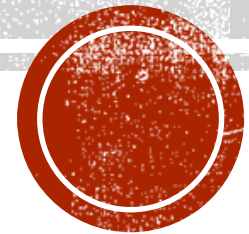


# AMENDMENTS TO THE ROAD TRAFFIC AND TRANSPORT LEGISLATION

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# AMENDMENTS DURING 2015/2016

- The NRTA was not amended during 2015/16 but various draft amendments were published that have not been implemented yet
- The NLTA Amendment Bill was introduced in Parliament in April 2016
- The AARTO Amendment Bill was introduced in Parliament in November 2015
- Various amendments were made to the SANRAL legislation regarding GFIP e-tolls



# Published Legislation - Not in force yet

Gazette 38142 31 Oct 2014 22nd Amendment of NRTA

NaTIS

NaTIS

NaTIS

Address verification website

Address verification website

NaTIS

NaTIS

NaTIS

NaTIS

Weighbridge certificate

Weighbridge certificate

Provisional driving licences

Provisional driving licences

Provisional driving licences

Provisional driving licences

Reg 13B

Reg 15

Reg 20

Reg 32A(4)

Reg 53(8)

Reg 54(1)(d)

Reg 54(3)(b)

Reg 55(1)(c)

Reg 65(1)

Reg 66A-C

Reg 44(1)(h)

Reg 107A - 107C

Reg 108

Reg 108A

Reg 109



## **Published Gazette (Not in force yet)**

### **38142 31 Oct 2014 22nd Amendment of NRTA**

Driving schools	Reg 114G - 114Q
10 year old vehicles - RWC	Reg 138(1)
Vehicle directional stability control	Reg 139
Driving hours	Reg 272A - 272E
Parking disabled persons	Reg 305A - 305D

### **20963 17 March 2000**

Driving instructors	Reg 114A to 114F
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### **29865 4 May 2007**

Display of licence number plate	Reg 35(2)(a)
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### **37048 19 Nov 2013**

DLTC registration - Manual	Reg 92
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Tricycles over 500 CC on freeway	Reg 323
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### **32258 27 May 2009**

Vehicle directional stability device	Reg 212(o)
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# Draft Gazettes – Not published as final legislation

## NRTA

	Def - Vehicle directional stability	Reg 1
<b>37542</b>	9 April 2014 Second hand goods registration Motor Dealer	Reg 53B
	100 km p/h for goods vehicles -3 501 kg and 9 000 kg	Reg 293
<b>38429</b>	28 Jan 2015 Draft NRTA Amendment Bill	
<b>38430</b>	28 Jan 2015 Number plates Regs	Reg 27,35
<b>38772</b>	11 May 2015 Licence retesting on card renewal	Reg 107
	Persons on goods vehicles	Reg 247
	NLTA - scholars on bakkies	Reg 250
	Lower general speed limits	Reg 292
	Truck ban hours	Reg 318A

## AARTO

<b>36613</b>	12 Nov 2015 AARTO Draft Bill
<b>36991</b>	1 Nov 2013 AARTO Draft Regulations



# SPECIFIC AMENDMENTS

- NRTA – 23<sup>rd</sup> amendment – Abnormal vehicle licence fees – 19 Feb 2016
- RTMC – Board members appointed – 12 Feb 2016
- SANRAL – GFIP tariffs – 26 Feb 2016
- AARTO – draft regulations published for comment



# **NRTA AMENDMENT BILL, 2015 - DRAFT**

- Draft Bill – published in July 2012
- Republished – 28 January 2015 – bill not introduced to Parliament yet
- Several amendments to definitions
  - 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 45 km/h, driving school, inspectorates
  - Body builders, embossers, manufacturers of number plates also added or amended
  - Emergency vehicles, response vehicles defined



# TRAFFIC OFFICERS

- Reserve traffic warden defined as a traffic warden that has been declared a peace officer
- Traffic officers will not be allowed to have an interest in a transport company – sec 3
- Qualification for traffic wardens to be inserted
- Criminal conviction – will serve as disqualification for appointment as traffic officer





# NRTA AMENDMENT BILL, 2015 - DRAFT

- Driving licence testing centre provisions – added
- Sec 58 and 60 will be amended – removes **authorised persons** from provisions on disobeying speed limits and road signs
- Driving licence provisions added – no copies of licence as proof
- 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, 2015 - DRAFT

- Microdot requirements added to the Act – inspectorate, registration of fitment centres, etc.
- 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;
- Reference to **Incident Management System Policy** – not published yet
- Zero alcohol limit proposed for all drivers –section 65



# 19 NOV 2013 – 21<sup>ST</sup> AMENDMENT TO THE NRT REGULATIONS

- The 21<sup>st</sup> Regulation Amendment addresses the introduction of two manuals called the “Minimum Service Delivery Standards and “Minimum Requirements for Registration and Grading of Driving Licence Testing Centres” in various regulations relating to registering authorities and Driving licence testing centres- the amended versions of these regulations are **not in force yet** (in text box in Compilation)
- The manual has not been published in the Gazette yet.



# 19 NOV 2013 – 21<sup>ST</sup> AMENDMENT TO THE NRT REGULATIONS – LICENCES AND PRDP'S

- Reg 110(5) was also amended to limit the time period for the exchange of a driving licence to 5 years after returning of a SA citizen or if permanent residency is obtained by a foreigner – draft amendment also included an amendment to subreg (3) that was not included in final version – original period 10 years in draft reg – 10 years never published as final
- Reg 115(2) – driving licence examiner added to exempted persons for PRDP– Note: sec 32(3) still requires a PRDP for an examiner



# 19 NOV 2013 – 21<sup>ST</sup> AMENDMENT TO THE NRT REGULATIONS

- Reg 323 – general prohibition on motor tricycles amended – motor tricycles with a engine capacity of more than 500 cc are allowed on the freeway – **Not in force yet**
- Reg 332 – amendment to reg 332 on breathalysers – SANS 1795 has been amended and republished
- Reg 332A has also been amended to specify the verification and calibration process with SANAS



## 9 APRIL 2014 – DRAFT REGULATIONS

- Reg 53B – Motor dealer of used motor vehicle to be registered – Proposed amendment – Must be registered in terms of the Second-hand Goods Act, 2009 before he may sell used motor vehicles
- Reg 293 – New specific speed limit for goods vehicles over 3 500 kg GVM to 9 000 kg proposed – 100 km/h



# 28 JANUARY 2015 – DRAFT NRTA REGULATIONS

- Published initially on 9 April 2014
- Gazette mainly addresses a new proposed number plate system
- 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







# 28 JAN 2015 – DRAFT NRTA REGULATIONS

- Reg 27 is amended to remove power of MEC to determine logos, colours and backgrounds
- Reg 35 is amended to only allow metal plates and to specify the plate appearance
- Will expire every 5 years



# 16 MAY 2014 – DRAFT NRTA REGULATIONS

- Draft Amendment – proposed 1 July 2014 as the date on which all embossers and manufacturer of number plates had to be registered in terms of section 5
- Registration form proposed
- Legislation has not been implemented yet



# NRTA – 22<sup>ND</sup> ROAD TRAFFIC REGULATION AMENDMENT

- Wide range of amendments to basically all aspects of the legislation
- New provisions on -
  - driving hours – **not in force yet** reg 272A to E
  - consignor and consignee legislation – implementation date 31 Jan 2015 – Reg 330A to D
  - parking for disabled persons – **not in force yet** – Reg 305A to D
  - various provisions on roadworthiness of vehicles - periodic re-testing for 10 year old vehicles – Reg 138 – **not in force yet**



## 22ND AMENDMENT: 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



# 22ND AMENDMENT: 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** vehicles
- 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



# 22ND AMENDMENT: SPECIAL CLASSIFICATION/ LICENCE BLOCK

- Reg 21 - amended
- Special classification – par (h) amended to allow for passenger on vehicles over 3 500 kg GVM
- Special classification not allowed for goods or passenger vehicles that may be used on public road
- Reg 25 – Registering Authority may refuse to issue licence disc if address is not confirmed – reg 32A procedure – effective as of 31 Oct 2015



# 22ND AMENDMENT: VERIFICATION OF ADDRESS DETAILS – REG 32A – 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
- 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





# 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 in SA – not allowed export vehicles
- NOTE: Reg 84 – temporary permit does not allow vehicle exported to other country to be driven on temporary number – see term “in Republic”



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

- 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



# DRIVING LICENCE REQUIREMENTS

- Motorhome with TARE up to 3 500 kg - B licence
- Any size Haulage tractor - B licence
- Trailer limit to 750 kg GVM for B, C1 and C licence
- Draft legislation that did not allow B class vehicle with C1 or C licence was NEVER implemented



# 22ND AMENDMENT: DRIVING LICENCES – NOT IN FORCE

- Reg 107
- 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;



# 22ND AMENDMENT: 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) 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



# 22<sup>ND</sup> AMENDMENT: REQUIREMENTS TO BE MET FOR REGISTRATION OF A DRIVING SCHOOL

- Reg 114G to Q
- (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





# 22ND AMENDMENT: - RWCS

- Roadworthy certification – periodic testing for all vehicles older than 10 years - **Not in force yet**
- Calculated from date of first registration
- Vintage cars exempt
- Every 24 months test must be repeated
- Reg 139 – Minibus, midibus and bus used for reward – Vehicle directional stability control devices – certificate with RWC – **not in force yet**



# 22ND AMENDMENT: SEAT BELTS – IMPLEMENTED - 30 APRIL 2015

## SPEED GOVERNORS – NOT IN FORCE YET

- Reg 213 – Infant under 3 years – must be in child seat – SANS approved – 30 April 2015
- Please note – goods vehicles with a GVM of more than 3500 kg does not require seat belts to be fitted
- 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



# 22ND AMENDMENT: 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



# 22ND AMENDMENT: DANGEROUS GOODS

- Reg 266A, 267 and 270 - Specific provisions for application of operator card for dangerous goods
- Application for GG Operator card on form ROO
- SANS 1518 incorporated – stamped on RWC
- Reg 273, 273A and 275 amend the SABS specifications to SANS specifications



# 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;
- "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;



# 22ND AMENDMENT: DRIVING HOURS

- 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;



# 22ND AMENDMENT: DRIVING HOURS

- 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.



# 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 is amended to compel display of 80 sign on the back of a goods vehicle – size prescribed in SANS standard
- Haulage tractor exempt from provision
- Haulage tractor may display 40 sign – not compulsory



# **22ND AMENDMENT: PARKING FOR DISABLED PERSONS – NOT IN FORCE YET**

- **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**



# 22<sup>ND</sup> REGULATION AMENDMENT

- Regulation 330A to D – implementation date 31 January 2015
- Regulation 1 – new definition of a consignor and a consignee – already implemented on 31 October 2014
- Definitions apply to provisions in reg 330A to 330D – DG Operators not covered by definitions
- Definitions in reg 273 apply to Dangerous goods vehicles – requirements in SANS 10231 on loading



# 22<sup>ND</sup> 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



# 22<sup>ND</sup> 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





# 22<sup>ND</sup> REGULATION AMENDMENT

- **Offering and acceptance of goods on overloaded vehicle prohibited**

Reg 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.



# 22<sup>ND</sup> REGULATION AMENDMENT

- Consignor to have a method of determining mass

Reg 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



# 22<sup>ND</sup> REGULATION AMENDMENT

## ▪ Goods declaration to be carried on a motor vehicle

Reg 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:

- (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.



# 22<sup>ND</sup> REGULATION AMENDMENT

- **Consignor or Consignee to insure goods to be carried on a motor vehicle and the motor vehicle**
- Reg 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.



# EFFECT OF LEGISLATION

- The effect of the legislation on consignors are practically–
  - In most transport industries the installation of weighbridges that are capable of measuring axles and axle units.
  - the issuing of documents reflecting the correct masses. This will obviously be controlled at weighbridges and if found to be wrong, consignors could be prosecuted for transgressing the regulations.
  - the control of the mass distribution on a vehicle. Currently most consignors only concern themselves with the total vehicle mass and do not really address load distribution.
  - Axle mass overloads are treated in the same manner as vehicle overloads.
- Note: There is no explicit legal requirement on consignee to weigh axles or to keep record. Regulation 330B applies to consignors



# 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



# SAP CLEARANCE - MICRODOTS

- Amendment to the 19<sup>th</sup> 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
- Normal sale of used vehicle registered before Sept 2012 does not require microdot certificate
- Draft bill contains various requirements for control of fitment centres – **not in force yet**



# 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 247.** Circumstances under which persons may be carried on goods vehicle – Not more than 5 people in the goods compartment of a goods vehicle if GVM is less than 3 500 kg
- Subreg (3) limits the application to employees being transported in the course of their employment – currently applies to all transport
- No provision for other private transport
- **Exemption from this provision for bona fide farmers – notice published in terms of Act 29 of 1989**





# 11 MAY 2015 – DRAFT NRTA REGULATIONS

- **Reg 250.** Persons not to be carried in goods compartment for reward unless allowed in terms of the NLTA. School children not to be transported in the back of a bakkie. – **Will be implemented soon**
- **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
- **NOTE:** According to officials this provision will most probably not be introduced



# NATIONAL LAND TRANSPORT BILL

- Motivation for amendment of NLTA
- Contracting arrangements for public transport services are amended
- The administrative arrangements for operating licences (OLs) are streamlined
- Provisions for accessible transport and Non-Motorised Transport
- Allowing for new options - electronic hailing of taxis
- Minister's regulatory powers extended
- To correct issues in legislation



# NATIONAL LAND TRANSPORT BILL

- New and amended Definitions
  - Integrated public transport network
  - Municipal Regulatory Entity
  - Non-motorised transport
  - Passenger Rail Agency
  - Targeted categories of passengers



# SPECIFIC PROVISIONS

- Section 13 – SAPS officers, municipal police included, and traffic officers added to list of persons who may not have a financial interest in a public transport company
- Section 18 - Regulatory functions of municipalities – only deal with matters in their borders
- Section 21 - Functions of NPTR its composition and functions are addressed
- Section 24 - Functions of PREs are addressed
- Stopgap contracts – Sec 41A – cover gaps between contracts
- Colour coding for taxis



# SPECIFIC PROVISIONS

- Section 47 - Conversion of permits • The heading is amended
- OLs issued under the NLTTA must be renewed every 7 years (not only permits)
- Provision that operator may not receive subsidy or government assistance until permit is converted has been removed
- Application for conversion of a permit must be made where application is made to renew, amend or transfer the permit
- Cut-off date for conversion is changed to 5 years after the Amendment Act comes into operation



# SPECIFIC PROVISIONS

- Section 53 – Exemptions
- Operators of staff services are exempted from OL if the vehicle is owned by the employer and no reward is received
- Services that are not for reward are exempt
- Section 59 – specifies services where publication is required
- Requirement for proof of insurance cover must be submitted is removed due to RAF Act Amendment - operators and drivers cannot be sued except in very limited circumstances
- Minister will prescribe requirements for insurance for other services like tourist services



# SPECIFIC PROVISIONS

- Section 60 - Special events OLs and the application process for temporary OLs are regulated
- Section 68 - Staff services will be exempt where service is not for reward and the vehicle is owned by the employer
- Where the employer contracts a vehicle, an OL will be required, but the application need not be advertised
- Section 73 is simplified - vehicle replacement allowed if
  - The vehicle is a motor car (sedan), minibus or midibus
  - In the case of a bus, the replacing vehicle has the same capacity or less, or is not more than 40% larger





# SPECIFIC PROVISIONS

- Section 75 - presumption that cross-border transport is undertaken where passengers are picked up or set down within 2 km of an international border – deleted
- Section 79 - amended to determine that an OL or permit can be withdrawn, suspended or amended where the operator has contravened the Act or the National Road Act
- Bill in Parliamentary process – need to be accepted by NA and NCOP



# AARTO AMENDMENTS

- Bill published for comment Feb 2013 and in June 2013 – Submitted to Parliament on 12 November 2015
  - Amends the term Agency to Authority
  - Amends definitions – “infringement” – extends it to include other road traffic legislation
  - Minor/major infringement to be deleted
  - Warrant procedure to be deleted
  - National Offences Register – specifically defined i.s.o. Contraventions Register
  - Funds for Authority – Adds penalties issued on behalf of issuing authority - sec 13
  - 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 – RTIA may hold back payments to non-compliant issuing authorities



# 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
- "electronic service" means a communication by means of data messages and include data attached to, incorporated in, or logically associated with other data that may be electronically retrieved, or email messages between the Authority and addressee in an electronic communication format, or text messaging it by the Authority to the recipient's cellular telephone."
- Reg 21 - If a document is to be served by means of electronic communication, the document must —
  - (a) be addressed to the infringer's email address as indicated by him or her —
    - on a form similar to form AARTO 01 or AARTO 02, as may be applicable, as shown in Schedule 1, which he or she has confirmed as correct.; or
    - on the notice of change of address on a form similar to form NCR as listed in Schedule 1; or
    - as indicated in the register of driving licences or the register of motor vehicles; or
    - in registering on the AARTO website and providing an email address, which he or she has confirmed as correct.;
  - (b) be made available to the infringer for electronic retrieval from an internet domain upon notification of such document by the Authority or the Issuing Authority, in the manner contemplated in regulation 23(3)."



# AARTO PROPOSED AMENDMENTS – 1 NOV 2013

- 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 13A – R100 proposed
- Various new fees will be prescribed for obtaining information



# AARTO DRAFT AMENDMENT REGULATIONS – 7 DEC 2015

- Amendment to change service date from 40 to 90 days
- Removal of demerit points for toll sign infringements
- AARTO 3e – allows for multiple infringement
- List of issuing authorities republished - Schedule 4
- Comment period was extended to 3 March 2016



# SANRAL DRAFT AMENDMENT REGULATIONS – 27 AUGUST 2015

- Amendments to allow for electronic service of notices - similar to AARTO
- Exemption regulations and rebates – to be updated – new categories added
- Conditions of payment – foreign users can pay at border post



# SANRAL AMENDED TARIFFS

- Tariff adjustment in March 2016
- Classes – Monthly cap per vehicle for GFIP
  - A1 - R130
  - A2 - R 236
  - B - R 915
  - C - R 3035
- 60% discount on debt incurred before 31 August 2015 – expired on 17 May 2016
- Discount does not result in payments lower than users who paid when required



# SOLAS CONTAINER WEIGHTS

- **Safety of Life at Sea – Maritime legislation**
- **All container weights must be verified before it is allowed to be loaded on a ship**
- **Two Methods:**
  - **Weighing container after it is packed**
  - **Weighing all the goods to be packed at determining the tare weight of container and adding it together**
  - **Weighing equipment must meet national certification and calibration requirements**





# CONCLUSION

- There are various pieces of draft legislation that have not been implemented over the last two years.
- AARTO, driving hours, new number plates, provisional driving licences, driving schools, etc.
- Publishing of draft legislation must have time frames for implementation as part of the draft gazettes.
- Essential to withdraw draft legislation that is not going to be implemented after comments received.
- Certain provisions will be expensive to industry and Government fleets and must be announced timeously.



# CONTACT DETAILS

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## Venues and dates for our Annual Road Transport Legislation Workshop 2016:

24 May 2016 – Stellenbosch (Spier)

26 May 2016 – Durban (Garden Court Marine Parade)

7 June 2016 – Pretoria (CSIR)

