

NOTICE 535 OF 2013**DEPARTMENT OF TRANSPORT****THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT, 1998 (ACT No. 7 OF 1998) (AS AMENDED):****PUBLICATION FOR COMMENTS: DRAFT E-ROAD REGULATIONS**

The Minister of Transport hereby publishes the draft regulations in the Schedule, *E-Road Regulations*, for comment in terms of section 58(4) of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998) ("the Act") (As amended) :

Interested persons are invited to submit written comments on the draft regulations 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 faxed to the following number:

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SCHEDULE**GOVERNMENT NOTICE****DEPARTMENT OF TRANSPORT****No. R****Date:**

THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT, 1998 (ACT No. 7 OF 1998):

DRAFT E-ROAD REGULATIONS

The Minister of Transport hereby, in terms of sections 58 (1)(dA) and (dC) read with sections 27(3)(a) and (b) of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998) ("the Act") makes the regulations in the Schedule hereto.

Schedule**1. Definitions**

In these regulations, a word or expression that has been defined in the Act has the same meaning and, unless the context indicates otherwise—

"Act" means the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);

"alternate user" means a user who is not a registered user, a day-pass user for the e-road used or a non-registered e-tag user;

"day-pass user" means a user of an e-road using a day-pass for the e-road used, which day-pass has been issued and contemplated in regulation 4;

“e-road” means –

- (a) a road or a portion of a road which has been declared to be a toll road in terms of section 27(1)(a)(i) of the Act; and
- (b) where liability to pay toll for use of the road, referred to in paragraph (a), is recorded at a toll plaza by any electrical or electronic device only;

“e-tag” means an electronic device that is fitted to a specific motor vehicle as contemplated in the Specification Regulations published in terms of section 58(1)(dB) of the Act to identify that motor vehicle when it passes under a gantry;

“e-tag credit” means an amount of money, which is reflected in the records of the Agency against an e-tag of a non-registered user, and which monetary credit is reduced by the amount of toll incurred under an e-toll transaction by the user of the motor vehicle to which the e-tag has been fitted;

“e-toll account” means an account opened with the Agency by a person who, through his or her intended use of an e-road, may incur a liability to pay toll for that use and who wishes to discharge that liability through the said account and where such account is linked to the VLN;

“e-toll customer service centre” means a centre as determined by the Agency in the Conditions for the Payment of Tolls published by the Agency in terms of section 27(1)(b) of the Act;

“e-toll transaction” means the recording of the passage of a motor vehicle under a gantry and the simultaneous recording of the liability of the user of that motor vehicle to pay toll for the use of that motor vehicle on the road on which the gantry is situated;

“gantry” is a toll plaza where the liability to pay toll is recorded by an electrical or electronic device;

“motor vehicle” means a motor vehicle as defined in the National Road Traffic Act;

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“non-registered e-tag user” means a user whose motor vehicle is fitted with an e-tag against which sufficient e-tag credit is reflected in the records of the Agency at the time of an e-toll transaction, for the payment of the toll incurred in respect of that e-toll transaction, but where the user has not registered with the Agency in accordance with these regulations;

“registered e-tag user” means a user who is registered with the Agency for a specific motor vehicle, complies with all the requirements of these regulations and where such user requests that e-toll transactions pertaining to the motor vehicle be recorded using an e-tag fitted to the motor vehicle; and where, at the time of the e-toll transaction, such user has –

- (a) sufficient funds in his or her e-toll account to pay the toll that applies to the e-toll transaction;
- (b) linked his or her e-toll account to a payment method acceptable to the Agency; or
- (c) an agreement with the Agency to pay for e-toll transactions on a different basis than that contemplated in paragraph (a) or (b);

“registered user” means a user who has registered as either an e-tag user or as a VLN user with the Agency to pay e-toll in terms of these regulations;

“registered VLN user” means a user who is registered with the Agency for a specific motor vehicle, complies with the requirements of these regulations and where such user requests that e-toll transactions pertaining to the motor vehicle be recorded using the VLN of the motor vehicle; and where, at the time of the e-toll transaction, such user has –

- (a) sufficient funds in his or her e-toll account to pay the toll that applies to the e-toll transaction;
- (b) linked his or her e-toll account to a payment method acceptable to the Agency; or
- (c) an agreement with the Agency to pay for e-toll transactions on a different basis from that contemplated in paragraph (a) or (b);

“**user**” means a person driving or using a motor vehicle on a toll road and “used” or “driven” or any like word has a corresponding meaning; and

“**VLN**” means the motor Vehicle Licence Number allocated to a motor vehicle under section 4(3) of the National Road Traffic Act or under the legislation of the country in which the motor vehicle was registered.

2. System of registration

- (1) Any person who wishes to be registered as—

- (a) a day-pass user;
- (b) a registered e-tag user; or
- (c) a registered VLN user,

of an e-road may do so in terms of these regulations.

- (2) A user of a motor vehicle on an e-road who, at the time of his or her use, has not registered in terms of sub-regulation (1) shall be either—

- (a) a non-registered e-tag user; or
- (b) an alternate user,

as the case may be.

- (3) The use of an e-road and the liability to pay toll for any e-toll transactions by a person who registers as a registered user or a day-pass user is subject to the Act and these

regulations and, any person so registering, undertakes thereby to comply with the Act and these regulations.

3. Registration as an e-tag or VLN user

(1) A person who uses an e-road may apply to the Agency to register as an e-tag user or a VLN user for a specific motor vehicle and to open an e-toll account, by providing the information in subregulation (2) by –

- (a) faxing a form obtainable from an e-toll customer centre or the website provided by the Agency as shown in Annexure A to these regulations to the facsimile number indicated on that form;
- (b) submitting such form by electronic mail message to the email address as indicated on that form;
- (c) logging on to the website provided by the Agency for those purposes and providing the required information;
- (d) submitting the required information to an e-toll customer centre; or
- (e) calling the e-toll call centre and supply the required information,

in each instance supplying to the agency the information and documentation stipulated in sub-regulation (2).

(2) The following information as applicable, must be supplied to the Agency together with the application for registration as contemplated in sub-regulation (1):

- (a) The name and surname of the person applying for registration;
- (b) the identity number or the business registration number of the person applying for registration;
- (c) the VLN, make, model and colour, and if required by the Agency, the vehicle register number as reflected on the motor vehicle licence disc, of the motor vehicle to be used on the e-road by the person applying for registration or that are to be used on the e-road by persons in respect of whose use of the said motor vehicle on the e-road the person applying for registration undertakes liability to pay the toll so incurred;

- (d) a contact telephone number or electronic mail address for the person applying for registration or his or her authorized representative;
 - (e) a preferred method of communication for notifications;
 - (f) a preferred method of receipt of invoices;
 - (g) the physical address of the person applying for registration;
 - (h) the method of identification to be used for the motor vehicle as it passes beneath a gantry, whether by e-tag or VLN and, if by e-tag—
 - (i) provide the e-tag identification number if acquired at a third party retailer; or
 - (ii) apply for the issue of an e-tag for the motor vehicle described in paragraph (c) above;
 - (i) an undertaking on the part of the person applying for registration to make payment to the Agency of all toll incurred in respect of the use on the e-road of the motor vehicle described in the application for registration; and
 - (j) a proposed method of payment for the settlement of the e-toll account to be opened, which method of payment shall be subject to the conditions that the Agency may determine and make known.
- (3) Upon receipt of the application referred to in sub-regulation (1) and if the application made and the information submitted is in accordance with these regulations, the Agency must –
- (a) capture the information submitted by the person applying for registration;
 - (b) if the proposed method of payment for the settlement of the e-toll account to be opened complies with such conditions as the Agency has determined and made known, register the person who applied under sub-regulation (1) as a user in the register contemplated in regulation 7;

- (c) to the extent applicable, specify the e-tag identification number and the corresponding VLN of the motor vehicle to which such e-tag must be fitted; and
 - (d) if such person applied for an e-tag under sub-regulation (2)(h)(ii), issue an e-tag to such person.
- (4) The Agency must collect e-tolls from registered users in the manner contemplated in regulation 6.

4. Registration of a day-pass user

- (1) Any person intending to use an e-road may, before using that e-road, apply to register as a day-pass user of that e-road by providing the VLN and the make, model and colour of the motor vehicle to be used, –
 - (a) on the website provided by the Agency;
 - (b) by visiting an e-toll customer service centre; or
 - (c) by contacting the call centre on the number provided on the website, and by providing a payment method accepted by the Agency.
- (2) Upon receipt of the application referred to in sub-regulation (1) and if the application made and the information submitted is in accordance with these regulations the Agency must –
 - (a) capture the information submitted by the person applying for registration; and
 - (b) if-

- (i) the method of payment for day-pass complies with such conditions as the Agency has determined and made known, and
- (ii) subject to sub-regulations (4) and (5),

register the person who applied under sub-regulation (1) as a day-pass user in the register contemplated in regulation 7 and issue to such person confirmation of registration as a day-pass user entitling the user to use the e-road in respect of which the day-pass has been issued. .

- (3) The Agency shall confirm the registration of a day-pass user by notification to the user at the time of registration either at the call centre, at the customer service centre at which the application is made, by electronic mail message or by a text message to the cell phone number supplied by the user.
- (4) The person so registered as a day-pass user may, after being issued with confirmation of registration as a day-pass user, use the e-road for which he or she was registered as a day-pass user, without incurring any further toll liability in respect of that use under the following conditions:
 - (a) The period for which the person so registered may use the e-road for which he or she was registered as a day-pass user without incurring any further liability to pay toll shall not exceed 24 hours from the time when the user first uses the e-road;
 - (b) an e-road may only be used under registration as a day-pass user 12 times during a 12 month period to be reckoned from the date and time the e-road was first used pursuant to the day-pass registration; and
 - (c) if the same motor vehicle in respect of which a day pass was registered is used on an e-road outside of the 24-hour period as contemplated in paragraph (a) or on an e-road other than the e-road in respect of which registration as a day-pass user was applied for, then, unless the person so using the motor vehicle is

a registered user or a non-registered e-tag user, he or she shall be an alternate user and shall be liable for toll accordingly.

- (5) A day-pass must be used on an e-road, for which he or she was registered as a day-pass user, within 30 days from the date of purchase, failing which the day pass shall expire.
- (6) A day-pass user is identified at the time of an e-toll transaction by the VLN of the motor vehicle used by the day-pass user, which must be the motor vehicle specified in sub-regulation (1).

5. Use of an e-road by registered users, by non-registered e-tag users, and by alternate users

- (1) Before using an e-road, a registered e-tag user must, in the manner contemplated in the Specification Regulations published in terms of section 58(1)(dB) of the Act, fit the e-tag as provided for in paragraphs (3)(c) or (d) of regulation 3 to the corresponding motor vehicle and maintain the e-tag in working order.
- (2)
 - (a) If a motor vehicle for which an e-tag has been specified passes beneath a gantry on an e-road and the equipment used to identify the e-tag fails, the user who is registered as the e-tag user in respect of that motor vehicle will be identified by the VLN of the motor vehicle.
 - (b) In the case where the Agency detects that the e-tag of the registered e-tag user does not function properly it may notify the user by means of the preferred method of communication referred to in paragraph (2)(e) of regulation 3.
- (3) A motor vehicle of a registered user that passes beneath a gantry shall be identified at the time of the e-toll transaction either by the e-tag or VLN, as the case may be, and the liability for toll may differ according to the method of identification in question.

- (4) Registered users must maintain an e-toll account with the Agency and must make payment timeously of all amounts due in respect of that account, which payment shall be subject to the conditions that the Agency may determine and make known.
- (5) Where a non-registered e-tag user, who prior to his or her use of an e-road fits an e-tag to a motor vehicle in the manner contemplated in the Specification Regulations published in terms of section 58(1)(dB) of the Act—
 - (a) he or she is identified at the time of the e-toll transaction by the VLN and e-tag so fitted;
 - (b) the liability for toll for the use of the e-road by the non-registered e-tag user may be determined accordingly; and
 - (c) the toll for the e-toll transaction so occurring will be set off against any e-tag credit.
- (6) The passage of a motor vehicle beneath a gantry, the user of which is an alternate user, is identified at the time of the e-toll transaction by the VLN or an e-tag and the liability for toll will be determined accordingly.
- (7) A registered user must—
 - (a) within 14 days of changing his or her physical or postal address or any of the particulars supplied to the Agency at the time of registration, notify the Agency of his or her new address or such new particulars;
 - (b) notify the Agency within 24 hours after he or she becomes aware of the theft of a motor vehicle in respect of the use of which registration was applied for;
 - (c) notify the Agency within 24 hours if a motor vehicle for which an e-toll account is registered has been declared unfit for use;
 - (d) furnish information, if requested to do so, regarding a motor vehicle which is or may have been used by him or her on an e-road to any traffic officer, an

employee of the Agency or an employee of an agent appointed by the Agency to operate the e-road;

- (e) ensure that the number plates of the motor vehicle that he or she is using on an e-road are affixed in the manner prescribed in regulation 35 of the National Road Traffic Regulations, 2000 and are clearly visible at all times; and
- (f) not tamper with or duplicate a number plate or use a motor vehicle on an e-road without number plates being properly affixed to the motor vehicle.

(8) An e-tag user–

- (a) may not tamper with or duplicate an e-tag;
- (b) must notify the Agency within 24 hours of the e-tag becoming damaged or stolen or destroyed and, in the case of a registered e-tag user who wishes to remain registered–
 - (i) provide a new e-tag identification number and the corresponding VLN of the motor vehicle to which such e-tag will be fitted, or
 - (ii) apply for the issue of a new e-tag ; and
- (c) where he or she wishes to transfer the e-tag issued to him or her to another motor vehicle, provide the VLN, make, model and colour to the Agency and request the transfer of such e-tag to the new motor vehicle.

6. Terms and conditions for payment of e-toll

- (1) A registered user must pay the toll for which he or she becomes liable as a result of his or her use of an e-road at the place and subject to the conditions that the Agency may make known and determine.
- (2) Unless payment is made in terms of sub-regulation (1), such registered user shall remain liable for the payment of all tolls in relation to the use of an e-road.
- (3) Where a registered user does not pay the toll payable by him or her, the Agency may, within 32 days after the registered user has used an e-road, send an invoice to

the said user reflecting the amount of the toll payable and such invoice must be paid by the said user on or before the date reflected on the invoice.

- (4) If an alternate user has used an e-road he or she must pay the toll applicable to such use within the time and at the place and subject to the conditions that the Agency may make known and determine.
- (5) If an alternate user does not pay the toll contemplated in terms of sub-regulation (4) within the time and at the place and subject to the conditions that the Agency may make known and determine, the Agency may within 32 days after the alternate user has used an e-road, send an invoice to the said user reflecting the amount of the toll payable and such invoice shall be paid by the said user on or before the date reflected on the invoice.
- (6) The Agency may follow criminal or civil process to collect all outstanding tolls if, despite an invoice having been sent, the user continues to fail to pay such outstanding tolls within the time period stipulated in the invoice or at all: Provided that the sending or receipt of such an invoice shall not be a precondition to the Agency's being entitled to follow a criminal or civil process to collect all outstanding toll.
- (7) The civil fine contemplated in section 27(5)(b) of the Act shall be R1 500.00.
- (8) No person may—
 - (a) in relation to any application made under these regulations; or
 - (b) in relation to the furnishing of any information which, to his or her knowledge, is to be or may be used for any purpose in terms of these regulations,make a declaration or furnish information to the Agency or any other person referred to in these regulations, which to his or her knowledge is false or misleading.
- (9) Any user of an e-road who, through such use, becomes liable to pay toll may request an invoice from the Agency at any e-toll customer centre, failing which the Agency shall not be obliged to provide invoices to any user, save as provided for elsewhere in these regulations.

7. Offences

Any person who contravenes or fails to comply with any provision of these Regulations or with any direction, condition, demand, determination, requirement, term or request thereunder, shall be guilty of an offence and shall upon conviction be liable to a fine or imprisonment not exceeding six months.

8. Registers and records

- (1) The Agency must create a register for registered users.
- (2) The Agency must record all transactions of electronic e-road users in the register.
- (3) Final disposition of the records contemplated in these regulations must be in accordance with the National Archives and Record Service of South Africa Act, 1996 (Act No. 43 of 1996).
- (4) Records may be kept as hard copies, as microfilm or in electronic format.

9. Short title and commencement

These regulations are called the e-Road Regulations and shall come into operation on a date to be determined by the Minister by notice in the Gazette.

Annexure A

e-toll Information Form



ACCOUNT HOLDER INFORMATION

Title:	First Name:
<input type="text"/>	<input type="text"/>
Surname:	
<input type="text"/>	
RSA ID No.:	Passport No. (if no RSA ID No.):
<input type="text"/>	<input type="text"/>

ADDRESS DETAILS

Physical Address:	Postal Address:
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
Code:	Code:
<input type="text"/>	<input type="text"/>

CONTACT DETAILS

Contact Information:	Please tick your preferred method of communication
E-mail:	<input type="checkbox"/> E-mail:
Cell Phone:	<input type="checkbox"/> Cell Phone:
Fax:	<input type="checkbox"/> Fax:
Landline:	<input type="checkbox"/> Landline:

VEHICLE DETAILS

1 st Vehicle Licence Plate Number:	2 nd Vehicle Licence Plate Number:
<input type="text"/>	<input type="text"/>
3 rd Vehicle Licence Plate Number:	4 th Vehicle Licence Plate Number:
<input type="text"/>	<input type="text"/>

Note: If you wish to register more than 4 vehicles, you may do so by calling our e-toll Call Centre on 0800 SANRAL (726 725), visiting the e-toll website www.sanral.co.za or through one of our conveniently located e-toll Customer Service Outlets.

GENERAL COMMUNICATION

- a. Please note that by completing and sending this e-toll Information Form to us, this does not mean that you have registered with SANRAL. After we receive this form from you, we will contact you so that you can complete your registration.
- b. Please note that there are Terms and Conditions for people and organisations who register with SANRAL. When you register with SANRAL, you will be required to agree to these Terms and Conditions. The Terms and Conditions are available at www.sanral.co.za. They are also available from the e-toll customer service outlets located in selected malls in Gauteng and at e-toll customer centres located along the Gauteng e-roads. You can also contact the e-toll call centre on 0800 SANRAL (726 725) to get details of where the e-toll customer service outlets and e-toll customer centres are located.
- c. By signing this e-toll Information Form, you will be confirming that the information you have provided in this form is correct.

Signed at:

Date: / / 20.....

Print Name:

Signature:

Please e-mail the Information Form to info@sa-etoll.co.za or fax it to 0800 SANRAL (726 725) or hand it in at an e-toll Customer Service Outlet

FOR OFFICE USE ONLY

Captured by:	Date: / / 20.....
Checked by:	Date: / / 20.....
Employee Number:	Ref. No:

OPTIONS AVAILABLE TO YOU

A. REGISTRATION OPTIONS

In order to pay toll on the Gauteng e-road, you have the choice to have your vehicles recognised with the Vehicle Licence Plate Number or with an e-tag, combined with the Vehicle Licence Plate Number.

Option A: With an e-tag

An e-tag is a small electronic device that needs to be fitted to the inside of a vehicle's windscreen. The e-tag is linked to a Vehicle's Licence Plate Number, vehicle type and e-toll Account.

B) ACCOUNT PAYMENT OPTIONS AVAILABLE

Upon registration you will be asked to select a method in which you would like to pay for your e-toll.

Option A: Credit Card Settlement Account

You choose to have a Pre-paid Account, or a Credit Card Settlement Account.

You can pay your tolls by linking the e-toll Account to a credit card. Transactions are 'rolled-up' daily and one amount is deducted from the pre-registered credit card.

Option B: Pre-paid Account

This e-toll Account requires the account holder to maintain a minimum (positive) balance in the e-toll Account and when the minimum amount

The e-tag entitles road users to a 48% discount on the toll tariffs as well as other discounts. It also has an added benefit of reducing the chance of someone cloning your vehicle licence plate.

Option B: With a Vehicle Licence Plate Number (VLN)

If you choose to have your vehicles recognised by number plate only, you are still required to register an e-toll Account.

is reached, it would need to be topped-up.

Top-up can be done in two ways:

(i) Automatic

You can link the e-toll Account to a credit card or bank account. Once the minimum amount is reached the e-toll Account will be topped-up to a pre-defined balance, from the nominated credit card or bank account.

(ii) Manually

You can top-up the e-toll Account by making a payment into the account at an e-toll Customer Service Outlet or a participating retailer or with Electronic Funds Transfer (EFT).