



National Road Traffic Legislation

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Amendments for 2012/2013

- **AARTO**

- **NRTA**

- **SANRAL**



AARTO legislation published in 2011/2012

- **AARTO DRAFT AMENDMENT BILL – published for comment on 20 Feb 2013**
- **Will influence draft regulations published in April 2011**
- **AARTO Draft Amendment Regulations – 15 April 2011 – not published as a final document yet**
- **Possible closure of RTMC – will require amendments to NRTA and NRTR**

NRTA AMENDMENTS 2012



- **9 March 2012 – Microdots – date of implementation 1 September 2012**
- **Draft 20th amendment – General Amendment – Published for comment on 8 June 2012 - Publication due early March 2013**
- **Draft Amendment Bill to NRTA – Published for comment – 18 July 2012**



SANRAL AMENDMENTS 2012

- **SANRAL – Draft amendment bill – Published for comment – 15 August 2012 – Accepted by Portfolio Committee - 26 February 2013**
- **SANRAL – DRAFT Toll tariff gazette, conditions gazette, exemption regulations and exemption notice – Published for comment 26 October 2012**



NRTA AMENDMENT ACT, 1999

- Proclamations of 1 Aug 2000 and 10 Nov 2010 implemented amendments in 1999 Act
- **No section in RTA 29 of 1989 in force anymore – all regulations revoked as well**
- Section 93A – transfers duties of functionaries until Minister publishes notice – Check functionary - some regulations are wrong and refers to CEO i.s.o. MEC
- Officers appointed after 20 Nov 2010 – appointment certificate must state section 3A of Act 93 of 1996



PROVISIONS OF NRTA AMENDMENT ACT, Act No. 64 of 2008

- **Definitions of haulage tractor, tractor and truck-tractor**
- **“a tractor with a GCM of more than 24 000 kg”**
- **Draft 20th regulations address the additional provisions for haulage tractor**

PROVISIONS OF NRTA AMENDMENT ACT, Act No. 64 of 2008

- **Section 75 – Minister’s power to make regulations: -p 230**
 - **Accident reporting system**
 - **Introduction of the concept of “habitual overloader” -**
 - **Responsibility for overloading control to owners, operators, consignors and consignees**
 - **Requirements for law enforcement equipment**
 - **Measures to limit speed**

PROVISIONS OF NRTA AMENDMENT Bill, 2012

- **Definitions –**
 - **Instructor – removes requirement for reward – wider def**
 - **Motor vehicle- excludes self-propelled bicycles**
 - **Pedal cycle – adds self-propelled vehicles under 230 kg**
 - **Definitions for driving school, inspectorates**



Amendment Bill 2012

- **Traffic officers may not have an interest in transport company**
- **Qualification for traffic wardens added**
- **Criminal conviction added as disqualification for appointment as traffic officer**
- **Driving licence testing centre provisions**
- **Right to exceed speed limit and disobey road signs amended – removes authorised persons from provisions**
- **Driving licence provisions**
- **Amendment to sec 23 – restricts acceptance of foreign licence to countries that signed conventions**



Amendment Bill, 2012

- **Driving school provisions**
- **PRDP not required for examiner of driving licences while testing learner driver**
- **Authorised person removed from sec 58 and 60**
 - **Disaster Management vehicles added**
- **Response to road accidents made compulsory**



Drunken driving

- **Zero limit proposed for professional drivers and 0,02 g per 100 ml/ 0,10 ml per 1000ml for private drivers – blood and breath limits**
- **Severe reaction against limit**
- **Law enforcement challenges**



Amendment Bill - General

- **Sec 75 qualified – publication for comment only required once- amendments after comments not required to be republished**
- **SANS specifications – sec 76 has been corrected to allow to reference of latest version**



19th Amendment

- Amendment published on 9 March 2012
- Requires that all new motor vehicles first registered after 1 September must be marked with microdots
- Regulates issue of SAP clearance for vehicles – all SAP clearance vehicles had to have a certificate that is micro-dotted from 9 March 2012



Draft 20th Amendment

- Haulage tractors
- Driving hours
- Verification of address particulars
- Affixing of data plate with VIN
- Registration of weigh bridges
- Provisions for provisional licences
- Registration and requirements for driving schools
- Change of period of disqualification for previous conviction for PRDP applications



Draft 20th Amendment

- **Period retesting for older vehicles**
- **Specific application for DG operators**
- **Driving time limits for drivers**
- **Compulsory fitment of 80 sign on the back of a goods vehicle 9 tons and over**
- **Provisions for parking of disabled persons**
- **Management Reps of testing stations may test 150 vehicles per month i s o 5 per day**



Draft 20th: **Definitions**

- **Block booking – allocation of more than one appointment to one person**
- **Reserve booking – does not allocate first available booking to person**
- **Consignor and consignee – reg 330A**
- **Emergency vehicle – disaster management vehicles added**
- **Goods vehicle – haulage tractor added**
- **Driving hours and resting period – added in previous amendment**
- **Weigh bridge facility and operator added**

Draft 20th: General

- **Reg 2 - New grade of vehicle examiner – Grade C**
- **Reg 7 – temporary permit issue – date for licensing**
- **Reg 8 - Replaced SABS references to SANS references**
- **Reg 13 - Clarification of terms new and used**
- **Reg 13A – Permanently demolished vehicle may not be used to repair any other vehicle**
- **Reg 13B – Electronic registration of motor vehicles**
- **Reg 15 – pre-homologated vehicles not deemed registered**

Draft 20th: Special classification

- Reg 21 is amended
- Par (g) deleted – relates to vehicles with an exemption in section 81 of the Act
- This means that Abnormal vehicles will pay normal licence fees
- Special classification – par (h) amended to allow for passenger on vehicles over 3 500 kg GVM
- Reg 25 – refuse to issue licence disc if address is not confirmed

Draft 20th: Verification of address details – Reg 32A



- All persons who wish to use NaTIS must within 12 months of implementation provide proof of –
 - (a) full names;
 - (b) date of birth;
 - (c) identity number; and
 - (d) residential and postal address
- Failure will result in refusal to issue licence disc
- Minister may change compliance dates



Draft 20Th: Manufacturer's, builders and importers

- Reg 44 and 46
- Vehicle models may be suspended or cancelled if fees are not paid in 60 days or particulars not updated
- Requirements for change of particulars added for MIBs
- Reg 50A – Change of particulars – licence plate manufacturer



Draft 20Th: Permanently unfit vehicles

- Reg 55 – Additional requirements for demolished vehicles
- Title holder needs to make an affidavit
- State the date, timer and place of the demolished vehicle
- See definition of permanently demolished



Information Plate

- Reg 56A
- motor vehicle manufactured after 01 July 2012
- fitted with a metal plate or a self-adhesive tamperproof metal or plastic label
- vehicle identification number clearly imprinted or stamped and plate or plastic label
- fixed in an accessible place on a door post, under the bonnet or on the frame of the vehicle
- Combined with mass plate – poses problem as mass plate must sometimes be changed

Export of motor vehicle Reg 65A and Motor trade number 69

- **Owner who is not the manufacturer, importer or builder of a new motor vehicle must apply for an electronic authorisation before the vehicle may be exported**
- **Motor trade number may be used to test motor vehicle**

Draft 20th: Weigh bridge facilities – Reg 66A, B and C

- **Weigh bridge facilities may be registered**
- **Facility may apply and if approved operate as a facility for government**
- **Mass measuring certificates may be issued by such facility**



Draft 20th: Driving licences

- Midibus added to various regulations – does not change meaning of regulations
- Provisional licence added to regulations
- Person is tested for provisional licence – practical test
- Driving licence issued if all requirements on provisional licence are complied with

Draft 20th: Driving licences

- Provisional driving licence -suspended if the holder in 12 months after obtaining such licence is-
 - (a) guilty of committing any six traffic related offences;
 - (b) guilty of driving under the influence of intoxicating liquor drug having narcotic effect, or with an alcohol in blood or breath;
 - (c) exceeded the prescribed speed limit;

Draft 20th: Driving licences

- (d) operated a motor vehicle which exceeded the number of persons on any seat of the vehicle for which the seating capacity is provided for;
- (e) operated a motor vehicle between midnight and four am;
- (f) not completed the provisional driving licence log, on all trips undertaken within a driving time of a minimum of 60 hours

Log book prescribed

Must have red **P** on vehicle



Draft 20TH: Requirements to be met for registration of a driving school

- (a) physical address or access to a training facility approved by the Department;
- (b) municipal area in which the driving school will be operated;
- (c) use of vehicles which have dual controls for the purposes of training applicants;
- (d) the applicant must be a registered instructor;
- (e) tax clearance certificate;
- (f) two years experience as a registered instructor;



Requirements to be met for registration of a driving school

- (g) filing system;
- (h) proof ownership of all the vehicles which will be used for training of the applicants;
- (i) all the vehicles which will be used for training of applicants must be registered, licensed and roadworthy; and
- (j) all vehicles which will be used for training of applicants must be clearly marked with a letter “L” in a legible manner on the rear window and the sides doors of the vehicle.



Requirements to be met for registration of a driving school

- Provisions similar to that of testing station
- Application by way of affidavit
- Suitability of applicant – criminal record, etc.
- May be suspended or cancelled
- Owner has responsibilities
- Inspectorate of driving schools created to monitor


Draft 20th: PRDPs and RWCs

- **PRDPs - Previous conviction period changed from 5 years to four years**
- **RWC – periodic testing for all vehicles older than 10 years**
- **Calculated from date of first registration**
- **Vintage cars exempt**
- **Every 24 months test must be repeated**
- **Reg 139 – New minibus, midibus and bus first registered on or after 1 July 2012 – Vehicle directional stability control devices – certificate with RWC**



Draft 20th: Brakes

- Haulage tractor added to regulations
- Midibus added
- Anti-theft devices complying with ECE Regulation 116 allowed



Draft 20th: Equipment on vehicles

- Midibus date for fitment of contour markings changed to first registration 1 January 2007
- Disaster management vehicles may have a siren
- Haulage tractor exempt from wheel flaps



Draft 20th: Lamps

- Dipped beam – maximum height 1400 mm from ground
- Stop lamps may flash if it complies with SANS 20013H during emergency high de-acceleration braking
- Disaster management vehicles may have green lamp – community patrols do not fall under this provision
- Haulage tractor – amber flashing lamp compulsory

Draft 20th: Loading

- Loading requirements for haulage tractors
- 48 tons maximum – single drive axle
- 6 x the drive axle mass
- Minimum steering axle mass load - haulage tractor – 15 per cent
- Reg 245 - Mobile cranes must also have information plates

Draft 20th: Dangerous goods

- **Reg 266A, 267 and 270 - Specific provisions for application of operator card for dangerous goods**
- **SANS 1518 incorporated**
- **Reg 273, 273A and 275 amend the SABS specifications to SANS specifications**

Draft 20th: Driving hours

- **"driving time"** means any period of time that the driver of a motor vehicle contemplated in the regulations occupies the drivers' seat of such motor vehicle, whilst such motor vehicle is being operated on a public road or occupies the drivers' seat of such motor vehicle, whilst the engine is running;
- **"resting period"** means the period of time that the driver of a motor vehicle contemplated in the regulations is required to rest or taking time off driving, after exceeding the prescribed driving time, within the prescribed maximum driving time in a period of 24 hours;

Draft 20th: Driving hours

- Reg 272A- Apply to drivers of goods vehicles over 3 500 kg GVM and a buses
- Log books required
- Driving times limited
- Rest periods enforced

Draft 20th: Driving hours

- **Driving time limits - drivers not accompanied by another driver holding a driving licence for the category of the said motor vehicle -**
 - **a maximum of five hours continuous driving time;**
 - **a total maximum of 15 hours driving time in a period of 24 hours;**
 - **a resting period of -**
 - (i) **a minimum of 15 minutes;**
 - (ii) **a minimum total of 30 minutes accumulated during the period of five hours and 30 minutes;**
 - (iii) **a minimum continuous period of nine hours in a period of 24 hours; and**
 - (iv) **10 minutes rest period in terms of paragraph (a).**

Draft 20th: Driving hours

- Driver who is accompanied by another driver holding a driving licence for the category of the said motor vehicle, shall be as for the single driver excluding the provisions of paragraph (c), (iii), and-
 - (a) such driver shall not alternatively drive the said motor vehicle and rest from driving for a continuous period exceeding 30 hours; and
 - (b) where the period contemplated in paragraph (a)-
 - exceed 15 hours but does not exceed 20 hours, such period shall be followed by a period of unbroken rest of 10 hours; and
 - exceed 20 hours, such period shall be followed by an unbroken rest period of 12 hours:
- Provided that a vehicle being operated by a driver in terms of this subregulation shall, where the period as contemplated in paragraph (a) exceed 15 hours, be provided with adequate sleeping accommodation that will provide an adult with sufficient sleeping space.

Draft 20th: Driving hours: Logbook

- the driver's or co-drivers name and identity number;
- the name of the operator or the owner of the motor vehicle and the address and contact details of such operator or owner;
- the dates;
- driving time and resting periods for 24 hour period;
- additional drivers in the motor vehicle;
- odometer reading at the beginning and the end of a shift;
- signature of the driver;
- origin of a trip;
- destination of a trip; and
- estimated driving time.

Draft 20th: Driving hours: Operator duties – reg 272D

- **The operator or owner of a motor vehicle shall furnish to the driver of such motor vehicle a logbook - reg 272C.**
- **The operator shall ensure that the driver of the motor vehicle shall comply with the requirements of reg 272A and 272B.**
- **A copy of a logbook shall be retained by the operator or owner concerned for a period of three years and shall be made available to an authorised officer upon request**

Draft 20th: Driving hours: Traffic Officer duties – reg 272E

- **Demand from any driver that needs a logbook to produce a duly completed logbook in terms of regulation 272C;**
- **Inspect logbook for compliance with provisions of reg 272B and 272C;**
- **In the case where a driver has transgressed the provisions of reg 272B, temporarily forbid such a driver to continue to drive or be in charge of a motor vehicle until such person has complied with such driving time limits and rest times; and**
- **Forward information of transgressions of the drivers to the relevant bargaining council to act against the employer of such driver.**

Draft 20th: Display of 80 sign

- **Reg 203 is amended to compel display of 80 sign on the back of a goods vehicle**
- **Haulage tractor exempt from provision**
- **Haulage tractor may display 40 sign – not compulsory**

Draft 20th: Disabled Parking

- Reg 305A
- Allows for parking certificates for disabled persons
- Was part of Act 29 of 1989 – moved to provincial acts – never implemented
- Certificate is issued and valid for specific period

Draft 20th: Consignors and consignees

- ““consignee” in relation to goods transported or to be transported by a vehicle means the person who is named or otherwise identified as the intended consignee of more than **250 000** kilograms of goods in a month in the goods declaration for the consignment and who actually receives such goods after they are transported by road;”;
- ““consignor” means a person who is named or otherwise identified as the consignor of goods in the goods declaration relating to the transportation of more than **250 000** kilograms of goods in a month by road or engages an operator of a vehicle, either directly or indirectly or through an agent or other intermediary, to transport the goods by road or has possession of, or control over, the goods immediately before the goods are transported by road or loads a vehicle with the goods, for transport by road, at a place where goods are stored in bulk or temporarily held but excludes a driver of the vehicle, or any person responsible for the normal operation of the vehicle during loading;”;



Draft 20th: Consignors and Consignees

- Far reaching provisions
- Reg 330A to C to provide for offences committed by consignors and consignees
- Sec 74A and 74B



Consignors and consignees

DRAFT Legislation

- May not offer or accept vehicles that are overloaded
- Consignor needs method to determine mass
- Costly, as in most cases weighbridges are required and it will have to be phased in
- Goods declaration will need to be prepared
- Must state axle and vehicle masses



SAP Clearance - Microdots

- **Amendment to the 19th amendment – SAP clearance may not be issued without microdot certificate for vehicles after 1 September 2012**
- **Previous date was 9 March 2012**
- **Reg 337C – microdot information also stored on NaTIS from 1 September 2012**



Transitional provision and Implementation

- Weighbridge operator and weigh bridge facility regarded as compliant until date published by Minister
- Short title and commencement – regulations must be published for comment for 4 weeks before final publication



SANRAL Toll fee Notice

- **Draft Toll tariffs for Gauteng Freeway Improvement System published on 26 Oct 2012**
- **Draft exemption of emergency vehicles and public transport vehicles – published for comment**

Toll tariffs

- Open road toll system (ORT)
- Electronic toll collection through tag system
- Only registered users allowed on toll road
 - Tag
 - ANPR – number plate system
- Occasional user - Day pass system (12 max)



AARTO Amendment Bill

- **Definitions updated**
- **Sec 17 amended to compel action - driver is not nominated – Transgression**
- **Removal of major and minor infringements**
- **Removal of requirement for registered mail-replace with as prescribed**
- **Will allow for wider range of options for service i.e. email, etc.**



AARTO Amendment Bill

- **Sec 18 does not restrict person to elect to go to court if representation is rejected.**
- **Cancellation period after third time transgressor has more than 12 points – One year**
- **Court procedures re-instated for infringer who elects to appear and court and fails to appear**



CONCLUSION

- A number of amendments must still be implemented
- Changes to AARTO legislation will continue with possible future Act amendments