



RTIA

Road Traffic Infringement Agency

Justice in Adjudication

AARTO PRESENTATION

Southern African Bus Operators Association

Venue: CSIR International Convention Centre, Pretoria

Date: 19 July 2018

Presenter: Mr Thabo Tsholetsane
Chief Operations Officer

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RTIA MANDATE

- RTIA is established by sec. 3 of Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998).
- The Agency is mandated to oversee full implementation of AARTO countrywide.
- AARTO Act is currently being implemented in Gauteng Province within Tshwane & JHB (JMPD, TMPD, GPTP & NTP).

RTIA MANDATE Cont...

The Administrative Adjudication of Road Traffic Offences Act No. 46 of 1998 legislates for three different matters.



Introducing AARTO Traffic Rehabilitation

Appeals Tribunal

RTIA MISSION

Mission is to encourage **compliance** with road traffic laws in SA through:

1. Targeted road user & community education & community programmes;
2. Promotion of procedurally fair, lawful & reasonable administrative adjudication;
3. Levying of penalties;
4. Imposing demerit points;
5. Effective administration & management of the suspension, cancellation of driving licenses & operators cards; &
6. Rewarding compliant road users.

WHY AARTO?

Road Safety Challenges

- High level of lawlessness on our road network.
- High number of road crashes leading to casualties.
- Habitual traffic offenders act with impunity.
- No real punitive measures to deter infringers/offenders.
- Traffic contraventions not a priority at courts.

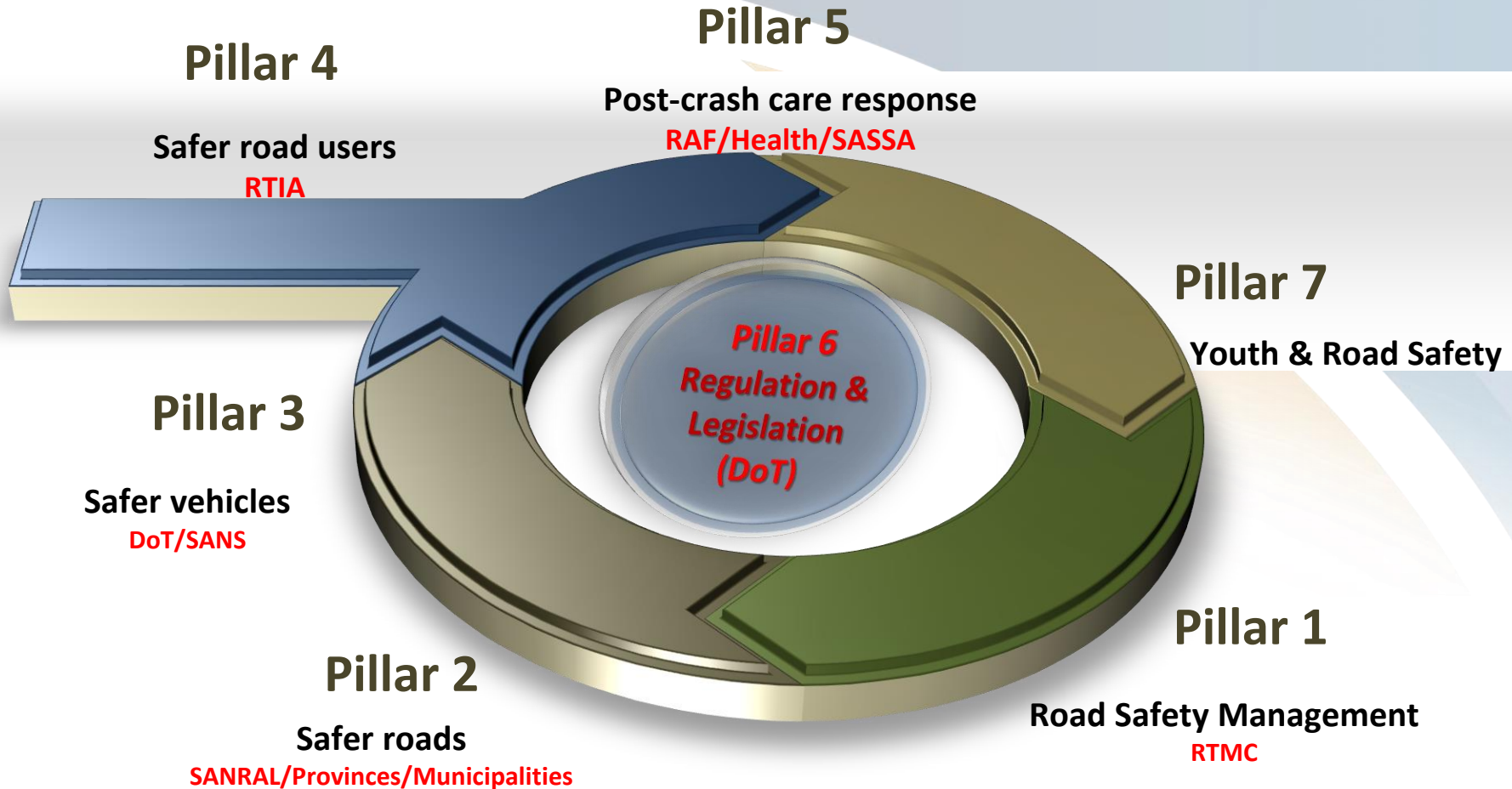
WHY AARTO?

What's the proven solution?

- To increase compliance to road traffic laws & significantly reduce the deaths on our roads;
- highly visible and efficient law enforcement operations on a continuous basis;
- Effective public awareness, communication & education programmes;
- Transparent & expeditious adjudication processes;
- Points demerit system;
- Rehabilitation programmes.

Why AARTO?

UN Decade of Action for Road Safety Pillars



WHY AARTO?

Implementation of the Act, inter alia, seeks to:

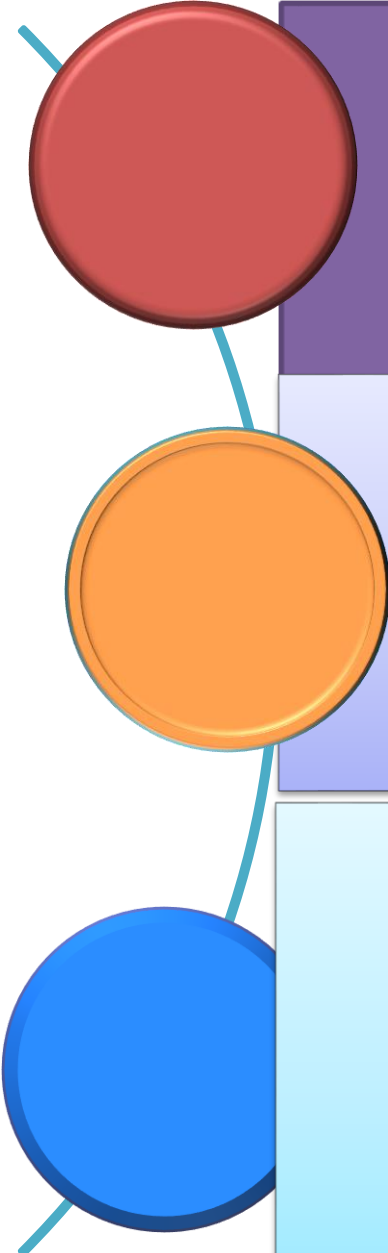
- Encourage voluntary compliance to road traffic laws;
- Simplify adjudication of traffic contraventions;
- Establish procedure for effective & expeditious adjudication of road traffic infringements;
- Encourage payment of penalties;
- Alleviate the burden on courts to deal with criminal offences.

AARTO PROCESS & MANNER OF SERVING

Starts with a traffic violation followed by an infringement notice in the form of:

- **AARTO 01** - At the road side.
- **AARTO 02** - At the road side - already recorded on the system (NCR).
- **AARTO 31** - Placed on vehicles windscreen.
- **AARTO 03** - By registered mail to registered owner of motor vehicle.

AARTO OPTIONS

- 
- * Apply for Revocation (AARTO 14) or Full Payment including fees
 - * System denies transaction to:
 - Renew Driving License/ Vehicle License/ PRDP/Operator Card.

3rd Stage: Enforcement Order

- * Full penalty and fees payable
- * Submit a representation
- * Arrange for instalments
- * Elect to be tried in Court

2nd Stage: Courtesy Letter

- * Pay penalty and qualify for 50% discount
- * Submit a representation (AARTO 08)
- * Arrange for instalments (AARTO 04)
- * Nominate a driver (AARTO 07)
- * Elect to be tried in Court (AARTO 10) – *to be repealed*

1st Stage: Infringement Notice

Fleet Managers & Proxies

- Fleet managers & proxies can apply for access to NCR for electronic nomination.
- Proxies would have access to NCR for nominations within 32 days of uploading of first infringement notice.
- Payments of infringements notices can be done in bulk electronically.

CPA vs AARTO

Criminal Procedure Act	AARTO Act
Commence with sections 54,56 & 341 of Criminal Procedure Act.	Commence with AARTO 01,02,03 & 31.
Provides for arrest by the officer if warrant of arrest has been issued.	No arrest for less serious contraventions.
Prosecutor has powers to reduce the fine amount without providing reasons.	Infringement has automatic 50% discount (payment within 32 days).
Prosecutor may decide not to prosecute without reasons.	Prosecutor either declines to prosecute with reasons.
Criminal Record on admission of guilty or if found guilty by court.	Criminal Record occurs only on offences.

EXAMPLES: INFRINGEMENTS & OFFENCES

Infringements	Offences
<p>Operated a bus contrary to conditions of a professional driving permit issued to him or her.</p>	<p>Drunken driving</p>
<p>Operated vehicle in terms of NLTA, without required roadworthy certificate.</p>	<p>Excessive speeding: driving at a speed greater than 40 km/h over the speed limit</p>
<p>Vehicle overall height (with load) exceeded 4.3m</p>	<p>Reckless and negligent driving</p>
<p>Operated a vehicle but failed to fit any lamps or use any lamps with sufficient brilliance visible from 150m.</p>	<p>Failed to affix both number plates of a vehicle.</p>

AARTO INFRINGEMENTS

Charges	Amount	Demerit Points
Operated a bus contrary to conditions of a professional driving permit issued to him or her .	R 1 250	4
Operated vehicle in terms of NLTA, without required roadworthy certificate.	R 1 000	3
Vehicle fitted with one retro-reflector at the rear (RWC)	R 500	0
Vehicle did not carry at least one emergency warning sign	R 500	1
Failed to affix both number plates of a vehicle.	Court	6



POINTS DEMERIT: **NOT ACTIVATED**

- Driver/Operator starts on zero point.
- Number of points depend on nature of infringements.
- Both drivers & operators have a threshold of 12.
- Points incurred upon payment/enforcement order/conviction in court.
- Once 12 points threshold is exceeded, License/Operator Card is suspended.
- Suspension period calculated as 1 point = 3 months
- Driver/Operator to apply for return of licence on expiry of suspension.

INCURRING OF POINTS

- Added on **actual date** of payment, acceptance of instalment arrangement, date found guilty, authorisation of enforcement order, etc. Not back dated.
- Including camera law enforcement
- In the case of 2 or more infringements in the same case, points will only be allocated for the infringement with the highest point value
- If court decision has been appealed, keep points in suspense pending finalisation of appeal. New status required: “Appeal”
- Driver’s permission must be sought to access their demerit status

DISQUALIFICATION PERIOD

- Three months for every point above 12, e.g. (14 – 12) X 3 = 6 months (definitions and section 25(2)(a))
- Start 32 days after date on which points have been incurred above 12 points
- End when points are at 12 or lower. Effectively 32 days less than the 6 months example above
- Infringer must be notified on AARTO 21
- If Enforcement Order is revoked, all relevant actions are reversed

RESPONSIBILITIES OF OPERATORS

- Exercise proper control over driver of their vehicles to ensure compliance by such driver with all the provisions of NRTA, in particular -
 - (i) the requirements in respect of the professional driving permit; &
 - (ii) the loading of such vehicle as prescribed by or under NRTA; and
- Ensure vehicles complies with the fitness requirements.

OPERATOR IMPLICATIONS

- Operators can nominate person in control of vehicle.
- Infringements for vehicle roadworthiness will create Operator Infringement for owner of the vehicle.
- Operators will only be held responsible for vehicle related infringements.
- Points incurred by Operators will be allocated to Operator Cards of the vehicles involved in the infringement.
- Once points threshold is exceeded, Operator Card is suspended.

SUSPENSION IMPLICATIONS

1st & 2nd time suspension

- If suspended:
For every 3 months
without Infringement
/ Offence = 1 point
reduction.

3rd time suspension

- If suspended for 3rd
time:
Driving License/Operator
Card will be cancelled.

PAYMENTS OF AARTO NOTICES

AARTO Notices payable at any Traffic Authority, DLTCs and RAs in any province around the country;

Payments may also be made at:

All Pay@ Platforms

- Spar; Checkers; Shoprite & U-Save Chain Stores

4 Major banks; (ABSA, FNB, Standard Bank & Nedbank)

- South African Post Office

- Other Online payment platforms

(www.payfines.co.za)

(www.paycity.co.za)

CURRENT CHALLENGES ON AARTO

- Cost associated with posting of electronic notices through registered mail.
- Court processes and serving of summonses by implementing IAs on elective to be tried in court.
- AARTO Training for Traffic/Metro/SAPS Officers and other users.
- Perception around AARTO both from internal and external stakeholders.

AARTO PROGRESS TO DATE

- AARTO Amendment Bill in NCOP Process
- NaTIS developments underway.
- Consultation with relevant stakeholders on the Traffic Rehabilitation Concept underway.
- AARTO Integrated Marketing and Communication commenced.
- Issuing Authority Readiness & Compliance Inspection completed (2017-18).

AMENDMENT BILL

- Public hearings finalized.
- NCOP to vote on Bill.

Main issues covered in the Amendment Bill:

- Definition of Infringement to include NLTA & CBRTA matters;
- Electronic serving of notices;
- Repeal of election to go to court;
- Re-service of notices;
- Establishment of Traffic Rehabilitation;
- Establishment of Appeals Tribunal;
- Repeal of warrants of execution.

APPEALS TRIBUNAL

Chapter IVA (Sect 29) of the AB establishes the Appeals Tribunal:

- ✓ To be established by the President of the Republic;
- ✓ Have jurisdiction throughout the Republic;
- ✓ Reports to the Minister on day to day functions of this Act;
- ✓ Adjudicate on matters of infringers aggrieved by decision/reasons of representation officer under this Act;
- ✓ Within 30 days of receipt of such reasons, hear appeals against or review any decision by representation officer;

Any infringer affected by a decision of the Tribunal may appeal to any High Court having jurisdiction on the matter.



**Thank You For
Listening**



RTIA

Road Traffic Infringement Agency

Justice in Adjudication

RTIA Contact Details

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www.aarto.gov.za

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