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THE PRESIDENCY

No. 165

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It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

No. 64 of 2008: National Road Traffic Amendment Act, 2008.



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GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the National Road Traffic Act, 1996, so as to insert certain definitions and to amend others; to prohibit the unauthorised use of an authorised officer's infrastructure number; to provide for visible display of nametags by traffic officers; to prohibit the impersonation of traffic officers and the wearing of a traffic officer's uniform without official written permission; to create new offences; to empower the Minister to prescribe training procedures and qualifications of persons appointed as national inspectors at driving licence testing centres and testing stations; to make new provision regarding the process by which driving licences are issued; to recognise documents relating to roadworthiness issued in a prescribed territory; to empower the Minister to prescribe the manner and form of accident reporting; to provide for circumstances when emergency vehicles may ignore road traffic signs and speed limits; to provide for liability of managers, agents and employees; to empower the MEC to set fees; to delete obsolete provisions; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 93 of 1996, as amended by section 1 of Act 8 of 1998 and section 1 of Act 21 of 1999

1. Section 1 of the National Road Traffic Act, 1996 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of “authorised officer” of the following definition:

“ ‘**authorised officer**’ means an inspector of licences, an examiner of vehicles, an examiner for driving licences, a traffic warden or a traffic officer, and also any other person declared by the Minister by regulation to be an authorised officer[, **from time to time**];”;

(b) by the insertion after the definition of “certification of roadworthiness” of the following definition:

“ ‘**chief executive officer**’ means the chief executive officer of the Corporation appointed in terms of section 15 of the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999);”;

(c) by the insertion after the definition of “gross vehicle mass” of the following definition:

- “**‘haulage tractor’** means a motor vehicle, designed or adapted mainly for drawing other vehicles, and with a gross combination mass exceeding 24 000 kg, but does not include a truck-tractor or tractor;”;
- (d) by the substitution for the definition of “owner” of the following definition:
- “**‘owner’**, in relation to a vehicle, means—
- (a) the person who has the right to the use and enjoyment of a vehicle in terms of the common law or a contractual agreement with the title holder of such vehicle;
- (b) any person referred to in paragraph (a), for any period during which such person has failed to return that vehicle to the title holder in accordance with the contractual agreement referred to in paragraph (a); or
- (c) a motor dealer who is in possession of a vehicle for the purpose of sale, and who is **[registered]** licensed as such or obliged to be licensed in accordance with the regulations made under section 4, and “owned” or any like word has a corresponding meaning;”;
- (e) by the insertion after the definition of “rescue vehicle” of the following definitions:
- “**‘reserve traffic officer’** means a person who complies with the requirements of section 3D and is registered as a traffic officer in terms of section 3C or any person who is a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and has been appointed as a reserve traffic officer by the chief executive officer or the MEC, as the case may be, on a temporary basis for a specific period;”
- ‘reserve traffic warden’** means a person who has been declared a peace officer by the Minister of Justice in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and has been appointed as a reserve traffic warden by the chief executive officer or the MEC, as the case may be, on a temporary basis for a specific period;”;
- (f) by the substitution for the definition of “tractor” of the following definition:
- “**‘tractor’** means a motor vehicle designed or adapted mainly for drawing other vehicles and **[not to carry any load thereon]** with a gross combination mass not exceeding 24 000 kg, but does not include a truck-tractor;”;
- (g) by the insertion after the definition of “traffic officer” of the following definition:
- “**‘traffic warden’** means a person who has been declared by the Minister of Justice to be a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), and has been appointed as a traffic warden by the chief executive officer, the MEC or another competent authority to appoint a traffic warden, as the case may be;”;
- and
- (h) by the substitution for the definition of “truck-tractor” of the following definition:
- “**‘truck-tractor’** means a motor vehicle designed or adapted—
- (a) for drawing other vehicles; and
- (b) not to carry any load other than that imposed by a semi-trailer or by ballast,
- but does not include a tractor or a haulage tractor;”.

Amendment of section 3A of Act 93 of 1996, as inserted by section 2 of Act 21 of 1999

2. Section 3A of the principal Act is hereby amended—

- (a) by the substitution for subsection (3) of the following subsection:
- “(3) (a) No person shall be appointed under subsection (1) as an authorised officer unless he or she has been graded and registered in the prescribed manner [**: Provided that any**].”

(b) Any person who is not so graded and registered may be appointed once on probation as an authorised officer for a period not exceeding 12 months or for ~~[the]~~ such further period ~~[approved by]~~ as the MEC [on the understanding that it is] may approve.

(c) It must be a condition of appointment that [such] the person appointed on probation must during [that] such probation period [complies] comply with the competency and registration requirements prescribed for the specific [appointment] category of appointment.

(d) A person appointed under paragraph (b) may not use an authorised officer's infrastructure number to certify a vehicle tested by such person."; and

(b) by the addition of the following subsection:

"(7) A traffic officer shall at all times when wearing a full or partial traffic officer's uniform, display his or her official name tag above the right breast pocket of his or her uniform in such a manner that it is completely visible and easily legible."

Amendment of section 3K of Act 93 of 1996, as inserted by section 2 of Act 21 of 1999

3. Section 3K of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection: 20

"(1) Any person who is not an authorised officer or a peace officer shall not act in a way that may create an impression that he or she is an authorised officer or a peace officer or pretend by way of word, action, conduct or demeanour[, pretend] that he or she is an authorised officer or peace officer."; and

(b) by the addition of the following subsections: 25

"(3) A person who is not duly appointed as a traffic officer under this Act, may not wear a traffic officer's uniform, any part of such uniform or any other garment or badge that distinguishes such person as a traffic officer without the written permission of the enforcement authority.

(4) Notwithstanding subsection (3), the Minister or MEC, as the case may be, may, if accompanied by law enforcement officials, wear a traffic officer's uniform."

Amendment of section 4 of Act 93 of 1996, as substituted by section 3 of Act 21 of 1999

4. Section 4 of the principal Act is hereby amended by the addition of the following subsection:

"(3) No person shall operate a motor vehicle on a public road unless such motor vehicle is registered and licensed in accordance with this Act."

Amendment of section 8A of Act 93 of 1996, as inserted by section 6 of Act 21 of 1999

5. Section 8A of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Any [person,] department of State or registering authority desiring to operate a driving licence testing centre shall in the prescribed manner apply to the inspectorate of driving licence testing centres for the registration of such testing centre."; and

(b) by the addition of the following subsection:

"(3) No department of State or registering authority shall operate a driving licence testing centre unless such testing centre is registered and graded in accordance with this Act."

Amendment of section 11 of Act 93 of 1996, as substituted by section 9 of Act 21 of 1999

6. Section 11 of the principal Act is hereby amended by the addition of the following subsection:

“(4) The Minister shall prescribe the training procedures and qualifications of a person appointed under subsection (1).”.

Amendment of section 17 of Act 93 of 1996

7. Section 17 of the principal Act is hereby amended—

(a) by the substitution for subsections (2) and (3) of the following subsections, respectively:

“(2) Upon receipt of an application in terms of subsection (1), the driving licence testing centre concerned shall, if it is satisfied from the information furnished **[in the application]** or from such further information as such centre may reasonably request, that the applicant is not disqualified from obtaining a learner’s licence, determine a day on and time at which the applicant shall present himself or herself to be **[examined and tested by an examiner for driving licences]** evaluated in the manner and in respect of the matters **[as]** prescribed.

(3) If the **[examiner for driving licences]** driving licence testing centre is satisfied that the applicant, after being evaluated in the prescribed manner, has sufficient knowledge of the matters **[as]** prescribed in respect of the class of vehicle concerned, and is not disqualified in terms of section 15 from obtaining a learner’s licence, the **[examiner]** driving licence testing centre shall issue **[or authorise the issue of]** a learner’s licence in the prescribed manner to such applicant in respect of the appropriate class of motor vehicle, and the **[examiner or the person authorised thereto by him or her]** driving licence testing centre shall—

(a) in the case where the applicant is found to be competent to drive with the aid of spectacles or contact lenses, an artificial limb or other physical aid, endorse the licence accordingly; and

(b) in the case where the applicant is a physically disabled person who has to drive a vehicle adapted for physically disabled persons, or a vehicle adapted specifically for that physically disabled applicant, endorse the licence accordingly.”; and

(b) by the addition of the following subsections:

“(5) Any applicant for a learner’s licence who makes use of any unauthorised aid during a test for a learner’s licence shall be guilty of an offence and upon conviction shall be liable, in addition to any other sentence which the court may impose, to be disqualified from reapplying for a learner’s licence for a period not exceeding 12 months from the date of conviction.

(6) If the court makes an order disqualifying the applicant from reapplying for a learner’s licence, and the State leads evidence to the effect that the applicant has obtained a learner’s licence in the meanwhile, the court shall require the accused to produce any such licence and shall deal with it in the manner contemplated in section 34(1)(b).”.

Amendment of section 18 of Act 93 of 1996, as amended by section 12 of Act 21 of 1999 and section 1 of Act 20 of 2003

8. Section 18 of the principal Act is hereby amended—

(a) by the substitution in subsection (4) for the words preceding paragraph (a) of the following words: