

CONFIDENTIAL

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PROVINCIAL ASSEMBLY OF THE PUNJAB

REPORT OF THE STANDING COMMITTEE ON EXCISE AND TAXATION REGARDING THE PUNJAB MOTOR VEHICLE TRANSACTION LICENSEES BILL 2015 (BILL NO. 29 OF 2015)

The Punjab Motor Vehicle Transaction Licensees Bill 2015 (Bill No. 29 of 2015) was referred to the Standing Committee on Excise and Taxation on 25 May 2015. The Committee considered the bill in its meeting held on 27 May 2015.

2. The following were present:—

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|----|--|--------------------------|
| 1. | Chaudhary Muhammad Yousaf Kaselyia, MPA (PP-232) | Chairman |
| 2. | Mian Muhammad Munir
Parliamentary Secretary for Excise and Taxation | <i>ex-officio</i> Member |
| 3. | Malik Zulqarnain Dogar, MPA (PP-172) | Member |
| 4. | Haji Malik Muhammad Waheed, MPA (PP-146) | Member |
| 5. | Ch. Faisal Farooq Cheema, MPA (PP-35) | Member |

3. Mr Ali Tahir, Secretary to Government of the Punjab, Excise and Taxation Department and Mr Mohsin Bukhari, Deputy Director, Law and Parliamentary Affairs Department represented their Departments. Hafiz Muhammad Shafiq Adil, Special Secretary, Provincial Assembly of the Punjab functioned as Secretary to the Committee.

4. Mr Ali Tahir, Secretary, Excise & Taxation Department apprised the Committee about the aims and objects of the bill. He stated that in order to comply with the provisions of Provincial Motor Vehicle Ordinance, 1965, the Bill aimed at checking the practice of handing over unregistered vehicles to the purchasers by motor vehicle dealers. The registration of motor vehicles was involved the processing and documentation of registration. Owing to that, the purchasers of motor vehicles had tended to submit their documents through motor vehicle transaction agents who were neither licensed nor were their services regulated. There was a need to devise a mechanism for the licensing and regulation of such agents by fixation of their service charges and curtailment of their role only to the extent of documentation and submission of applications for registration on behalf of owners of motor vehicles before the registering authorities. That would provide improved service delivery, convenience and multiplicity of transaction channels to the purchasers of motor vehicles. He requested the Committee that the bill, as introduced, may be recommended to be passed by the Assembly.

5. The Committee after hearing the Members, having the view point of the Administrative Department as well as Law and Parliamentary Affairs Department and discussing various points, unanimously decided to recommend that the bill as introduced, may be passed by the Assembly subject to the following amendments –

AMENDMENTS IN THE BILL

(1) CLAUSE 6

after the word “rate”, occurring in line 1, the words “of service charges” be added.

(2) CLAUSE 8

in clause (1), the para (d) be substituted as under :-

“(d) charged service charges or remuneration at a rate higher than the prescribed rate;”

(3) CLAUSE 11

in sub-clause (2), after the word “Code” occurring in line 2, the words and figure “of Criminal Procedure 1898 (V of 1898)” be added.

6. A copy of the bill as introduced in the Assembly is at Annexure-A and a copy of the bill as recommended by the Committee is at Annexure-B.

Lahore
27 May 2015

CHAUDHARY MUHAMMAD YOUSAF KASELYIA
Chairman
Standing Committee on Excise and Taxation

Lahore
27 May 2015

Mumtaz Hussain
(RAI MUMTAZ HUSSAIN BABAR)
Secretary

PROVINCIAL ASSEMBLY OF THE PUNJAB

Bill No. 29 of 2015

THE PUNJAB MOTOR VEHICLE TRANSACTION LICENSEES BILL 2015

**A
BILL**

to license and regulate the services of the motor vehicle transaction licensees for improved service delivery to the purchasers of motor vehicles.

It is necessary to regulate the services of the motor vehicle transaction licensee acting on behalf of the owners of motor vehicles for purposes of registration of motor vehicles and to provide for ancillary matters;

Be it enacted by the Provincial Assembly of the Punjab as follows:

- 1. Short title, extent and commencement.**—(1) This Act may be cited as the Punjab Motor Vehicle Transaction Licensees Act 2015.
 - (2) It extends to the whole of the Punjab.
 - (3) It shall come into force at once.

- 2. Definitions.**—(1) In this Act:
 - (a) "Government" means Government of the Punjab;
 - (b) "licence" means a licence issued under the Act;
 - (c) "licensing authority" means an officer of Excise and Taxation Department, not below the rank of Director Excise and Taxation, notified by the Government as licensing authority under the Act;
 - (d) "motor vehicle transaction licensee" means a motor vehicle dealer or agent licensed under the Act;
 - (e) "Ordinance" means the Provincial Motor Vehicle Ordinance 1965 (XIX of 1965);
 - (f) "prescribed" means prescribed by the rules made under the Act; and
 - (g) "transaction" means any activity relating to registration of a motor vehicle under the Ordinance on behalf of the owner of a motor vehicle and includes a transaction relating to any change or endorsement in a registration certificate booklet (Form-G) or issuance of number plates.

(2) A word or term, used in this Act but not defined, shall mean the same as in the Ordinance.

- 3. Motor vehicle transaction licensee.**— (1) A person shall not undertake a transaction on behalf of the owner of a motor vehicle unless he holds a licence issued under this Act.
 - (2) The licensing authority may, in the prescribed manner, grant licence subject to such conditions as it may impose.
 - (3) The licensing authority shall not issue a licence if the applicant:
 - (a) is a minor; or
 - (b) is declared to be of unsound mind or un-discharged insolvent by a court; or
 - (c) has been convicted of an offence of criminal misappropriation or criminal breach of trust or cheating or any other offence involving moral turpitude, and a period of three years has not elapsed since completion of the sentence.

(4) A motor vehicle transaction licensee may undertake such functions as may be specified in the terms and conditions of the license issued under this Act and the rules.

(5) The Government may prescribe criteria for grant of licence and conditions for the conduct of the business of a motor vehicle transaction licensee.

4. Procedure for licensing.—(1) A person, who wishes to obtain a licence, shall make an application to the licensing authority in such form and manner and on payment of such fee and furnishing of such security as may be prescribed.

(2) If the applicant for a licence fulfills the requirements and does not suffer from any of the disqualifications, the licensing authority may, in the prescribed manner, grant the licence to the applicant.

5. Renewal of licence.—(1) A licence shall be valid for a period of one year and may be renewed annually subject to such conditions as may be prescribed.

(2) A motor vehicle transaction licensee shall, within thirty days preceding the date of expiry of his licence, apply to the licensing authority, in such form and manner and on payment of such fee as may be prescribed, for renewal of the licence.

(3) If the motor vehicle transaction licensee fulfills the requirements and conditions, and does not suffer from any of the disqualifications, the licensing authority may, in the prescribed manner, renew the licence.

6. Service charges.— The Government may prescribe a maximum rate which a motor vehicle transaction licensee may charge for a transaction of a motor vehicle or a category of motor vehicles.

7. Maintenance of record and account.—(1) A motor vehicle transaction licensee shall, in the prescribed manner, maintain such accounts and other record of all the transactions as may be prescribed.

(2) The licensing authority may direct a motor vehicle transaction licensee to furnish information and produce the accounts or record of any transaction before the licensing authority or such other officer as may be designated or prescribed.

8. Cancellation and suspension of license.—(1) The licensing authority may, by an order in writing, suspend a licence for such period not exceeding three months for the first breach and not exceeding six months for the second or subsequent breach, as may be specified in that order, or may cancel the licence if it is satisfied that the motor vehicle transaction licensee has committed a breach of any of the conditions of the licence or has:

- (a) failed satisfactorily to maintain the prescribed record;
- (b) maintained or submitted incorrect accounts of the transactions;
- (c) arranged or negotiated a transaction knowing that there was a defect or dispute in the identity or documents in the title of the motor vehicle;
- (d) charged commission or remuneration at a rate higher than the prescribed rate;
- (e) charged fee or tax in excess of the prescribed rate or misappropriated any amount charged from the customer; or
- (f) misplaced registration documents or any other allied documents or tempered with any of such documents handed over to him for purposes of a transaction.

(2) The licensing authority shall not pass an order under subsection (1) without giving the motor vehicle transaction licensee an opportunity to show cause within ten days from the date of the receipt of the notice and after affording him an opportunity of personal hearing.

(3) A motor vehicle transaction licensee, aggrieved by an order passed under subsection (1), may, within thirty days of the passing of the order, prefer an appeal to the appellate authority and the decision of the appellate authority shall be final.

(4) The Government shall, by notification, appoint an appellate authority for purposes of this section.

9. Recovery of dues.— Any amount due under this Act shall be recoverable as arrears of land revenue.

10. Offence.— If a person contravenes any of the provisions of this Act, he shall be liable to punishment of simple imprisonment which may extend to six months or fine which may extend to forty thousand rupees or both.

11. Cognizance and summary trial.— (1) No court shall take cognizance of an offence under this Act except on a complaint made in writing by the licensing authority.

(2) A Magistrate of the first class shall conduct the trial of an offence under this Act in accordance with the provisions of Chapter XXII of the Code relating to the summary trials.

12. Power to make rules.— The Government may, by notification, in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

In order to comply with the provisions of the Provincial Motor Vehicle Ordinance, 1965, the Bill aims at checking the practice of handing over unregistered vehicles to the purchasers by motor vehicle dealers. The registration of motor vehicles involves the processing and documentation of registration. Owing to this, the purchasers of motor vehicles tend to submit their documents through motor vehicle transaction agents who are neither licensed nor are their services regulated. There is a need to devise a mechanism for the licensing and regulation of such agents by fixation of their service charges and curtailment of their role only to the extent of documentation and submission of applications for registration on behalf of owners of motor vehicle before the registering authorities. This would provide improved service delivery, convenience and multiplicity of transaction channels to the purchasers of motor vehicles. Hence this Bill.

MINISTER INCHARGE

**Lahore:
25 May 2015**

**RAI MUMTAZ HUSSAIN BABAR
Secretary**

ANNEXURE - B

(BILL AS RECOMMENDED BY THE STANDING COMMITTEE ON EXCISE AND TAXATION)

A BILL

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 - (3) The licensing authority shall not issue a licence if the applicant:
 - (a) is a minor; or
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- (d) charged service charges or remuneration at a rate higher than the prescribed rate;
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- (f) misplaced registration documents or any other allied documents or tampered with any of such documents handed over to him for purposes of a transaction.

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(3) A motor vehicle transaction licensee, aggrieved by an order passed under subsection (1), may, within thirty days of the passing of the order, prefer an appeal to the appellate authority and the decision of the appellate authority shall be final.

(4) The Government shall, by notification, appoint an appellate authority for purposes of this section.

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(2) A Magistrate of the first class shall conduct the trial of an offence under this Act in accordance with the provisions of Chapter *XXII* of the Code of Criminal Procedure 1898 (V of 1898) relating to the summary trials.

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