



ROAD TRAFFIC AND TRANSPORT LEGISLATION UPDATE

ALTA SWANEPOEL

altaswanepoel@mweb.co.za

LATEST AMENDMENTS



- **Regulation amendment 24 to the NRT Regulations was published on 11 Nov 2016**
- **The NLTA Amendment Bill was introduced in Parliament in April 2016 - Separate presentation**
- **The AARTO Amendment Bill was introduced in Parliament in November 2015 – due to be approved before end of 2017**
- **An amendment to the E-Road Regulations was published in terms of the SANRAL Act regarding GFIP e-tolls**



AARTO LEGISLATION

- **The AARTO Act has been in the news over the last few months**
- **The Fines 4 U/ Audi court case**
 - **Ruling only applied to the specific matters**
 - **Other persons with same legal issue may use ruling to request withdrawal of cases**
 - **Technically the cases that were not properly served expired in any event**
 - **There are notices that have been served correct and the ruling does not apply to them**

**ADMINISTRATIVE
ADJUDICATION OF ROAD
TRAFFIC OFFENCES BILL**

2015

AARTO BILL – 2015 / 2017



- **Draft – In National Assembly (NA) in Parliament**
- **Public hearings in September 2016 and Feb 2017**
- **Additional amendments added in February 2017**
- **Bill to be finalised in NA and then submitted to National Council of Provinces (NCOP)**
- **Once it is approved by NCOP it can be signed and implemented**
- **Draft Regulations will need to be published to accommodate amendments to Bill**

AARTO BILL – 2015 / 2017



General amendments -

- **Amends the term *Agency* to *Authority***
- **Distinction between minor/major infringement are deleted**
- **National Offences Register – existing wording refers to *National Contraventions Register***
- **All references to a warrant and sheriffs are deleted**
- **Funds for Authority – Adds penalties issued on behalf of issuing authority - sec 13**

AARTO BILL – 2015/ 2017 - DEFINITIONS



- ***Date of service*** – changed term *signed for* to *received*
- ***Electronic service*** means service by means of an electronic communication as defined in the Electronic Communications Act, 2005 (Act No. 36 of 2005)
- ***Habitual infringer*** means an infringer, operator or a juristic person who, in terms of section 25, incurs demerit points resulting in a disqualification more than two times
- ***Infringement*** – adds - *any other state institution declared by the Minister by regulation to be an issuing authority*
- ***Issuing authority*** – allows the Minister to add issuing authorities by regulation
- ***Tribunal*** means the Appeals Tribunal established by section 29A

AARTO BILL – 2015/ 2017



- **Section 4 – 3 amendments**

- **Objects:**

“to administer a procedure to discourage the contravention of road traffic and **transport laws and to support adjudication of infringements as set out in subsection (2)”**

- **Functions:**

“considering representations from an infringer in terms of section 18 with regard to an infringement notice **or the non-compliance with the prescribed processes by an issuing authority relating to [a minor] an infringement”**

“administering prescribed rehabilitation programmes for habitual infringers**”**

AARTO BILL – 2015 / 2017



- **Section 17**
- **Option to go to court - replaced with option to refer matter to Appeals Tribunal**
- **“(5) The owner or operator of a motor vehicle who permits any person to drive such vehicle or otherwise to exercise any control over such vehicle, without having ascertained the full names, [acceptable identification and] residential [and], postal and where applicable business and e-mail address of an infringer, such person is [guilty of an offence and] liable [upon conviction to a fine or imprisonment for a period not exceeding one year or to both a fine and such imprisonment] for the prescribed penalty and fees.”**
”

AARTO BILL – 2015/ 2017



▪ Section 18

(1)(a) An infringer who has been served with an infringement notice alleging that he or she has committed [a minor] an infringement, may make [representations] a representation **in the prescribed manner**, with respect to that notice and infringement to the [Agency] Authority.

(b) **In the event a representation is successful as a result of prescribed procedures not being complied with, that infringement notice may be served again on that infringer in the prescribed manner within 40 days from the date that the representation was finalised, provided that such notice must not be served later than 180 days from the date the infringement was committed.**

“(7) If the representations are rejected, the representations officer may advise the infringer [to elect in the prescribed manner to be tried in court,] of **his or her right of review or appeal** and must serve or cause to be served on the infringer a prescribed written notification informing him or her—

(a) of the reasons for the decision, and provide the issuing authority concerned with a copy thereof;

(b) if the infringer does not [elect to be tried in court] exercise the **right of review and appeal**—

(i) that the penalty, the prescribed representations fee and the prescribed fee of the courtesy letter, if any, are payable to the agency or that the arrangements are made with the agency in the prescribed manner to pay in instalments, not later than 32 days after the date of service of the notification; and

(ii) that failure to pay the penalty and fees or to make arrangements to pay in instalments will result in an enforcement order being served on the infringer and that the infringer will become liable to pay the penalty and fees and the prescribed fee of the enforcement order; and

(c) **if the infringer elects to [be tried in court, which may only be done on the advice of the representations officer,] exercise the right of review and appeal that the provisions of section [22] 29A apply.**

AARTO BILL – 2015 / 2017



- **Section 19**
- **Failure to pay on arrangement will result in an enforcement order issued – not a warrant**
- **Section 20 – Enforcement order**
- **Must state number of points left before disqualification/suspension of all permits, licences, etc.**
- **Section 21 – warrant - deleted**

AARTO BILL – 2015/ 2017



▪ Section 25

(1) If a person, operator **or a juristic person who is not an operator**, incurs demerit points which, when added to the points previously recorded against that person, operator **or a juristic person who is not an operator** in the [national contraventions register] National Road Traffic Offences Register and reduced as contemplated in section 28, exceed the total contemplated in section 29(d), that person, **operator or a juristic person who is not an operator** is disqualified [with effect from] for 32 days, after such excess points have been incurred, from driving or operating a motor vehicle on a public road.

(2)(b) The Minister may prescribe different numbers under paragraph (a) in respect of a driver, a learner driver, [and] an operator of a motor vehicle and. **a juristic person who is not an operator**

(3) A person [who is disqualified in terms of this section] **operator ,or a juristic person who is not an operator –**

(a) must [immediately] **within a period of 32 days** hand in any driving licence card [or], professional driving permit, **motor vehicle licence disc, operator card or any other permit, card or licence issued in terms of road traffic and transport legislation**, where applicable, in the prescribed manner to the relevant issuing authority contemplated in section 26(2) for retention by such issuing authority during the disqualification period, produce any driving licence contained in an identity document to such issuing authority for endorsement as suspended or must remove the prescribed operator card and deal therewith in the prescribed manner; and

AARTO BILL – 2015/ 2017



▪ Section 25

“(4) [Any] In the event that a person, operator or a juristic person who is not an operator, [who] fails to comply with the provisions of subsection (3)(a) or [who] drives or operates a motor vehicle during his or her disqualification period, his or her licence, permit, card or licence issued in terms of any road traffic and transport legislation is suspended for a further one year for every subsequent driving or operation and such person is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one year or both a fine and such imprisonment

“(5) Upon expiry of [his or her] the disqualification period, a person referred to in subsection (3) may apply in the prescribed manner to the relevant issuing authority [to] for the return of [his or her driving licence card or professional driving permit or to reissue an operator card] the document referred to in subsection (3)(a)

AARTO BILL – 2015 / 2017



- **Section 29A – Appeals Tribunal**
- **Appointed by President**
- **Functions – sec 29B**

(1) The Tribunal may—

(a) adjudicate on any matter brought to it by an infringer aggrieved by a decision taken by the representation officer in terms of this Act;

(b) hear appeals or review any decision of the representation officer that may in terms of this Act be referred to it; and

(c) make any ruling or order necessary or incidental to the performance of its functions in terms of this Act.

(2) The appeal or review referred to in subsection (1)(b) must be lodged with the Tribunal within 30 days of receipt of the reasons for the decision, and lodged in the manner and on payment of fees, as prescribed by the Minister.

Sections 29C to 29J – functioning of Tribunal

AARTO BILL – 2015 / 2017



- **Sec 30 proposed to be amended to make the methods of service “as prescribed”- will be detailed in regulations and will allow for electronic service**
- **10 day service presumption extended to electronic service**
- **Sec 32 – apportionment of fines**

32. (1) Any penalty received by the Authority in terms of this Act must, as prescribed, be paid over to the issuing authority that issued the infringement notice, after deduction of an amount equal to the discount contemplated in section 17(1)(d).

(2) Any prescribed fees or monies contemplated in section 13(1)(dA), collected by or on behalf of the issuing authority in terms of this Act must, as prescribed, be paid to the Authority.

(3) Despite any other law, any monies received in respect of any conviction under the applicable road traffic legislation must be disbursed as prescribed

AARTO PROPOSED AMENDMENTS – 1 NOV 2013



- **Draft regulations – Published for comment on 1 Nov 2013 –**
- **No further publication has taken place – must be published with AARTO Amendment Bill – will be amended again to correlate with latest version of Bill**
- **All references to Agency changed to Authority**
- **All references to service by registered mail changed to by registered mail or electronic service**
- **Electronic service will be – R 40**
- **Served in person is R 100**
- **Served by registered mail is R 60**
- **Additional penalty amount will be paid due to sec 13 – R100 proposed**

NATIONAL ROAD TRAFFIC LEGISLATION

2016/2017

National Road Traffic Regulation Provisions that were implemented in 2016/2017

- **11 Nov 2016 - Reg 293**
- **1 Dec 2016 - Reg 215**
- **11 May 2017 - Reg 250**



National Road Traffic Regulation Provisions that still require implementation dates (Not in force yet)



Provisional driving licences - Reg 107 to 107C

Registration of driving schools - Reg 114G - 114Q

10 year old vehicles – RWC every 2 years - Reg 138(1)

**Driving hours for truck and bus drivers - Reg 272A -
272E**

**Parking regulations for disabled persons - Reg 305A -
305D**

Display of licence number plates -Reg 35(2)(a)



Draft National Road Traffic Bills and Regulations – Not published as final legislation yet

- **28 Jan 2015 Draft NRTA Amendment Bill NEDLAC**
- **28 Jan 2015 Number plates Regulations Reg 27,35**
- **11 May 2015 Licence retesting on card renewal Reg 107**
- **11 May 2015 Lower general speed limits Reg 292**
- **11 May 2015 Truck ban hours Reg 318A**



Proposed National Road Traffic legislation – Not published as draft legislation yet

- **Amendment to the K53 driving licence testing procedures**
- **No formally published documents yet**

NRTA AMENDMENT BILL, 2017 - DRAFT



- **Draft Bill – published in July 2012**
- **Republished – 28 January 2015 – bill not introduced to Parliament yet**
- **Scheduled for NEDLAC in May/June 2017**
- **Scheduled for Parliamentary approval before end 2017**

NRTA AMENDMENT BILL, 2017 - DRAFT



- **Several additions and amendments to definitions**
 - **Additional definitions for driving school, ECE regulations, model regulations, incident, various inspectorates**
 - **Body builders, embossers, manufacturers of number plates also added or amended**
 - **Manufacturers of microdots, reflective sheeting and blank number plates**
 - **Emergency vehicle and emergency service – collective term for SAPS, ambulances, fire services, rescue vehicles, emergency medical response, civil protection and disaster management**
 - **NaTIS officer definition added**

NRTA AMENDMENT BILL, 2017 - DRAFT



Definitions continued:

- ***Standard*** defined as code of practice, compulsory motor vehicle specification, standard, or adopted by the ISO
- ***Supplier of blank number plate, microdots and reflective sheeting***
- ***Weighbridge facility*** added
- **Amendments to -**
 - ***motor vehicle*** – will exclude pedal cycle type vehicles with engine with speed up to 45 km/h
 - ***pedal cycle*** – will include exclude pedal cycle type vehicles with engine with speed up to 25 km/h, driving school, inspectorates

NRTA AMENDMENT BILL, 2017 - DRAFT



- **Sec 3A – NaTIS officer added as authorised officer**
- **Vested interest addressed –**
 - **vehicle examiner or spouse/partner may not have interest in motor repair business**
 - **Traffic officer, traffic warden or NaTIS officer or spouse/partner may not have interest in road transport business**
 - **Traffic wardens added to sec 3D – minimum requirements for registration**
 - **Reasons for suspension of traffic officers, examiners of vehicles and driving licences extended to add the vested interest provisions and previous convictions**
- **Sec 3L and 3M – Registration, grading and suspension of training centres**



NRTA AMENDMENT BILL, 2017 - DRAFT

- **Sec 5A added to require registration for –**
- **Manufactures of blank number plates,**
- **Manufactures of reflective sheeting for number plates;**
- **Suppliers of blank number plates;**
- **Suppliers of reflective sheeting for number plates; or**
- **Embossers or sellers of number plates**



NRTA AMENDMENT BILL, 2015 - DRAFT

- **Requirements for registration of weighbridge facilities – SEC 5E to 5H**
- **Microdot requirements added to the Act – inspectorate, registration of fitment centres, etc. SEC 5I to 5M**
- **Minister is empowered to appoint inspectorates for –**
 - **manufacturers, builders, body builders and importers**
 - **number plates**
 - **microdots and**
 - **weighbridge facilities**

NRTA AMENDMENT BILL, 2017 - DRAFT



- **Driving licence testing centre provisions – allows for a mobile driving licence testing facility**
- **The MEC of a province must appoint provincial inspectorates and the Minister will prescribe the powers of the inspectorates**
- **Provision for provisional driving licences – sec 13 and 14**
- **Section 15 – Disqualification from driving – drug or alcohol addiction with certificate from medical practitioner – disqualification to get or hold licence**
- **Sec 15A added – Person may surrender licence or request different licence for which he qualifies**
- **Use of unauthorised aids – offence – learner’s and driving licences**
- **Foreign licences still subject to sec 15 disqualifications**
- **Amendment to sec 23 – foreign licences– restricts acceptance of foreign licence to countries that signed conventions**



NRTA AMENDMENT BILL, 2017 - DRAFT

- **Sec 28 to 28C – amendments to provisions for instructors – bill does not have clear definition of an instructor**
- **Driving school provisions copied from 22nd amendment to Bill – See sec 28D to 28H**
- **Sec 29 amended – specifically states that licence issued contrary to the legislation is void**
- **Sec 30 – offence to use someone else’s licence**
- **Sec 31 – obligation on operator/ owner to ensure driver is licensed before driving vehicle**



NRTA AMENDMENT BILL, 2017 - DRAFT

- **Sec 58 and 60 will be amended – removes **authorised persons** from provisions on disobeying speed limits and road signs**
- **amended to refer to emergency vehicles instead of the individual emergency services – see definitions**
- **Note new par (c):**

in a case where such vehicle is approaching an intersection, the driver of such vehicle shall stop at the intersection and proceed only when it is safe to do so whilst a traffic signal is displaying a steady or flashing red light or is a stop sign.



NRTA AMENDMENT BILL, 2015 - DRAFT

- **Sec 62A - Response to road accidents to be made compulsory**
- **Incident defined as: “incident” means an extraordinary condition or event which results in a reduction in road capacity or creates a hazard for road users for a sustained period of time, which includes a minor accident, shoulder or lane obstruction, rail or aviation accident, a leakage or spilled load;**
- **Zero alcohol limit proposed for all drivers –section 65**
- **All limits deleted from sec 65(2) and (5) – 2-hour presumption amended to accommodate amendment**



NRTA AMENDMENT BILL, 2015 - DRAFT

- **Provisions for parking for persons with a disability amended to remove limitation to specific authority—
See sec 80**
- **Sec 81 is amended to allow for more specific provisions in controlling abnormal vehicles**
- **Power for Minister to make regulations for the application for an exemption – draft regulations to be published – more formal process than existing provisions**

28 JANUARY 2015 – DRAFT NRTA REGULATIONS



- **Published initially on 9 April 2014 – DRAFT – No implementation date yet**
- **New appearance – national flag with province's name proposed in stead of different backgrounds currently in place**
- **See definition for embosser - manufacturer of number plates is already defined – embosser definitions limits it to the person who puts the number on the plate**
- **Reg 35 to be amended to accommodate new plates**

22ND AMENDMENT: VERIFICATION OF ADDRESS DETAILS – REG 32A – EFFECTIVE AS OF 31 OCT 2015



- **All persons who wish to use NaTIS must within 12 months of implementation (31 Oct 2014) provide proof of - Implemented on 31 October 2015– draft amendment – June 2015 – not implemented**
- **(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**
- **(4) -Website subregulation not in force yet**



INFORMATION PLATE

- **Reg 56A – p 35**
- **Applicable to all motor vehicle manufactured after 01 Dec 2015**
 - **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 - see reg 245**

22ND AMENDMENT: WEIGH BRIDGE FACILITIES – REG 66A, B AND C – NOT IN FORCE YET



- **Moved to Bill p 38**
- **See def of weigh bridge facility – relates to determination of tare**
- **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**

22ND AMENDMENT: DRIVING LICENCES – NOT IN FORCE YET



- **Reg 107 – Some provisions moved to Bill p 63**
- **Provisional driving licence -suspended for 24 months 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;**
 - **(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) 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**

22ND AMENDMENT: REQUIREMENTS TO BE MET FOR REGISTRATION OF A DRIVING SCHOOL



- (a) **physical address or access to a training facility approved by the Department;** p 73
- (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;**
- (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.**

22ND AMENDMENT: - RWCS



- **Roadworthy certification – periodic testing for all vehicles older than 10 years - Not in force yet p 84**
- **Calculated from date of first registration**
- **Vintage cars exempt**
- **Test must be repeated every 24 months**

SPEED GOVERNORS

- **Reg 215 – Requirement that all new minibuses, midibuses and buses and goods vehicles with GVM of more than 3500 GVM first registered after 1 December 2016 must be fitted with speed governor – speed must be restricted to reg 293 limit p 137**
- **No grace/tolerance in legislation**
- **Note - 11 Nov 2016 amendment to reg 293 p 114**
 - **80 km/h – goods vehicles over 9000 kg GVM**
 - **100 km/h – buses, minibuses (NLTA) and goods vehicles over 3 500 kg**

22ND AMENDMENT: DANGEROUS GOODS

- **Reg 8(2)(g) – Certificate of compliance SANS 1518 p 20**
- **Reg 266A, 267 and 270 - Specific provisions for application of operator card for dangerous goods p 88**
- **Application for DG Operator card on form ROO**
- **SANS 1518 incorporated – stamped on RWC**
- **Reg 273, 273A and 275 amend the SABS specifications to SANS specifications p 95**
- ***Reg 266A. Manner of application and registration as dangerous goods operator***
- *(1) An operator, who is required to register in terms of regulation 265(1)(c) shall apply at the appropriate registering authority for registration on form ROO, as shown in schedule 2.*
- *(2) Upon receipt of the application referred to in subregulation (1) the registering authority shall, if satisfied that the application is in order, register such applicant as an operator of dangerous goods.*

17TH AMENDMENT: DRIVING HOURS - DEFINITIONS



- **"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; p 6**
- **"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; p 8**

22ND AMENDMENT: DRIVING HOURS

- **Power to make regulations for driving hours**
– to be included in Bill p 90
- **Reg 272A- Apply to drivers of goods vehicles over 3 500 kg GVM and buses**
- **Log books required**
- **Driving times limited**
- **Rest periods enforced**



22ND AMENDMENT: DRIVING HOURS

(1) The driving time limits, in respect of a driver of a motor vehicle mentioned in regulation 115 (1) (a), (c) and (f) and who is not accompanied by another driver holding a driving licence for the category of the said motor vehicle, shall be—

- (a) a maximum of five hours or 400 kilometres continuous driving time;
- (b) a total maximum of 15 hours driving time in a period of 24 hours;
- (c) a resting period of—
 - (i) a minimum of 15 minutes in terms of paragraph (a); or
 - (ii) a minimum continuous period of nine hours in a period of 24 hours;

(2) The driving time limits, in respect of a driver of a motor vehicle mentioned in regulation 115 (1) (a), (c) and (f) and who is accompanied by another driver holding a driving licence for the category of the said motor vehicle, shall be those contemplated in subregulation (1) excluding the provisions of paragraph (c), and such drivers shall not alternatively drive the said motor vehicle without resting from driving for a continuous period exceeding 30 hours;

Provided that a vehicle being operated by a driver in terms of this subregulation shall, where the period as contemplated in subregulation (2) exceed 15 hours, such driver shall rest at an adequate sleeping facility with sufficient sleeping space for an adult.

22ND AMENDMENT: 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.**
- ***Format published in Gazette***

22ND AMENDMENT: 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**

22ND AMENDMENT: 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.**

22ND AMENDMENT: DISPLAY OF 80 SIGN



- **Reg 293 was amended to compel display of 80 sign on the back of a goods vehicle – size prescribed in SANS standard – law since 31 Oct 2014 p 114**
- **Haulage tractor exempt from provision**
- **Haulage tractor may display 40 sign – not compulsory**
- **Note - 24th amendment – 100 sign for 3 500 to 9 000 kg goods vehicles compulsory**

22ND REGULATION AMENDMENT



- **Regulation 330A to D – implemented 31 January 2015 p160**
- **Regulation 1 – definition of a consignor and a consignee p 5**
- **Definitions apply to provisions in reg 330A to 330D – DG Operators not covered by these definitions**
- **Definitions in reg 273 apply to Dangerous goods vehicles – requirements in SANS 10231 on loading**
- **Possible amendments to some of the provisions in next regulation amendment**

22ND REGULATION AMENDMENT



- **“consignee”** in relation to goods transported or to be transported by a vehicle means the **person excluding a consignee of dangerous goods in terms of regulation 273**, who is named or otherwise identified as the intended consignee of more than **500 000 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;
- **DG consignee to comply with SANS 10231**

22ND REGULATION AMENDMENT



- **“consignor”** means a person **excluding a consignor of dangerous goods in terms of regulation 273**, who is named or otherwise identified as the consignor of goods in the goods declaration relating to the transportation of more than **500 000** 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;
- **DG consignor to comply with SANS 10231**

22ND REGULATION AMENDMENT



Offering and acceptance of goods on overloaded vehicle prohibited

330A. (1) A consignor or consignee of goods shall not offer goods or accept goods if the vehicle in which it is transported is not loaded in terms of the provisions for the loading and transportation of goods as prescribed in this Act.

(2) A consignor shall require from the operator of the vehicle in which the goods he or she offers for transport and in which the goods will be transported, a written submission as to the payload of such vehicle and the distribution of such load on a vehicle.

(3) If a consignor is responsible for the loading of a vehicle of an operator, he or she shall take such steps as are necessary to ensure that the vehicle is loaded as contemplated in subregulation (1) and (2).

(4) A consignor or consignee shall not conclude a contract with the operator to transport goods on a vehicle, if the vehicle is overloaded when such load is transported on such vehicle.

22ND REGULATION AMENDMENT



Consignor to have a method of determining mass

330B (1) A consignor shall use a method of establishing the mass of a vehicle and any axle or axle unit of such vehicle that is accurate as to ensure that such vehicle axle or axles are not overloaded in terms of Part IV of Chapter VI.

(2) A consignor shall keep a record of the mass of every load transported from his or her premises as contemplated in subregulation (1).

(3) The record as contemplated in subregulation (2) shall be put at the disposal of any traffic officer or person appointed as contemplated in section 50 or authorised as contemplated in section 82 of the Act.

❖ Note: There is no specific requirement that consignee must keep record or determine axle masses but reg 330A (1) states that consignee may not accept overloaded vehicle

22ND REGULATION AMENDMENT



Goods declaration to be carried on a motor vehicle

330C. A person operating on a public road a motor vehicle which carries goods shall be in possession of a declaration containing the following information: (suggest over 3 500 kg)

- (a) the licence number of each vehicle in the combination of vehicles;**
- (b) the nature and quantity of goods transported;**
- (c) the contact particulars of the operator or in the case of a combination of vehicles, of every operator in the combination of vehicles;**
- (d) the particulars of the consignor and consignee of the load or in the case of loads collected at and delivered to more than one consignor and consignee, the particulars of every consignor or consignee;**
- (e) the name, residential and postal address of every natural person or in the case of a juristic person, the responsible director or member, an agent, consignor, consignee or operator listed in the declaration;**
- (f) the consignor and operator shall conclude a written agreement for the transportation of goods stating–**
 - (i) the nature of the agreement;**
 - (ii) the loading instructions; and**
 - (iii) the responsibilities of the parties.**
- (g) schedule of insurance as contemplated in regulation 330D.**

22ND REGULATION AMENDMENT



Consignor or Consignee to insure goods to be carried on a motor vehicle and the motor vehicle

330D. A consignor or consignee of goods shall not transport goods on a public road or accept goods unless such transportation is fully insured for damages that can occur as a result of an incident.

❖ The insurance must be carried by the operator – the consignor and consignee must control that insurance is in place.

(possible rewording)



LOADING INSTRUCTIONS

- **The loading instructions must be in compliance with the National Road Traffic Regulations**
- **The relevant regulations relating to permissible maximum masses are reg 234 to 237**
- **Reg 238 controls tyre loadings**
- **Reg 239 controls gross masses determined by the manufacturer**
- **Reg 240 regulates road limits**
- **Reg 242 determines the bridge formula**
- **Reg 242 – regulates the steering axle and balance of the vehicle**

11 MAY 2015: DRAFT NRTA REGULATIONS

- **Reg 107D. Manner and contents on which an applicant for the renewal of a driving licence card is to be evaluated – several additional requirements need to be added to this provision to make it functional**
 - **Grade G examiners not authorised to do oral exams**
- **No specific provision what will happen if person fails test – No indication if this provision will be implemented**
- **Reg 292. General speed limits. 40 km/h in urban areas, 80 km/h outside an urban area, 120 km/h on a freeway and 100 km/h on a freeway that passes through a residential area**
 - **Residential are not defined**
 - **Urban area defined as: “urban area” means that portion of the area of jurisdiction of a local authority which has by actual survey been subdivided into erven or is surrounded by surveyed erven, and includes the public roads abutting thereon;**

11 MAY 2015 – DRAFT NRTA REGULATIONS

- **Reg 318A - Prohibition of operating on the public road of a goods vehicle the gross vehicle mass of which exceeds 9000 kilograms at certain times**
- **Week days**
- **Applies to all vehicle that may not exceed 80 km/h**
- **06h00 – 09h00**
- **17h00 – 20h00**
- **Exemption for emergency vehicles – emergency vehicles generally do not fall under the definition of goods vehicle**
- **Construction vehicles and maintenance vehicles are exempt**
- **No implementation date – not published as final regulation**

11 NOV 2016 – NRTA 24TH REGULATION AMENDMENT

- **250. School children and persons not to be conveyed in goods compartment of a motor vehicle for reward p 147**
- **(1) No person shall on a public road convey school children in the goods compartment of a motor vehicle for reward**
- **(2) No person shall convey any other person in the goods compartment of a motor vehicle for reward: Provided that the provisions of this subregulation shall not apply in respect of a vehicle which complies with the provisions of the NLTA.**
- **IMPLEMENTED – 11 May 2017**

TRANSPORT IN GOODS COMPARTMENT –NO REWARD

- **Reg 247. Circumstances under which persons may be carried on goods vehicle p 146**
- **No person shall operate on a public road a goods vehicle conveying persons unless that portion of the vehicle in which such persons are being conveyed is enclosed to a height of—**
- **(a) at least 350 millimetres above the surface upon which such person is seated; or**
- **(b) at least 900 millimetres above the surface on which such person is standing,**
- **in a manner and with a material of sufficient strength to prevent such person from falling from such vehicle when it is in motion.**
- **Provided that no person shall be conveyed in the goods compartment together with any tools or goods, except their personal effects, unless that portion in which such persons are being conveyed is separated by means of a partition, from the portion in which such goods are being conveyed.**

11 NOV 2016 – NRTA 24TH REGULATION AMENDMENT

- **Amendment to Regulation 293** **p 114**
- **The addition of the following vehicles in the provision for special speed limits**
 - (iv) (aa) **a goods vehicle the gross vehicle mass of which exceeds 3 500 kilograms but does not exceed 9 000 kilograms; or**
 - (bb) **a combination of motor vehicles consisting of a goods vehicle, being the drawing vehicle, and one or two trailers of which the sum of the gross vehicle mass of the goods vehicle and of the trailer or trailers exceeds 3 500 kilograms but does not exceed 9 000 kilograms.**
- **100-sign must be displayed at the back of vehicle**

SANRAL REGULATIONS

2016

E-ROAD REGULATIONS

- **Administrative changes to E-Road Regulations**
 - **Time period for issuing invoices extended to 90 days for registered users and 60 days for non-registered users**
 - **Electronic notifications added to options for notifications in regulations**
 - **Aspects still outstanding on amended toll collection announcements by DP**
 - **Infrequent user – 30 gantry passes**
 - **Licence block for non-payers**
- **Exemption Regulations**
 - **Regulations published in August 2016**
 - **Additional exemptions for emergency services and persons with disabilities and companies registered as public benefit organisations – note only categories of users may be exempt – must apply for exemption**



Questions

LAW ENFORCEMENT ISSUES AND FAQ

LAW ENFORCEMENT ISSUES – 21 DAY GRACE



- **Applicable to all vehicles – may transport goods and persons**
- **Reg 23(3) – licence disc, reg 145 – RWC, Reg 267 – OP card**
- **Reg 23(3) Notwithstanding anything to the contrary contained in this Part, a motor vehicle referred to in subregulation (1), may, during a period of 21 days after the date referred to in that subregulation, be operated on a public road while the licence number allocated to such motor vehicle and the licence disc issued in respect of such motor vehicle prior to the date on which the motor vehicle licence and licence disc became null and void, are displayed in the manner contemplated in regulations 35 and 36.**
- **P 25**

LAW ENFORCEMENT ISSUES



▪ 21 day grace – Roadworthy Certificate p 86

▪ Reg 145. Period of validity of roadworthy certificate

(1) The roadworthy certificate issued in respect of a motor vehicle contemplated in regulation 142(1), shall be valid from the date of issue thereof until the date on which the licence disc issued in respect of the motor vehicle concerned becomes null and void as referred to in regulation 22.

Provided that in the case of a **bus** of which the licence expires after 30 November 2010 the period of validity of the roadworthy certificate shall be **six months**.

(2) Notwithstanding anything to the contrary contained in these Regulations, a motor vehicle referred to in subregulation (1), may, **during a period of 21 days after the date on which liability for the licensing of such motor vehicle arose** in terms of regulation 23(1), be operated on a public road while the licence number allocated to such motor vehicle and the licence disc and roadworthy certificate issued in respect of such motor vehicle prior to the date on which the motor vehicle licence and licence disc and roadworthy certificate became null and void, are displayed in the manner contemplated in regulations 35 and 36.

LAW ENFORCEMENT ISSUES



- **21 day grace – Operator Card p 89**
- **Reg 267 (7) An operator card issued in respect of a motor vehicle shall be valid from the date of issue thereof, until the date on which the licence disc issued in respect of the motor vehicle concerned becomes null and void as referred to in regulation 22, but the motor vehicle may be operated on a public road for a period of 21 days after the said expiry date.**

LAW ENFORCEMENT ISSUES



- **Temporary permit - p 41**
- **Allowed for maximum of 21 days to allow use while vehicle is registered and licensed in SA**
- **May carry goods and passengers**
- **Not allowed to be completed in pencil or re-issued after 21 days**
- **Special permit – 3-day permit – for unroadworthy vehicles – does not allow goods or passengers**

LAW ENFORCEMENT ISSUES



- **Fire extinguishers p 149**
- **Reg 260 – only buses and minibuses operating for reward are covered by reg 260**
- **A goods vehicle may not be charged in terms of regulation 260**
 - **Not required for goods vehicles that do not carry dangerous goods**
 - **DG vehicles – Regulated by SANS 1518**

FREQUENTLY ASKED QUESTIONS



- **Driving licence categories p 50**
- **Code 8, 10 and 14s were removed from legislation on 1 March 1998**
- **Other motor vehicles – limit on trailer 750 kg GVM – No articulated vehicles**
 - **B - Up to 3500 kg Tare & GVM – Minibus, bus and goods**
 - **C1 - 3501 kg – 16000 kg Tare & GVM - Minibus, bus and goods**
 - **C - 16000 kg + Tare & GVM - Minibus, bus and goods**
- **Other motor vehicles – No limits on trailers + articulated**
 - **EB - Up to 3500 kg Tare, GVM & GCM - articulated**
 - **EC1 - 3501 kg – 16000 kg Tare, GVM & GCM - articulated**
 - **EC - 16000 kg + Tare, GVM & GCM - articulated**

FAQ – EXTENSION OF LICENCE VALIDITY



- **Reg 108(5) – apply for new licence before previous one expires – extended validity 3 months p 63**
- **Apply for new PRDP before previous one expires – extended validity 4 months p 78**
- **Temporary licence may only reflect PRDP if licence was lost/stolen and PRDP is still valid or if PRDP has already been approved and holder is waiting for new card.**

DRIVING LICENCE / ILAYISENSE YOKUSHAYELA / CARTA DE CONDUCAO

SADC SOUTH AFRICA

ZA

WM PRODIBA

ID No.: 0270105010091089 FEMALE

Birth/Usuku lokuzalwa: 01/05/1901 ZA Restr./Ilingcele: 1

Lic. No./Layisensi No.: 999919980045 No.: 01

Valid/Imvume: 01/03/1993 - 28/02/1998

Issued/Vanikezwa: ZA



Code/Ikhodi: A C1 EB EC

Veh. restr./Ilingcele yemoto: 0 4 0 1

First issue/Ukunikezwa kokuqala: 15/09/1921 01/10/1923 08/08/1922 17/01/1924

Prof. driving permit: P,C,D
 Inqinane yobungaweli ekusayeleni
 Expiry date: 28/02/1995
 Usuku cphela ngalo

WM Prodiba



DRIVER RESTRICTIONS		PROP. CAT. DRIVES		VEHICLE RESTRICTIONS	
A		A1		1	
B				2	
C1				3	
C				4	
EB		ECT		5	
EC		EC			

(Note: Prop. Cat. Drives and Vehicle Restrictions include GVM and weight specifications as per the original image.)



Validity:

- 5 years for driving licence
- 2 years for driving licence

Person restriction:

1. Contact lenses or glasses
2. Artificial limb

Restrictions on vehicle

- automatic
- adapted
- electric

B - 5 - Code for tractors only - licence obtained before March 1998

EC1 - 4 - Code that allows bus drivers to drive any size bus - licence obtained before March 1998

FREQUENTLY ASKED QUESTIONS



▪ **Foreign PRDPs** p 76

▪ **Zimbabwe PRDPs**

▪ **Section 32 – (3) (a)** Any document issued by a competent authority in any prescribed territory and serving in that territory a purpose similar to that of a professional driving permit shall, subject to the conditions thereof and to such conditions as may be prescribed, be deemed to be a professional driving permit for the purposes of subsection (1).

▪ **Prescribed territories** p 2

“prescribed territory” means—

(a) the Kingdom of Lesotho, the Kingdom of Swaziland, the Republic of Angola, the Republic of Botswana, the Republic of Malawi, the Republic of Mozambique, the Republic of Namibia, the Republic of Zambia and the Republic of Zimbabwe; and

(b) any other state or territory declared by the Minister by notice in the *Gazette* to be a prescribed territory; - **Nothing declared at this stage**

FAQ – MODIFICATIONS ON VEHICLES



▪ **All new motor vehicle models are homologated by the National Regulator of Compulsory Specifications (NRCS)**

▪ **“modify” means**

p 6

(a) **fitting a bus body or goods body to any chassis;**

(b) **altering the number of passenger seats on a motor vehicle or altering the dimension of a motor vehicle;**

(c) **altering the wheelbase of a motor vehicle, unless the motor vehicle is designed to enable the wheelbase to be altered;**

(d) **altering the axle or axle-unit position or **number of axles**;**

(e) **altering a motor vehicle in such a manner that the **tare** of such motor vehicle changes;**

FAQ – MODIFICATIONS TO VEHICLES



- **Reg 43. Manufacturers, builders or importers not required to register must comply with conditions p83**
- **(1) Any manufacturer, any builder who modifies motor vehicles, or any importer, who is not required to be registered in terms of these regulations, shall apply to the inspectorate of manufacturers, builders and importers for a letter of authority on form ALA as shown in Schedule 2, in respect of every motor vehicle or every motor vehicle modification, except in respect of a trailer with a gross vehicle mass not exceeding 750 kilograms or a motor vehicle referred to in regulation 21(1) (c), (d), (e), (f), (g) or (h).**
- **(2) Notwithstanding anything to the contrary contained in these regulations, a motor vehicle contemplated in subregulation (1), shall not be registered unless such manufacturer, builder or importer holds a letter of authority for such motor vehicle.**
- **(3) Any motor vehicle manufactured, modified or imported by a manufacturer, builder or importer referred to in subregulation (1) shall be presented to the South African Police Service for clearance of such motor vehicle and a certification of roadworthiness shall be obtained for every such a motor vehicle prior to registration.**
- **See definitions of manufacturers, builders and importers**

FAQ - LAMPS



- **Reg 157 to 185 p 123 - 128**
- **Compulsory lamps – shall be fitted e.g. head lamps, rear lamps, number plate lamps**
- **Optional lamps – may be fitted – e.g. fog lamps, reverse lamps**
- **Compulsory and optional lamps must be functional 24/7**
- **Reg 183 – no flashing lamps except specifically allowed in legislation**
- **Reg 185 – No lamps allowed other than the prescribed lamps**
- **Additional set of lamps on vehicle –head lamps – not spot lamps**
- **Single head lamp fitted to centre of vehicle is not legal**
- **Amber lamps – only allowed per reg 176 – p 127**





Reg 176(4)

(4) A motor vehicle which is—

- (a) a vehicle employed in connection with the maintenance of public road;**
- (b) engaged in the distribution and supply of electricity;**
- (c) engaged in the supply of other essential public services;**
- (d) operated in terms of the authority granted by the MEC in terms of section 81 of the Act; (exemption)**
- (e) a breakdown vehicle;**
- (f) a refuse compactor vehicle;**
- (g) a vehicle carrying an abnormal load and the vehicle escorting it if any,**

may, but a breakdown vehicle shall, be fitted with a lamp or lamps capable of emitting an intermittently-flashing amber light in any direction: Provided that such lamp shall only be used at the place where the breakdown occurred, where the maintenance or other work or an inspection is being carried out, when such breakdown vehicle is towing a motor vehicle, or in the event of a vehicle carrying an abnormal load.

FAQ – BRAKES ON TRAILERS



▪ Reg 151. Brakes on trailers p 121

(1) Subject to the provisions of subregulation (4) no person shall operate on a public road a trailer, if –

(a) the gross vehicle mass of such trailer does not exceed 750 kilograms and the gross vehicle mass –

(i) does not exceed half the tare of the drawing vehicle, unless such trailer is equipped with a parking brake or other device to keep such trailer stationary;

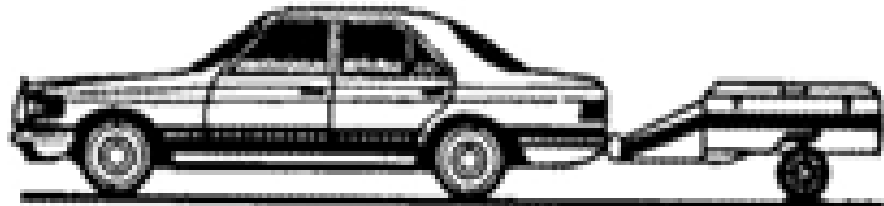
(ii) exceeds half the tare of the drawing vehicle but does not exceed such tare, unless such trailer is equipped with a parking brake and either a service brake or an overrun brake; or

(iii) exceeds the tare of the drawing vehicle, unless such trailer is equipped with a parking brake and a service brake;

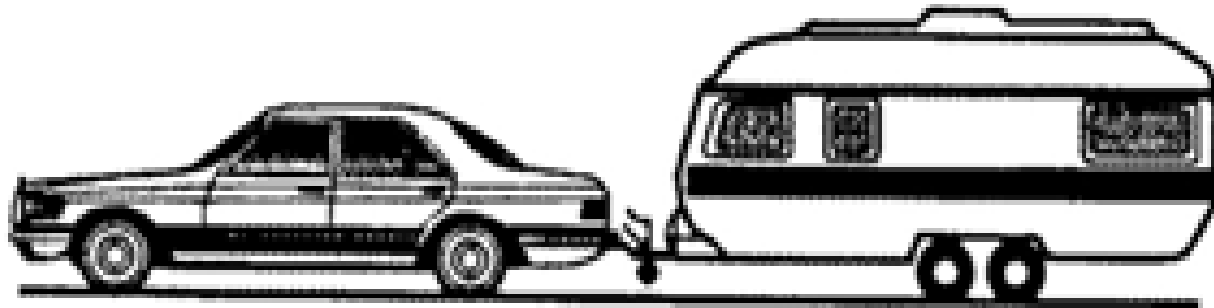
(b) the gross vehicle mass of such trailer exceeds 750 kilograms but does not exceed 3 500 kilograms and the gross vehicle mass –

(i) does not exceed the tare of the drawing vehicle, unless such trailer is equipped with a parking brake and either an overrun brake or a service brake; or

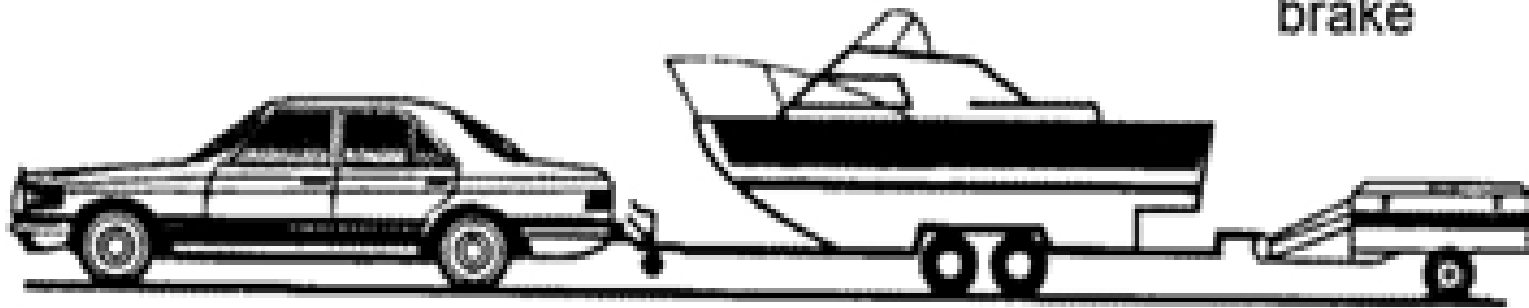
(ii) exceeds the tare of the drawing vehicle, unless the trailer is equipped with a parking brake and a service brake;



GVM < 750kg and less than 1/2 tare of drawing vehicle
= minimum a device OR
GVM < 750kg but greater than 1/2 tare of drawing vehicle
= minimum parking brake & overrun brake



GVM > 750kg & GVM < 3500kg & less than
tare of drawing vehicle = minimum a
parking brake & overrun brake OR
750 < GVM < 3500 & more than tare of draw-
ing vehicle = minimum a service & parking
brake



GVM > tare of drawing vehicle
or GVM > 3500kg = minimum
a service & parking brake

FAQ – BRAKES ON TRAILERS



Reg 151 – continued

(c) **the gross vehicle mass of the trailer exceeds 3 500 kilograms, unless such trailer is equipped with a parking brake and a service brake,**

and where more than one trailer is drawn by a drawing vehicle, the foregoing requirements shall apply in respect of each such trailer, and in such event the gross vehicle mass shall be construed as the total of the gross vehicle mass of all trailers so drawn.

(2) **The service brake of a trailer shall be capable of being operated by the driver of the drawing vehicle while such trailer and drawing vehicle are in motion.**

(3) **If the service or overrun brake of a trailer is capable of being used as a parking brake, a separate parking brake need not be fitted to such trailer.**

FAQ – HAULAGE TRACTORS (TRACTORS +24 TON GCM)

- **B licence sufficient**
- **No amber lamp**
- **48 ton max if single drive axle**
- **6 x drive axle mass allowed**
- **Included in *goods vehicle* definition**
- **Must have -**
 - **Annual roadworthy certificate**
 - **Professional driving licence**
 - **Operator card**

CONCLUSION



- **As always – many provisions not implemented**
- **Change in Ministers influences implementation**
- **Lack of implementation – effect on road safety, testing stations, driving schools, operators**
- **Credibility of provisions questioned**
- **Provisions that have been implemented but not enforced i.e. consignor/consignee legislation not complied with**
- **Legal processes need to be evaluated to ensure amendments are done in time and legislation remains relevant**

CONTACT DETAILS

Alta Swanepoel & Associates CC

Tel: +27123322186/9

Cell: +27836018562

Fax: +27866720469

altaswanepoel@mweb.co.za

admin@altaswanepoel.co.za

www.altaswanepoel.co.za

