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# GOVERNMENT NOTICE

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## DEPARTMENT OF TRANSPORT

No. R. 404

4 May 2007

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

I, Jeffrey Thamsanqa Radebe, Minister of Transport, acting in terms of section 75 of the National Road Traffic Act, 1996 (Act No. 93 of 1996) herewith makes the regulations in the Schedule.

  
J.T. Radebe

MINISTER OF TRANSPORT

### SCHEDULE

#### Definition

1. In this Schedule "the Regulations" means the National Road Traffic Regulations published in Government Notice No. R. 225 of 17 March 2000, as amended by Government Notice No's. R. 761 of 31 July 2000, R. 941 of 22 September 2000, R. 726 of 3 August 2001, R. 2116 of 5 October 2001, R. 779 of 4 June 2002, R. 1341 of 25 September 2003, R. 881 of 23 July 2004, R871 of 2 September 2005, R1066 of 23 November 2005, R1318 of 2 December 2005, R1319 of 2 December 2005, R891 of 4 September 2006 and 964 of 29 September 2006.

#### Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is amended—

- (a) by the substitution in item (i) of paragraph (b) in the definition of "**appropriate registering authority**" of the phrase "subject to the provisions of items (ii), (iii), (iv) and (v)", with the phrase "subject to the provisions of items (ii), (iii), (iv), (v), (vi) and (vii)";
- (b) by the substitution for item (ii) of paragraph (b) in the definition of "**appropriate registering authority**" of the following item:
  - "(ii) if the manufacturer or importer of such motor vehicle has been appointed as an agent of a registering authority, such manufacturer or importer, until that manufacturer or importer records on the register of motor vehicles that the motor vehicle concerned is released for sale;"
- (c) by inserting after the definition of '**convoy of motor vehicles**', the following definition:

" '**date of liability for first licensing**' means the date on which liability for the licensing of the motor vehicle concerned arose for the first time whether in the Republic or in any other country. In the absence of such a date, the date on which the motor vehicle concerned was registered for the first time shall be considered to be the date of liability for first licensing.";

- (e) by inserting after the definition of “**motor car**”, the following definition:

“ ‘**motor home**’ means an enclosed motor vehicle which is designed or adapted solely to live in and which is self-propelled.”; and

- (f) by inserting after the definition of ‘**motor vehicle licence**’, the following definitions:

‘**National Traffic Information System**’ means the computerised National Traffic Information System that is used as a register that supports the National Road Traffic Act, 1996 (Act No. 93 of 1996) and Regulations also known as the NaTIS and include but is not limited to the

- register of authorised officers,
- register of motor vehicles,
- register of manufacturers, builders and importers,
- register of motor trade numbers,
- register of temporary and special permits,
- register of external road traffic register users,
- register of instructors,
- register of driving licence testing centres,
- register of driving licences,
- register of driving licence appointments,
- register of professional driving permits,
- register of testing stations,
- register of operators,
- register of contraventions,
- register of accidents and
- register of traffic register numbers.”

- (g) Inserting after the definition of ‘National Traffic Information System’ the following definition:

‘**NaTIS officer**’ means a person who has been registered in terms of regulation 1D;

**Insertion of regulations 1D to 1F into the Regulations:**

3. The Regulations is amended by the insertion of the following regulations after regulation 1C:

**“Manner of application for registration as a NaTIS Officer**

**1D.** (1) An application for registration as a NaTIS Officer shall be made to the chief executive officer.

- (2) An application, referred to in subregulation (1) shall be accompanied by-

- (a) the acceptable identification of the applicant;
- (b) the NaTIS User Undertaking as issued by the Department; and

- (c) any other additional information or documents as may be required by the chief executive officer.

#### **Manner of registration as a NaTIS Officer**

**1E.** (1) On receipt of the application referred to in regulation 1D, the chief executive officer shall-

- (a) ensure that the application is in order; and
- (b) ensure that the person concerned is a fit and proper person to be registered as a NaTIS Officer.

(2) If the chief executive officer is satisfied that the applicant may be registered as a NaTIS Officer, he or she shall-

- (a) record the particulars of the applicant on the register of NaTIS officers; and
- (b) issue to the applicant a certificate of registration on form CR as shown in Schedule 2.

(3) If the chief executive officer is not satisfied that the applicant may be registered as a NaTIS Officer, he or she shall refuse to register the applicant and notify such applicant accordingly."

#### **Manner of suspension or cancellation of registration of NaTIS Officer**

**1F.** (1) The chief executive officer shall, in considering the suspension or cancellation of the registration of a NaTIS officer-

- (a) notify the NaTIS officer concerned; and
- (b) inform the NaTIS officer concerned that he or she may submit in writing, within 21 days after such notification any aspect that may be taken into account in considering such suspension or cancellation, to the chief executive officer.

(2) If the chief executive officer suspends or cancels the registration of a NaTIS officer, he or she shall—

- (a) notify such NaTIS officer of the reason for the cancellation or suspension, and the period of suspension (if applicable); and
- (b) update the register of NaTIS officers.

(3) A NaTIS officer whose registration has been cancelled or suspended, shall within 14 days after being notified of such cancellation or suspension, submit the certificate of registration referred to in regulation 1E (2) to the chief executive officer.

“(4) A NaTIS officer whose registration has been cancelled or suspended due to the following:

- (a) fraudulent or illegal actions which constitute an offence;
- (b) investigation into fraudulent actions; or
- (c) resigns before completion of investigation into fraud and has been found guilty of fraud;

shall not be appointed or registered by any authority.

(5) A NaTIS officer whose registration has been cancelled or suspended due to the following:

- (a) resignation for reasons other than that referred to in subregulation (4); or
- (b) stopped practising as a NaTIS officer for reasons other than that referred to in subregulation (4),

may be registered as a NaTIS Officer by the chief executive officer.”.

#### **Amendment of regulation 2 of the Regulations**

4. Regulation 2 is amended by –:

(a) the substitution of paragraph (c) of subregulation (3) with the following paragraph:

“(c) grade C, if the diploma referred to in section 3D (1) of the Act indicates that such examiner is qualified to examine and test a person for a learner's licence of any code and for a driving licence of the codes A1, A and B, and such examiner holds a code B driving licence for a manual transmission and a code A driving licence;”,

(b) the substitution of paragraph (d) of subregulation (3) with the following paragraph:

“(d) grade D, if the diploma referred to in section 3D (1) of the Act indicates that such examiner is qualified to examine and test a person for a learner's licence of any code and for a driving licence of the code B, and such examiner holds a code B driving licence for a manual transmission;”, and

(c) the substitution of paragraph (g) of subregulation (4) with the following paragraph:

- "(g) as a grade L examiner for driving licences, shall be authorised to determine whether a person is disqualified from obtaining or holding a learner's or driving licence in terms of regulation 102 and to issue a new or duplicate driving licence card contemplated in regulation 108 (5) (b) or 109 or a professional driving permit;"

#### **Amendment of regulation 5 of the Regulations**

5. Regulation 5 of the Regulations is amended by the substitution of paragraph (k) of subregulation (1) for the following paragraph:

- "(k) which is a type of motor vehicle designed for the purpose of being operated specifically by a person younger than 16 years of age and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act;"

#### **Amendment of regulation 13 of the Regulations**

6. Regulation 13 of the Regulations is amended by—

(a) the substitution for subregulation (5) of the following subregulation:

- "(5) A motor vehicle shall be recorded as "used" in the register of motor vehicles if such vehicle was deregistered in terms of regulation 26A or 54(4) and was recorded as "new" or "used" prior to such deregistration, or if such vehicle was exempt from registration in terms of regulation 5 and such exemption was withdrawn or no longer applies.", and

(b) inserting after subregulation (7):

- "(8) A motor vehicle which is a motor vehicle referred to in regulation 200 or which is a motor cycle, motor tricycle or motor quadrucycle not designed for use on a public road, generally known as an off-road motor vehicle, and by virtue of its design, does not comply with the provisions of Parts II, III, and IV of Chapter VI and by reason of such design may not be operated on a public road in terms of the Act, shall be recorded as "not roadworthy" in the register of motor vehicles."

#### **Amendment of regulation 21 of the Regulations**

7. Regulation 21 of the Regulations is amended by the replacement in subregulation (1)(e) of the phrase "which, in the opinion of the MEC, is 40 years or older of age, and which is used solely—" with the phrase "which is a vintage vehicle and which is used solely—";

**Amendment of regulation 25 of the Regulations**

8. Regulation 25 of the Regulations is amended by inserting paragraph (bA) after paragraph (b) in subregulation (7):

"(bA) referred to in Regulation 13(8);".

**Amendment of regulation 35 of the Regulations**

9. Regulation 35 of the Regulations is amended by –

(a) the substitution for paragraph (a) of subregulation (2) of the following paragraph:

"(a) shall bear a self destructive certification mark;"

(b) deleting the phrase " , dark brown" in paragraph (c) of subregulation (2);

(c) addition of the following proviso clause after subregulation (7)

"Provided that no person shall operate on a public road a motor vehicle first registered on or after 1 January 2009, unless the number plate fixed to such motor vehicle is affixed within 20 millimetres from the edges by means of 4 millimetres rivets or 4 millimetres one-way self screws";

(d) the substitution for subregulation (4) of the following subregulation:

"(4) Subject to the standard specification referred to in subregulation (1), a motor vehicle may only display on number plates letters and figures of 60 millimeters on the rear of motor vehicles which has illuminated space at the rear which is too small to permit the attachment of number plates with letters or figures of 75 millimeters: Provided that no person shall display a number plate other than the size of a number plate the illuminated space is provided for ."; and

(e) inserting subregulation (10):

"(10) Any person in possession of a number plate which is not applicable to any motor vehicle of which he or she is the title holder or owner, shall destroy such number plate, unless such possession is within his or her cause and scope of employment."

(f) addition of the following proviso clause after subregulation (10):

"Provided that notwithstanding the provisions of this regulation, no person shall operate on a public road a motor vehicle first registered on or after 1 January 2010, unless such motor vehicle is fitted with a 520 - 113 or 250 - 205 or 250 –165 size number plate."

**Amendment of regulation 36 of the Regulations**

10. Regulation 36 of the Regulations is amended by inserting paragraph (c) in subregulation (3):

- “(c) No person shall operate a motor vehicle on a public road unless a valid temporary import permit is displayed on such motor vehicle, if such permit is required in terms of Custom and Excise legislation.”.

**Amendment of regulation 39 of the Regulations**

11. Regulation 39 of the Regulations is amended by inserting paragraph (bA) after paragraph (b) in subregulation (2):

- “(bA) proof of value added tax registration with the South African Revenue Services;”.

**Amendment of regulation 41 of the Regulations**

12. Regulation 41 of the Regulations is amended by the substitution for paragraph (b) of the following paragraph:

- “(b) may require as a condition of registration —
- (i) that a motor vehicle manufactured, built, modified or imported by a manufacturer, builder or importer, shall be presented to the South African Police Service for clearance of such motor vehicle before the sale or distribution thereof;
  - (ii) that a certification of roadworthiness be obtained for every motor vehicle of such model as specified by the inspectorate of manufacturers, builders and importers in the recommendation contemplated in regulation 40 (1) (b) (ii) or in regulation 44 (1) (e) before a licence disc on form MVL1, MVL1-RW, LCO or LCTO as shown in Schedule 2 may be issued in respect of such motor vehicle by a registering authority;
  - (iii) that a letter of authority as referred to in regulation 43 and a certification of roadworthiness be obtained for every motor vehicle of such model as specified by the inspectorate of manufacturers, builders and importers in the recommendation contemplated in regulation 40 (1) (b) (ii) or in regulation 44 (1) (e) before a licence disc on form MVL1, MVL1-RW, LCO or LCTO as shown in Schedule 2 may be issued in respect of such motor vehicle by a registering authority; or
  - (iv) that the conditions referred to in items (i) and (ii) or in items (i) and (iii) be complied with.”.

**Amendment of regulation 53 of the Regulations**

**13.** Regulation 53 of the Regulations is amended by the substitution of paragraph (b) of subregulation (3) for the following paragraph:

- “(b) if the owner of the motor vehicle is the buyer of the motor vehicle concerned, complete the relevant portion of such form on behalf of such owner. If the owner of the motor vehicle is not the buyer of the motor vehicle concerned, the current title holder of such vehicle shall ensure that the new title holder completes the relevant portion of such form. Provided that if the current title holder cannot ensure the completion of the relevant portion of the form by the new title holder, the current title holder shall complete the relevant portion of such form on behalf of the new title holder and shall attach an affidavit to this effect to the form;”.

**Amendment of regulation 53A of the Regulations**

**14.** Regulation 53A of the Regulations is amended by the substitution for the regulation of the following regulation —

**“Display of motor vehicle for sale on premises of motor dealer**

**53A.** No motor dealer shall display a motor vehicle for the purpose of sale on his or her premises unless such motor vehicle has been registered into his or her name as dealer stock.”.

**Amendment of regulation 54 of the Regulations**

**15.** Regulation 54 of the Regulations is amended by inserting subregulations (8) and (9):

“(8) The MEC concerned may decide to allocate another licence number or decide that another personalised licence number be allocated in terms of regulations 25(2)(b), 25(3)(c), 27(3), 27(5), 28(5) or 29 to a motor vehicle which has been stolen as contemplated in subregulation (1) and the registering authority shall not be liable for any costs incurred in this regard.

(9) The licence number or personalised licence number allocated to a motor vehicle at the time a deregistration certificate is issued as contemplated in subregulation (4) (c), shall not be allocated to any motor vehicle in terms of regulations 25(2)(b), 25(3)(c), 27(3), 27(5), 28(5) or 29 until such time as the South African Police Service has released such licence number for allocation to a motor vehicle.”.

**Amendment for regulation 59 of the Regulations**

**16.** Regulation 59 of the Regulations is amended by inserting subregulation (3):

“(3) If a person who has committed an offence in terms of this Act failed to appear in a Court of Law and as a result of such failure a warrant of arrest of such person has been issued, applies for any transaction, the registering authority or driving licence testing centre to whom such application is made, may refuse to effect the transaction applied for or, in the case of an application for the licensing of a motor vehicle at a registering authority, the registering authority may refuse to issue a licence disc to the applicant.”



**Amendment of regulation 65 of the Regulations**

17. Regulation 65 of the Regulations is amended by the substitution for the regulation of the following regulation:

**"Exporting of motor vehicle**

65(1) If the owner of a motor vehicle, other than a manufacturer, importer or builder of a new motor vehicle, intends to export such motor vehicle, such owner shall obtain a written authorisation from the title holder of the intent to export such motor vehicle.

(2) On presentation of the written authorisation as referred to in subregulation (1), the appropriate registering authority shall refer the motor vehicle concerned for a South African Police Clearance.

(3) The owner of the motor vehicle referred to in subregulation (1), shall notify the appropriate registering authority accordingly on form CNV as shown in Schedule 2, and such notification shall be accompanied by a South African Police Service clearance in respect of such vehicle as referred to in subregulation (2).

(4) On receipt of notification referred to in subregulation (3) and the South African Police Service clearance referred to in subregulation (2), the registering authority shall –

- (a) update the particulars pertaining to such motor vehicle in the register of motor vehicles; and
- (b) acknowledge receipt of such notification on form ARN as shown in Schedule 2.

(5) If a registering authority has in terms of subregulation (4) (b), acknowledged receipt of the notice referred to in subregulation (3), the owner of the motor vehicle concerned is exempt from liability for the licensing of such motor vehicle, with effect from the first day of the month following the month in which such acknowledgement was issued: Provided that a period during which the owner of such motor vehicle was unable to notify the appropriate registering authority due to circumstances beyond his or her control, shall not be taken into consideration.

(6) If a motor vehicle record has been updated in terms of subregulation (4) (a), the record of the motor vehicle shall be moved to the archive of the register on any date five years after the date on which such update took place."

**Amendment of regulation 69 of the Regulations**

18. Regulation 69 of the Regulations is amended by —

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

“(1) Notwithstanding any provisions to the contrary contained in Chapter III of the Act, a registered manufacturer, builder or importer, a motor transport contractor or motor dealer, may on a public road operate a motor vehicle which is to be registered and licensed in the Republic in terms of Chapter III of the Act but has not been registered and licensed or is registered in terms of Chapter III of the Act but not licensed and which may not otherwise be operated on a public road, under a motor trade number issued in terms of this Part for the purposes of—

- (a) delivery of such motor vehicle within the Republic, by a motor transport contractor, in the course of his or her business;
- (b) delivery within the Republic, sale, exchange, repair or building of a permanent structure on such motor vehicle by a motor dealer; or
- (c) delivery within the Republic or testing by the manufacturer, importer or builder of such motor vehicle.

Provided that in the case where such motor vehicle is loaded onto another motor vehicle and if any part of the motor vehicle loaded onto such other motor vehicle, is operated on a public road, the motor vehicle loaded onto the other motor vehicle shall display a motor trade number in the prescribed manner.”; and

- (b) inserting subregulation (4):

“(4) No person shall operate a motor vehicle not intended to be registered in the Republic in terms of provisions of this Act, under a motor trade number.”.

#### **Amendment of regulation 82 of the Regulations**

**19.** Regulation 82 of the Regulations is amended by the substitution for subregulation (4) of the following subregulation:

“(4) No motor trade number shall be permanently affixed to any motor vehicle. Provided that the motor trade number displayed on the motor vehicle which is being tested by a registered manufacturer, builder or importer may be secured in such a way that the motor trade number does not interfere with noise measurements.”.

#### **Amendment of regulation 84 of the Regulations**

**20.** Regulation 84 of the Regulations is amended by—

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

“(1) A person who desires to operate on a public road a motor vehicle which is to be registered and licensed in the Republic in terms of Chapter III of the Act, but has not been registered and licensed or is registered in terms of Chapter III of the Act but not licensed, and which may not otherwise be operated on a public road, may—

(a) if he or she is to become the owner of such motor vehicle in the Republic, obtain a temporary permit in respect of such motor vehicle in order to operate such motor vehicle on a public road as if it is registered and licensed, if such motor vehicle is to be—

(i) delivered within the Republic by or to such person;

(ii) delivered within the Republic by or to a motor dealer, or

(iii) registered and licensed in terms of Chapter III of the Act, but only during the period permitted for such registration and licensing; or

(b) obtain a special permit in respect of such motor vehicle in order to operate such motor vehicle on a public road as if it is registered and licensed for purposes of—

(i) testing such motor vehicle;

(ii) proceeding to or returning from a place within the Republic where repairs are to be or have been effected to such motor vehicle;

(iii) reaching an examiner of vehicles or mass measuring apparatus; or

(iv) repossessing such motor vehicle, as contemplated in regulation 69 (2).”;

(b) insertion of subregulation (5) after subregulation (4) of the regulations:

“(5) A temporary or special permit shall not be issued in respect of a motor vehicle not intended to be registered in the Republic, in terms of provisions of the Act, unless such motor vehicle is already registered in the Republic in terms of Chapter III of the Act.”; and

(c) inserting of subregulation (6) after subregulation (5) of the regulations:

“(6) No person shall operate a motor vehicle not intended to be registered in the Republic in terms of provisions of the Act, under a temporary or special permit, unless such motor vehicle is already registered in the Republic in terms of Chapter III of the Act.”.

**Amendment of regulation 108 of the Regulations**

**21.** Regulation 108 of the Regulations is amended—

(a) by the substitution for paragraphs (c) and (d) of subregulation (1) of the following paragraphs:

“(c) except for in the circumstances mentioned in paragraph (d), the examiner for driving licences shall—

- (i) take an imprint of the left thumb and right thumb of the applicant, and should the applicant not have a left or right thumb, an imprint of such fingers as specified by the image capturing system, the identification of which shall be noted on the image capturing system;
- (ii) capture the photographic image of the applicant on the image capturing system depicting only the head and shoulders of the applicant and showing the applicant's full face and subject to regulation 103(1)(a)(vii), showing the applicant without headgear;
- (iii) capture the signature image of the applicant on the image capturing system;
- (iv) ensure that the applicant's vision complies with the requirements referred to in regulation 102 by using the image capturing system. Provided that should the applicant fail the automated vision test, the verbal vision test shall be used;
- (v) print the image capture sheet on form ICS as shown in Schedule 2 from the image capturing system;
- (vi) record the barcode number on the image capture sheet on the application form submitted in terms of regulation 106 (1);
- (vii) in the case of an application referred to in section 18(1) of the Act, record the test results of the driving licence test onto the register of driving licences;
- (viii) in the case of an application referred to in section 18(1) of the Act, record the code of the driving licence to be issued and the barcode number on the image capture sheet onto the register of driving licences;
- (ix) retain the image capture sheet for record purposes; and
- (x) send the disk containing the finger print images, signature and photograph to the Card Production Facility not later than two working days after the date of the authorisation referred to in paragraph (a) and, upon receipt of the fee for the issuance of a driving licence as

determined by the MEC of the province concerned, if such fee has not already been paid for the simultaneous issue of a driving licence with a different code, order the driving licence card on which the driving licence appears from that facility.

Provided that the tasks mentioned in items (viii) to (x) may be performed by an appropriately trained and appointed employee of the driving licence testing centre concerned. Provided further that if the register of driving licences is not available, the tasks referred to in items (vii) and (viii) shall be performed as soon as the register of driving licences becomes available;

- (d) only in the case where the driving licence testing centre concerned has not been equipped with an image capturing system or in the case where the driving licence testing centre concerned has been equipped with one or more image capturing systems and all or at least two such image capturing systems are not available due to a failure and such failure has been reported according to the call logging procedures or in the case where the MEC has specifically given authority to the driving licence testing centre to use this procedure, the examiner for driving licences shall—
- (i) ensure that the applicant's vision complies with the requirements referred to in regulation 102;
  - (ii) take an imprint of the left thumb and right thumb of the applicant on the image scanning sheet (form ISS) and the duplicate of it, and should the applicant not have a left or right thumb, an imprint of such fingers as specified on the ISS form, the identification of which shall be noted on the image scanning sheet;
  - (iii) affix one photograph of the applicant to the image scanning sheet (form ISS) and one photograph to its duplicate;
  - (iv) ensure that the same barcode number appears on form ISS and the duplicate of it;
  - (v) ensure that the applicant signs form ISS and the duplicate of it;
  - (vi) retain the duplicate of form ISS for record purposes;
  - (vii) record the barcode number of the image scanning sheet (form ISS) on the application form submitted in terms of regulation 106 (1);
  - (viii) in the case of an application referred to in section 18(1) of the Act, record the test results of the driving licence test onto the register of driving licences
  - (ix) in the case of an application referred to in section 18(1) of the Act, record the code of the driving licence to be issued and the barcode number on the image scanning sheet onto the register of driving licences
  - (x) retain the image scanning sheet for record purposes; and

- (xi) send form ISS to the Card Production Facility not later than two working days after the date of the authorisation referred to in paragraph (a) and, upon receipt of the fee for the issuance of a driving licence as determined by the MEC of the province concerned, if such fee has not already been paid for the simultaneous issue of a driving licence with a different code, order the driving licence card on which the driving licence appears from that facility.

Provided that the tasks mentioned in items (ix) to (xi) may be performed by an appropriately trained and appointed employee of the driving licence testing centre concerned. Provided further that if the register of driving licences is not available, the tasks referred to in items (viii) and (ix) shall be performed as soon as the register of driving licences becomes available.”;

- (b) the deletion of subregulations (1)(e), (1)(f), (1)(g), (1)(h) and (1)(i);
- (c) the substitution for paragraph (a) of subregulation (2) of the following paragraph:
  - “(a) On receipt of the disk referred to in subregulation (1)(c)(viii) or form ISS referred to in subregulation (1)(d)(vii) and the order for the driving licence card, the Card Production Facility shall, if the images recorded onto the disk or image scanning sheet concerned are accepted—”; and
- (d) the substitution for paragraph (b) of subregulation (2) of the following paragraph:
  - “(b) If the images recorded onto the disk or image scanning sheet concerned are not accepted by the Card Production Facility, the applicant shall again report to the driving licence testing centre for the repeat of subregulation (1)(c) or, if approved by the driving licence testing centre, submit a further two photographs of himself or herself that comply with regulation 103(1) upon receipt of which the examiner for driving licences shall repeat subregulation (1)(d).”.

#### **Amendment of regulation 109 of the Regulations**

**22.** Regulation 109 of the Regulations is amended by the substitution for the regulation of the following regulation:

#### **“Application for and issue of duplicate of licence**

- (1) Subject to subregulation (2), an application for a duplicate of a learner's licence shall be made in person by the applicant on form LL1 as shown in Schedule 2 and an application for a duplicate driving licence card shall be made in person by the applicant on form DL1 as shown in Schedule 2 at any driving licence testing centre.
- (2) An application for a duplicate driving licence card by an applicant, who permanently or ordinarily resides in another country, shall be made on form DL1 as shown in Schedule 2 within seven years after the applicant has left the Republic and may be submitted by another person on behalf of the applicant to any driving licence testing centre.

- (3) An application referred to in subregulation (1) shall be accompanied by—
  - (a) the original licence or, where the original licence is lost or destroyed, a declaration to that effect on form DCT as shown in Schedule 2;
  - (b) two photographs of the applicant, that comply with regulation 103 (1), unless the applicant wishes to obtain a duplicate driving licence card which expires when the original driving licence card would have expired in terms of regulation 108 (5);
  - (c) in the case of an application for a duplicate of a learner's licence, the fee as determined by the MEC of the province concerned for the issue of a duplicate learner's licence, and in the case of an application for a duplicate driving licence card, the fee for the issue of a driving licence card contemplated in regulation 108 (1); and
  - (d) acceptable identification of the applicant.
- (4) An application referred to in subregulation (2) shall be accompanied by—
  - (a) an affidavit made by the applicant stating the country, city or town and residential address where he or she resides, the period of stay, that he or she will be unable to receive the card in person, and the name and identification number of the person who will submit the application and receive the card on his or her behalf;
  - (b) two photographs of the applicant, that comply with regulation 103 (1);
  - (c) the fee for the issue of a driving licence card contemplated in regulation 108 (1);
  - (d) a certified copy of the acceptable identification of the applicant and a certified copy of the identity document of the person who is submitting the application on behalf of the applicant;
  - (e) a certified copy of the identification page of the passport of the applicant and the page stamped by the Department of Home Affairs when he or she left the Republic and the page stamped by the country in which he or she resides when he or she entered the country concerned; and
  - (f) a report issued less than six months before the date of application by an optometrist or ophthalmologist relating to the testing of the applicant's eyes in terms of the standards referred to in regulation 102 (1).
- (5) Upon receipt of an application referred to in subregulation (1) or (2), the driving licence testing centre shall —
  - (a) ensure that the application is complete and in order;
  - (b) ensure that the licence concerned is not subject to a suspension or cancellation; and

- (c) issue the duplicate of the learner's licence or driving licence card, in accordance with regulation 105 or 108, respectively. Provided that in the case of an application referred to in subregulation (2), the examiner for driving licences shall follow the procedure in regulation 108(1)(d) and shall not be required to perform the tasks mentioned in items (ii) and (v) and the driving licence card shall be issued as referred to in regulation 112A(1)."

#### **Amendment of regulation 110 of the Regulations**

**23.** Regulation 110 of the Regulations is amended by the substitution for paragraph (b) of subregulation (6) of the following paragraph:

"(b) In the case of an application referred to in paragraph (a) for the exchange of a driving licence referred to in subregulation (4), which driving licence is no longer in the possession of the applicant, such application shall be made in the manner contemplated in regulation 112 (2) and the driving licence shall be authorised and issued in the manner contemplated in regulation 112 (3)."

#### **Amendment of regulation 111 of the Regulations**

**24.** Regulation 111 of the Regulations is amended by –

- (a) the substitution for paragraph (bA) of subregulation (1) of the following paragraph:

"(bA) in the case of an application referred to in regulation 110 (6) (a), a certified copy of the permanent residency permit of the applicant or a certified copy of the applicant's diplomatic permit or treaty permit;" and;

- (b) the substitution for subregulation (4) of the following subregulation:

"(4) In the case where the particulars of the existing driving licence, which is contained in an identity document, is not recorded in the register of driving licences, the examiner for driving licences or the person authorised thereto shall obtain from the driving licence testing centre which issued the driving licence or the provincial administration concerned written confirmation that the driving licence was issued and that the particulars of the driving licence is correct as provided for in regulation 112(2)."

#### **Amendment of regulation 119 of the Regulations**

**25.** Regulation 119 of the Regulations is amended—

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



“(1) If the examiner for driving licences is satisfied that the applicant complies with the requirements for the issue of a professional driving permit or in the case of an application in terms of regulation 121, the examiner concerned shall forthwith, if he or she is satisfied that the applicant must be issued with a professional driving permit and that the applicant is not disqualified from holding a driving licence as contemplated in section 15 (1) (f) (vi) of the Act read with regulation 102—

- (a) complete the authorisation to issue the professional driving permit on form PD1, as shown in Schedule 2 and record the authorisation on the register of professional driving permits;
- (b) ensure, from the date referred to in regulation 117(e), that the applicant holds a training certificate referred to in the said regulation, if applicable;
- (c) except for in the circumstances mentioned in paragraph (d), the examiner for driving licences shall—
  - (i) take an imprint of the left thumb and right thumb of the applicant, and should the applicant not have a left or right thumb, an imprint of such fingers as specified by the image capturing system, the identification of which shall be noted on the image capturing system;
  - (ii) capture the photographic image of the applicant on the image capturing system depicting only the head and shoulders of the applicant and showing the applicant's full face and subject to regulation 103(1)(a)(vii), showing the applicant without headgear;
  - (iii) capture the signature image of the applicant on the image capturing system;
  - (iv) ensure that the applicant's vision complies with the requirements referred to in regulation 102 by using the image capturing system. Provided that should the applicant fail the automated vision test, the verbal vision test shall be used;
  - (v) print the image capture sheet on form ICS as shown in Schedule 2 from the image capturing system;
  - (vi) record the barcode number on the image capture sheet on the application form submitted in terms of regulation 106 (1) and on the register of driving licences;
  - (vii) retain the image capture sheet for record purposes; and
  - (viii) send the disk containing the finger print images, signature and photograph to the Card Production Facility not later than two working days after the date of the authorisation referred to in paragraph (a) and, upon receipt of the fee for the issuance of a driving licence as determined by the MEC of the province concerned, if such fee has not already been paid for the simultaneous issue of a driving licence, order the driving licence card on which the professional driving permit appears from that facility.

Provided that the tasks mentioned in items (vi) to (viii) may be performed by an appropriately trained and appointed employee of the driving licence testing centre concerned;

- (d) only in the case where the driving licence testing centre concerned has not been equipped with an image capturing system or in the case where the driving licence testing centre concerned has been equipped with one or more image capturing systems and all or at least two such image capturing systems are not available due to a failure and such failure has been reported according to the call logging procedures or in the case where the MEC has specifically given authority to the driving licence testing centre to use this procedure, the examiner for driving licences shall—
  - (i) ensure that the applicant's vision complies with the requirements referred to in regulation 102;
  - (ii) take an imprint of the left thumb and right thumb of the applicant on the image scanning sheet (form ISS) and the duplicate of it, and should the applicant not have a left or right thumb, an imprint of such fingers as specified on the ISS form, the identification of which shall be noted on the image scanning sheet;
  - (iii) affix one photograph of the applicant to the image scanning sheet (form ISS) and one photograph to its duplicate;
  - (iv) ensure that the same barcode number appears on form ISS and the duplicate of it;
  - (v) ensure that the applicant signs form ISS and the duplicate of it;
  - (vi) retain the duplicate of form ISS for record purposes;
  - (vii) record the barcode number of the image scanning sheet (form ISS) on the application form submitted in terms of regulation 106 (1) and on the register of driving licences; and
  - (viii) send form ISS to the Card Production Facility not later than two working days after the date of the authorisation referred to in paragraph (a) and, upon receipt of the fee for the issuance of a driving licence as determined by the MEC of the province concerned, if such fee has not already been paid for the simultaneous issue of a driving licence, order the driving licence card on which the professional driving permit appears from that facility.

Provided that the tasks mentioned in items (vi) to (viii) may be performed by an appropriately trained and appointed employee of the driving licence testing centre concerned.”; and

- (b) the substitution for subregulation (2) of the following subregulation:

- "(2) (a) On receipt of the disk referred to in subregulation (1)(c)(viii) or form ISS referred to in subregulation (1)(d)(vii) and the order for the driving licence card, the Card Production Facility shall, if the images recorded onto the disk or image scanning sheet concerned are accepted —
- (i) personalise and produce the driving licence card on form DL3 as shown in Schedule 2; and
- (ii) forward the driving licence card and notice NCD as shown in Schedule 2 to the driving licence testing centre concerned.
- (b) If the images recorded onto the disk or image scanning sheet concerned are not accepted by the Card Production Facility, the applicant shall again report to the driving licence testing centre for the repeat of subregulation (1)(c) or, if approved by the driving licence testing centre, submit a further two photographs of himself or herself that comply with regulation 103(1) upon receipt of which the examiner for driving licences shall repeat subregulation (1)(d)."

#### **Amendment of regulation 122 of the Regulations**

**26.** Regulation 122 of the Regulations is amended by substituting the reference to regulation 119(1)(e) in subregulation (1) for regulation 119(1)(a).

#### **Amendment of regulation 126 of the Regulations**

**27.** Regulation 126 of the Regulations is amended by the substitution of paragraph (b) for the following paragraph:

- "(b) every image capture sheet as referred to in regulation 119(1)(c)(vii) and every duplicate image scanning sheet of which the original was forwarded to the Card Production Facility as referred to in regulation 119(1)(d)(v)."

#### **Amendment of regulation 138 of the Regulations**

**28.** Regulation 138 of the Regulations is amended by the substitution of paragraph (fA) for the following paragraph:

- "(fA) a motor vehicle referred to in regulation 41(a)(iii), 41(b)(ii), 41(b)(iii) and 41(b)(iv);"

#### **Amendment of regulations 151, 154, 155 and 212 of the Regulations**

**29.** Regulations 151, 154, 155 and 212 of the Regulations is amended by—

- (a) the replacement in subregulation 151(4) of the phrase "35 kilometres per hour" with the phrase "40 kilometres per hour";
- (b) the replacement in subregulation 154(2) of the phrase "35 kilometres per hour" with the phrase "40 kilometres per hour";

- (c) the replacement in subregulation 155(1) of all the phrases of "35 kilometres per hour" with the phrase "40 kilometres per hour";
- (d) the replacement in subregulation 155(1) in the headings of Tables A, B, C and D of all the phrases of "35 km/h" with the phrase "40 km/h"; and
- (e) the replacement in the proviso of paragraph (j) of regulation 212 of the phrase of "35 km/h" with the phrase "40 km/h".

#### **Amendment of regulation 167 of the Regulations**

**30.** Regulation 167 of the Regulations is amended by the substitution for paragraph (a) in subregulation (2) of the following paragraph:

- "(a) shall be fitted as near as possible to the outer-edges of the front and rear of the motor vehicle concerned and as high as possible, but not necessarily beyond the top of the cab height at the front and as high as possible at the rear; and".

#### **Amendment of regulation 192A of the Regulations**

**31.** Regulation 192A of the Regulations is amended by –

- (a) the replacement in the title and in subregulation (1) of the phrase "contour marking" with the phrase "contour or strip marking";
- (b) the replacement in paragraph (b) of subregulation (1) of the phrase "that advertising consisting of logos, distinctive markings or letters" with the phrase "that advertising consisting of retro-reflective logos, distinctive markings or letters";
- (c) amending the gross vehicle mass in subregulation (2)(a) to 3500 kilograms;
- (d) amending the length in subregulation (2)(b) to 7 metres; and
- (e) the insertion of the words "or caravan" after the word "trailer" in subregulations (2)(c) and (2)(d).
- (f) deleting the word "and" at the end of paragraph (g) of subregulation (2);
- (g) adding the word "and" at the end of paragraph (h) of subregulation (2);
- (g) adding the following paragraph after paragraph (h) of subregulation (2);
  - "(i) A motor home first registered from 1 July 2007 shall be fitted with contour or strip marking as contemplated in paragraph (a).".

**Amendment of regulation 200 of the Regulations**

**32.** Regulation 200 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation:

- "(2) (a) Subject to paragraphs (b), (c) and (d), no person shall operate on a public road a motor vehicle the steering wheel of which is on the left hand side.
- (b) Paragraph (a) does not apply in respect of a motor vehicle first registered or licensed in the Republic, into his or her name before, 1 January 2000.
- (c) Paragraph (a) does not apply in respect of a vehicle manufactured, built or imported by a registered manufacturer, builder or importer for the purpose of export or for the purpose of testing, assessment or development, if such vehicle is operated on a public road under an exemption in terms of section 81 of the Act.
- (d) Paragraph (a) does not apply in respect of a motor vehicle referred to in regulations 4(1), 4(2), 21(1)(f), 21(1)(g) or 21(1)(h)."

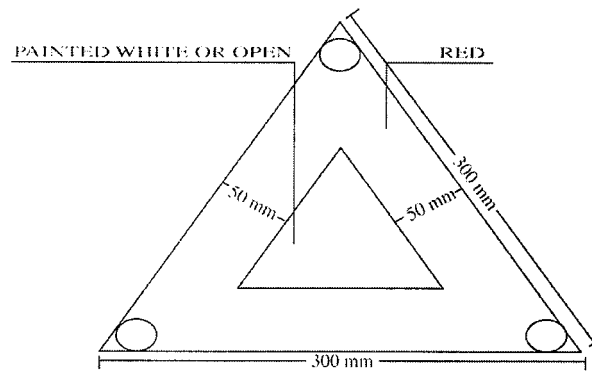
**Amendment of regulation 214 of the Regulations**

**33.** Regulation 214 of the Regulations is amended by –

- (a) the deletion of paragraph (c) of subregulation (1), and
- (b) inserting subregulation (1A) after subregulation (1):

"(1A) No person shall operate on a public road —

- (a) a goods vehicle, minibuss or bus, first registered before 1 July 2007 and with a gross vehicle mass of 3500 kilograms or less, unless there is carried on such a vehicle at least one emergency warning sign, which—
- (i) is a double sided sign having the shape, design, minimum dimensions and colours as illustrated hereunder and of which the red portion on each side—
- (aa) shall consist of red reflective material; or
- (bb) shall be painted red and have retro-reflectors in each corner; or
- (ii) is an emergency sign contemplated in paragraph (b);



- (b) any other motor vehicle, unless there is carried on such vehicle at least one emergency warning sign which is a warning sign complying with the requirements of standard specification SABS 1329 "Retro-reflective and Fluorescent Warning Signs for Road Vehicles" Part 1: "Triangles or UN ECE Regulation 27 "Uniform provisions for the approval of advance-warning triangles" and bears a certification mark.

Provided that in the case of a combination of motor vehicles, the emergency warning sign for every motor vehicle of such combination may be carried on the drawing vehicle."

#### **Amendment of regulation 220 of the Regulations**

34. Regulation 220 of the regulations is amended by the replacement in subregulation (3) of the phrase "vintage motor vehicle" with the phrase "motor vehicle manufactured before 1965".

#### **Amendment of regulation 225 of the Regulations**

35. Regulation 225 of the regulations is amended by the substitution for item (ii) of paragraph (b) in subregulation (2) of the following item:

"(ii) a bus-train, 8,5 metres, measured from the from the centre of the front axle to the centre of the middle axle or axle unit"; or

#### **Amendment of regulation 226 of the Regulations**

36. Regulation 226 of the regulations is amended by the replacement in subregulation (2)(a) of the phrase "self- propelled caravan" with the phrase "motor home".

#### **Amendment of regulation 245 of the Regulations**

37. Regulation 245 of the Regulations is amended by inserting the following proviso after item (ix) of subregulation (1):

"Provided that the provisions of this subregulation shall not apply to a goods vehicle the gross vehicle mass of which does not exceed 3 500 kilograms and which was registered for the first time on or after 1 January 1989, and that has fitted;

a) a metal data plate or plates affixed by rivets, or by welding, or by any other method that will achieve permanency of attachment during the life of the vehicle, in a conspicuous and readily accessible position on a part not subject to replacement, or

b) a self-adhesive tamperproof metal or plastics label that is not transferable from one vehicle to another, is clearly legible, and undergoes permanent and obvious damage on removal. The self-adhesive tamperproof label shall be resistant to engine oils, to engine coolants, to normal engine temperatures and to humidity,

in a conspicuous and readily accessible position on a part not subject to replacement, with the following particulars of such goods vehicle, legibly and indelibly printed or stamped, with the following details:

i) the gross vehicle mass, in kilograms, for the model type, denoted and prefixed by the letters GVM/BVM;

ii) the gross combination mass, in kilograms, for the model type, denoted and prefixed by the letters GCM/BKM; and

iii) the gross axle mass-load of each axle, or the gross axle unit mass-load of each axle unit, in kilograms, for the model type, denoted and prefixed by the letters GA/BA or GAU/BAE, as applicable.

Provided further that if the information is supplied in the following order, the abbreviations given in i), ii) and iii) above are not required:

- a) gross vehicle mass;
- b) gross combination mass; and
- c) gross axle masses in the order front to rear."

#### **Amendment of regulation 247 of the Regulations**

38. Regulation 247 of the Regulations is amended by inserting the following proviso:

Provided that no person shall be conveyed in the goods compartment together with any tools or goods, except their personal effects, unless that portion in which such persons are being conveyed is separated by means of a partition, from the portion in which such goods are being conveyed.

#### **Amendment of regulation 251 of the Regulations**

39. Regulation 251 of the Regulations is amended by the substitution for subregulation (2) of the following subregulation (1):

“(2) No person shall operate a midibus, a minibus or bus operating in terms of an operating licence issued in accordance with the provisions of the NLTAA registered for the first time after 5 October 2001 on a public road, unless the height, along the longitudinal centre-line, between the floor and the lowest part of the roof structure of such bus or minibus, between the floor and the ceiling of the lower deck of a double deck bus, as the case may be, is in the case of a bus conveying standing persons, not less than 1.75 metres in the areas where persons may stand in terms of regulation 263; in the case of a minibus not conveying standing persons, is not less than 1.5; and in the case of a midibus, is not less than 1.75 metres.”.

#### **Amendment of regulation 252 of the regulations**

**40.** Regulation 252 of the Regulations is amended by the insertion of the following proviso after subregulation (2):

“Provided that emergency exits fitted to any midibus, minibus or bus operating in terms of an operating licence issued in accordance with the provisions of the NLTAA, and first registered on or after 1 January 2008, shall comply with the requirements of standard specification SANS 20107 “ Uniform provisions concerning the approval of category M2 or M3 vehicles with regard to their general construction.”.

#### **Amendment of regulation 265 of the Regulations**

**41.** Regulation 265 of the regulations is amended by the substitution for subregulation (1) of the following subregulation:

“(1) An operator shall be registered in respect of a –

- (a) goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms;
- (b) breakdown vehicle;
- (c) motor vehicle to which regulations 273 to 283 apply as contemplated in regulation 274;
- (d) bus;
- (e) midibus;
- (f) mini-bus –
  - (i) the gross vehicle mass of which exceeds 3 500 kilograms; or
  - (ii) which is designed or adapted for the conveyance of 12 or more persons, including the driver; and
- (g) motor vehicle used for the conveyance of persons for reward,



registered in the Republic.”.

#### **Amendment of regulation 266 of the Regulations**

**42.** Subregulation (1) of regulation 266 of the Regulations is amended by —

- (a) the deletion of “and” at the end of paragraph (a);
- (b) the substitution of the “.” at the end of paragraph (b) with “;” and
- (c) the insertion of paragraph (c):

“(c) Category “P”, which authorises the operation of a bus, a midibus, a mini-bus the gross vehicle mass of which exceeds 3 500 kilograms, a mini-bus which is designed or adapted for the conveyance of 12 or more persons, including the driver or a motor vehicle used for the conveyance of persons for reward, on a public road.”.

#### **Amendment of regulation 320 of the Regulations**

**43.** Subregulation (1) of regulation 320 of the Regulations is amended by the replacement of the phrase “safer place” with the phrase “Government facility”.

#### **Amendment of regulation 331 of the Regulations**

**44.** Regulation 331 of the Regulations is amended by the substitution of subregulation (6) of the following subregulation —

“(6) Subject to subregulation 5 records may be kept as hard copy, microfilm or hard copies converted into electronic format in such a way as to allow such records to be reconverted without changing their original contents”.

#### **Amendment of regulation 332 of the Regulations**

**45.** Regulation 332 of the Regulations is amended by the substitution for the regulation of the following regulation:

##### **“Equipment used in ascertaining concentration of alcohol in breath**

332. (1) For the purpose of this regulation type-approved and type-approval means that one example of a specific make and model of equipment has been tested in terms of the South African National Accreditation System (SANAS), by an accredited test laboratory in terms of SANS 1793: Evidential breath testing equipment and a test report indicating compliance with such specification is issued in respect of such make and model of equipment.

(2) The equipment to be used to ascertain the concentration alcohol in any breath specimen as contemplated in section 65(7) of the Act, shall comply with the requirements of the standard specification, SANS 1793: Evidential breath testing equipment and shall be type-approved as contemplated in subregulation (1).

(3) If, in any prosecution for an offence under section 65(5) of the Act, an allegation is made in the charge sheet, in relation to the prescribed equipment used to ascertain the concentration of alcohol in a breath sample, a certified copy of a test report, indicating that the specific make and model of equipment complies with SANS 1793, issued by an accredited test laboratory shall, in absence of evidence, to the contrary, be prima facie evidence as to the fact that the equipment complies with the provisions of subregulation (2).

(4) A certified copy of a certificate issued by the manufacturer or supplier of the equipment referred to in subregulation (1), that contains the make and model of the equipment, shall in absence of evidence to the contrary, be prima facie evidence that such equipment is of such make and model.

#### **Insertion of regulations 332A in the Regulations:**

46. The following regulation is inserted in the Regulations after regulation 332:

#### **"Presumption regarding calibration or verification certificate for equipment used for road traffic law enforcement purposes**

**332A.** Where in any prosecution for an alleged offence in terms of this Act, it is necessary to prove that any equipment used for road traffic law enforcement purposes, was calibrated or verified to establish the accuracy and traceability, of such equipment, a certificate issued by a laboratory that is accredited for the purpose of issuing such certificates and conducting the tests required for such calibration or verification, by the South African National Accreditation System (SANAS), shall in absence of evidence to the contrary, be prima facie evidence as to such calibration or verification."

#### **Amendment of regulation 336 of the Regulations**

47. Regulation 336 of the Regulations is amended by the insertion of the expression "1" at the beginning of the regulation and by the insertion of the following subregulation after the current regulation:

"(2) For the purposes of section 332(11) of the Criminal Procedure Act, 1977, the proxy or representative, as the case may be, identified in terms of subregulation (1), is deemed to be a director as defined in section 332 (10) of that Act .".

#### **Amendment of regulation 341 of the Regulations**

48. Regulation 341 of the Regulations is amended by the substitution for the words preceding the proviso of the following words:

"Manufacturers of number plates are deemed to be registered in terms of section 5 of the Act until a date to be determined by the Minister by notice in the *Gazette*:".

**Insertion of regulation 343F into the Regulations:**

**49.** The Regulations is amended by the insertion of the following regulation after regulation 343E:

**“Transitional provisions: Category “P” operator card**

**343F.** A motor vehicle that did not have to display an operator card before 1 July 2007, shall, after 1 July 2007, display a category “P” operator card within the month after the month during which the licence disc of the vehicle concerned lapsed.”

**Short title and commencement**

**50.** These Regulations are called the Thirteenth Amendment to the National Road Traffic Regulations, and come into operation upon publication in the *Gazette*, except paragraph (a) of regulation 9, which shall come into operation upon a date fixed by the Minister in the *Gazette*.

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