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GENERAL NOTICE

NOTICE 870 OF 2009

DEPARTMENT OF TRANSPORT

**PUBLICATION FOR COMMENTS: NATIONAL ROAD TRAFFIC
AMENDMENT BILL, 2009.**

The Minister of Transport hereby publishes the above draft Bill for public comments. Interested persons are requested to submit written comments on the above Bill by no later than 13 July 2009.

Comments should be posted to the Director General, Department of Transport for the attention of Adv. Adam Masombuka or Mr Ngwako Thoka at;

The Department of Transport

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PRETORIA

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REPUBLIC OF SOUTH AFRICA

NATIONAL ROAD TRAFFIC AMENDMENT BILL

(As introduced in the National Assembly as a section 76 Bill)
(The English Text is the official text of the Bill)

(MINISTER OF TRANSPORT)

[B-2009]

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

BILL

To amend the National Road Traffic Act, 1996, so as to insert certain definitions and to amend others. To create for the registration and licensing of motor vehicles, manufacturers, builders, bodybuilders, importers and manufacturers of number plates. To empower the MEC to register the applicant as a manufacturer, body builder, builder, importer and manufacturer of number plates. To empower only a provincial Department of Transport or municipality to operate a driving license testing centre. To empower the CEO of RTMC to approve and register a driving license testing centre, To empower the Minister to prescribe training procedures and disqualifications of persons appointed by an authority. To impose a duty on drivers to be in physical possession of drivers licences or proof thereof when driving a motor vehicle. To empower the Driving license testing centres to issue a drivers license. To prohibit the issuance of a driving license or learners license of a person who has been convicted of using an aid material in order to pass the driving license test. To set the 1 May 2003 as the date upon which the provision of Section 18(6)(a) shall come into effect. To regulate the registration and grading of applicants as a driving school instructor and to direct how the application and registration of applicants shall be processed. To formalize the driving school industry and prohibit unregistered and un graded driving schools and instructors from operating as such. To empower the MEC to approve applications for registration of the driving schools. To empower the MEC to prescribe regulations as to how to handle applications as a driving school instructor, To empower the MEC to suspend, cancel or deregister a driving school when suspected of contradicting this act.. To empower the MEC to declare as void, documents purporting to be driving licenses issued in contravention of the Act and to empower the Inspectorate of the driving license testing centres to destroy such documents. To empower the Minister to appoint a person, authority or a body as an inspectorate of driving licence testing centre, To prohibit the use and presentation of

someone's license under false pretenses. To provide for the suspension of driving licenses and the circumstances under which a license should be suspended where a person exceeds the speed limit in excess of 30 KM per hour over an applicable speed limit in an urban area, and a speed in excess of 40 KM per hour over the applicable speed limit outside an urban area or incidental 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 insertion after the definition of "**authorised officer**" of the following definition:

"body builder" means a person who builds and fits new bodies on chassis or chassis cabs, or modifies existing bodies".

(b) the substitution for the definition of "**builder**" of the following definition:

"builder" means any person who manufactures or assembles motor vehicles in whole [or in part from used components or modifies motor vehicles using new or used components]

(c) by the insertion after the definition of "**driving licence testing centre**" of the following definition:

"driving school" means any person, who conducts or offers instruction or training in the operation of motor vehicles in the preparation of an applicant for examination to obtain a driving license and who has been registered in terms of the provisions of this Act.;

(d) by the substitution for the definition of “**instructor** ” of the following definition:

“**instructor**” means any person who -

- (a) instructs or teaches any person in the driving of a motor vehicle;
- (b) teaches any person the rules of the road or road traffic signs in order to obtain a learner’s or a driver’s licence;
- (c) teaches a holder of a driving licence in preparation of an applicant to obtain a professional driving permit;”;

(e) by the insertion after the definition of “**province**” of the following definition:

“ **provincial monitoring unit**” means any person or body of persons appointed by the MEC to conduct inspections and evaluations to ensure compliance with the provisions of the Act;’.

Amendment of section 5 of the Act

2. Section 5 of the Act is amended by the substitution of section (5) of the following subsection:

Registration and Licensing of Motor Vehicles, Manufactures, Builders, Bodybuilders, Importers and Manufactures of Number Plates

5. (1) Every manufacturer, builder, body builder or importer shall apply in the prescribed manner to the MEC concerned for registration as a manufacturer, builder, or importer or manufacturer of number plates .

(2) If the MEC is satisfied that an applicant referred to in subsection (1) complies with the qualifications for competency as prescribed for the specific

category in respect of which the application is made, the MEC shall register such applicant on the conditions and in the manner prescribed.

(3) The MEC may, in the prescribed manner, alter the conditions referred to in subsection (2).

(4) The MEC may, in the prescribed manner, suspend for such period as he or she may deem fit, or cancel, the registration of a manufacturer, builder, bodybuilder or importer.

(5) Every manufacturer, builder, bodybuilder or importer shall, in the prescribed manner, register every motor vehicle manufactured, built or imported by him or her, before he or she distributes or sells such vehicle.

Amendment of section 7 of the Act

3. Section 7 of the Act is amended by the substitution for section 7 of the following section:

Appointment of inspectorate of manufacturers, builders, body builders and importers

7. (1) The Minister may appoint a person, an authority or a body as an inspectorate of manufacturers, builders, body builder and importers.

(2) The powers and duties of the inspectorate contemplated in subsection (1) in relation to the registration and inspection of manufacturers, builders, body builder and importers shall be as prescribed.

(3) The Minister may, in order to defray the expenditure incurred by or on behalf of that inspectorate for the purposes of performing its functions,

prescribe fees to be paid in respect of inspections carried out by it in terms of this Act.

Amendment of sections 8 of Act 93 of 1996

4. Section 8 of the principal act is hereby amended by:-

(a) the substitution for section 8 of the following section:

Driving licence testing centre to be registered

8. **[No Person]** Only a provincial department of [State] Transport or [registering authority] municipality shall operate a driving licence testing centre **[unless]** provided that such testing centre is registered and graded.

(b) the substitution for section 8A of the following section:

Application for the registration as a driving licence testing centre

8A. (1) **[Any person]** A provincial department of [state] Transport or [registering authority] municipality desiring to operate a driving licence testing centre shall in the prescribed manner apply to the **[inspectorate of driving licence testing centres]** chief executive officer for approval and the registration of such testing centre.

(2) A driving licence testing centre may, on the prescribed conditions be registered **[and graded]** to operate a mobile facility that may test applicants for learner's licences [only] at places other than such centre.

Amendment of sections 9 of Act 93 of 1996

5. Section 9 of the Act is hereby amended by the substitution for section 9 of the following section:-

Registration and grading of driving licence testing centre

9. On receipt of an application referred to in section 8A, the chief executive officer may after recommendation from the inspectorate of driving licence testing centres, **[shall]** and if satisfied that, in relation to the driving licence testing centre concerned, the prescribed requirements for the registration of such a testing centre have been met, register and grade such testing centre in the prescribed manner, and give notice of such registration in the Gazette.

Amendment of section 10 of Act 93 of 1996

6. Section 10 of the Act is hereby amended by the substitution for section 10 of the following section:-

Suspension or cancellation of registration of driving licence testing centre

10. The inspectorate of driving licence testing centres **[may]** shall, if a registered driving licence testing centre no longer complies with the requirements referred to in section 9, suspend the registration of that testing centre for such period as it deems fit, and make recommendation to the MEC (CEO) to **[or]** regrade or cancel it, in the prescribed manner.

Amendment of sections 11 of Act 93 of 1996**Appointment of inspectorate of driving licence testing centres**

7. Section 11 of the Act is hereby amended by-

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

11. (1) The Minister shall, [after the decision has been taken by the shareholders Committee] appoint a person, an authority or a body as an inspectorate of driving licence testing centres.

(b) the addition of subsection (5)

“(5) The Minister shall prescribe the relationship between the inspectorate and any inspectorate (compliance monitoring unit for road traffic legislation) instituted by provincial road traffic legislation.”

Amendment of sections 12 of Act 93 of 1996

Driver of motor vehicle to be licensed

8. Section 12 of the Act is hereby amended by the substitution for paragraph (b) of the following paragraph:-

12(b) unless he or she keeps valid proof of such licence or document or any other prescribed authorization in the original format with him or her in the vehicle.

Amendment of sections 13 of Act 93 of 1996

Licence to drive, either learners or driving licence

9. Section 13 of the Act is hereby amended by the substitution for section 13 of the following section:-

13. A licence authorising the driving of a motor vehicle shall be authorised and proof of such licence shall be issued by a driving licence testing centre in accordance with this Chapter and shall be either—

- (a) a provisional licence, to be known as a learner's licence; or
- (b) a licence, to be known as a driving licence,

and, except as otherwise provided in this Chapter, no person shall be examined or tested for the purpose of the issue to him or her of a driving licence unless he or she is the holder of a learner's licence

Amendment of sections 15 of Act 93 of 1996

10. Section 15 is hereby amended by :-

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

(1) Notwithstanding the provisions of section 23 a person shall be disqualified from obtaining or holding a learner's or driving licence—

(b) the substitution for subsection (1), (f) of the following subsection:

1(f) if he or she is temporarily or permanently suffering from disease or disability as prescribed;

(c) the substitution for paragraph (g) of the following paragraph:

(f) if he or she is addicted to the use of any drug having a narcotic effect or the excessive use of intoxicating liquor **[or]** and is certified as such in the prescribed manner; or

(d) the insertion of subsection (1A)

“(1A) The Minister may prescribe the conditions in terms of which a certificate to attest to a fact as contemplated in subsection (1) is required.”

(e) the deletion of the word “concerned” after the word “officer”:

(2) The chief executive officer [**concerned**] may, if he or she deems it expedient and on such conditions as he or she may deem fit, declare that any person shall no longer be subject to any disqualification, suspension or cancellation by a competent authority referred to in subsection (1)(b), (c) or (d), respectively: Provided that in the case of any cancellation such declaration shall be subject to section 25(9).

Amendment of sections 16 of Act 93 of 1996

Failure to disclose disqualification in respect of licence authorising driving of motor vehicle prohibited and voluntary surrender of licence

11. Section 16 of the Act is hereby amended by:-

(a) the deletion in subsection (2),(b) of the words **“or in the case where it is contained in an identity document, that document”** after the word “licence”

(b) the substitution for subsection (3) of the following subsection:

(3) When a licence is submitted in terms of subsection (2) the chief executive officer shall cancel it and if the licence was issued in a prescribed territory he or she shall notify the authority which issued it of

the cancellation: Provided that if the chief executive officer is satisfied that the holder thereof is competent to drive the class of motor vehicle concerned with the aid of glasses, an artificial limb or any other physical aid, the chief executive officer shall **[in the case where the licence –**

(a) is contained in an identity document-

(i) not cancel the licence, but endorse the licence accordingly and such endorsement shall be a condition subject to which the licence is held;

(ii) return the identity document to the holder thereof; or

(b) is not contained in an identity document ,]

issue or authorise the issue of a new licence in the prescribed manner reflecting the conditions on which it is issued.

(c) the addition of subsection (4)

“(4) A person who is the holder of a driving licence who wishes to surrender such licence or to be issued with a licence for another class of motor vehicle authorised by the category of licence he or she holds, may request the chief executive officer to cancel such licence or to issue him or her with another category of licence as applicable.”

Amendment of section 17 of Act 93 of 1996

Application for and issue of learner's licence

12. Section 17 of the Act is hereby amended by the substitution for section of the following section:

- 17.(1) Subject to section 24, a person desiring to obtain a learner's licence shall apply in the prescribed manner to an appropriately graded driving licence testing centre.
- (2) Upon receipt of the application, the driving licence testing centre shall deal with the application in the prescribed manner.
- (3) If the driving licence testing centre is satisfied that the applicant, after being evaluated in the prescribed manner has sufficient knowledge of the matters 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 driving licence testing centre shall issue a learner's licence in the prescribed manner to such applicant
- (4) No person shall willfully or negligently—
- (a) issue a learner's licence;
 - (b) authorise the issue of a learner's licence;
 - (c) endorse or fail to endorse a learner's licence, contrary to this section; or
 - (d) produce, print or manufacture any document similar to a learner's licence
- (5) Any applicant for a learner's licence who makes use of any unauthorised aid during a test for a learner's licence or is found in possession of an aid that may assist a person in answering a test for a learner's licence shall be guilty of an offence and upon conviction shall, in addition to any other sentence which the court

may impose, automatically be disqualified from re-applying for a learner's licence for a prescribed period not exceeding 12 months from the date of conviction.

(6) If a person has been convicted in terms of subsection (5) the registrar or the clerk of the court shall inform the chief executive officer in the prescribed manner and if the person so convicted has obtained a learner's or driving licence between the date of the offence and six months from the date of conviction, such licence shall be null and void from the date of conviction.

Amendment of section 18 of Act 93 of 1996

13. Section 18 of the Act is hereby amended by

(a) the substitution for subsections (1),(2),(3) and (4) of the following subsections:

18. (1) Subject to section 24, the holder of a learner's licence issued in terms of section 17, who desires to obtain a driving licence shall apply in the prescribed manner to an appropriately graded driving licence testing centre **[for a licence to drive a motor vehicle of a class of which is authorised by his or her learners licence]** and such application shall be accompanied by a certificate issued by a registered driving school as contemplated in section 28F.
- (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 driving licence,**

determine a day on and time at which the applicant shall present himself or herself to be examined by an examiner for driving licences in the manner an in respect of matters as prescribed, and for such purpose the applicant shall supply a motor vehicle of the class to which his or her application relates] deal with the application in the prescribed manner.

(3) An examiner for driving licences shall test an applicant for a driving licence in the manner, with equipments and in respect of the matters as *prescribed*.

(4) If **[an examiner for driving licences]**the driving licence testing centre is [has] satisfied**[himself or herself in terms of subsection (3)]** that **[an]** the applicant,**[for a driving licence is competent, as prescribed, to drive a motor vehicle of the class to which such applicant's application relates,]** after being evaluated in the prescribed manner has sufficient knowledge of the matters prescribed in respect of the class of vehicle concerned, and is not disqualified in terms of section 15 from obtaining a driving licence, the examiner of driving licence shall **[issue or]** authorise **[the issue of a]** and the driving licence testing centre shall issue a driving licence in the prescribed manner to such applicant

(b) the insertion of subsections (5A) and (5B) after subsection (5) paragraph (c):

“(5A) Any applicant for a driving licence who makes use of any unauthorised aid during a test for a driving licence or is found in possession of an aid that may assist a person in passing a driving licence test shall be guilty of an offence and upon conviction shall, _____ in addition to any other sentence

which the court may impose, automatically be disqualified from re-applying for a driving licence for a prescribed period from the date of conviction.

(5B) If a person has been convicted in terms of subsection (5A) the registrar or the clerk of the court shall inform the chief executive officer in the prescribed manner and if the person so convicted has obtained a driving licence between the date of the offence and six months from the date of conviction, such licence shall be null and void from the date of conviction."

(c) the substitution for subsection (6) of the following subsection:

- 6) (a) Subject to paragraph (b), a driving licence which has officially been included in an identity document shall **[be deemed to be a driving issued under this Act, until a date fixed by the Minister by notice in the Gazette]** not be accepted as proof of a driving license.
- (b) **[In respect of any notice issued in terms of paragraph (a), in the case of]** Any person **[who was unable to apply for such driving license]** who is in possession of a driving licence issued in an identity document who was unable to apply before 1 May 2003 for a driving licence card issued in terms of the Act due to him or her having been-
- (i) admitted to any medical facility or detained in any state institution in terms of an order issued or sentence imposed by a court of law;
 - (ii) posted by the Government on a foreign mission or assignment or being a spouse who accompanied such person;
 - (iii) **[on a contract of employment]** employed outside the borders of the Republic; or being a spouse who accompanied such person; or

(iv) a full-time student at a foreign academic institution,

[The date determined in that notice] before 1 May 2003, shall, upon proof submitted by any such person of the date of his or her discharge from such facility or, release from such institution or his or her return to the Republic, be **[deemed]** allowed to exchange such license [be a date] within six months after the date of such discharge from such facility or, release from such institution or return to the Republic.

Amendment of section 19 of Act 93 of 1996

14. Section 19 of Act 93 of 1996 is hereby amended—

(a) By the substitution of subsection (3) of the following subsection

(3) Upon receipt of an application under subsection (1), the examiner for driving licenses, if he or she is satisfied that the existing license is a valid license and that the applicant is the holder thereof, shall, subject to section 25, issue or authorize the issue of a driving license on the prescribed form and in the prescribed manner in respect of the class of motor vehicle to which the existing license relates.

(b) By the substitution of sub-section 4 of the following sub-section

(4) Any person whose licence has become invalid in terms of **[sub-section (3)]** section 18(6) and who requires a driving licence must apply anew for the issue of a licence in terms of sections 17 and 18.

Amendment of section 23 of Act 93 of 1996

15. Section 23 of Act 93 of 1996 is hereby amended—

- (a) by the substitution for the heading to section 23 of the following heading:

“When foreign driving license [not issued in terms of this Act] or international driving permit is deemed to be driving license”

Amendment of section 24 of Act 93 of 1996

16. Section 24 of Act 93 of 1996 is hereby amended by the substitution for section 24 of the following section:

“Approved department of state may issue learner’s or driving licence to person in its employment only

24 (1) A provincial department of Transport registered as a driving licence testing centre may issue a learner’s or driving licence as prescribed in sections 17 and 18 respectively, in the prescribed form to a person who is in the employment of such department of state only.

(2) For the purposes of subsection (1), a person who renders service in the South African National Defence Force shall be deemed to be in the employment of the Department of Defence.”

Amendment of section 25 of Act 93 of 1996

17. Section 25 of Act 93 of 1996 is hereby amended-

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

25 (1) Subject to the provisions of subsection(2), if the holder-

- (a) of a learners or driving licence issued in terms of this chapter, a repealed ordinance or any prior law, is disqualified in terms of section 15 from holding such licence, the Chief Executive Officer shall cancel such licence; or
- (b) of a licence referred to in paragraph (a) would constitute a source of danger to the public by driving a motor vehicle on a public road and a affirmation or affidavit in respect of the circumstances relating to such source of danger is submitted to the Chief Executive Officer may cancel or suspend such licence

(b) by the substitution for subsection (4) of the following subsection:

(4) If any person, after having been examined and tested in terms of subsection(2)**[(a)]** is found not to be competent to drive a motor vehicle of the class provided by him or her, the chief executive officer shall forthwith cancel the licence concerned.

(c) By the substitution of subsection (7) of the following substitution:

(7) (a) When a licence is cancelled or suspended in terms of subsection (1) or is cancelled in terms of subsection (3) (a) or (4), the holder thereof shall forthwith submit the license to the chief executive officer or an inspector of licences authorised by him or her.

(b) The chief executive officer or the inspector of licences, as the case may be, shall record particulars of the cancellation or

suspension in the register for driving licences and where the licence has been suspended the chief executive officer or the inspector of licences, as the case may be, shall retain the licence until the period of suspension expires, where after it shall be returned to the holder thereof.

(d) By the substitution for subsection 10 of the following subsection:

(10) Where any circumstance arises in relation to the holder of a licence authorizing the driving of a motor vehicle and which is issued in a prescribed territory or a foreign state, which would have disqualified such person as contemplated in section 15 from obtaining a driving licence, or if such holder would constitute a source of danger to the public by driving a motor vehicle on a public road, the chief executive officer concerned may inform such person that such licence is of no force within the Republic, and as from the date on which such person is so informed the licence shall cease to be in force within the Republic and the chief executive officer shall retain such licence under the prescribed conditions.

Amendment of section 27 of Act 93 of 1996

18. Section 27 of Act 93 of 1996 is hereby amended—

(a) By the substitution for subsection (1) paragraph (b) of the following paragraph:

(b) on which an endorsement *prescribed* in terms of section 18 or a similar endorsement by a competent authority in a *prescribed*

territory has been effected, is of the opinion that there are circumstances justifying the cancellation or amendment of such endorsement, he or she may apply to the chief executive officer of the province in which he or she is permanently or ordinarily resident for the cancellation or amendment of such endorsement.

Amendment of section 28 of Act 93 of 1996

19. Section 28 of Act 93 of 1996 is hereby amended—

(a) by the substitution for the heading to section 28 of the following heading:

“Driving schools and instructor to be registered”

(b) by the substitution for subsection 2 of the following subsection

(2) No person shall employ any other person as an instructor, or make use of any other person's services as instructor, unless that other person is registered and graded as an instructor in terms of section 28B.

(c) by the substitution of section 28A for the following subsection

(1) Any person desiring to be registered as an instructor shall apply at a driving licence testing centre to the chief executive officer on form RI as shown in Schedule 2, in respect of one or more of the classes of motor vehicles for which a learner's or driving licence can be obtained as contemplated in regulation 99 (1), and such application

shall be accompanied by the appropriate fee as determined by the MEC of the province concerned.

- (2) Upon receipt of an application in terms of sub regulation (1)
- (a) the driving licence testing centre shall submit such application to the officer in charge of the South African Police Service Station deemed by such centre to be the most convenient, for a report as to whether any conviction has been recorded against the applicant as well as in respect of any other matter which, in the opinion of such officer or centre, is relevant to the application, and that officer is authorised to report accordingly; and
- (b) the driving licence testing centre shall require the applicant to be medically examined at the applicant's cost by a medical practitioner or occupational health practitioner in order to obtain a report on form MC as shown in Schedule 2 on the physical and mental fitness of such applicant to act as an instructor.
- (3) A member of the South African Police Service may take the finger and palm prints of the applicant to enable him or her to report in terms of sub-regulation (2).
- (4) Before an application in terms of sub-regulation (1) is forwarded to the chief executive officer, the driving licence testing centre concerned shall attach the reports referred to in sub-regulation (2) and shall at the same time draw the attention of the chief executive officer to any relevant information.

(d) By addition of sections 28D, 28E, 28F and 28G in Act 93 of 1996

The following sections are hereby added in the principal Act after section 28C:

“Driving school to be registered”

28D. (1) No person shall operate a driving school unless such driving school is registered and graded.

“Application for registration of driving school”

28E. (1) Any person or body of persons desiring to operate a driving school shall apply in the prescribed manner to the MEC in whose province such driving school will be operated for the registration of such driving school.

“Registration and grading of driving school”

28F. (1) Upon receipt of the application referred to in section 28E and on the recommendation of the Provincial monitoring unit, the MEC is satisfied that the driving school concerned has met all the requirements for registration, the MEC shall register and grade such driving school on the conditions and in the prescribed manner, and shall give notice of such registration and grading in the Gazette and local newspaper.

“Suspension or cancellation of registration of driving school”

28G. (1) The MEC may if a registered driving school no longer complies with the requirements for registration, suspend or cancel the registration of such driving school or regrade the driving school in the prescribed manner”.

Amendment of section 29 of Act 93 of 1996

19. Section 29 of Act 93 of 1996 is hereby amended—

(a) By the substitution of section 29 of the following section.

29. (1) A document purporting to be a learner's or driving licence issued contrary to this Chapter, shall on the request of the inspectorate of driving license testing centres and after an investigation has been conducted in

the prescribed manner by the chief executive officer, be declared void by the chief executive officer and upon the request of the chief executive officer the holder of such document shall forthwith submit such document to the inspectorate of driving licence testing centres who shall destroy the document in the prescribed manner.

(2) Notwithstanding the provisions of subsection (1), the chief executive officer may under the prescribed circumstances condone the issue of a document referred to in subsection (1) and declare such a document to be a valid licence from the date of issue of the document”

Amendment of section 30 of Act 93 of 1996

20. Section 30 of Act 93 of 1996 is hereby amended by the substitution for section 30 of the following section:

“Use of somebody’s learner’s or driving licence by another prohibited

- (1) No person who is the holder of a learner’s or driving licence shall allow such licence to be used by any other person.
- (2) No person shall use any other person’s licence and present such licence as his or her license.”

Amendment of section 31 of Act 93 of 1996

21. Section 31 is amended by substitution for section 31 of the following section::

“Unlicensed driver not to be employed or permitted to drive motor vehicle”

31. No person who is the owner or operator, or is in charge, or control, of a motor vehicle shall employ or permit any other person to drive that vehicle on a public road unless that other person is licensed in accordance with this Chapter to drive the vehicle and shall take the necessary steps to ensure that such person is licensed before such person drives such vehicle.

Amendment of section 32 of Act 93 of 1996

22. Section 32 of Act 93 of 1996 is hereby-amended by-

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

32. (1) No person shall drive a motor vehicle of a *prescribed* class on a public road except in accordance with the conditions of a professional driving permit issued to him or her in accordance with this Chapter and unless he or she keeps such permit with him or her in the vehicle: Provided that this subsection shall not apply to the holder of a learner's licence who drives such vehicle while he or she is accompanied by a person **[registered as a professional driver in respect of that class of vehicle]** who is the holder of a professional driving permit in respect of that class of vehicle and who is in possession of such permit : Provided further that if the person accompanying such person is an examiner for driving licences, such examiner does not have to be the holder of a professional driving permit.

(b) By the substitution of subsection 3 of the following subsection:

(3) Any document issued by a competent authority in any prescribed territory, other than a driving licence, approved by the Minister by notice in the Government Gazette, 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).

Amendment of section 33 of Act 93 of 1996

23. Section 33 of Act 93 of 1996 is hereby amended by-

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

33. (1) If any person is charged with any offence in terms of this Act relating to the driving of a motor vehicle or a failure to stop after or report an accident, he or she shall produce every licence card and permit of which he or she is the holder **[, or a duplicate thereof issued in terms of this Act if he or she is not in possession of the original]** to the court at the time of the hearing of the charge.

(b) The substitution of subsection (2) of the following subsection

(2) For the purposes of this section and sections 34 to 36, inclusive—
“licence” means a learner’s or driving licence card; and “permit” means a professional driving permit.

(c) the substitution for subsection (3) of the following subsection:

(3) No person referred to in subsection (1) shall, without reasonable excuse, refuse or fail to produce in terms of that subsection the licence and permit **[or duplicate]** so referred to on request.

Amendment of section 34 of Act 93 of 1996

24. Section 34 of Act 93 of 1996 is hereby amended by--

(a) The substitution for subsection 3 of the following subsection:

(3) Where a court has issued an order under subsection (1) (a) or (b) the registrar or clerk of the court shall, subject to subsection (2) retain such licence and deal with it in the prescribed manner.

(b) By the addition of the following subsection after subsection 3:

“(4) Where a court has issued an order in terms of subsection (1) (c) the registrar or clerk of the court shall notify the chief executive officer in the prescribed manner of such order and the chief executive officer shall record such order on the register for driving licences.”

Amendment of section 80 of Act 93 of 1996

25. Section 80 of Act 93 of 1996 is hereby substituted for the following section:

“80. Any disabled person who has been exempted from the laws relating to parking in accordance with the laws of any province, and to whom proof of such exemption has been issued, shall be deemed to be so exempted from the laws applicable in the areas of jurisdiction of all local authorities in the Republic”

Short title and commencement

26. This Act is called the National Road Traffic Amendment Act, 2009, and comes into operation on a date fixed by the President by proclamation in the Gazette.
