
GENERAL NOTICE

NOTICE 1359 OF 2008

DEPARTMENT OF TRANSPORT

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

AMENDMENT OF THE NATIONAL ROAD TRAFFIC REGULATIONS

I, Jeffrey Thamsanqa Radebe, Minister of Transport, acting in terms of section 75 (6) of the National Road Traffic Act, 1996 (Act No. 93 of 1996) herewith publish the regulations in the Schedule for comments; All interested parties who have any objections, inputs or comments to the proposed amendments are called upon to lodge their objections, inputs or comments, within four weeks from the date of publication of this Notice to:

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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, R964 of 29 September 2006, R404 of 4 May 2007 and R865 of 28 September 2007.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the regulations is hereby amended by-

(a) the insertion after the definition of "**driving licence card**" of the following definition:

"**driving time**" means any period of time that the driver of a motor vehicle contemplated in the regulations occupies the drivers' seat of such motor vehicle, whilst such motor vehicle is being operated on a public road or occupies the drivers' seat of such motor vehicle, whilst the engine is running."

(b) the substitution for the definition of "**anti-burst stabilizer device**" of the following definition:

"**Vehicle directional stability control device**" means a device fitted to a motor vehicle for the purposes of minimizing the risk of the driver losing control of the motor vehicle in the event of tyre failure or sudden loss of pressure.";

(c) the insertion after the definition of "**junction**" of the following definition:

"**knock-out window or panel**" means a window or panel capable of being knocked out in cases of an emergency and comply with the requirements of regulation 252."

(d) the substitution for the definition of "**midibus**" of the following definition:

"**midibus**" means a sub-category of a bus, designed or modified solely or principally for the conveyance of more than 16 and less than 35 persons (including the driver).";

(e) the substitution for the definition of "**NLTTA**" of the following definition:

"**NLTTA**" means the National Land Transport Transition Act, 2000 (Act No. 22 of 2000)."

(f) the insertion after the definition of "**registration certificate**" of the following definition:

"**resting period**" means the period of time that the driver of a motor vehicle contemplated in the regulations is required to rest or taking time of driving, after exceeding the prescribed driving time, within the prescribed maximum driving time in a period of 24 hours."

(g) the insertion after the definition of "**special permit**" of the following definition:

"**speed detectors or jammers**" includes any device used for detecting the use, or preventing the effective use, of a speed measuring device."

Amendment of regulation 5 of the Regulations

3. Regulation 5 of the Regulations is hereby amended by-

(a) the addition of paragraph (l) after paragraph (k):

“(l) which the steering wheel is on the left hand side, excluding the motor vehicle which was first registered or licenced in the Republic into the owners name before 23 July 2004.”

(b) the addition of the following proviso clause after subregulation (1) paragraph (l):

Provided that the provision of this paragraph does not apply to motor vehicles referred to in subregulation 200(e).”

Amendment of regulation 20 of the Regulations

4. Regulation 20 of the Regulations is hereby amended by the substitution for regulation (20) of the following regulation:

“A motor vehicle which is exempt from registration in terms of regulation 5, and a motor quadrucycle, shall not be required to be licenced in terms of this Part.”.

Amendment of regulation 27 of the Regulations

5. Regulation 27 of the Regulations is hereby amended by-

(a) the substitution for subparagraph (ii) of paragraph (a) of sub regulation (2) of the following subparagraph:

“(ii) establish a license number system for the province concerned which license number system shall consist of:

- (aa) a combination of three letters and three figures in any sequence; or
- (bb) a combination of two letters, two figures and two letters in any sequence:

and the licence mark of the province concerned, referred to in sub regulation (1): Provided that vowels and the letter “Q” shall not be used and the first letter shall not be the letter “G”.

(b) the insertion after paragraph (bA) of the following paragraph:

“(bB) The MEC for the Province of KwaZulu-Natal may, subject to regulation 35, by notice in the *Provincial Gazette* determine a logo or landscape, a letter type, a colour for the letters and figures and the colour of the retro-reflective surface to be displayed on a number plate, denoting licence numbers set aside for use by the King of the Zulu Nation.”

Amendment of regulation 28 of the Regulations

6. Regulation 28 of the regulations is amended by the insertion of the following subregulation after subregulation (4A):

“(4B) The MEC for the Province of KwaZulu-Natal may, subject to regulation 35, by notice in the *Provincial Gazette* determine a logo or landscape, a letter type, a colour for the letters and figures and the colour of the retro-reflective surface to be displayed on a number plate, denoting personalised licence numbers set aside for use by the King of the Zulu Nation.”

Amendment of regulation 35 of the Regulations

7. Regulation 35 of the Regulations is hereby amended by the substitution for the proviso clause after subregulation (7), (f) of the following proviso clause:

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 tapping screws either directly onto the motor vehicle or an integral part thereof or onto an intermediate metal reinforced holding bracket which is attached to the motor vehicle in such a way that it cannot be removed while the number plate is affixed to it in the aforesaid manner.

Amendment of regulation 53 of the Regulations

8. Regulation 53 of the Regulations is amended by-

(a) the substitution for subregulation (3) of the following subregulation:

“(3) If there is a change of title holder of a motor vehicle, except in the case where the current title holder has been authorised access to the register of motor vehicles and to update the register of motor vehicles, the current title holder of such motor vehicle shall-

(b) the addition of the following subregulation after subregulation (6):

(7) if there is a change of title holder of a motor vehicle, where the current title holder has access to the electronic notice of change of ownership transaction, the current title holder of such motor vehicle shall perform the electronic notice of change of ownership transaction and indicate the new title holder.”.

Amendment of regulation 104 of the Regulations

9. Regulation 104 of the Regulations is amended by the substitution for subregulation (3) of the following subregulation:

“(3) the procedure to be followed by the examiner for driving licences in complying with subregulation (2) shall include the completion by the applicant of the approved “Theory Test for Learner’s Licence” on form TLL as shown in Schedule 2 or the successful completion of an approved Learner’s Licence electronic Test”.

Amendment of regulation 107 of the Regulations

10. Regulation 107 of the Regulations is amended by the substitution for subregulation (5) of the following subregulation:

(5) An examiner for driving licences shall in compliance with the provisions of paragraph (e) of subregulation (2)—

(a) .in the case of a code B driving licence, test an applicant according to the manual of the Department “K53 Practical driving test for motor vehicle drivers, Volume 1 - Light Motor Vehicles” published by the Minister by notice in the Gazette;

(b) in the case of a code C1, C, EC1 or EC driving licence, test an applicant according to the manual of the Department “K53 Practical driving test for motor vehicle drivers, Volume 2 - Heavy Motor Vehicles”, published by the Minister by notice in the Gazette; and

(c) in the case of a code A1 or A driving licence, test an applicant according to the manual of the Department “K53 Practical driving test for motor vehicle drivers, Volume 3 - Motor Cycles” published by the Minister by notice in the Gazette.

(d) in the case of a code EB driving licence, test an applicant according to the manual of the Department “K53 Practical driving test for motor

vehicle driver, Volume 4 – Light Motor Vehicles Combination”, published by the Minister by notice in the Gazette.

Provided that the examiner of driving licences shall use the electronic score sheet to test an applicant, if the driving licence testing centre is equipped with a motor vehicle with an electronic surveillance.”.

Amendment of regulation 128 to regulation 137 of the regulations

Substitution of regulations 128 to 137 of the Regulations

11. Regulations 128 to regulation 137 of the Regulations are substituted for the following regulations.

“Manner of application to be approved as suitable person or body of persons to be able to apply for registration of testing station

128. (1) A person or body of persons desiring to operate a testing station as contemplated in section 38, shall declare such intention in writing in an affidavit or an affirmation and submit such affidavit or affirmation and the fee as determined by the MEC concerned, to the MEC concerned.
- (2) The affidavit or statement contemplated in subregulation (1) shall contain-
- (a) the particulars of every person, or the members or directors of every juristic person in whose name such testing station shall be registered in the event that such application is approved;
 - (b) the exact location of the proposed testing station;

- (c) the grade of testing station to be operated; and
- (d) all matters relevant to the consideration of the suitability of such application, addressed in the agreement to be concluded between the MEC and a testing station proprietor as shown in Schedule 3.”

“Consideration of suitability of testing station and person or body of persons to operate testing station

129. (1) The MEC shall consider the application referred to in regulation 128 and shall, without limiting the factors to be considered, take the following into account-
- (a) the suitability of the applicant;
 - (b) the rejection of the applicant to register a testing station, by any other MEC;
 - (c) the rejection of any spouse or partner of the applicant to operate a testing station;
 - (d) the recommendations from the inspectorate of testing stations; and
 - (e) all matters relevant to the application as contained in the agreement to operate a testing station as propose in Schedule 3.
- (2) The MEC may require or obtain any additional information to decide on the application.

(3) The MEC may require that any applicant or the spouse or partner of the applicant obtain a record of previous convictions from the South African Police Services.

(4) If the MEC is satisfied as to the suitability of the testing station he or she shall notify the applicant in writing of his or her decision to approve the application.

(5) If the MEC is not satisfied as to the suitability of the testing station he or she shall refuse to register such testing station, and shall notify the applicant accordingly and shall provide the applicant with the reasons of such refusal in writing.

(6) A person or body of persons whose application to operate a testing station has been refused by an MEC due to the unsuitability of such person or body of persons, may not apply in any other Province for the operation of a testing station as contemplated in regulation 128.”

“Manner of application of approved person or body of persons to register testing station

130. (1) An application by an approved person or body of persons as contemplated in regulation 129 (4) for the registration of a testing station, shall be made on form TS1 as shown in Schedule 2, and a management representative and alternative management representative shall be identified in respect of the testing station concerned.

(2) An application as referred to in subregulation (1) shall be accompanied by acceptable identification of the applicant and of the management representatives identified under subregulation (1), and such

other documentation as required to complete the agreement as proposed in Schedule 3.”.

“Requirements to be met for registration of testing station

131. The requirements for registration of a testing station, are-

- (a) compliance with "The minimum requirements for testing stations" as shown in Schedule 4;
- (b) the ability to test and examine a motor vehicle in terms of "The testing and examination of motor vehicles" as shown in SANS 10047: Testing of motor vehicles for roadworthiness, as contemplated in regulation 140;
- (c) a signed agreement between the MEC and the testing station proprietor reflecting the information of the agreement as proposed in Schedule 3; and
- (d) the payment of the fees as determined by the MEC of the province concerned.”.

“Manner of registration of a testing station

132. (1) The MEC shall, upon receipt of an application for registration of a testing station made in terms of regulation 130 with due regard to the evaluation and recommendations of the inspectorate of testing stations, satisfy himself or herself that the testing station concerned complies with the requirements referred to in regulation 131.

(2) If the MEC is satisfied as to the suitability of the testing station in terms of regulations 128 and 130, he or she shall-

(a) subject to the conditions he or she may deem fit, register and, in terms of regulation 135, grade such testing station;

(b) record the particulars of such testing station on the register of testing stations;

(c) issue a certificate of registration on form CR as shown in Schedule 2, to such testing station;

(d) provide, upon payment of the fees as determined by the MEC of the province concerned, as many forms necessary for the certification of roadworthiness of motor vehicles as requested by a testing station, if such testing station is not under the control of a registering authority; and

(e) give notice of the registration of the testing station in the provincial gazette concerned.

(3) A certificate of registration issued in terms of subregulation (2)(c) shall be displayed in a conspicuous place where members of the public who make use of the testing station can see such certificate.

(4) A testing station shall only be registered for the premises reflected on form CR and may only be operated by the testing station proprietor in whose name the testing station is registered.”

“Notification of change of particulars of testing station

133. (1) Subject to the previous provisions of subregulation (3), the testing station proprietor in whose name the testing station is registered, shall, upon the change of any of the particulars submitted in terms of regulations 128 and 130, notify the MEC and the inspectorate of testing stations of such change on form TS1 as shown in Schedule 2, within 14 days after such change.
- (2) The MEC shall, upon receipt of a notification referred to in subregulation (1), update the register of testing stations accordingly.
- (3) In the event that the testing station proprietor sell or alienate the testing station, it shall be considered as a new application and the procedure referred to in regulations 128 shall apply.”.

“Approval of appointment of examiner of vehicles prior to appointment

134. (1) A testing station proprietor who desires to appoint an examiner of vehicles at a testing station, shall submit the particulars of such examiner of vehicles to the MEC concerned, for approval.
- (2) The MEC shall evaluate the record, registration and grading of the examiner of vehicles referred to in subregulation (1) for his or her suitability to be appointed at the testing station concerned and shall notify the testing station proprietor of his or her decision.
- (3) A testing station proprietor shall not appoint an examiner of vehicles, unless the appointment of such examiner has been approved by the MEC.”.

“Grades of testing stations

135. (1) The MEC shall grade a testing station as a grade A or B, as the case may be, if such testing station complies with the appropriate grading requirements when it is evaluated, according to "The minimum requirements for testing stations" as shown in Schedule 4.
- (2) (a) A grade A testing station is authorized to examine and test a motor vehicle of any class in terms of regulation 140 for roadworthiness; or
- (b) A grade B testing station is authorized to examine and test a motor vehicle of any class, excluding -
- (i) a bus, minibus or goods vehicle the gross vehicle mass of which exceeds 3 500 kilograms; or
- (ii) any other motor vehicle the tare of which exceeds 3 500 kilograms.
- (3) The MEC may restrict a testing station registered and graded before (date of implementation) to examine and test only -
- (a) vehicles owned and operated by certain persons;
- (b) vehicles of certain makes;
- (c) vehicles of certain models,
- (d) vehicles of certain classes;
- (e) vehicles with certain dimensions; or
- (f) vehicles as may be determined by the MEC concerned.

(4) The MEC may amend the grading of a testing station registered before the implementation of this regulation, if such testing station does not fully comply with the requirements in Schedule 4 and shall do so in terms of the provisions of such schedule.

“Manner of suspension or cancellation of registration of a testing station

136. (1) Subject to subregulation (3), the MEC shall, upon being notified that a registered testing station does not comply with the provisions of this Act, or upon a recommendation of the inspectorate of testing stations that a testing station does not comply satisfy himself or herself of the non-compliance of such testing station.

(2) The MEC shall, in considering the suspension or cancellation of the registration of a testing station on any matter, other than an alleged criminal offence-

(a) notify the testing station proprietor of the failure of such testing station to comply with the requirements of this Act; and

(b) demand from such testing station proprietor to indicate in writing within three days from the date of the said notification-

(i) the reason for such failure; and

(ii) the details of the measures that have been taken to rectify and prevent such failure.

(3) If the MEC has an affidavit or an affirmation on any alleged criminal offence committed by any testing station proprietor or an employee, agent or manager of such testing station, he or she may immediately suspend the

registration of such testing station and seize any records and unused documents of such testing station.

(4) If the MEC is not satisfied with the reason or measures referred to in subregulation (2)(b), he or she shall inform the proprietor referred to in paragraph (2)(a) and may-

- (a) suspend, or
- (b) cancel, the registration of such testing station.

(5) If the MEC suspends or cancels the registration of a testing station, he or she shall-

- (a) notify such testing station proprietor of such suspension or cancellation and the reason therefor and, in the case of suspension, the period thereof; and
- (b) give notice in the Provincial Gazette of the cancellation referred to in paragraph (a).

(6) The person referred to in paragraph (2)(a) whose testing stations registration has been cancelled, shall within three days after having been notified of such cancellation, submit to the MEC-

- (a) the certificate of registration referred to in regulation 132(2)(c) issued in respect of such testing station; and
- (b) a reconciliation of forms held and issued, and blank forms.”.

“Duties of a testing station proprietor

137. A testing station proprietor shall-

- (a) notify the MEC of the province concerned within seven days of any change in particulars or circumstances in relation to any information provided to the MEC on the testing station;
- (b) exercise proper control over the management representative, examiner of vehicles or officer employed at such testing station;
- (c) ensure that motor vehicles tested at such testing station are tested and examined in accordance with the Act and prescribed standards;
- (d) ensure that all records are kept as required by the Act;
- (e) ensure that all records, tax clearance certificates and calibration tables are submitted to the relevant MEC; and
- (f) ensure that all documents pertaining to the road traffic legislation and SABS specifications are kept up to date and all amendments recorded.”.

“Duties of a management representative

137A. A management representative shall-

- (a) ensure that every vehicle tested at the testing station, is tested in accordance with the provisions of the legislation; and

(b) if he or she is not the testing station proprietor, report possible deviations from the legislation, by any examiner employed at such Station to the testing station proprietor.”.

“Act or omission of management representative, examiner of Vehicles or employee employed by testing station proprietor

137B. (1) Whenever any management representative, examiner of vehicles or employee of a testing station commits or omits an act which would have constituted an offence in terms of this Act if the testing station proprietor had committed or omitted such act, that testing station proprietor shall, in the absence of evidence-

(a) that he or she did not connive at or permit such act or omission;

(b) that he or she took all reasonable measures to prevent an act or omission of the nature concerned; and

(c) that an act or omission of the nature of the act or omission charged, did not fall within the scope of the authority of or the course of the employment as such manager, agent or employee, be deemed himself or herself to have committed or omitted that act and be liable to be convicted and sentenced in respect thereof.

(2) Whenever any management representative, examiner of vehicles or employee of a testing station, commits or omits any act which would have constituted an offence in terms of this Act if the testing station proprietor had committed or omitted it, such manager, agent or employee shall be liable to be convicted and sentenced in respect thereof as if he or she were such testing station proprietor.”.

“Transitional provision for registering testing station operating without agreement

137C. A testing station that was registered prior to the implementation of this provision, shall comply with the provisions of regulation 131(c) from a date, 12 months after implementation of this regulation.”.

“Fee to defray expenditure incurred by inspectorate of testing stations

137D (1) A registered testing station shall pay to the inspectorate of testing stations a fee amounting to three per cent of the fee provided for in Schedule 1 to be paid to a registering authority for an application for a roadworthy certificate or certificate of fitness, as the case may be, in respect of each application for which an examination and test was done in terms of the Act by such testing station.

(2) The fee collected in terms of subregulation (1) shall be retained at such testing station and paid to the inspectorate of testing stations on 1 January and 1 July of each year in respect of the examinations and tests performed during the preceding six months.

(3) The inspectorate of testing stations shall submit to the Director-General not later than 1 March of each year a statement of fees received and costs incurred by or on behalf of such inspectorate for the period 1 January to 31 December of the preceding year. “.

“Powers and duties of the inspectorate of testing stations

137E (1) The inspectorate of testing stations—
(a) shall, evaluate a testing station in accordance with the requirements referred to in Schedule 4 and recommend to the MEC—

- (i) the suitability of such testing station for registration; and
 - (ii) the grading of such testing station;
- (b) shall, in respect of every testing station, conduct at least one inspection per year to monitor the standards applied at every testing station;
- (c) may advise any testing station on the improvement and maintenance of testing facilities and procedures; and
- (d) shall, when necessary, recommend to the MEC the suspension or cancellation of the registration of a testing station.
- (2) A person employed by, or who acts on behalf of, the inspectorate of testing stations, may at any reasonable time—
- (a) inspect, examine or test any motor vehicle; and
 - (b) without prior notice -
 - (i) enter the premises of any testing station;
 - (ii) inspect any records of the testing station referred to in subregulation 1 (a)(i); and
 - (iii) question any person with regard to any matter relating to the operation of the testing station referred to in subregulation 1.”.

Amendment of regulation 150 of the Regulations

12. Regulation 150 of the Regulations is amended by the substitution for the regulation of the following regulation:

“Brakes on motor cycle or motor tricycle

150. No person shall operate on a public road a motor cycle or motor tricycle which is not equipped with two independent braking systems, one of which shall act on the front wheel or wheels and the other which shall act on the rear wheel or wheels and each such system shall have an efficiency at least equivalent to that specified for an emergency brake and when the two systems are applied simultaneously, the combined efficiency shall be at least equivalent to that specified for a service brake.”

Amendment of regulation 181 of the Regulations

13. Regulation 181 of the Regulations is amended by the addition of the following proviso clause after subregulation 181(2):

“Provided that no person shall operate on a public road a motor vehicle fitted any colour of lights other than the colour of lights prescribed in terms of these regulations.”

Amendment of regulation 200 of the Regulations

14. Regulation 200 of the Regulations is amended by:

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

(b) Paragraph (a) does not apply in respect of motor vehicle which was registered or licenced in the Republic into any persons name before 23 July 2004;

(b) the addition of paragraph (e) after paragraph (d);

(e) the owner of the motor vehicle referred to subregulation (2)(b) may dispose of or transfer ownership of the such motor vehicle.”

Amendment of regulation 212 of the Regulations

15. Regulation 212 of the Regulations is amended by the replacement in paragraph (o) of the phrase "anti-burst stabilizer device"—"with the phrase "vehicle directional stability control device."

Amendment of regulation 213 of the Regulations

16. Regulation 213 of the Regulations is amended by the substitution of paragraph (f) of subregulation (3) for the following paragraph:

"(f) the belt configuration for a seat in the rear of a motor vehicle shall be a 2-point belt or a 3-point belt, with anchorages in accordance with SANS 1430 : Anchorages for restraining devices in motor vehicles", and installed in accordance with SANS " 10168: Installation of safety devices (Safety belts in motor vehicles)."

Amendment of regulation 227 of the Regulations

17. Regulation 227 of the Regulations is hereby amended by the substitution for the regulation of the following regulation:

"Projections in case of vehicle other than motor cycle, motor tricycle or pedal cycle

227. (1) No person shall operate on a public road a vehicle, other than a motor cycle, motor tricycle or pedal cycle--
- (a) carrying any goods which project--
 - (i) either side of the longitudinal centre-line of the vehicle by more than-

(aa) in the case of a bus contemplated in regulation 223(a) or a goods vehicle contemplated in regulation 223(b), one comma three metres; or

(bb) in the case of any other vehicle, one comma two five metres:

Provided that any side mirror or direction indicator on the vehicle shall not be taken into account;

(ii) more than 300 millimetres beyond the front end of the vehicle; or

(iii) more than one comma eight metres beyond the rear end of the vehicle; or

(b) of which-

(i) the front overhang, together with any projection, exceeds the front overhang as provided in regulation 226(1)(b); or

(ii) any bracket projects more than 150 millimetres beyond the widest part of the vehicle.

(2) No person shall operate on a public road a vehicle or combination of vehicles where the combined length of such vehicle or combination of vehicles and any projection exceeds the overall length prescribed in regulation 221 for such vehicle or combination of vehicles.”.

Amendment of regulation 228 of the Regulations

18. Regulation 228 of the Regulations is hereby amended by the substitution for the regulation of the following regulation:

“Projections in case of motor cycle, motor tricycle or pedal cycle

“228. No person shall operate on a public road a motor cycle, motor tricycle, or pedal cycle if any goods carried thereon, or on any portion or side-car of such cycle, project more than 600 millimetres to the front of the axle centre of the front wheel or more than