

National Road Traffic Legislation

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AMENDMENTS SINCE FEBRUARY 2010

The legislation published in 2010 and 2011:

- **The National Law Enforcement Code – 23 Sept 2010 – for comment**
- **NRTA Amendment Act, 1999 – implemented on 1 Aug 1999 and 20 Nov 2010**
- **NRTA Amendment Act 2008 – implemented on 20 Nov 2010**
- **17th regulation amendment NRT regulations – 25 Nov 2010**
- **18th regulation amendment – 1 Feb 2011**
- **Draft 19th and 20th amendment-1 Feb 2011**
- **SANRAL Toll fee gazette – 4 Feb 2011 – suspended**
- **Draft NLTA regulations – 4 Feb 2011**
- **List of DG training service providers – 4 Feb 2011**
- **Revocation of 17th amendment – court case – 1 March 2011**
- **Draft Amendment – 13 March 2011**
- **AARTO Draft Amendment Regulations – 15 April 2011**
- **17th Amendment – republished – 29 June 2011**

AD hoc changes

- 1 Nov 2010 – amendment to validity of Roadworthy certificates of buses – 6 months in stead of 12
- No formal procedure – only legal alternative is relicensing
- Learner's licence changed to 24 months
- ISO containers - no height limit

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
- Officers appointed after 20 Nov 2010 – appointment certificate must state section 3A of Act 93 of 1996
- Name tag – part of uniform

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

- **Act implemented on 20 Nov 2010**
- **Amended definitions on owner, authorised officer, etc.**
- **New definitions for reserve traffic officer and reserve traffic warden**
- **Definitions of haulage tractor, tractor and truck-tractor**
- **Medical and fire-fighting response vehicle**

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

- **Criminalisation of the production of any document that differs from a prescribed format or content – section 68 – no photocopies of licences allowed**
- **Criminalisation of applicant for a learner's or driving licence caught for cheating on test – section 17 and 18**
- **Disqualified from applying for 12 months after person is caught cheating – section 17 and 18**

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

- Amendment to section 35 on automatic suspension of driving licences
- No admission of guilt on these offences – court appearance
- Additional offences for which automatic suspension will apply
 - 30 km + over speed limit in urban area
 - 40 km + over speed limit in area other than urban area
- Evidence to counter automatic suspension may only relate to offence and not offender
- Suspension periods
 - 1st offence – 6 months
 - 2nd offence – 5 years
 - 3rd offence – 10 years

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

- **Restricts the acceptability of foreign RWC to foreign vehicles only – section 42**
- **Power to prescribe detailed road accident reporting forms, procedures, accident plans, etc. –section 61**
- ***Regulations on these issues still to be drafted – no provisions yet – legislation incomplete***

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

- **The Minister has to prescribe training requirements and qualifications for inspectorates of driving licence testing centres and testing stations – sections 11 and 41**
- ***Currently no requirements – regulations not in place***

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

- Right to exceed speed limit and disobey road signs extended to drivers of fire-fighting response and emergency medical response vehicles
- Civil defence vehicle drivers are no longer exempt
- Added *category any person issued with the necessary authorisation*
- Problematic wording – unclear who has to provide authority and what criteria for exemption is
- Display of lamps will also have to be addressed – currently only SAPS and Traffic officers are allowed to display blue lamps

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

- **Section 75 – Minister’s power to make regulations:**
 - **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 ACT, Act No. 64 of 2008

- **Minister's powers to make regulations subject to parliament approval and publication for comment for at least 4 weeks**
- **Standards incorporated in terms of section 76 that are amended are not automatically changed – previous version of amended specification will remain in force until incorporated – *SANS legislation only acknowledges latest version of specification***

ABNORMAL VEHICLES

- **Abnormal vehicles initial exemptions done by Minister not MEC's – section 81**
- **Section divided in 2 parts**
 - **Principal approval before vehicle is built and homologated – Minister/DOT**
 - **Once homologated - Operational exemption still function of MEC's/Province**

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

- Fees other than registration and licensing fees are to be prescribed nationally again as it was in terms of Act 29 of 1989
- *No general fees prescribed yet – provincial fees not applicable since 20 Nov 2010*
- Some provinces published fees – no longer allowed to publish miscellaneous fees
- Transitional provisions added to accommodate legislative processes and change of functionaries – section 93A

DRIVING LICENCE BILL - 2009

- **Bill addresses driving schools and driving instructors as well as the process of issuing driving licences**
- **Issue procedure and numerous eye tests are addressed**
- **2009 bill – not republished yet**
- **No legislation on phased licensing approach yet i.e. B, C1, C**
- **New licence requirements on L and P licences to be incorporated**

NRTA 17th Amendment

- Implemented on 25 Nov 2010 – revoked – republished 29 June 2011
- Amended the provisions on driving licences to prohibit new holders of class C1, C, EC1 or EC to drive class B or EB.
- Legislation on driving licences was reversed again on 1 Feb 2011 by regulation amendment 18
- Reg 138 was amended to only allow roadworthy tests to be done 21 days before relicensing and not 6 months – **revocation** – valid for 6 months again – changed to 60 days on 29 June
- Number plate legislation clarified on fixture of number plates – **revoked** – old provisions apply – new date – New vehicles after 1 August 2011

NRTA 17th Amendment

- Left-hand drive vehicles – not roadworthy if not registered in owner's name by 23 July 2004 – prohibited from being registered
- Amended to allow selling of such vehicle and for new owner to register vehicle – previous amendments – can not sell – **amendment republished**
- Amendment to require Directional Stability Control Device certificate for mini- and midibuses used for reward – **revoked** – republished – new buses, midi and minibuses from 1 July 2012

NRTA 17th Amendment

- Foreign licences
 - Valid if it contains photo, signature, still valid in country of issue, SA language or translation
- Must exchange licence within 5 years of returning to SA or obtaining permanent residency
- *Not ordinarily resident in SA* means for at least 3 months
- ← ■ *PRDP – if it serves same purpose in country of issue – prescribed territories – valid in SA – Sec 32 – Act allows Minister to prescribe – no regulation at this stage* →

17th regulation Amendment

- **Reg 332 amended to streamline evidence in breath alcohol cases**
- **Requirements:**
 - **Certificate from supplier/manufacture stating the certification in terms of SANS 1793**
 - **Calibration certificate from NMISA**
 - **Dräger has certificate for new SANS specification**
 - **Previous version applies until amendment to regulation is gazetted**
 - **Court cases – Contact NPA for permission to use**

Draft 19th Amendment

- Amendment published for **comment** on 1 Feb 2011
- Requires that all new motor vehicles first registered after 1 July 2011 must be marked with microdots
- Regulates issue of SAP clearance for vehicles
- Implements reg 212(o) on vehicle stability control devices from 1 July 2011
- **Still draft – no final publication yet**

Draft 20th Amendment

- **Definitions of consignor and consignee**
- **Not applicable to passenger vehicles**
- **Draft Regulations 330A to C to provide for offences committed by consignors and consignees**
- **Driving hour provisions – definitions included in previous amendment – no actual hours published yet**
- **Haulage tractor – regulations to be added**

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**

AARTO

- Minister indicated a further roll out of AARTO scheduled for the 2012 – letter from RTMC – 1 April 2012 – no specific published date yet
- Points demerit system will only be implemented at the end of implementation according to press release
- Some aspects of the legislation has not been fully implemented in Jhb and Tshwane i.e. charges against the operators have not always been instituted yet - some cases are charged
- Operators must comply with control requirements and driver information –section 17(5) – redirection of fines: If not 3x the penalty
- AARTO 03 must be served by registered mail – normal mail does not comply with legislation

AARTO DRAFT AMENDMENT REGULATIONS

- 15 April 2011 - **DRAFT**
- Entire set of regulations will be revoked and republished
 - Reg 2 deleted on RTMC functions
 - Reg 10 – states foreigners and unlicensed drivers has to pay 3 x the penalty as well as foreign operators
 - Reg 11 - Discounts – regulations no longer states foreigners may not get discount
 - AARTO 07 and AARTO 08 – **D/R** – May submit electronically/IA/mail

AARTO Process

- **Offence –**
 - **Arrested**
 - **Sec 54**
 - **D/R** – AARTO 32 notice before summons – serve next to road
 - **D/R** – AARTO 33 – send by ordinary mail
- **Infringement**
 - **AARTO 01 and 02 – next to road**
 - **AARTO 03 – registered mail**

Penalties and demerit points

Penalty	Rand Value	Discount	DP
• 2	R 100 + R40 <i>D/R</i>	• R 50 + R 20 <i>D/R</i>	-
• 5	R 250 + R40 <i>D/R</i>	• R 125 + R 20 <i>D/R</i>	0
• 10	R 500 + R40 <i>D/R</i>	• R 250 + R 20 <i>D/R</i>	1
• 15	R 750 + R40 <i>D/R</i>	• R 375 + R 20 <i>D/R</i>	2
• 20	R 1000 + R40 <i>D/R</i>	• R 500 + R 20 <i>D/R</i>	3
• 25	R 1250 + R40 <i>D/R</i>	• R 625 + R 20 <i>D/R</i>	4
• 30	R 1500 + R40 <i>D/R</i>	• R 750 + R 20 <i>D/R</i>	5
• 0	Court	• -	6

SANRAL Toll fee Notice

- **Toll tariffs for Gauteng Freeway Improvement System published on 4 Feb 2011**
- **Minister suspended gazette**

Toll fees

- New system scheduled for implementation later this year or 2012
- Open road toll system (ORT)
- Electronic toll collection through tag system
- Registered users get discounts with tags on toll road
 - Tag
 - ANPR – number plate system
- Occasional user - Day pass system (12 max)

CONCLUSION

- A number of amendments must still be implemented
- Changes to AARTO legislation will continue with possible future Act amendments
- Currently there are various gaps in the legislation , regulations required that have not been promulgated

SANRAL Toll fees

- Gazette issued with toll fees on 4 Feb 2011
- Minister suspended gazette
- Further discussions on fees taking place
- Gazette to be republished with conditions of use and fees