving to the Corps a receipt therefore, duly signed and dated by him.

12 *Miscellaneous*

13 30 (1) Where a vehicle is impounded for any traffic offence and the
14 owner or driver fails or refuses to reclaim same within seven days, the case
15 shall be charged to Court for further direction.

16 **10.** In this Act, unless the context otherwise requires-

Interpretation

17 "articulated vehicle" means a motor vehicle with a trailer drawn thereby
18 which is so constructed and by partial superimposition attached to the motor
19 vehicle that a substantial part of the weight of the trailer is borne by the
20 motor vehicle;

21 "axle weight" means in relation to an axle of a heavy motor vehicle or of a
22 trailer the aggregate weight transmitted to the surface by the several wheels
23 attached to that axle, when the heavy motor or the trailer is loaded;

24 "commercial vehicle" includes a motor cycle for hire, a hackney carriage, a
25 stage carriage, a prime mover, recovery vehicle, draw- bar- trailer or
26 articulated vehicle and any motor vehicle primarily designed for the
27 carriage of goods and fare paying passengers;

28 "Commission" means the Federal Road Safety Commission established
29 under section 1 (1) of this Act;

1 "Corps" means the Federal Road Safety Corps established under section 10 of
2 this Act;

3 "Dangerous driving" means driving in a manner that is risky, hazardous,
4 perilous, careless, reckless, negligent, and unsafe in all circumstances of the
5 case;

6 "Federation" means the Federal Republic of Nigeria;

7 "Fleet Operator" means any person, organisation, company, academic
8 institution, government department, agency or ministry who engages in
9 transport services or any other services notwithstanding that it owns or
10 operates one vehicle;

11 "Heavy Duty Vehicle" is a vehicle that is capable of carrying a load of more
12 than 750 kilograms;

13 "Member" means a member of the Corps or, as the case may require, of the
14 Commission and includes the chairman;

15 "Marshal" mean a member of the Corps from the rank of Road Marshal
16 Assistant III to Chief Inspector;

17 "necessary particulars" means in relation to any motor vehicle the driving
18 licence of the driver thereof; and the vehicle licence, roadworthiness certificate
19 and certificate of insurance of the vehicle;

20 "owner" means the person by whom the vehicle is kept and used and, in
21 relation to a vehicle which is subject to a hiring agreement or hire purchase
22 agreement, means the person keeping or using the vehicle under that
23 agreement, and the expression "ownership" shall be construed accordingly;

24 "public road" means Federal, State or any type of road open to public traffic

25 "President" means the President and Commander in Chief of the Armed
26 Forces, Federal Republic of Nigeria;

27 "Road user" means any person who makes use of the road as a motorist, cyclist,
28 pedestrian, cattle rearer or animal for purpose of traffic;

29 "stage carriage" means any motor vehicle used or intended to be used for
30 carrying passengers for hire or reward other than such a vehicle constructed or

1 adapted to carry less than eight persons, the passengers paying separate and
2 distinct fares or at the rate of separate or distinct fares for their respective
3 places, and shall be deemed to include the expression "omnibus".

4 "telephone call" includes sending or receiving oral or written messages,
5 sending or receiving facsimile documents, sending or receiving still or
6 moving images, accessing, surfing or browsing the internet;

7 "trailer" means a vehicle drawn by any motor vehicle but does not include a
8 side-car attached to a motor-cycle or Plant and Machinery used for the
9 construction or maintenance of roads and bridges;

10 "traffic sign" include all signals, warning sign posts, direction posts, signs
11 or other devices for the guidance or direction of persons using highways;

12 "Vehicle" means motor vehicle, motorcycle, trailers and includes side cart,
13 three wheeled motorcycle and bicycle;

14 "Volunteer" means a Special marshal or a member of the Road Safety Club.

15 **11.** This Bill may be cited as the Federal Road Safety Commission Short title
16 (Amendment) Bill, 2024.

1 SCHEDULES

2 FIRST SCHEDULE

3 *Proceedings of the Commission*

4 1. The Commission may make standing orders regulating the
5 proceedings of the Commission or of any committee thereof.

6 2. The quorum of the Commission shall be four including the
7 Chairman and the quorum of any committee of the Commission shall be
8 determined by the Commission.

9 3. At any time while the office of the Chairman is vacant or the
10 Chairman is, in the opinion of the Commission, temporarily or permanently
11 unable to perform the functions of his office, a member of the Commission
12 duly appointed by the Commission shall perform those functions and
13 references in this Schedule to the Chairman shall be construed accordingly.

14 4.-(1) Subject to the provisions of any applicable Standing Orders, the
15 Commission shall meet whenever summoned by the Chairman; and if the
16 Chairman is required so to do by notice given to him by not less than three other
17 members, he shall summon a meeting of the Commission to be held within
18 twenty-one days from the date on which the notice is given.

19 (2) At any meeting of the Commission, the Chairman or, in his
20 absence, any member duly appointed by the Commission, shall preside at that
21 meeting.

22 (3) Where the Commission wishes to obtain the advice of any person
23 on a particular matter, the Commission may co-opt him as a member for such
24 period as it thinks fit, but a person who is a member by virtue of this sub-
25 paragraph shall not be entitled to vote at any meeting of the Commission and
26 shall not count towards a quorum.

27 5.-(1) The Commission may appoint one or more committees to carry
28 out, on behalf of the commission, such of its functions as the Commission may
29 determine.

30 (2) A committee appointed under this paragraph shall consist of the

1 number of persons determined by the Commission and not more than one-
2 third of those persons may be persons who are not members of the
3 Commission; and a person other than a member of the Commission shall
4 hold office on the committee in accordance with the terms of the instrument
5 by which he is appointed.

6 (3)A decision of a committee of the Commission shall be of no
7 effect until it is confirmed by the Commission.

8 *Miscellaneous*

9 6. The fixing of the seal of the Commission shall be authenticated
10 by the signature of the Chairman or any other member or officer authorized
11 generally or specially by the Commission or Corps Marshal to act for that
12 purpose.

13 SECOND SCHEDULE

14 (a) being on a road without light signs or reflectors as required by
15 law N 10,000.00;

16 (b) obstructing flow of traffic or waiting or parking or loading or
17 off-loading otherwise than as required by law.....N10,000.00;

18 (c) contravention of the provisions of any Order, Bye- Laws,
19 regulations or rules relating to-

20 (i) the route to be followed by vehicles generally or by vehicles of
21 the class to which the vehicle belongs, or

22 (ii) the roads which are to be used for traffic by such
23 vehicle..... N 50,000.00;

24 (d) exceeding the prescribed speed limit N
25 50,000.00;

26 (e) being on a road without a valid vehicle or Identification plate
27 being displayed... N 15,000.00;

28 (f) driving a motor vehicle on a road without being in possession of
29 valid driving licence and insurance certificate or permit as required by law
30 and failure to produce same within 24 hours on demand... N50,000.00;

- 1 (g) dangerous and wrongful overtaking of other vehicles..... N 100,000.00;
- 2 (h) failure to obey traffic lights, road signs or pavement/road
3 markings or signs..... N 100,000.00;
- 4 (i) disregard of road signs, markings and pavement.....
5 N15,000.00;
- 6 (j) failure to carry break-down transparent warning Cones or
7 caution/triangular...N10,000.00;
- 8 (k) driving a motor vehicle on a highway recklessly or negligently, or
9 in a manner which is dangerous to the public..... N 100,000.00;
- 10 (l) driving a motor vehicle on the road without due care and attention,
11 or without reasonable consideration for other road users.....N 50,000.00;
- 12 (m) driving or attempting to drive a motor vehicle on a highway under
13 the influence of drugs or alcohol..... N 50,000.00;
- 14 (n) operating a vehicle with forged documents....N50,000.00;
- 15 (o) unauthorized removal or defacing of or tampering with road
16 warning Signs..... N 100,000.00;
- 17 (p) creating a road hazard without adequate warning
18 signs.....N30,000.00;
- 19 (q) removing a vehicle on which the sign DO NOT MOVE has been
20 pasted by members of the Corps or other duly authorized body.....
21 N100,000.00;
- 22 (r) failure to observe speed limit erected at road construction areas
23 N 50,000.00;
- 24 (s) in the case of a vehicle, failure to move to the extreme shoulder of
25 the road where up to four vehicles are held up, unable to overtake.....
26 N 20,000.00;
- 27 (t) in the case of a vehicle carrying a load of gravel, flying particles or
28 other unstable materials, failure to cover such materials with tarpaulin or
29 strong plastic..... N 50,000.00;
- 30 (u) loading a vehicle or motorcycle above the weight or passengers it

- 1 is licensed to carry..... N 50,000.00;
- 2 (v) failure by a road construction company to provide adequate
3 warning signs..... N 500,000.00;
- 4 (w) driving a vehicle without a spare tyre or with expired spare
5 tyres or tyres whose threadings are worn-out..... N 20,000.00;
- 6 (x) driving a vehicle without a windscreen N 20,000.00;
- 7 (y) driving a vehicle with a shattered or cracked windscreen that
8 affects the visibility of the driver ...N10,000.00;
- 9 (z) driving a vehicle with a projecting load and without a red flag
10 warning attached to the end of the projecting load..... N
11 20,000.00;
- 12 (aa) failure to report road traffic crash..... N 50,000.00;
- 13 (bb) Hospital or Doctor that refuses to accept or treat victims of
14 road traffic crash..... N 200,000.00;
- 15 (cc) Assaulting a member of the Corps in the performance of his
16 duties..... 2 years imprisonment;
- 17 (dd) Failure to reclaim detained vehicle after 7 days N 500.00
18 per day;
- 19 (ee) Driving a vehicle without a fire extinguisher which conforms
20 to the required specifications or with expired fire extinguisher
21 N10,000.00;
- 22 (ff) Driving a passenger carrying commercial vehicle on an
23 intercity journey without having a passenger manifest ... N 20,000.00;
- 24 (gg) Driving a vehicle not fitted with seat belt or where fitted, not
25 wearing same while the vehicle is in motion..... N 10,000.00;
- 26 (hh) Use of phone while driving a vehicle N50,000.00;
- 27 (ii) Driving a motor vehicle or motorcycle when below the age of
28 18..... N 50,000.00;
- 29 (jj) Riding a motorcycle without a crash helmet properly strapped
30 to the head and fastened under the chin by both the rider and the passenger

- 1 (RWH)..... N10,000.00;
- 2 (kk) driving a motor vehicle on a highway without authority of the
3 owner.....N20,000.00;
- 4 (ll) using a motor vehicle for purposes other than that for which it is
5 licenced ...N20,000.00;
- 6 (mm) driving of a motor vehicle on pedestrian walkway or kerb -
7 N20,000.00;
- 8 (nn) obstructing a Marshal on dutyN100,000.00;
- 9 (oo) attempting to corrupt a marshal on dutyN50,000.00;
- 10 (pp) driving of a motor vehicle on the road with additional lights other
11 than the manufacturer's specification N50,000.00;
- 12 (qq) displaying a fake number plate on motor vehicle or motorcycle or
13 being in possession of a fake number plateN100,000;
- 14 (rr) driving on any road a motor vehicle having its steering apparatus
15 on the right hand side - destroy the motor vehicle;
- 16 (ss) driving a vehicle not fitted with a speed limiter - N100,000.00;
- 17 (uu) tampering with the speed limiter of a vehicle - N100,000.00;
- 18 (vv) crossing the road within 50 metres of a crossing zone
19 N20,000.00;
- 20 (ww) illegal production, distribution/circulation and sale of Driver's
21 License and Vehicle Number Plates 2 years imprisonment without option of
22 fine;
- 23 (yy) production, distribution/circulation and sale of fake Driver's
24 License and Vehicle Number Plate 2 years imprisonment without an option
25 of fine and forfeiture of the equipment and other items used in the production of
26 the fake Driver's License or Vehicle Number Plate to Commission for
27 destruction;
- 28 (zz) carrying passengers or goods and passengers in compartment
29 meant for goods onlyN10,000.00;
- 30 (ad) trading/hawking on pedestrian bridge.....N20,000.00.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Federal Road Safety Commission (Establishment) Act, 2007 to establish the Federal Road Safety Commission with the responsibility for road traffic administration and safety management, preventing and minimizing road traffic crashes on public roads, the supervision of users of such public roads, the regulation of traffic thereon and clearing of obstruction on any part of the public roads and for educating drivers, motorists and other members of the public generally on the proper use of public roads.