



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**MOTOR TRAFFIC (AMENDMENT)
ACT, No. 31 OF 1979**

[Certified on 21st May, 1979]

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L. D.--O.25/79.

AN ACT TO AMEND THE MOTOR TRAFFIC ACT.

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:—

1. This Act may be cited as the Motor Traffic (Amendment) Act, No. 31 of 1979. Short title.

2. Section 151 of the Motor Traffic Act, hereinafter referred to as the "principal enactment", is hereby amended as follows:— Amendment of section 151 of Chapter 203.

(1) by the repeal of subsection (1) of that section and the substitution therefor, of the following subsection:—

"(1) No person shall drive a motor vehicle on a highway after he has consumed alcohol or any drug.";

(2) by the insertion, immediately after subsection (1) of that section, of the following new subsections:—

"(1A) No person shall drive any omnibus or hiring car or any other vehicle intended for the carriage of persons for fee or reward on a highway after he has consumed alcohol or any drug.

(1B) Any person who drives a motor vehicle on a highway after he has consumed alcohol or any drug and thereby causes death or injury to any person, shall be guilty of an offence under this Act.

(1c) (a) Where a police officer suspects that the driver of a motor vehicle on a highway has consumed alcohol he may require such person to submit himself immediately to a breath test for alcohol and that person shall comply with such requirement.

(b) Where a breath test for alcohol reveals that such person has consumed alcohol or where such person refuses to submit himself to such test it shall be presumed that such person has consumed alcohol, unless evidence to the contrary has been adduced.

(c) Where a police officer suspects that the driver of a motor vehicle on a highway has consumed any drug it shall be lawful for the police officer

to produce such person before a Government medical officer for examination and that person shall comply with such requirement.

(d) The report of a Government medical officer to the effect that the driver of a motor vehicle on a highway has consumed any drug shall be sufficient evidence of the fact that such person has consumed any drug unless evidence to the contrary has been adduced.

(e) Where such person refuses to submit himself to any such examination by the Government medical officer it shall be presumed that he was driving after the consumption of drugs unless evidence to the contrary has been adduced.

(1d) Regulations may be made prescribing—

- (i) the mode and manner in which the breath test for alcohol shall be conducted;
- (ii) the concentration of alcohol in a person's blood at or above which a person shall be deemed to have consumed alcohol;
- (iii) the mode and manner in which any examination may be conducted to ascertain whether a driver of a motor vehicle has consumed any drug; and
- (iv) the concentration of any drug in a person's blood at or above which a person shall be deemed to have consumed any drug.”; and

(3) by the substitution for the marginal note to that section, of the following marginal note:—

“Driving after the consumption of alcohol or drugs, and reckless or negligent driving.”.

Replacement
of section
216 of the
principal
enactment.

3. Section 216 of the principal enactment is hereby repealed and the following new section substituted therefor:—

“Penalty for
driving after
the consump-
tion of
alcohol or
drugs.

216. Any person who is guilty of the offence of contravening the provisions of subsection (1) of section 151 shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than two thousand rupees or to imprisonment of either description for a term not exceeding

three months or to both such fine and imprisonment and to the suspension of his driving licence for a period not exceeding twelve months."

4. The following new sections are hereby inserted immediately after section 216 of the principal enactment, and shall have effect as sections 216A and 216B, of that enactment:—

Insertion of new sections 216A and 216B in the principal enactment.

"Penalty for driving certain motor vehicles after the consumption of alcohol or drugs.

216A. Any person who is guilty of the offence of contravening the provisions of subsection (1A) of section 151 shall, on conviction after summary trial before a Magistrate, be liable to a fine not less than three thousand rupees and to imprisonment of either description for term not exceeding six months and to the cancellation of his driving licence.

Penalty for causing death or injury to persons by driving motor vehicles after consumption of alcohol or drugs.

216B. Any person who is guilty of the offence of contravening the provisions of subsection (1B) of section 151 shall, on conviction after summary trial before a Magistrate, be liable—

- (a) where he causes death to any person, to imprisonment of either description for a term not less than two years and not exceeding ten years and to the cancellation of his driving licence ;
- (b) where he causes injury to any person, to a fine not less than five thousand rupees or to imprisonment of either description for a term not exceeding five years or to both such fine and imprisonment and to the cancellation of his driving licence."