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GENERAL NOTICE

NOTICE 77 OF 2015

DEPARTMENT OF TRANSPORT

NATIONAL ROAD TRAFFIC ACT, 1996 (ACT NO.93 OF 1996)

PUBLICATION FOR COMMENTS: NATIONAL ROAD TRAFFIC AMENDMENT BILL, 2015

The Minister of Transport hereby publishes the above draft Bill and the Memorandum on the objects of the Bill for comments. Interested persons are requested to submit written comments and inputs on the draft Bill within 30 days from the date of publication hereof to the Director-General, Department of Transport.

Comments may be sent to the following postal or e-mail address or by telefax to the following fax number:

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Minister of Transport

REPUBLIC OF SOUTH AFRICA

NATIONAL ROAD TRAFFIC AMENDMENT BILL, 2015

*(As introduced in the National Assembly (proposed section 76); explanatory
summary of Bill published in Government Gazette No. of)
(The English Text is the official text of the Bill)*

(MINISTER OF TRANSPORT)

[B - 2015]

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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
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BILL

To amend the National Road Traffic Act, 1996, so as to amend and insert certain new definitions; to provide for the registration and licensing of motor vehicles, manufacturers, builders, body builders, importers and manufacturers of number plates; to require a provincial Department responsible for transport or municipality to register a driving licence testing centre before operating as a driving licence testing centre to approve and register a driving licence testing centre; to provide for the registration and grading of driving school instructors; to provide for the registration of driving schools; to reduce the blood alcohol concentration limit in drivers; 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, section 1 of Act 21 of 1999 and section 1 of Act 64 of 2008

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

- (a) by the deletion of the definition of “**manufacturer of number plates**”
- (b) 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 motor vehicles;”;

- (c) by 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];”;

- (d) by the insertion after the definition of “driving licence testing centre” of the following definitions:

“**driving school**” means any person or body of persons who has been registered in terms of this Act to conduct or offer instruction or training in the operation of motor vehicles in the preparation of an applicant for examination to obtain a learner’s licence, provisional driving licence, driving licence or professional driving permit in terms of this Act;

“**ECE regulations**” means the United Nations Economic Commission for Europe Regulations;”;

- (e) by the insertion after the definition of “edge of the roadway” of the following definitions:

"**embosser of number plates**" means a person or body of persons who is registered to emboss an allocated licence number or a motor trade number of a motor vehicle on a blank number plate for the purpose of selling such number plate;

"**emergency medical response vehicle**" means a vehicle operated by or transporting a medical professional to respond to medical emergencies;

"**emergency services**" means emergency medical services provided by an organ of State or private body, disaster management services, fire and emergency services, authorised officers, members of the South African Police Services, metropolitan police department, municipal police department, members of the South African National Defence Force or the national Department of Health;

"**emergency vehicle**" means a fire-fighting vehicle, fire-fighting response vehicle, rescue vehicle, ambulance, emergency medical response vehicle, a vehicle driven by a traffic officer in the execution of his or her duties, a vehicle driven by a member of the South African Police Service in the execution of his or her duties or a vehicle driven by a member of a metropolitan police department or municipal police service in the execution of his or her duties, both defined in the South African Police Service Act, 1995 (Act No. 68 of 1995), and a vehicle driven by a person engaged in civil protection as contemplated in the Disaster Management Act, 2002 (Act No. 57 of 2002);";

(f) by the insertion after the definition of "fire-fighting vehicle" of the following definition:

"**fire-fighting response vehicle**" means a vehicle operated by a person rendering a "service" as defined in section 1 of the Fire Brigade Service Act, 1987 (Act No. 99 of 1987);";

(g) by the insertion after the definition of "importer" of the following definition:

"**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;"

(h) by the insertion after the definition of "inspector of licences" of the following definitions:

"**inspectorate of driving licence testing centres**" means a person, an authority or a body appointed in terms of section 11;

"**inspectorate of driving schools**" means a person, an authority or a body appointed as such in terms of section 28G;

"**inspectorate of manufacturers, builders, body builders, importers and manufacturers of number plates**" means a person, an authority or a body appointed as such in terms of section 7;

"**Inspectorate of microdots**" means a person, an authority or body of persons appointed as such in terms of section 7;

"**inspectorate of weighbridge facilities**" means a person, an authority or a body appointed as such in terms of section 7B;

"**inspectorate of testing stations**" means a person, an authority or a body appointed in terms of section 41;"

(i) by the substitution for the definition of "instructor" of the following definition:

"**instructor**" means a person registered and graded as an instructor in terms of section 28B;"

- (j) by the insertion after the definition of "**manufacturer**" of the following definitions:

"**manufacturer of blank number plates**" means a person or body of persons who is registered to manufacture blank number plates for purposes of embossing an allocated licence number or a motor trade number of a motor vehicle;

"**manufacturer of reflective sheeting**" means a person or body of persons who is registered to manufacture reflective sheeting for purposes of manufacturing blank number plates;

"**manufacturer of microdots**" means any person or body of persons registered in terms of section 5K to manufacture or supply microdots;"

- (k) by the insertion after the definition of "**medical practitioner**" of the following definition:

"**microdot fitment centre**" means a person or body of persons registered in terms of section 5K to fit microdots on vehicles;"

- (l) by the insertion after the definition of "**Minister**" of the following definition:

"**model regulations**" means the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations;"

- (m) by the substitution for the definition of "**motor vehicle**" of the following definition:

"**motor vehicle**" means any self-propelled vehicle and includes—

- (a) a trailer; and
 - (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or electric motor, or both such pedals **[and]**, engine or electric motor, but does not include—
 - (i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; **[or]**
 - (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person; or
 - (iii) a vehicle having pedals and an engine or an electrical motor as an integral part thereof with a maximum design speed not exceeding 45 km/h;
- (n) by the insertion after the definition of "**motor vehicle**" of the following definition:

"**NaTIS officer**" means a person who has been appointed and registered in terms of section 3A and 3C, respectively;"
- (o) by the insertion after the definition of "**park**" of the following definition:

"**Passenger Rail Agency of South Africa**" means the company established in terms of section 22 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989);"
- (p) by the substitution for the definition of "**pedal cycle**" of the following definition:

"**pedal cycle**" means any bicycle or tricycle designed for propulsion solely by means of human power, or any bicycle or tricycle with operable pedals and an electric motor providing a

maximum net power output of 250 watts. The electric motor may not be capable of propelling the bicycle or tricycle unassisted at a speed exceeding 25km/h on a level surface;";

- (q) by the insertion after the definition of "**province**" of the following definition:

"**provincial inspectorate**" means a person or body of persons appointed in terms of section 11A;";

- (r) by the substitution for the definition of "**rescue vehicle**" of the following definition:

"**rescue vehicle**" means a motor vehicle designed or adapted solely for the purpose of rescuing persons, and which is owned or controlled by a department of State, a local authority or a body approved by the Department of Health and is registered as a rescue vehicle;";

- (s) by the substitution for the definition of "**reserve traffic warden**" of the following definition:

"**reserve traffic warden**" means a [person] traffic warden 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;"; and

- (t) by the insertion after the definition of "**South African Bureau of Standards**" of the following definition:

"**standard**" means any code of practice, compulsory specification, specification, standard or standard method adopted by the South African Bureau of Standards, as defined in section 1 of the Standards Act, 2008 (Act No. 8 of 2008) or adopted by the International Standard Organisation;".

(u) by the insertion after the definition of "**stop**" of the following definitions:

"supplier of blank number plates" means a person, an authority or body who is registered to supply blank number plates for purposes of embossing an allocated licence number or a motor trade number of a motor vehicle;

"supplier of reflective sheeting" means a person, an authority or body who is registered to supply reflective sheeting for blank number plates for purposes of embossing an allocated licence number or a motor trade number of a motor vehicle;"

(v) by the substitution for the definition of "testing station" of the following definition:

"testing station" means a testing station registered in terms of section 39 to examine and test a motor vehicle;

(w) by the insertion after the definition of "**verge**" of the following definition:

"weighbridge facility" means a facility with a mass measuring apparatus and registered in terms of section 5E to determine the tare of a motor vehicle;"

Amendment of section 3A of Act 93 of 1996, as inserted by section 2 of Act 21 of 1999 and amended by section 2 of Act 64 of 2008

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

- (a) by the deletion in subsection (1)(a) of the word "and" at the end of subparagraph (iv);
- (b) by the insertion in subsection (1)(a) of the word "and" at the end of subparagraph (v);
- (c) by the addition of the following subparagraph:

"(vi) NaTIS officer."
- (d) by the deletion in subsection (1)(b) of the word "and" at the end of subparagraph (iv);

- (e) by the insertion in subsection (1)(b) of the word "and" at the end of subparagraph (v);
- (f) by the addition of the following subparagraph:
 "(vi) NaTIS officer.";
- (g) by the deletion in subsection (1)(c) of the word "and" at the end of subparagraph (ii);
- (h) by the insertion in subsection 1(c) of the word "and" at the end of subparagraph (iii);
- (i) by the addition of the following subparagraph:
 "(iv) NaTIS officer.";
- (j) by the substitution in subsection (3) for paragraph(a) of the following paragraph:
 "(a) No person shall be appointed under subsection (1), as a NaTIS officer or an authorised officer unless he or she has been graded and registered in the prescribed manner."

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

3. Section 3B of the principal Act is hereby amended—
- (a) by the substitution for the heading of the following heading:
 "**3B. Application for registration as inspector of licences, examiner of vehicles, examiner for driving licences [or] , traffic officer, traffic warden or NaTIS officer**";
 - (b) by the deletion in subsection (1) of the word "or" at the end of paragraph (c); and
 - (c) by the addition of the following paragraphs after paragraph (d) of subsection (1):
 "(e) a traffic warden; or;
 (f) NaTIS officer."

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

4. Section 3C of the principal Act is hereby amended—

(a) by the substitution of paragraph (a) of subsection (2) of the following paragraph:

"(a) an examiner of vehicles if he or she, or through his or her spouse or partner, has or acquires a direct or indirect financial interest in the manufacturing, selling, rebuilding, repairing or modifying of motor vehicles;**[or]**";

(b) by the deletion in subsection (2) of the word "or" at the end of paragraph (a); and

(c) by the addition of the following paragraph after paragraph (b) of subsection (2):

"(c) a traffic officer, traffic warden or Natis officer, if he or she has or acquires a direct or indirect financial interest in a road transport services business.".

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

5. Section 3D of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading:

"3D. Minimum requirements for registration as inspector of licences, examiner of vehicles, examiner for driving licences [and], traffic officer and traffic warden;"

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

(1) The minimum requirements for registration as an inspector of licences, an examiner of vehicles, an examiner for driving licences, a traffic officer or a traffic warden, as the case may be, shall be that the applicant—

- (c) the substitution for paragraph (a) of subsection (1) of the following paragraph:
- (a) has obtained an appropriate **[diploma]** qualification at a training centre approved by the Shareholders Committee;"
- (d) by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:
- "The **[diploma]** qualification referred to in subsection (1)(a) shall—".

Amendment of section 3E of Act 93 of 1996, as amended by section 2 of Act 21 of 1999

6. Section 3E of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
- "The inspectorate of driving licence testing centres or the inspectorate of testing stations, respectively, may for the period that it deems fit and in the manner prescribed, suspend or cancel the registration of an examiner for driving licences [,] or an examiner of vehicles, if—";
- (b) by the deletion in subsection (1) of the word "or" at the end of subparagraph (c); and
- (c) by the addition in subsection (1) of the following paragraphs:
- "(e) such person has been convicted of an offence listed in Schedule 1 or 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (f) such person holds or acquires a direct or indirect financial interest in a road transport services business, the nature and extent of which may be prescribed by the Minister;

- (g) an examiner of vehicles holds or acquires a direct or indirect financial interest in the manufacturing, selling, rebuilding, repairing or modifying of motor vehicles, the nature and extent of which may be prescribed by the Minister; or
 - (h) the examiner of driving licences holds or acquires a direct or indirect financial or other related interest in any driving school or in the training, instruction or supervision of learner drivers, the nature and extent of which may be prescribed by the Minister."
- (d) by the substitution for subsection (2) of the following subsection:
 - "(2) The chief executive officer may for the period that he or she deems fit and in the manner prescribed, suspend or cancel the registration of a traffic officer or inspector of licences if—
 - "(a) any of the circumstances referred to in subsection (1)(a) to (h) exist; or
 - (b) the inspector of licences, or traffic officer, as the case may be, holds or acquires a direct or indirect financial or other related interest in any testing station, driving school or in the training, instruction or supervision of learner drivers, the nature and extent of which may be prescribed by the Minister."

Amendment of section 3L of Act 93 of 1996, as amended by section 2 of Act 21 of 1999

7. Section 3L of the principal Act is hereby amended—
- (a) by the substitution for section 3L of the following section:

“3L. Training centre to be registered

No person, department of State or authority shall deliver authorised officer qualifications unless it has been approved, registered and graded as a training centre;”:

- (b) by the insertion of the following sections after section 3L:

“3M. Application for registration of training centre

- (1) Any person, department of State or authority desiring to deliver an authorised officer qualification, shall apply in the prescribed manner to the Shareholders Committee for registration as a training centre.
- (2) A training centre may, on the prescribed conditions, be approved, registered and graded to deliver qualifications for traffic officers, examiner for driving licences and examiner of vehicles or a combination thereof.
- (3) No person, department of State or authority shall deliver authorised officer qualifications unless it has been approved, registered and graded as a training centre.

3N. Registration and grading of training centre

On receipt of an application referred to in section 3M the Shareholders Committee shall, if satisfied that, in relation to the training centre concerned, the prescribed requirements have been met, register and grade such training centre in the prescribed manner, and give notice of such registration in the *Gazette*.

3O. Suspension or cancellation of registration of training centre

The Shareholders Committee may, if a registered training centre no longer complies with the requirements referred to in section 3L, suspend the registration of that testing centre for such period as it deems fit or regrade or cancel the registration, in the prescribed manner;”:

Amendment of section 5 of Act 93 of 1996, as substituted by section 3 of Act 8 of 1998 and amended by section 4 of Act 21 of 1999

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

(a) by the substitution for the heading of the following heading:

"5. Registration of manufacturers, builders, body builders, importers [, manufactures of number plates]";

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

"(1) [~~The prescribed~~]Every manufacturer[s], builder[s], body builder, importer[s], [~~and every manufacturer of number plates shall~~] must apply in the prescribed manner to the chief executive officer for registration as a manufacturer, builder, body builder or importer [~~or manufacturer of number plates~~], as the case may be."; and

(c) by the substitution for subsections (4), (5) and (6) of the following subsections, respectively:

"(4) The chief executive officer may, in the prescribed manner, suspend for such period as he or she may deem fit, or cancel, the registration of a manufacturer, builder, body builder or importer [~~or manufacturer of number plates~~].

"(5) The manufacturer[s],builder[s],body builder or importer[s] referred to in subsection (1) 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.

(6) A[M]manufacturer[s],builder[s],body builder [~~and~~]or importer[s] shall not manufacture, build, modify, import, sell or distribute motor vehicles [~~except~~] unless registered in accordance with the prescribed conditions."

Insertion of section 5A to 5L of Act 93 of 1996

9. The following sections are inserted after section 5:

“5A. Manufacturer or supplier of blank number plates or reflective sheeting for number plates or an embosser of number plates to be registered

No person, authority or body shall—

- (a) manufacture blank number plates;
- (b) manufacture reflective sheeting for number plates;
- (c) supply blank number plates;
- (d) supply reflective sheeting for number plates; or
- (e) emboss or sell number plates.

unless, such person, authority or body is registered as such manufacturer, supplier or embosser.

5B. Application for registration of manufacturer or supplier of blank number plates or reflective sheeting for number plates or an embosser of number plates

(1) Any person, authority or body desiring to manufacture or supply blank number plates or reflective sheeting for number plates or emboss number plates, shall apply in the prescribed manner to the MEC concerned for registration as a—

- (a) manufacturer of blank number plates,
- (b) manufacturer of reflective sheeting for number plates;

- (c) supplier of blank number plates;
- (d) supplier of reflective sheeting for number plates; or
- (e) embosser of number plates.

5C. Registration of manufacturer or supplier of blank number plates or reflective sheeting for number plates or an embosser of number plates

On receipt of an application referred to in section 5B the MEC concerned shall, if satisfied that, in relation to the —

- (a) manufacturer of blank number plates,
- (b) manufacturer of reflective sheeting for number plates;
- (c) supplier of blank number plates;
- (d) supplier of reflective sheeting for number plates; or
- (e) embosser of number plates,

the prescribed requirements have been met, register such manufacturer, supplier or embosser in the prescribed manner, and give notice of such registration in the *Gazette*.

5D. Suspension or cancellation of registration manufacturer or supplier of blank number plates or reflective sheeting for number plates or an embosser of number plates

The MEC concerned may, if a registered—

- (a) manufacturer of blank number plates,
- (b) manufacturer of reflective sheeting for number plates;
- (c) supplier of blank number plates;
- (d) supplier of reflective sheeting for number plates; or
- (e) embosser of number plates,

no longer complies with the requirements of this Act, suspend the registration of that manufacturer, supplier or embosser for such period as he or she deems fit or cancel the registration, in the prescribed manner.

5E. Weighbridge facility to be registered

No person, authority or body shall operate a weighbridge facility unless, such person, authority or body is registered as a weighbridge facility.

5F. Application for registration as weighbridge facility

Any person, authority or body desiring to operate a weighbridge facility, shall apply in the prescribed manner to the MEC concerned for registration as a weighbridge facility.

5G. Registration of weighbridge facility

On receipt of an application referred to in section 5F the MEC concerned shall, if satisfied that, in relation to the weighbridge facility the prescribed requirements have been met, register such weighbridge facility in the prescribed manner, and give notice of such registration in the *Gazette*.

5H. Suspension or cancellation of registration of weighbridge facility

The MEC concerned may, if a registered weighbridge facility no longer complies with the requirements of this Act, suspend the registration of that weighbridge facility for such period as he or she deems fit or cancel the registration, in the prescribed manner.

5I. Manufacturer of microdots or microdot fitment centre to be registered

No person, an authority or body shall—

- (a) manufacture microdots,
- (b) supply microdots; or
- (c) operate a microdot fitment centre,

unless, such person, authority or body is registered as such.

5J. Application for registration as manufacturer of microdots or microdot fitment centre

(1) Any person, authority or body desiring to manufacture microdots shall apply in the prescribed manner to the Department for registration as such.

(2) Any person, authority or body desiring to operate a microdot fitment centre shall apply in the prescribed manner to the MEC concerned for registration as such.

5K. Registration of manufacturer of microdots or microdot fitment centre

On receipt of an application referred to in section 5J the Department or MEC concerned shall, if satisfied that, in relation to the —

(a) manufacturer of microdots; or

(b) microdot fitment centre,

the prescribed requirements have been met, register such manufacturer of microdots or microdot fitment centre in the prescribed manner.

5L. Suspension or cancellation of registration of manufacturer of microdots or microdot fitment centre

The Department or MEC concerned may, if a registered manufacturer of microdots or microdot fitment centre no longer complies with the requirements of this Act, suspend the registration of that manufacturer of microdots or microdot fitment centre for such period as the Department or MEC concerned deems fit or cancel the registration, in the prescribed manner;"

Amendment of section 7 of Act 93 of 1996

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

(a) by the substitution for the heading of the following heading:

"7. Appointment of inspectorate of manufacturers, builders [and], body builders and importers, manufacturers of number plates, microdots and weighbridge facilities"; and

(b) by the substitution for subsections (1) and (2) of the following subsections:

"(1) The Minister may appoint a person, an authority or a body as an inspectorate of —

(a) manufacturers, builders **[and]** , body builders and importers,

(b) manufacturers of number plates;

(c) microdots; or

(d) weighbridge facilities.

(2) The powers and duties of the inspectorates contemplated in subsection (1) in relation to the registration and inspection of

=

(a) manufacturers, builders [and], body builders and importers,

(b) manufacturers of number plates;

(c) microdots; and

(c) weighbridge facilities,

shall be as prescribed."

Substitution of section 8 of Act 93 of 1996, as substituted by section 6 of Act 21 of 1999

11. The following section is hereby substituted for section 8 of the principal Act:

"8. Driving licence testing centre to be registered

A provincial department responsible for transport or a municipality shall not operate a driving licence testing centre unless such testing centre is registered and graded in terms of this Act."

Amendment of section 8A of Act 93 of 1996, as inserted by section 6 of Act 21 of 1999 and amended by section 5 of Act 64 of 2008

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

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

"(1) **[Any department of State or registering authority]** Any provincial department responsible for transport 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 approval and the registration of such testing centre.";

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

"(3) **[No department of State]** A provincial department responsible for transport or a registering authority shall not operate a driving licence testing centre unless such testing centre is registered and graded in accordance with this Act."; and

(c) by the addition of the following subsection:

"(4) A driving licence testing centre may, on the prescribed conditions apply to the inspectorate of driving licence testing centre to be registered and graded to operate a mobile facility that may test applicants for learner's licences.—

(a) in case of a provincial department, within the province concerned; or

(b) in case of a registering authority, within the area of the registering authority concerned."

Substitution of section 9 of Act 93 of 1996, as substituted by section 7 of Act 21 of 1999

13. The following section is hereby substituted for section 9 of the principal Act:

"9. Registration and grading of driving licence testing centres

On receipt of an application referred to in section 8A₁ the inspectorate of driving licence testing centres shall, 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 and grading in the *Gazette*."

Amendment of section 11 of Act 93 of 1996, as substituted by section 9 of Act 21 of 1999 and amended by section 6 of Act 64 of 2008

14. Section 11 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

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

Insertion of section 11A in Act 93 of 1996

15. The following heading and section are hereby inserted in the principal Act after section 11:

"11A. Provincial inspectorates

"(1) An MEC shall appoint a person or body of persons as provincial inspectorates to conduct inspections and evaluation to ensure compliance with this Act.

(2) The Minister shall, in consultation with the relevant MEC, prescribe the powers and duties of the provincial inspectorate."

Amendment of section 13 of Act 93 of 1996

16. Section 13 of the principal Act is hereby amended by-

(a) the substitution for the heading of section 13 of the following heading:

"13. Licence to drive, learner's licence, provisional driving licence or driving licence";

(b) the substitution for section 13 of the following section:

A licence authorising the driving of a motor vehicle shall be issued by a driving licence testing centre in accordance with this Chapter and shall be—

- (a) a [provisional] licence, to be known as a learner's licence;
- (b) a licence, to be known as a provisional driving licence, or
- (c) 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 section 14 of Act 93 of 1996

17. Section 14 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

"(a) the category of a learner's licence, provisional driving licence or driving licence;"

Amendment of section 15 of Act 93 of 1996, as amended by section 10 of Act 21 of 1999

18. Section 15 of the principal Act is hereby amended—

- (a) the substitution for subparagraph (vii) of paragraph (f) of subsection (1) of the following subparagraph:

"(vii) any other disease which is likely to render him or her incapable of effectively driving and controlling a motor vehicle of the class to which such licence relates without endangering the safety of the public: Provided that deafness shall not of itself be deemed to be such a defect;"

(b) by the insertion after subparagraph (vii) of paragraph (f) of the following subparagraph:

“(viii) physical defect which is likely to render him or her incapable of effectively driving and controlling a motor vehicle of the class to which such licence relates without endangering the safety of the public;”

(c) the substitution for paragraph (g) of subsection (1) of the following paragraph

“(g) if he or she is addicted to the use of any drug having a narcotic effect or the excessive use of intoxicating liquor and is certified as such by a medical practitioner; or;”;

(d) by the substitution for subsection (2) of the following subsection:

“(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), (d), (f)(vi) or (f)(viii), respectively: Provided that in the case of any cancellation such declaration shall be subject to section 25(9).”;

(e) by the insertion after subsection (2) of the following subsection:

“(3) The chief executive officer shall if satisfied that the holder of the licence is competent to drive the class of motor vehicle concerned with the aid of glasses, an artificial limb or any other physical aid, issue or authorise the issuing of a new licence in the prescribed manner reflecting the conditions under which it is issued.”;

Addition of section 15A of Act 93 of 1996

19. The following section is hereby added in the principal Act after section 15:

**"15A. Disclosure of disqualification in respect of licence
authorising driving of motor vehicle**

"A person who is the holder of a driving licence who desires to—

(a) surrender such licence; or

(b) 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 16 of Act 93 of 1996, as amended by section 11 of
Act 21 of 1999**

20. Section 16 of the principal Act is hereby amended—

- (a) by the substitution in subsection (2) for the words following paragraph
(b) of the following words:

"shall, within a period of 21 days after having so become aware
of the disqualification, submit the licence or, in the case where it
is contained in an identity document as contemplated in section
18(6), that document to the chief executive officer."

- (b) by 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."

**Amendment of section 17 of Act 93 of 1996, as amended by section 7 of
Act 64 of 2008**

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

- (a) by the substitution for subsections (1) and (2) of the following subsections, respectively:

"(1) Subject to section 24, a person desiring to obtain a learner's licence shall **[in person]** apply therefor in the prescribed manner to an appropriately registered and graded driving licence testing centre.

(2) Upon receipt of **[an]** the application contemplated in **[terms of]** subsection(1), the driving licence testing centre **[concerned shall, if it is satisfied from the information furnished 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 evaluated in the manner and in respect of the matters prescribed]** shall deal with the application in the prescribed manner."; and

- (b) by the substitution for subsections (4), (5) and (6) of the following subsections, respectively:

"(4) (a) A person shall not wilfully or negligently—

(i) issue a learner's licence;

(ii) authorise the issue of a learner's licence;

(iii) endorse or fail to endorse a learner's licence

; or

(iv) produce, print or manufacture any document similar to a learner's licence,

contrary to the provisions of this Chapter.

(b) A person shall not make use of any unauthorised aid during a test for a learner's licence or be in possession of an aid that may assist a person in answering a test for 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 disqualified, as may be prescribed, from

reapplying for a learner's licence for a period not exceeding 24 months, from the date of disqualification.

(6) If a person has been found to have contravened subsection (4)(b), and it is established that such person has obtained a learner's licence during the investigation process in respect of the said contravention, such licence shall be invalid."

Amendment of section 18 of Act 93 of 1996, as amended by section 12 of Act 21 of 1999, section 1 of Act 20 of 2003 and section 8 of Act 64 of 2008

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

(a) by the substitution for subsections (1) and (2) of the following subsections, respectively:

"(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 registered and graded driving licence testing centre for a licence to drive a motor vehicle of a class of which is authorised by his or her learner's licence.

(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 and in respect of the matters as prescribed, and for such purpose the applicant shall supply a motor vehicle of the class to which his or her application relates: Provided that in a case where the driving licence testing centre can provide an appropriate motor vehicle, such motor vehicle may be used for the test."

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

"If an examiner for driving licences has satisfied himself or herself in terms of subsection (3) that an applicant for a driving licence is competent, to drive a motor vehicle of the class to which such applicant's application relates, the examiner shall issue, or authorise a **[person]** NaTIS officer employed by the driving licence testing centre concerned to issue, a driving licence in the prescribed manner to such applicant in respect of that class of motor vehicle, and the examiner or the **[said authorised person]** NaTIS officer shall—";

- (c) by the substitution for subsections (5A) and (5B) of the following subsections, respectively:

"(5A) (a) A person shall not make use of an unauthorised aid during a driving licence test.

(b) 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 disqualified, as may be prescribed, from reapplying for a driving licence for a period not exceeding 24 months, from the date of disqualification.

(5B) If a person has been found to have contravened subsection (5A), and it is established that such person has obtained a driving licence during the investigation process in respect of the said contravention, such licence shall be invalid."; and

- (d) by the substitution for subsections (6) and (7) of the following subsections, respectively:

"(6) (a) **[A]** Subject to paragraph (b), a driving licence which has officially been included in an identity document shall **[be deemed to be a driving licence issued under this Act, until a date fixed by the Minister by notice in the Gazette]** not be accepted as proof of a driving licence.

- (b) **[In respect of any notice issued in terms of paragraph (a), in the case of any]**
Notwithstanding paragraph (a), any person [who was unable to apply for such a driving licence] 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 this 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 or partner who accompanied such a person;
 - (iii) **[on a contract of employment]** employed outside the borders of the Republic or being a spouse or partner who accompanied such a person; or
 - (iv) a full-time student at a foreign academic institution[; or]
 - [(v) a spouse or a partner of a person referred to in subparagraphs (ii) and (iii)],**
- [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 upon his or her return to the Republic as the case may be, be **[deemed to be a date]** allowed to exchange such licence within six months after the date of such discharge from such facility, release from such institution or return to the Republic.

(6A) A driving licence as contemplated in subsection (6)(a), which was valid before 1 May 2003, shall, subject to subsection (6)(b) no longer be deemed to be a valid driving licence."

Amendment of section 19 of Act 93 of 1996, as amended by section 13 of Act 21 of 1999 and section 2 of Act 20 of 2003.

23. Section 19 of the principal Act is hereby amended —

(a) by the insertion of subsection (2A) after subsection (2) of the following subsection:

"(2A) Upon receipt of an application under subsection (1), the examiner for driving licences, if he or she is satisfied that the existing licence is a valid driving licence and that the applicant is the holder thereof, shall, subject to section 25, issue or authorise the issue of a driving licence on the prescribed form and in the prescribed manner in respect of the class of motor vehicle to which the existing licence relates."

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

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

Amendment of section 20 of Act 93 of 1996, as amended by section 9 of Act 64 of 2008

24. Section 20 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

"(1A) The provisions of subsection (1) shall not be applicable on a date fixed by the Minister by notice in the *Gazette*."

Amendment of section 23 of Act 93 of 1996

25. Section 23 of the principal Act is hereby amended—

- (a) by the substitution for subsections (1) and (2) of the following subsections:

"(1) Subject to section 15, subsection (2) of this section and the prescribed conditions—

- (a) a licence authorising the driving of a motor vehicle and which was issued in a country that is a contracting state to the Convention together with an international driving permit, where applicable;
- (b) a licence issued in the prescribed territory; and
- (c) a licence with or without an international driving permit which was issued while the holder thereof was not permanently or ordinarily resident in the Republic,

shall, in respect of the class of motor vehicle to which that licence relates and subject to the conditions thereof, be deemed to be a licence for the purposes of this Chapter.

(2) (a) The period in respect of which a licence referred to in subsection (1) shall be deemed to be a licence for the purposes of this Chapter, shall be as prescribed.

(b) The holder of a licence referred to in subsection (1) may, subject to the prescribed conditions, apply for a driving licence issued in terms of this Act to take the place of such licence."

Amendment of section 25 of Act 93 of 1996, as amended by section 15 of Act 21 of 1999

26. Section 25 of the principal Act is hereby amended—

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

"(1) If the holder—

- (a) of a learner's 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 [it] 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 an affirmation or affidavit in respect of the circumstances relating to such source of danger is submitted to the chief executive officer, 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]** for which he or she has a licence, the chief executive officer shall forthwith cancel the licence concerned.";
- (c) by the substitution for subsection (10) of the following subsection:

"(10) Where any circumstance arises in relation to the holder of a licence authorising the driving of a motor vehicle and which is issued in a prescribed territory or a **[foreign state]** country that is a contracting state to the Convention, 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 may, in writing, 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 as prescribed."

Amendment of section 27 of Act 93 of 1996, as amended by section 16 of Act 21 of 1999 and section 11 of Act 64 of 2008

27. Section 27 of the principal Act is hereby amended—

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

"(b) on which an endorsement made in terms of section 18 (4)(b) or a similar endorsement by a competent authority in a prescribed territory has been effected,".

Amendment of section 28 of Act 93 of 1996, as amended by section 17 of Act 21 of 1999

28. Section 28 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading:

"28. Instructor to be registered and graded"; and

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

"(2) A [No] person shall not 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."

Amendment of section 28B of Act 93 of 1996, as inserted by section 17 of Act 21 of 1999

29. Section 28B of the principal Act is hereby amended:

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

"(b) has not been convicted of an offence listed in Schedule 1 or 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);"; and

(b) by the addition of the following paragraph after paragraph (c):

“(d) is employed by a registered and graded driving school.”.

(c) by the addition of the following subsections:

“(4) Any person desiring to be registered as an instructor shall apply in the prescribed manner at a driving licence testing centre to the chief executive officer, in respect of one or more of the classes of motor vehicles for which a learner’s, provisional driving licence or driving licence can be obtained.

“(5) Upon receipt of an application for registration as contemplated in subsection (4), the driving licence testing centre shall deal with the application as prescribed.”.

Insertion of sections 28D, 28E, 28F, 28G and 28H in Act 93 of 1996

30. The following sections are hereby inserted in the principal Act after section 28C:

“28D Driving School to be registered”

A person shall not operate a driving school unless such driving school is registered and graded.

“28E. Application for registration of driving school

“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 and grading of such driving school.

28F. Registration and grading of driving school

On receipt of the application referred to in section 28D and on the recommendation of the inspectorate of driving schools, the MEC shall, if satisfied that the driving school concerned has met the

prescribed requirements for registration, register and grade such driving school in the prescribed manner, and give notice of such registration and grading in the *Gazette*.

28G. Suspension or cancellation of registration of driving school

The MEC may, in the event that a registered and graded driving school no longer complies with the requirements and conditions for registration, after due process, suspend or cancel the registration of such driving school or regrade the driving school in the prescribed manner.

28H. Appointment of inspectorate of driving schools

(1) The Minister shall appoint a person, an authority or a body as an inspectorate of driving schools.

(2) The powers and duties of the inspectorate of driving schools, in relation to the inspection and control of standards, grading and operation of driving schools shall be as prescribed.

(3) The Minister may, in order to defray expenditure incurred by or on behalf of that inspectorate for the purposes of performance of its functions, prescribe the fees to be paid in respect of inspections carried out in terms of this Act."

Substitution of section 29 of Act 93 of 1996 as substituted by section 18 of Act 21 of 1999

31. Section 29 of the principal Act is hereby amended—

- (a) by the substitution for the heading of the following heading:
"29. Voidness of licences issued contrary to this Chapter";
- (b) by the substitution for the section of the following section:

(1) A learner's licence, provisional driving licence or driving licence or any document purporting to be a learner's licence, provisional driving licence or driving licence issued contrary to this Chapter, shall after an investigation has been conducted and upon recommendation of the inspectorate of driving licence testing centres or the provincial inspectorate as prescribed, the MEC concerned may —

- (a) declare such learner's licence, provisional driving licence or driving licence void;
- (b) request, the holder of such learner's licence, provisional driving licence or driving licence shall forthwith submit such document to the provincial inspectorate or inspectorate of driving licence testing centres who shall destroy the document; or
- (c) declare such learner's licence, provisional driving licence or driving licence to be a valid licence from the date of issue of such document."

Amendment of section 30 of Act 93 of 1996

32. Section 30 of the principal Act is hereby amended—

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

"30. Use of somebody's learner's licence, provisional driving licence or driving licence by another person prohibited"; and

- (b) by the addition of the following subsection, the existing section becoming subsection (1):

"(2) A [No] person shall not use any other person's learner's licence, provisional driving licence or driving licence and present such licence as his or her own."

Substitution of section 31 of Act 93 of 1996

33. The following section is hereby substituted for section 31 of the principal Act:

"31. Unlicensed driver not to be employed or permitted to drive motor vehicle

A-[No] person who is the owner or operator, or is in charge, or control, of a motor vehicle shall not 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 as amended by section 5 of Act 8 of 1998

34. Section 32 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A [No] person shall not 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."

Amendment of section 33 of Act 93 of 1996

35. Section 33 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(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 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."

Amendment of section 34 of Act 93 of 1996

36. Section 34 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsections, respectively:

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

Amendment of section 51A of Act 93 of 1996, as amended by section 26 of Act 21 of 1999

37. Section 51A of the principal Act is hereby amended by—

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

"(1) Any person, department of State, registering authority [or], manufacturer, builder, body builder or importer who or which is aggrieved—";

(b) by the deletion in subsection (1)(c) of the word "or" at the end of subparagraph (c);

(c) by the insertion in subsection (1)(d) of the word "or" at the end of subparagraph (d);

- (d) the addition of paragraph (e) after paragraph (d) of subsection (1) of the following paragraph:

“(e) at the refusal of the chief executive officer to issue an exemption permit in terms of section 81(2),”;

Insertion of section 53A in Act 93 of 1996

38. The following heading and section are hereby inserted in the principal Act after section 53:

“53A. Delegation by MEC

(1)The MEC of the province concerned may, subject to such conditions as he or she may deem necessary delegate to any person any power conferred upon him or her in terms of this Act.

(2)Any delegation or authorisation under subsection (1) shall not prevent the MEC from exercising that power or carrying out that duty himself or herself.”.

Amendment of section 57 of Act 93 of 1996, as amended by section 29 of Act 21 of 1999

39. Section 57 of the principal Act is hereby amended by the substitution for subsections (7) and (8) of the following subsections, respectively:

“(7) The Passenger Rail Agency of South Africa, Transnet Limited, or a person in its employment, who has either generally or specifically been authorised thereto, may in respect of any railway level crossing on any public road for which the Passenger Rail Agency of South Africa or Transnet Limited is responsible, cause or permit to be displayed, in the prescribed manner, any such road traffic signs as the Passenger Rail Agency of South Africa or Transnet Limited or such person may deem expedient.

(8) Notwithstanding the provisions of subsections (3) and (7), the MEC concerned may direct that any road traffic sign be displayed or removed by a local authority on or along any public road in the area of jurisdiction of such local authority, or by Transnet Limited or the Passenger Rail Agency of South Africa on or along any railway level crossing over a public road for which Transnet Limited or the Passenger Rail Agency of South Africa is responsible, and if the local authority concerned **[or]** Transnet Limited or the Passenger Rail Agency of South Africa fails to comply with the direction, that MEC or any person authorised thereto by him or her may cause such sign to be displayed or removed, as the case may be, and the MEC shall recover the cost of such display or removal from the local authority concerned or from Transnet Limited or the Passenger Rail Agency of South Africa, as the case may be."

Amendment of section 58 of Act 93 of 1996, as amended by section 15 of Act 64 of 2008

40. Section 58 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

"(3) The driver of **[a fire-fighting vehicle, a fire-fighting response vehicle, a rescue vehicle, an emergency medical response vehicle or an ambulance]** an emergency vehicle who drives such vehicle in the performance of his or her duties, a traffic officer or a person appointed in terms of the South African Police Service Act, 1995 (Act No.68 of 1995), who drives a vehicle in the carrying out of his or her duties or any person **[issued with the necessary authorisation and]** driving a vehicle while responding to a disaster as contemplated in the Disaster Management Act, 2002 (Act No. 57 of 2002), may disregard the directions of a road traffic sign which is displayed in the prescribed manner: Provided that—

- (a) he or she shall drive the vehicle concerned with due regard to the safety of other traffic; **[and]**

- (b) in the case of any such **[fire-fighting vehicle, fire-fighting response vehicle, a rescue vehicle, emergency medical response vehicle, ambulance]** emergency vehicle or any vehicle driven by a person **[issued with the necessary authorisation]** while such person is responding to a disaster as contemplated in the Disaster Management Act, 2002 (Act No. 57 of 2002), such vehicle shall be fitted with a device capable of emitting a prescribed sound and with a prescribed identification lamp and such device shall be so sounded and such lamp shall be in operation while the vehicle is driven in disregard of the road traffic sign~~[.]~~; and
- (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."

Substitution of section 60 of Act 93 of 1996, as amended by section 16 of Act 64 of 2008

41. The following section is hereby substituted for section 60 of the principal Act:

"60. Certain driver may exceed general speed limit

Notwithstanding the provisions of section 59, the driver of a **[fire-fighting vehicle, fire-fighting response vehicle, a rescue vehicle, emergency medical response vehicle or an ambulance]** an emergency vehicle who drives such vehicle in the carrying out of his or her duties, a traffic officer or a person appointed in terms of the South African Police Service Act, 1995 (Act No. 68 of 1995), who drives a vehicle in the carrying out of his or her duties or any person **[issued**

with the necessary authorisation and] driving a vehicle while responding to a disaster as contemplated in the Disaster Management Act, 2002 (Act No 57 of 2002), may exceed the applicable general speed limit: Provided that—

- (a) he or she shall drive the vehicle concerned with due regard to the safety of other traffic; and
- (b) in the case of **[any such fire-fighting vehicle, fire-fighting response vehicle, rescue vehicle, emergency medical response vehicle, ambulance]** an emergency vehicle or any vehicle driven by a person [issued with the necessary authorisation] while such person is responding to a disaster as contemplated in the Disaster Management Act, 2002 (Act No 57 of 2002), such vehicle shall be fitted with a device capable of emitting a prescribed sound and with a prescribed identification lamp and such device shall be so sounded and such lamp shall be in operation while the vehicle is driven in excess of the applicable general speed limit."

Insertion of section 62A in Act 93 of 1996

42. The following heading and section are hereby inserted in the principal Act after section 62:

"62A. Response to road incident

In the event of a road incident, the emergency services shall immediately respond to the incident and render all the necessary services as prescribed."

Amendment of section 65 of the Act 93 of 1996

43. Section 65 of the principal Act is hereby amended—

(a) by the substitution for the heading of the following heading:

“65. Driving a motor vehicle while under the influence of intoxicating liquor or drug having narcotic effect prohibited [, or with excessive amount of alcohol in blood or breath]”;

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

“(2) No person shall on a public road—

(a) drive a vehicle; or

(b) occupy the driver's seat of a motor vehicle the engine of which is running,

while [the] there is concentration of alcohol in any specimen of blood taken from any part of his or her body. **[is not less than 0,05 gram per 100 millilitres, or in a case of a professional driver referred to in section 32, not less than 0,02 gram per 100 millilitres].**

(3) If, in any prosecution for an alleged contravention of a provision of subsection (2), it is proved that **[the] there was** concentration of alcohol in any specimen of blood taken from any part of the body of the person concerned **[was not less than 0,05 gram]** per 100 millilitres at any time within two hours after the alleged contravention, it shall be presumed, in the absence of evidence to the contrary, that there was such concentration of alcohol in contravention of subsection (2) above.”; **[was not less than 0,05 gram per 100 millilitres at the time of the alleged contravention, or in the case of a professional driver referred to in section 32, not less than 0,02 gram per 100 millilitres, it shall be presumed, in the absence of evidence to the contrary, that such concentration was not less than [0,02] gram per 100 millilitres at the time of the alleged contravention.]** and

- (b) by the substitution for subsections (5) and (6) of the following subsections, respectively:

"(5) No person shall on a public road—

(a) drive a vehicle; or

(b) occupy the driver's seat of a motor vehicle the engine of which is running,

while **[the] there is** concentration of alcohol in any specimen of breath exhaled by such person.**[is not less than 0,24 milligrams per 1000 millilitres, or in the case of a professional driver referred to in section 32, not less than 0,10 milligrams per 1000 millilitres.]**

(6) If, in any prosecution for a contravention of the provision of subsection (5), it is proved that **[the] there is** concentration of alcohol in any specimen of breath of the person concerned **[was not less than 0,24 milligrams per 1000 millilitres of breath]** taken at any time within two hours after the alleged contravention, it shall be presumed, in the absence of evidence to the contrary, that there was such concentration of alcohol in contravention of subsection 5 above."**[was not less than 0,24 milligrams per 1000 millilitres at the time of the alleged contravention, or in the case of a professional driver referred to in section 32, not less than 0,10 milligrams per 1000 millilitres at the time of the alleged contravention.]**

Amendment of section 75 of Act 93 of 1996 as amended by section 13 of Act 8 of 1998, section 31 of Act 21 of 1999 and section 20 of Act 64 of 2008

44. Section 75 of the principal Act is hereby amended—

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

"(1) The Minister may **[after a decision has been taken in the Shareholders Committee]** make regulations not inconsistent with this Act, in respect of any matter contemplated, required or permitted to be prescribed in terms of this Act and generally regarding the operation of any vehicle on a public road, the construction and equipment of such

vehicle and the conditions on which it may be operated, and in any other respect for the better carrying out of the provisions or the achievement of the objects of this Act, and in particular, but without derogating from the generality of this subsection, regarding—;”.

(b) by the substitution for subsection (6) of the following subsection:

“(6) Before the Minister makes any regulation, the Minister must cause a draft of the proposed regulations to be published in the Gazette together with a notice calling upon all interested persons to lodge in writing, and within a period specified in the notice, but not less than 30 days as from the date of publication of the said notice, any objections or representations which they would like to raise or make, with the Director-General for submission to the Minister: Provided that, if the Minister thereafter decides to alter the draft regulation as a result of any objections or representations submitted thereafter, it shall not be necessary to publish such alterations before making the regulations.”.

Substitution of section 76 of Act 93 of 1996 as substituted by section 21 of Act 64 of 2008

45. The following section is hereby substituted for section 76 of the principal Act:

"76. Incorporation of standards, ECE regulations or model regulations by reference

(1) The Minister may by notice in the *Gazette* incorporate in the regulations any standard or model regulations without stating the text thereof, by mere reference to the number, title and year of issue of that standard or model regulations or to any particulars by which that standard or model regulations is sufficiently identified.

(2) Any standard, ECE regulations or model regulations incorporated in the regulations under subsection (1) shall for the

purposes of this Act, in so far as it is not inconsistent with it, be deemed to be a regulation.

(3) A notice under subsection (1) shall come into operation on a date specified in the notice, but not before the expiry of 30 days after the date of publication of the notice.

(4) If any standard, ECE regulations or model regulations is at any time after the incorporation thereof in the regulations amended or replaced, the notice incorporating that standard, ECE regulations or model regulations in the regulations shall, unless otherwise stated therein, be deemed to refer to that standard, ECE regulations or model regulations as so amended or replaced, as the case may be;”;

Substitution of section 80 of Act 93 of 1996

46. The following section is hereby substituted for section 80 of the principal Act:

"80. Parking for [disabled] persons with disabilities

Any person with a disability 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 [, **but only to the extent to which that disabled person is exempted from the laws applicable in the area of jurisdiction of the local authority concerned**].”.

Substitution of section 81 of Act 93 of 1996 as substituted by section 23 of Act 64 of 2008

47. The following section is hereby substituted for section 81 of the principal Act:

"81. Exemption of vehicle and load from provisions of Act

- (1) A person or body of persons desiring to —
- (a) manufacture or import a vehicle which, due to such vehicle's original design, cannot comply with the provisions of this Act; or
 - (b) operate on a public road a vehicle which, due to such vehicle's original design, cannot comply with the provisions of this Act.
- may apply to the Minister in the prescribed manner.

- (2) The Minister may if satisfied that the application is in order grant the exemption in the prescribed manner.

- (3) A person or body of persons desiring to obtain an exemption to—
- (a) operate in a safe manner on a public road, a registered vehicle;
 - (b) convey in a safe manner on a public road, passengers or any load;
 - (c) operate on a public road of a combination of motor vehicles; or
 - (d) test a vehicle which is not intended for registration in the Republic by a manufacturer, builder and importer,
- which do not comply with the provisions this Act shall apply in the prescribed manner to the MEC of the province concerned;”;

- (4) The MEC of the province concerned may if satisfied that the application as contemplated in subsection 3 is in order grant the exemption in the prescribed manner.”.

Substitution of section 85 of Act 93 of 1996

48. The following section is hereby substituted for section 85 of the principal Act:

"85. Issue of document as proof of driving licence in special circumstances

(1) An application for the issue of a document as proof of a driving licence shall be made to the Minister or the MEC and such application shall be accompanied by the full names, identity number of the applicant and the appropriate fees, if any.

(2) If the Minister or the MEC is satisfied that the application in terms of subsection (1) is in order, the Minister or the MEC, as the case may be, shall issue such document as prescribed."

Insertion of section 88A in Act 93 of 1996

49. The following heading and section are hereby inserted in the principal Act after section 88:

"88A. Exemption from the provisions of this Act

The Minister may, exempt any person or body of persons from complying with any provision of this Act, subject to such conditions as the Minister may determine."

Amendment of section 93A of the principal Act as inserted by section 27 of Act 64 of 2008

50. Section 93A of the principal Act is hereby amended by the substitution for paragraphs (a), (b) and (c) of the following paragraphs, respectively:

"(a) sections 3A to 3E, 5, 6, 8A, 9, 10, 15, 16, 21, 25, 27, 28A to 28C, 29, 38, 39, 40, 45, 46, 50, 51A and 51B, any reference to the "chief executive officer" or the "inspectorate of driving licence testing

centres" or "the inspectorate of testing stations" shall be regarded to be a reference to the "MEC concerned";

- (b) section 3[(1) and (2)], any reference to the "Shareholders Committee shall, in consultation with the relevant MEC" shall be regarded to be a reference to the "MEC concerned" and any reference to the "Shareholders Committee" or the "chief executive officer" shall be regarded to be a reference to the "MEC concerned";

Short title and commencement

51. This Act is called the National Road Traffic Amendment Act, 2014, and comes into operation on a date fixed by the President by proclamation in the *Gazette*.

MEMORANDUM ON THE OBJECTS OF THE NATIONAL ROAD TRAFFIC AMENDMENT BILL, 2013

1. BACKGROUND

The National Road Traffic Amendment Bill (Bill) was drafted to give effect, in the short- term, to some of the principal strategies contained in the National Road Safety Strategy, 2006 (Road Safety Strategy). The Road Safety Strategy, among other things, contains the Millennium Development Goals set out by Ministers of Transport in Africa, for the purposes of reducing road crashes and improve traffic law enforcement, among other things, and improve on existing mechanisms and creating more measures to ensure road traffic safety. The Bill seeks to achieve proper implementation of the strategic interventions highlighted in the Road Safety Strategy and address practical challenges.

2. OBJECTS OF THE BILL

The Bill seeks to amend the National Road Traffic Act, 1996 (Act No. 93 of 1996) (the Act). The main objectives of the Bill, among things are to—

- provide for the registration and licensing of motor vehicles, manufacturers, builders, body builders, importers and manufacturers of number plates, reflective sheeting etc;
- empower the MEC to register an applicant as a manufacturer, body builder, builder, importer and manufacturer of number plates, reflective sheeting etc;
- regulate the registration and grading of applicants as driving school instructors and direct how the application and registration of driving school instructors, in order to regulate the driving school industry and to prohibit the operation of unregistered and ungraded driving schools and utilisation of ungraded driving school instructors;
- ensure misconduct and criminal processes are more efficient and effective and properly enforced and implemented;
- empower the MEC to declare as void, all documents purporting to be driving licences;

- empower the Minister to appoint a person, authority or a body as an inspectorate of driving licence testing centre, manufacturers, builders, body builders, importers, microdot manufacturers and weighbridge facilities; and
- ensure the compulsory registration and grading of driving schools, and the suspension and cancellation of their registration by the MEC.

3. DISCUSSION

3.1 Clause 1

Clause 1 of the Bill amends existing definitions and inserts certain new definitions.

3.2 Clauses 2 and 3

Clauses 2 and 3 of the Bill amend sections 3A and 3B of the Act, respectively, to include NaTIS officers and traffic wardens to be appointed and registered by the CEO.

3.3 Clause 4

Clause 4 of the Bill amends section 3C of the Act by providing that no person shall be registered or remain registered as an examiner of vehicles, traffic officer, traffic warden and NaTIS officer, if such person has or acquires a direct or indirect financial interest in the manufacturing, selling, rebuilding, repairing or modifying of motor vehicles.

3.4 Clause 5

Clause 5 of the Bill amends section 3D of the Act to provide for minimum requirements and qualifications for the registration of inspector of licences, examiner of vehicles, examiner for driving licences, traffic officer or traffic warden.

3.5 Clause 6

Clause 6 of the Bill amends section 3E of the Act by providing for the suspension or cancellation of the registration of an examiner for driving

licences or an examiner of vehicles, if such person was convicted for a crime as contemplated in Schedule 1 or 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or if such person has direct or indirect financial interest in transport services business or motor vehicle business.

3.6 Clause 7

Clause 7 of the Bill amends section 3L of the Act providing for the registration of a training centre

3.7 Clause 8

Clause 8 of the Bill amends section 5 of the Act and provides that manufacturers, builders, body builders and importers shall not manufacture, build, modify, import, sell or distribute motor vehicles unless registered in the prescribed manner by the CEO.

3.8 Clause 9

Clause 9 of the Bill inserts section 5A to 5L providing for the manufacturers of blank number plates, manufacturers of reflective sheeting for number plates, suppliers of blank number plates and embossers or sellers of number plates, it further provides for the application and registration, suspension or cancellation of the registration of manufacturers of blank number plates, manufacturers of reflective sheeting for number plates, suppliers of blank number plates and embossers or sellers of number plates.

Further providing for the registration of weighbridge facilities, manufacturers of microdots, suppliers of microdots and microdot fitment centres.

3.9 Clause 10

Clause 10 of the Bill amends section 7 of the Act thereby effecting technical amendments by providing for the inspectorates of body builders, importers, manufacturers of number plates, microdots and weighbridge facilities.

3.10 **Clause 11**

Clause 11 of the Bill amends section 8 of the Act by providing that a provincial department responsible for transport or municipality shall not operate a driving licence testing centre unless such testing centre is registered and graded.

3.11 **Clause 12**

Clause 12 of the Bill amends section 8A of the Act by providing that a driving licence testing centre may apply for registration for the operation of a mobile facility for the purpose of testing applicants for learner's licences.

3.12 **Clause 13**

Clause 13 of the Bill amends section 9 of the Bill to include grading of driving licence testing centres.

3.13 **Clause 14**

Clause 14 of the Bill amends section 11 of the Act to remove the involvement of the Shareholders Committee in the appointment of an inspectorate of driving licence testing centres.

3.14 **Clause 15**

Clause 15 of the Bill inserts a new section 11A in the Act to provide for the appointment of, and the powers and duties of provincial inspectorates.

3.15 **Clause 16**

Clause 16 of the Bill amends section 13 of the principal Act by providing for the provisional driving licence and prohibiting the examination and testing of any person for the purposes of issuing to him or her of a driving licence unless he or she is the holder of a learners licence.

3.16 Clause 17

Clause 17 of the Bill amends section 14 of the principal Act by inclusion of the provisional driving licence in paragraph (a).

3.17 Clause 18

Clause 18 of the Bill amends section 15 of the principal Act by streamlining and augmenting the process of disqualification from obtaining or holding a learner's or driving licence.

3.18 Clause 19

Clause 19 of the Bill amends the principal Act by adding section 15A providing for the disclosure of a disqualification in respect of a licence authorising the driving of a motor vehicle.

3.19 Clause 20

Clause 20 of the Bill amends section 16 of the principal Act providing for the cancellation of the licence submitted in terms of subsection 2 where the holder has become aware of the disqualification or where it has been included in an identity document.

3.20 Clause 21

Clause 21 of the Bill amends 17 of the principal Act by augmenting the process of issuing of a driving licences and prohibiting the use of any unauthorised aid during a test for a learners licence or be in possession of an aid that may assist a person in answering a test for a learner's licence

3.21 Clause 22 and 23

Clause 22 and 23 amends section 18 and 19 of the principal Act by providing for the process of application for a driving licence and the testing of such an applicant for a driving licence and the issuance of a driving licence to an applicant.

3.22 **Clause 24**

Clause 24 of the Bill amends section 20 of the Act by providing that a driving licence issued in terms of subsection (1) shall be deemed to be a driving licence issued under this Act until a date fixed by the Minister by notice in the *Gazette*.

3.23 **Clause 25**

Clause 25 of the Bill amends section 23 of the principal Act and provides for circumstances under which a driving licence authorising the driving of a motor vehicle which was issued in any other country that is a contracting state to the Conventions and an international driving permit which was issued while the holder thereof was not permanently or ordinarily resident in the Republic shall be deemed to be a driving licence.

3.24 **Clause 26**

Clause 26 of the Bill amends section 25 of the principal Act by providing that if the holder of a learner's or driving licence issued in terms of Chapter 4 of the Act, a repealed ordinance or any prior law, is disqualified holding such licence, the CEO shall cancel such licence or if the holder of the licence constitutes a source of danger to the public by driving a motor vehicle on a public road, and an affirmation or affidavit in respect of the circumstances relating to such source of danger is submitted to the CEO, the CEO may cancel or suspend such licence.

3.25 **Clause 27**

Clause 27 of the Bill amends section 27 of the Bill by providing for the cancellation or amendment of endorsement of a licence.

3.26 Clause 28

Clause 28 of the Bill amends section 28 of the principal Act to include grading in respect of registration of an instructor.

3.27 Clause 29

Clause 29 of the Bill amends section 28B of the principal Act by adding new subsections to provide that any person desiring to be registered as an instructor shall apply at a driving licence testing centre to the CEO in respect of one or more classes of motor vehicles for which a learner's or driving licence can be obtained and in terms of the prescribed conditions.

3.28 Clause 30

Clause 30 of the Bill inserts sections 28D to 28H in the principal Act to provide for the compulsory registration and grading of driving schools, and suspension and cancellation of registration by the MEC.

3.29 Clause 31

Clause 31 of the Bill amends section 29 of the principal Act by providing that a document purporting to be a learner's or a driving licence issued contrary to Chapter 4 of the Act, shall on the request of the inspectorate of driving licence testing centre or provincial inspectorate be declared void by the chief executive officer and upon his or her request, the holder of such document shall forthwith submit such document to the inspectorate of driving licence testing centre who shall destroy the document in the prescribed manner, further providing that the CEO 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.

3.30 **Clause 32**

Clause 32 of the Bill amends section 30 of the principal Act by providing that no person shall use any other person's learner's or driving licence and present such licence as his or her own.

3.31 **Clause 33**

Clause 33 of the Bill amends section 31 of the principal Act by providing that 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 licenced to drive the vehicle and shall take the necessary steps to ensure that such person is licenced before such person drives such vehicle.

3.32 **Clause 34**

Clause 34 of the Bill amends section 32 of the principal Act by providing that a person shall not 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 and unless he or she keeps such permit with him or her in the vehicle. Furthermore, 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.

3.33 **Clause 35**

Clause 35 of the Bill amends section 33 of the principal Act by providing for the event where a 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, in which event he shall produce every licence and permit of which he or she is the holder, or a duplicate thereof issued in terms of this Act to the court at the time of the hearing of the charge.

3.34 Clause 36

Clause 36 of the Bill amends section 34 of the principal Act by providing that where a court has issued an order declaring a convicted person who is not a holder of a licence or permit, to be disqualified from obtaining a licence, the registrar or clerk of the court shall notify the MEC concerned of such order and the MEC shall record such order in the register for driving licences.

3.35 Clause 37

Clause 37 of the principal Act by providing for an appeal process by any person, department of state, registration authority manufacturer, builder, body builder or importer aggrieved at the refusal of the chief executive officer to register him or her in any capacity referred to in section 3C, or as an instructor.

3.36 Clause 38

Clause 38 of the Bill inserts section 53A into the principal Act by providing for the delegation of powers by the MEC of a province concerned.

3.37 Clause 39

Clause 39 of the Bill amends section 57 of the principal Act by providing for the Passenger Rail Agency of South Africa amongst other rail network operators to be able to cause or permit to be displayed in the prescribed manner any such road traffic signs as the Passenger Rail Agency of South Africa or Transnet Limited may deem expedient.

3.38 Clause 40

Clause 40 of the Bill amends section 58 of the principal Act by providing for the authority to disregard road traffic signs, to include a person who drives an emergency vehicle in the carrying out of his or her duties or a person driving a

vehicle while engaged in civil protection in terms of the Disaster Management Act, 2002 (Act No 57 of 2002) to disregard the directions of a road traffic sign which is displayed in the prescribed manner.

3.39 **Clause 41**

Clause 41 of the Bill amends section 60 of the principal Act, to provide that the driver of an emergency vehicle who drives such vehicle in the carrying out of his or her duties or a person driving a vehicle while engaged in civil protection in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002), may not exceed a speed of 20km/h through an intersection.

3.40 **Clause 42**

Clause 42 of the Bill inserts a new section 62A in the Act, and provides that in the event of a road incident, the emergency services shall immediately respond to the incident and render all the necessary services as prescribed.

3.41 **Clause 43**

Clause 43 of the Bill amends section 65 by amending the heading to the section and prohibiting the driving of a motor vehicle on the public road while under the influence of intoxicating liquor or drug having a narcotic effect and while there is a concentration of alcohol in any specimen of blood taken from the body.

3.42 **Clause 44**

Clause 44 of the Bill amends section 75 of the Act by providing for public consultation process that the Minister must follow when making regulations.

3.43 **Clause 45**

Clause 45 of the Bill amends section 76 of the Act by including ECE regulations or model regulations in the provision for the incorporation of standards by reference.

3.44 Clause 46

Clause 46 of the Bill amends section 80 of the Act by providing that 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.

3.45 Clause 47

Clause 47 of the Bill amends section 81 of the Act by providing for the circumstances under which a registered vehicle which does not comply with the provisions of this Act might be authorised to operate on a public road.

3.46 Clause 48

Clause 48 of the Bill amends section 85 of the Act by providing that an application for the issue of a document as a proof of driving licence must be made to the relevant MEC or Minister and such application shall be accompanied by the full names and identity number of such applicant and appropriate fees, if any.

3.47 Clause 49

Clause 49 of the Bill inserts section 88A into the principal Act providing for the exemption of any person by the Minister from comply with any provision of this Act subject to conditions as he/she may determine.

3.48. Clause 50

Clause 50 of the Bill provides for the transitional provisions in section 93A.

3.45 Clause 51

Clause 51 of the Bill provides for the short title and commencement.

4. CONSULTATION

Provincial departments responsible for transport and traffic in the provinces and other stakeholders were consulted. The Bill is being published for public comments as part of on-going and inclusive consultation

5. FINANCIAL IMPLICATIONS

None.

6. PARLIAMENTARY PROCEDURE

6.1 The State Law Advisers and the Department of Transport are of the opinion that this Bill must be dealt with in accordance with the procedure prescribed by section 76(1) or (2) of the Constitution since it falls within a functional area listed in Schedule 4 to the Constitution, namely "road traffic regulation".

6.2 The State Law Advisers are of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No.41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.

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