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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026

DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

REPORT ON:

THE TRAFFIC (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 14 OF 2026)

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 27 AUG 2026
DAY: Thursday
TABLED BY: Hon. Kiset Kemingoi, MP (Member)
CLERK-AT THE-TABLE: Komale

Directorate of Departmental Committees
Clerk's Chambers
Parliament Buildings
NAIROBI

AUGUST, 2026

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LIST OF ABBREVIATIONS

Cap.	-	Chapter (of the Laws of Kenya)
CS	-	Cabinet Secretary
LoDDCA	-	Long-Distance Drivers and Conductors Association
NPS	-	National Police Service
NTSA	-	National Transport and Safety Authority
PSV	-	Public Service Vehicle

LIST OF ANNEXURES

Annexure 1: Adoption List for the Report

Annexure 2: Minutes of the Committee on sittings to consider the Bill and adoption of the report

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CHAIRPERSON'S FOREWORD

This report presents the proceedings of the Departmental Committee on Transport and Infrastructure on its consideration of the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) which was read a First Time on 16th April 2026 and subsequently committed to the Departmental Committee on Transport and Infrastructure for consideration and reporting to the House pursuant to the provisions of Standing Order 127.

The Bill seeks to amend the Traffic Act, Cap. 403 to ensure that owners of vehicles and motor cycles are not unreasonably deprived of their property where their vehicles are detained to enforce the provisions of section 107 of the Traffic Act, Cap. 403.

In accordance with Article 118 (1) of the Constitution and Standing Order 127 (3), the Clerk of the National Assembly placed advertisements in the print media on 18th April 2026 requesting for comments on the Bill from the public and relevant stakeholders. Further, through letters Ref. Ref: NA/DDC/T&I/2026/036; and NA/DDC/T&I/2026/037 dated 22nd April 2026, the Committee invited stakeholders for a meeting to discuss the Bill. The Committee received memoranda from five (5) stakeholders.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during the consideration of the Bill. I wish to express my appreciation to the Committee Members and the Committee Secretariat for their resilience and devotion to duty, which made the consideration of the Bill successful. Finally, I wish to express gratitude to the Members of the public who submitted their views and comments on the Bill. Their views and comments indeed were vital in the consideration of the Bill.

On behalf of the Departmental Committee on Transport and Infrastructure and pursuant to Standing Order 127 (4), it is my privilege and honour to present to this House the Committee's Report on the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026).

Having considered the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026), the Committee recommends that the House approves the Bill with amendments as outlined in the Schedule under Chapter Six of this Report.

HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

CHAPTER ONE

1.0 PREFACE

1.1 Establishment of the Committee

1. The Departmental Committee on Transport and Infrastructure is one of the twenty Departmental Committees of the National Assembly established under Standing Orders 216 whose mandate pursuant to Standing Order 216(5) is as follows:

    a) To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
    b) To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;
    c) On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;
    d) To study and review all the legislation referred to it;
    e) To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
    f) To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
    g) To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order No. 204 (Committee on appointments);
    h) To examine treaties, agreements and conventions;
    i) To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
    j) To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and
    k) To examine any questions raised by Members on a matter within its mandate.

1.2 Mandate of the Committee

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider transport, including non-motorized transport and maintenance of Roads, rails, air and marine transport, seaports and national integrated infrastructure policies and programmes and transport safety.

3. In executing its mandate, the Committee oversights the Ministry of Roads and Transport which has the following State Departments: State Department for Roads, State Department for Transport, and State Department for Aviation and Aerospace Development; and the State Department for Shipping and Maritime Affairs which is under the Ministry of Mining, Blue Economy, and Maritime Affairs.

1.3 Committee Membership

4. The Departmental Committee on Transport and Infrastructure was reconstituted by the House on 5th March 2025 and comprises the following Members:

Chairperson
The Hon. G.K. George Kariuki, CBS, MP
Ndia Constituency
United Democratic Alliance Party

Vice Chairperson
The Hon. Mutua Didmus Wekesa Barasa, MP
Kimilili Constituency
United Democratic Alliance Party

Members

The Hon. Samuel Arama, MP
Nakuru Town West Constituency
Jubilee Party

The Hon. Abdul Rahim Dawood, MP
Imenti North Constituency
Independent Member

The Hon. Johnson Manya Naicca, MP
Mumias West Constituency
Orange Democratic Movement Party

The Hon. Elsie Muhanda, MP
Kakamega County
Orange Democratic Movement Party

The Hon. Francis T. J. Kajwang, MP
Ruaraka Constituency
Orange Democratic Movement Party

The Hon. John Kiragu Chege, MP
Limuru Constituency
United Democratic Alliance Party

The Hon. Betty Njeri Maina, MP
Murang'a Constituency
United Democratic Alliance Party

The Hon. Festus Mwangi Kiunjuri, MP
Laikipia East Constituency
The Service Party

The Hon. Bady Bady Twalib, MP
Jomvu Conctituency
Orange Democratic Movement Party

The Hon. Husseinweitan Abdirahman, MP
Mandera East Constituency
Orange Democratic Movement Party

The Hon. Komingoi Kibet Kirui, MP
Bureti Constituency
United Democratic Alliance Party

The Hon. Ibrahim Abdi Saney, MP
Wajir North Constituency
United Democratic Alliance Party

The Hon. Zaheer Jhanda, MP
Nyaribari Chache Constituency
United Democratic Alliance Party

1.4 Committee Secretariat

5.The Committee is facilitated by the following Secretariat:

Head of Secretariat
Mr. John Mugoma
Clerk Assistant I

Mr. Mohamednur M. Abdullahi
Clerk Assistant III

Mr. Binensa Mabungu
Clerk Assistant III

Ms. Patricia Gichane
Legal Counsel I

Mr. Abdinasir Moge
Fiscal Analyst II

Mr. Erick Kariuki
Research Officer III

Mr. Kevin Obilo
Media Relations Officer III

Ms. Faith Makena
Serjeant-at-Arms II

Ms. Rehema Koech
Audio Assistant III

CHAPTER TWO

2.0 BACKGROUND

2.1 Introduction

6. The Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) is sponsored by the Hon. Robert Ngui Basil, MP. The principal object of the Bill is to amend the Traffic Act, Cap. 403 to ensure that owners of vehicles and motor cycles are not unreasonably deprived of their property where their vehicles are detained to enforce the provisions of section 107 of the Traffic Act, Cap. 403.

7. The Bill does not delegate legislative powers; However, the Bill does limit the right to property under Article 40 of the Constitution to the extent that a police officer may detain a vehicle or motor cycle for purposes of investigation of an offence and for use as evidence in the trial of an offence committed under the Traffic Act, Cap. 403.

2.2 Analysis of the Bill

The Bill contains two (2) Clauses which provide the following amendments:

8. **Clause 1** provides for the short title.

9. **Clause 2** seeks to amend Section 107 that provides for the Detention of vehicles at a police station or other place of safety any vehicle which has been removed from a road or other public place under section 106 until such inquiries have been made by the police as they may think necessary in the circumstances of the case.

10. **Clause 2** proposes to amend the Traffic Act by inserting the following new section immediately after section 107—

107A. *(1) Where a police officer detains a vehicle or motor cycle in connection with the commission of an offence under this Act, the vehicle or motor cycle may be detained: (a) for use as evidence in trial of the offence committed; or (b) for investigation of the offence committed.*

(2) A vehicle or motor cycle detained under subsection (1) shall not be detained: (a) for a period not exceeding forty- eight hours from the time of detention, where a photograph or assessment report is sufficient for the purposes specified under subsection (1)(a); or (b) for a period not exceeding fourteen days from the date of detention, for purposes of investigations under subsection (1) (b).

(3) A police officer in charge of the police station where a vehicle or motor cycle is detained shall take reasonable care for the preservation of the vehicle or motor cycle.

(4) Nothing under this section affects the power of a Court to make an order under section 121 of the Criminal Procedure Code.

2.3 Legal Framework

Constitution of Kenya

14. Article 40 of the Constitution provides for the protection of the right to property. Article 40 (3) (b)(ii) limits this right to property for a public purpose and in the public interest, the deprivation should however be carried out in accordance to the Constitution and any law enacted by Parliament, that allows the property owner a right to access a court of law.

Traffic Act, Cap. 403

15. The Bill seeks to qualify section 107 of the Traffic Act Cap 403 which provides as follows—
    107. *Detention of vehicles, "It shall be lawful for any police officer to detain at a police station or other place of safety any vehicle which has been removed from a road or other public place under section 106 until such inquiries have been made by the police as they may think necessary in the circumstances of the case*".

16. Section 107 makes reference to section 106 that provides for grounds for removal of a vehicle from the road by a police officer. In particular, section 106 provides for the following—
    a) Subsection (1) provides for the removal of a vehicle where it is found in use in contravention of the provisions of the Act or the East African Community Vehicle Load Control Act, 2016, where it appears to have been abandoned or should be removed to a place of safety or where it has been left in a position that causes or is likely to cause danger to other road users and the owner or driver cannot readily be found.
    b) Subsection (2) provides that any expenses incurred in towing, transporting, driving, removing, repairing, adjusting or off-loading the vehicle shall be payable by the owner of the vehicle and that the vehicle shall be released upon payment of those expenses or upon written certification that the vehicle may be released before payment.
    c) Subsection (3) provides that a police officer or inspector who orders the removal of a vehicle shall not be liable for any damage to or loss of any item from the vehicle during its removal to or detention at a police station or other place of safety.
    d) Subsection (4) provides that a police officer, licensing officer or inspector may prohibit the use of a vehicle where he is of the opinion that it is being used in contravention of section 55 or 56 or any rules relating to the construction, use and equipment of vehicles, under such conditions and for such purposes as may be necessary for the safety of the public or to ensure compliance with those provisions. (Sections 55 and 56 prescribe requirements relating to vehicle roadworthiness and weight and load restrictions that comply with the requirements of the Act and that does not endanger other road users).
    e) Subsection (4A) provides that where an order prohibiting the use of a vehicle is made under subsection (4), the police officer, licensing officer or inspector may remove the vehicle identification plates and the vehicle licence and deliver them to the Authority (NTSA) for safekeeping while the order remains in force.

f) Subsection (5) provides that any person who permits the use of or drives a vehicle in respect of which a prohibition or restriction is in force otherwise than in accordance with the conditions or purposes specified in the order upon conviction commits an offence and is liable upon conviction to a fine not exceeding fifty thousand shillings and for a second or subsequent conviction to a fine not exceeding seventy-five thousand shillings, or to imprisonment for a term not exceeding twelve months.
g) Subsection (6) provides that any order issued under the section shall be in writing.
h) Subsection (7) provides that where a vehicle is required to be examined and tested for the purpose of being certified as complying with the provisions of the Act, the fee, if any, shall be paid by the owner of the vehicle.
i) Subsection (8) provides that any person who fails to comply with this section or order given thereunder commits an offence and is liable on conviction, where no penalty is specifically provided, to a fine not exceeding twenty thousand shillings or imprisonment for a term not exceeding six months.

Criminal Procedure Code

17. Section 121 (1) of the Criminal Procedure Code provides for detention of property seized and the orders the court may issue. In subsection (1) the property seized may be detained until the conclusion of the case or the investigation, reasonable care being taken for its preservation.

18. Subsection (2) provides that if an appeal is made or if a person is committed for trial, the court may order it to be further detained for the purpose of the appeal or the trial.

19. Subsection (3) provides that if no appeal is made or if no person is committed for trial, the court shall direct the thing to be restored to the person from whom it was taken unless the court sees fit or is authorised or required by law to dispose of it otherwise.

20. Therefore, for a vehicle not committed for trial the vehicle owner may apply to the court for its release from detention. The Criminal Procedure Code section 121 provides an avenue to challenge prolonged detention of a vehicle by the police.

21. The existing legal framework provides recourse to vehicle owners against prolonged detention of vehicles by seeking the intervention of the courts. In particular, section 121(3) of the Criminal Procedure Code requires the court to direct the restoration of seized property where no appeal is made or no person is committed for trial, consistent with Article 40 of the Constitution, which protects the right to property and arbitrary deprivation of property. Consequently, a vehicle owner may seek appropriate orders from the court for the release of their vehicle.

CHAPTER THREE

3.0 PUBLIC PARTICIPATION/STAKEHOLDER ENGAGEMENT

22. Following the request for memoranda from the public and stakeholders by the Clerk of the National Assembly through placement of advertisements in the print media on 18th April 2026 and vide letters Ref: *NA/DDC/T&I/2026/036; and NA/DDC/T&I/2026/037* dated 22nd April 2026, inviting stakeholders for a meeting, the Committee received memoranda from the following stakeholders on the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026):

    a) The Ministry of Roads and Transport;
    b) The National Police Service;
    c) The Boda Boda Safety Association of Kenya;
    d) The Matatu Owners Association; and
    e) The Long-Distance Drivers and Conductors Association (LoDDCA)

23. The stakeholders submitted as follows:

3.1 Ministry of Roads and Transport

In a letter dated 18th May 2026, the Cabinet Secretary, Mr. Davis Chirchir, submitted as follows on the Bill:

24. The Ministry reviewed the Bill and supports the introduction of Section 107A, which establishes a legal framework and time limits for detention of vehicles and motorcycles. This is a progressive reform that enhances fairness, accountability, and transparency while preserving enforcement powers.

25. However, to ensure effective implementation, safeguard constitutional rights, and support road safety objectives, the Ministry of Roads and Transport proposed the following amendments:

    Introduction of a Detention Notice and Release Record Framework

26. There is need to introduce a formal Detention Notice and Release Record System to enhance transparency, accountability, and procedural fairness in the detention and release of vehicles. The framework will ensure that: vehicle owners are informed of the legal basis of detention; a clear audit trail of enforcement actions is maintained; the condition of the vehicle is recorded at detention and release; disputes are minimized through objective, contemporaneous records; any variation in condition is objectively identifiable; and liability for loss or damage can be determined fairly and transparently.

27. The framework will strengthen evidentiary integrity, administrative fairness and dispute resolution by reducing reliance on subjective recollection. Lastly, it addresses the needs of both parties i.e. the detaining authority, and the vehicle owner, who have mutual interest in accurately recording the condition of the vehicle at both stages, so that any variation is objectively verifiable.

Proposed Amendments from the Ministry of Roads and Transport

28. In light of the above, the Ministry of Roads and transport proposed the following amendments:

Insert the following new subsections immediately after subsection (1)

(1A) A police officer detaining a vehicle or motorcycle shall issue a written detention Notice to the owner, driver or person in control thereof.

(1B) The Detention Notice shall specify: (a) The registration number and description of the vehicle or motorcycle; (b) The date, time and place of detention; (c) The condition of the vehicle or motorcycle at the time of detention, including visible damage or defects; (d) The alleged offence or legal basis for detention; (e) The purpose of detention; (f) The place of custody; (g) The name, rank and service number of the officer; and (h) The maximum period of detention applicable under this section.

(1C) Upon release of a detained vehicle or Motorcycle, the officer in charge or designated officer shall prepare a Release Record in respect of the vehicle or motorcycle, referencing the Detention Notice and specifying: (a) The date, time and place of release; (b) The condition of the vehicle or motorcycle at the time of release; (c) Any observable variation from the condition recorded at the time of detention; and (d) The name, rank and service number of the releasing officer.

(1D) The Release Record shall be signed by the owner, driver or authorized representative of the vehicle or motorcycle acknowledging receipt of the vehicle or motorcycle in the condition recorded therein, and a copy thereof shall be issued to such person: Provided that where the owner, driver or authorized representative disputes the condition of the vehicle or motorcycle as recorded in the Release Record, such person shall be entitled to record the nature of such dispute on the Release Record prior to signing and shall not be compelled to sign an acknowledgement of acceptance of the recorded condition; and Provided further that the existence of a dispute shall not constitute a ground for refusal, withholding or delay of release of the vehicle or motorcycle where all statutory requirements for release have been met.

(1E) The Detention Notice and the Release Record shall be entered in a prescribed register or electronic records management system.

29. It can be surmised that the above proposed amendment strengthens the Bill by ensuring enforcement under section 107A is efficient, transparent, accountable and constitutionally compliant.

Committee Observation

The Committee observes that the proposed amendments will strengthen the operational framework for the detention and release of vehicles. However, the Committee finds that the proposed documentation, record-keeping and release procedures are with regards to implementation, therefore are more appropriately prescribed through subsidiary legislation developed in consultation with the relevant implementing agencies and stakeholders. The Committee therefore finds the proposed amendments should be considered under regulations to determine issues such as the register for the proposed electronic records management system, the specifics of the detention and released records.

Additional Issue for Consideration by the Committee

30. The Cabinet secretary submitted that another potential gap the Ministry has noted in the Bill, which was subject to guidance from the Committee, relates to towing and related charges where a vehicle has been lawfully towed.

31. The Committee may wish to consider how the statutory maximum detention period under section 107A is intended to apply in situations where a vehicle is ready for release but towing or related charges remain unpaid, and whether such charges are intended to affect, extend or delay the release of the vehicle beyond the prescribed detention timeline.

32. In this regard, the ministry recommends that there needs the inclusion of a specific provision to address the treatment and recovery of towing and related charges, and to clearly define how such charges interact with the statutory timelines for detention and release of vehicles.

Committee Observation

The Committee observed that the issue of towing and related charges is already addressed under section 106(2) of the Traffic Act, which provides for the recovery of expenses incurred in towing, removal, repairs or off-loading of a vehicle. The section further provides that a vehicle shall not be released until the expenses have been paid or the person entitled to the payment has certified in writing that the vehicle may be released before payment. The Committee therefore finds the proposed amendment is not necessary.

3.2 The National Police Service

Mr. Peter Thuku, Superintendent of Police (Legal Officer) appeared before the Committee on Thursday, 4th June 2026 and submitted as follows on the Bill:

33. The Service has reviewed the proposed amendments contained in the Traffic (Amendment) Bill No. 14 of 2026, which seeks to amend the Traffic Act Cap.403, to safeguard the property rights of vehicle and motorcycle owners by ensuring that they are not unreasonably deprived of their property when such vehicles are detained for purposes of enforcing provisions of section 107 of the Act.

34. In this regard, the National Police Service has no objections to the proposed amendments contained in the Bill as they do not raise any concerns from a policing, enforcement or operational perspective.

3.3 Matatu Owners' Association of Kenya

The Matatu Owners' Association of Kenya submitted a memorandum dated 8th May 2026 and submitted as follows on the Bill:

35. The Public Service Vehicle (PSV) sector, commonly referred to as the matatu industry, is a critical pillar of Kenya's economy. It provides employment to hundreds of thousands of Kenyans and delivers essential transport services to millions of citizens on a daily basis. Any legislative reform affecting this sector must therefore carefully balance road safety imperatives, enforcement efficiency, and economic sustainability.

36. While the Association acknowledges the intent of the Bill and supports the Government's objective of improving road safety, it is the considered view of the Association that the current proposal is overly narrow in scope and does not adequately address the systemic challenges confronting PSV operators.

General Observations of the Matatu Owners Association of Kenya

37. The Bill primarily introduces provisions relating to the detention of motor vehicles. However, the key structural challenges affecting the matatu sector, which any meaningful reform must address include the following: Arbitrary and prolonged detention of vehicles without adequate legal safeguards; corruption and informal roadside settlements that undermine lawful enforcement; lack of accountability and transparency in enforcement actions; disproportionate targeting of drivers rather than operators and systemic structures; and significant economic losses arising from unpredictable and inconsistent enforcement practices.

Proposed Amendments

Amendment to the Proposed Section 107A - Detention of Vehicles

38. The proposed provision does not adequately safeguard PSV operators against economic loss or arbitrary enforcement. They proposed that the following safeguards be inserted: a maximum detention period that is strictly capped and automatically enforceable which should be twenty-four (24) hours; mandatory written or digital justification for every instance of vehicle detention; compensation for unlawful or excessive detention; and automatic release where no charges are preferred within a prescribed period. This is because matatus operate on daily revenue cycles. Even

brief periods of detention result in significant financial losses affecting vehicle owners, drivers and their dependants. The absence of clear detention limits creates conditions conducive to corruption

Committee Observation

The Committee rejected this proposal as the suggested 24-hour period by the Matatu Owners Association of Kenya may be limited and impractical for the police to carry out necessary inquiries or investigations as may be necessary in circumstances of the cases.
Introduction of a Digital Enforcement Framework

39. Manual enforcement creates systemic opportunities for corruption and inconsistency in the application of traffic laws. They proposed the introduction of a statutory requirement for: electronic ticketing systems; digital recording of all offences and detentions; and cashless payment mechanisms for traffic penalties. These measures should be implemented in collaboration with the National Transport and Safety Authority (NTSA) and the National Police Service (NPS). This is because digitization of enforcement will enhance transparency, reduce corruption, and provide verifiable records of enforcement actions.

Committee Observation

The Committee rejects this proposal because the proposed amendments go beyond the scope of the Bill.

Shared Liability Framework for PSV Operations

42. Motor vehicle owners and drivers are disproportionately penalized frequently as they undertake their operations. The Association proposed the introduction of joint liability provisions encompassing: vehicle owners; SACCOs and operators; and drivers. This is because a shared liability framework will ensure accountability at all levels of the PSV value chain and address the systemic causes of non-compliance rather than focusing solely on an individual.

Committee Observation

The Committee observed that issues relating to the liability of drivers, owners and other SACCO's are addressed under the relevant offence provisions of the Traffic Act. The Committee therefore finds the proposed amendment unnecessary, as it widens the scope of the Bill beyond the detention of vehicles.

Regulation of Police Powers and Roadside Stops

47. PSVs are frequently subjected to arbitrary and repetitive roadside stops that cause operational delays and create opportunities for extortion. They proposed that the Bill be amended to require reasonable suspicion or a lawful inspection basis for any roadside stop; mandate digital recording of all stops

where technologically feasible; and limit repetitive stops within short distances on the same route. These measures will reduce harassment and operational delays while preserving the lawful authority of enforcement officers.

Committee observation

The Committee rejected this proposal as section 105 of the Traffic Act, Cap. 403 allows for any police officer in uniform to stop any vehicle for the purpose of carrying out any examination and test of the vehicle with a view to ascertaining whether the provisions of this Act are being complied with or with a view to ascertaining whether the vehicle is being used in contravention of this Act.

Protection of Vehicles in Police Custody

49. Vehicles are frequently damaged or lose parts while held in police custody, with no effective recourse available to owners. They proposed that the Bill be amended to impose statutory duty of care on enforcement agencies with respect to vehicles in their custody; and provide for compensation where a vehicle suffers loss or damage while in custody.

Committee Observation

The Committee observes that the Bill already provides for a duty of care in relation to vehicles and motorcycles held in police custody. The Committee further observes that claims for loss or damage may be pursued under the applicable legal framework for such liability. The Committee therefore finds the proposed amendment is not necessary.

Time- Bound Charging of Offences

51. Vehicles are routinely detained for extended periods without any formal legal action being taken. They proposed that the Bill be amended to require that any alleged offence be formally charged within 24 hours of detention; and provide for unconditional release of the vehicle where no charge is preferred within the prescribed period. This proposal aligns enforcement practice with the constitutional guarantees of fair administrative action under Article 47 of the Constitution of Kenya, 2010.

Committee Observation

The Committee observes that the decision to institute criminal proceedings depends on the completion of investigations and the availability of sufficient evidence. The Committee therefore finds the proposed amendment unnecessary, as prescribing timelines for charging offences extends the scope of the Bill beyond the regulation of the detention of vehicles. The Committee further observes that a vehicle owner has

recourse to the courts under section 121 of the Criminal Procedure Code to seek appropriate orders relating to the detention or release of the vehicle.

PSV-Specific Operational Framework

54. The Bill does not recognize the unique nature of PSV operations or the industry structures through which they are regulated. They proposed that the Bill be amended to introduce provisions for SACCO and Company-based compliance monitoring; establish driver conduct and discipline frameworks within SACCOs and Companies; and introduce escalating sanctions for repeat offences at operator level. This approach addresses the root causes of non-compliance rather than focusing on symptomatic enforcement at the point of individual transgression.

Committee Observation

The Committee rejected this proposal as it is beyond the scope of the Bill.

Establishment of an Independent Complaints Mechanism

57. PSV operators currently lack effective recourse against unlawful or excessive enforcement actions. They proposed that the Bill be amended to create a clear, accessible and independent complaints and redress mechanism; and prescribe a time- bound resolution period of not more than (14) days. This is because an effective complaints mechanism will improve accountability, build confidence in enforcement institutions, and reduce informal dispute resolution practices.

Committee Observation

The Committee rejects this proposal as it is beyond the scope of the Bill.

Policy Considerations

58. The Association emphasizes the following overarching policy considerations to be taken into account in processing the Bill: the matatu sector is one of Kenya's most significant employers and a major driver of urban and peri-urban economic activity; overly punitive or poorly structured enforcement disrupts the livelihoods of hundreds of thousands of Kenyans who depend on the PSV industry directly and indirectly; legislative reform must prioritise predictability, fairness, and transparency in enforcement-qualities that enhance voluntary compliance and public confidence in the law; and the most effective road safety outcomes are achieved through systemic, sector-wide accountability frameworks rather that through punitive individual enforcement.

59. The Matatu Owners Association of Kenya, in conclusion, submitted that the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026), in its current form, requires substantial enhancement to adequately address the practical and constitutional realities facing the PSV sector.

3.4 The Long-Distance Drivers and Conductors Association

The Long-Distance Drivers and Conductors Association, submitted a memorandum proposing as follows:

60. LoDDCA supports the intent of the Bill, particularly its objective of preventing unreasonable deprivation of property under Article 40 of the Constitution. However, without clear procedural safeguards, the implementation of section 107A may still expose commercial transport operators to: disproportionate economic losses; operational paralysis of logistics chains; and inconsistent application of detention powers.

Clause-By-Clause Submission

Section 107A(1): Grounds for Detention

61. LoDDCA supports the principle that detention shall only be for evidentiary or investigative purposes. However, LoDDCA recommends clarification that detention must be strictly necessary and proportionate to the offence under investigation. This is because the clause is sound in principle but requires proportionality safeguards to prevent routine or automatic detention where alternative evidentiary methods exist.

Committee Observation

The Committee observed that the proposed amendment is not necessary as the Bill sufficiently sets out the grounds upon which a vehicle may be detained.

Section 107A(2)(a): Forty-Eight Hour Limit for Evidence

62. LoDDCA supports the 48-hour limitation and recommends strengthening the clause to make digital documentation the default evidentiary standard. They proposed that the Bill be amended to provide that where photographic evidence, electronic inspection reports, or digital inventory records are sufficient, the vehicle shall be released immediately upon completion of documentation without awaiting expiry of the 48-hour period. This is because commercial vehicles are productive economic assets. Extended physical detention where evidence is already secured introduces avoidable economic loss without improving evidentiary value.

Committee Observation

The Committee observed that the proposed forty-eight-hour detention period provides a reasonable balance for investigation or inquiries and the rights of vehicle owners. The Committee therefore found the proposed amendment unnecessary, as immediate release upon documentation may be impractical.

Section 107A(2)(b): 14-Day Investigation Period

63. LoDDCA supports the maximum cap but proposes judicial oversight for extended detention beyond 72 hours. They proposed that the Bill be amended to provide that any detention of a vehicle beyond 72 hours for investigation purposes shall require: (a) Written justification by the investigating officer; and (b) Approval by a court or magistrate demonstrating necessity beyond documentary evidence. While investigations may require time, prolonged detention without oversight risks abuse of process and undermines fair administrative action under Article 47 of the Constitution.

Committee Observation

The Committee observed that the proposed fourteen-day investigation period is reasonable for investigative purposes. The Committee therefore found the proposed amendment unnecessary, noting that section 121 of the Criminal Procedure Code already provides a judicial mechanism for addressing the continued detention of property.

Section 107A(3): Duty of Care

64. LoDDCA strongly supports the statutory duty of care but proposes mandatory custody documentation standards. They proposed that the Bill be amended to provided that Police Stations shall maintain: (a) a digital and physical custody register; (b) a photographic inventory record at point of detention; and (c) a joint inspection records where feasible involving the driver or vehicle representative. This ensures accountability and prevents loss, vandalism, or degradation of commercial vehicles while in custody.

Committee Observation

The Committee observed that the proposed documentation requirements are operational and more appropriately addressed through subsidiary legislation or administrative guidelines. The Committee therefore finds the proposed amendment unnecessary.

Additional Proposed Amendments

65. LoDDCA proposes inclusion of PSVs under section 107A protections. "Section 107A shall apply equally to Public Service Vehicles, including buses, minibuses, and other licensed passenger transport vehilcles engaged in domestic and cross- border operations." PSVs are essential transport infrastructure. Their detention directly impacts passenger mobility, economic productivity and national transport continuity.

Committee Observation

The Committee observed that the proposed amendment is unnecessary, as the Bill applies to all motor vehicles and motorcycles without distinction. Public Service Vehicles are therefore already covered under the proposed section 107A.

66. LoDDCA proposes that where a vehicle is detained for offences relating to roadworthiness, maintenance, licensing, insurance, or safety compliance, investigations should consider the responsibility of both the driver and the registered owner or operator. "Where a vehicle is detained under section 107A for purposes of evidence or investigation of offences under section 107- Enforcement officers shall not presume that the driver is solely responsible for the alleged offence arising from vehicle condition or compliance failures; Investigations shall, where applicable, extend to the registered owner, employer, SACCO, company or fleet operator responsible for maintenance, deployment, or operational control of the vehicle; Detention and investigation processes shall ensure balanced attribution of responsibility based on control, maintenance obligations and operational roles."

Committee Observation

The Committee observed that issues relating to the liability of drivers, owners and other responsible persons are addressed under the relevant offence provisions of the Traffic Act. The Committee therefore finds the proposed amendment unnecessary, as it widens the scope of the Bill.

67. LoDDCA proposes a fast-track release mechanism for time-sensitive cargo. "Where a detained vehicle is carrying perishable goods, medical supplies or transit cargo under domestic or cross- border logistics arrangements, the vehicle shall be released on a conditional bond within six to twelve hours upon completion of evidentiary documentation, subject to court availability."

Committee Observation

The Committee finds that the proposal introduces matters relating to the detention and release of specific categories of cargo, which fall outside the scope of the Bill. The Committee therefore finds the proposed amendment unnecessary.

3.5 Boda Boda Safety Association of Kenya

The BodaBoda Safety Association of Kenya made a written submission as follows:

68. The BodaBoda Safety Association of Kenya welcomes the Bill's proposal to establish clear timelines for detention. The provision limiting detention to forty-eight hours where photographic or assessment evidence is sufficient, and to a maximus of fourteen days for investigative purposes, introduces much needed certainty, accountability and fairness into the process.

69. The BodaBoda Safety Association is equally encouraged by the requirement that police stations take reasonable care to preserve detained vehicles and motorcycles.

70. The amendment does not weaken law enforcement. On the contrary, it strengthens public confidence in the justice system by ensuring that investigations are conducted efficiently while safeguarding the constitutional right to property and the livelihoods of hardworking Kenyans.

CHAPTER FOUR

4.0 COMMITTEE OBSERVATIONS

Having considered the Bill and submissions from stakeholders, the Committee made the following observations on the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026):

1. The Bill seeks to amend the Traffic Act, Cap. 403 to ensure that owners of vehicles and motor cycles are not unreasonably deprived of their property where their vehicles are detained to enforce the provisions of section 107 of the Traffic Act, Cap. 403.

2. The Bill limits the right to property under Article 40 of the Constitution to the extent that a police officer may detain a vehicle or motor cycle for purposes of investigation of an offence and for use as evidence in the trial of an offence committed under the Traffic Act, Cap. 403.

3. The Committee observed that the proposed section 107A complements the existing framework under sections 106 and 107 of the Traffic Act by prescribing timelines for the detention of vehicles and motorcycles while preserving the court's powers under section 121 of the Criminal Procedure Code.

4. The Committee observed that although several stakeholder proposals sought to strengthen the operational framework for the detention and release of vehicles, many of the proposed measures are administrative in nature. The Committee is of the view that primary legislation should establish the substantive legal framework, while implementation procedures and documentation requirements should be prescribed through subsidiary legislation or administrative guidelines.

5. The Committee further observed that, in developing such subsidiary legislation or administrative procedures, the relevant implementing agencies and affected stakeholders should be consulted to ensure the procedures are practical, clear and capable of effective implementation.

6. The Committee observed that while the proposed detention timelines enhance certainty the implementation of the Bill will require clear operational procedures as proposed by the stakeholders to ensure consistent application by enforcement agencies and to safeguard the rights of vehicle owners.

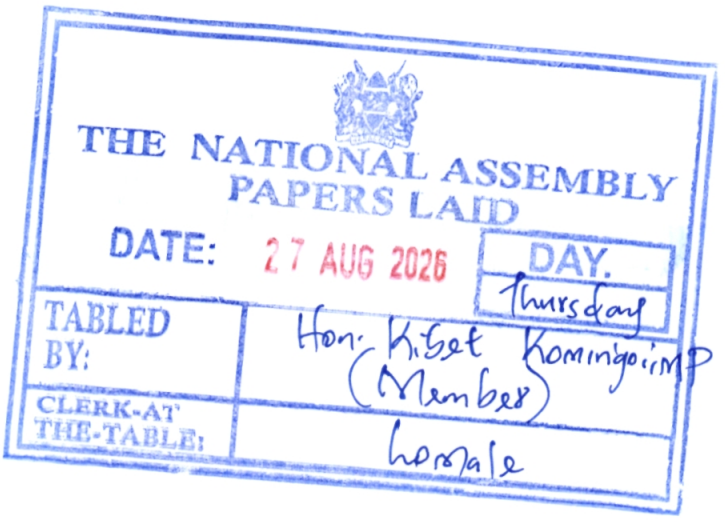
7. The Committee observed that the proposed amendment does not seek to limit the investigative powers of law enforcement agencies but rather to regulate the exercise of these powers through reasonable statutory timelines for the detention of vehicles and motorcycles.

8. The Committee observed that an aggrieved vehicle owner retains the right to seek appropriate relief from the courts under section 121 of the Criminal Procedure Code in relation to the continued detention or release of a vehicle.

CHAPTER FIVE

5.0 COMMITTEE RECOMMENDATION

The Committee having reviewed the Traffic (Amendment) Bill (National Assembly Bill No. 14 of 2026) recommends that the House approves the Bill with amendments as proposed in the Schedule in Chapter Six of this report.



CHAPTER SIX

6.0 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposes the following amendments to be considered by the House in the Committee Stage:

Clause 2

THAT, Clause 2 of the Bill be amended in the proposed new clause 107A by—

a) inserting a new subclause immediately after subclause (1) as follows—

(1A) A police officer who issues an order to detain a vehicle or motorcycle under subsection (1) shall issue a detention notice to the owner or driver in the prescribed form.

b) deleting subclause (3) and substituting therefor with the following new subclause—

(3) A police officer in charge of the police station where a vehicle or motorcycle is detained shall—

(a) take reasonable care for the preservation of the vehicle during its detention; and
(b) issue a release notice in the prescribed form, upon its release under subsection (2) or by a court order.

Justification

The amendment requiring the issuance of detention and release notices seeks to promote transparency, accountability and the proper exercise of police discretion by providing a clear record of the detention and release of vehicles and motorcycles, while safeguarding the rights of owners and facilitating administrative accountability of the detention process.

c) inserting a new subclause immediately after subclause (4)—

(5) The Cabinet Secretary shall make guidelines to provide for—

(a) the prescribed form for the detention and release notice; and
(b) the management of the detention and release notices in a register or electronic records management system.

Justification

The proposed documentation, record-keeping and release procedures are with regards to implementation therefore are more appropriately prescribed guidelines developed in consultation with the relevant implementing agencies and stakeholders.

SIGNED..... **DATE**25/08/2026.....

HON. GK GEORGE KARIUKI, CBS, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON TRANSPORT AND INFRASTRUCTURE

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT

DEPARTMENTAL COMMITTEE ON TRANSPORT & INFRASTRUCTURE

REPORT ADOPTION LIST

We, the members of the Departmental Committee on Transport & Infrastructure, have pursuant to Standing Orders 216 (5c), adopted this report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity.

Date: 25/08/2025

No.	MEMBER	SIGNATURE
1.	The Hon. GK George Kariuki, CBS, MP – Chairperson	
2.	The Hon. Didmus Barasa, MP, CBS, - Vice Chairperson	
3.	The Hon. Kiunjuri, Festus Mwangi, MP	
4.	The Hon. Abdul Rahim Dawood, CBS, MP	
5.	The Hon. Arama Samuel, MP	
6.	The Hon. Bady, Bady Twalib, MP	
7.	The Hon. Francis, Kajwang' Tom Joseph, CBS, MP	
8.	The Hon. Naicca, Johnson Manya, CBS, MP	
9.	The Hon. Chege, John Kiragu, CBS, MP	
10.	The Hon. Elsie Muhanda, MP	
11.	The Hon. Saney, Ibrahim Abdi, MP	
12.	The Hon. Hussein Weytan Mohamed, MP	
13.	The Hon. Jhanda Zaheer, MP	
14.	The Hon. Komingoi, Kibet Kirui, MP	
15.	The Hon. Maina Betty Njeri, MP	