

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**NATIONAL ROAD TRAFFIC
AMENDMENT BILL**

[B 7—2020]

(As agreed to by the Portfolio Committee on Transport (National Assembly))

[B 7A—2020]

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AMENDMENTS AGREED TO

NATIONAL ROAD TRAFFIC AMENDMENT BILL

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CLAUSE 1

1. On page 3, from line 17, to substitute “body builder” for the following definition:

“ ‘body builder’ means a person who builds new bodies, or modifies existing bodies on chassis and chassis-cabs, and who is registered as a builder of new vehicles or bodies or imports new buses, midibuses or minibuses complete with bodies, and is registered as an importer;”.

2. On page 3, from line 38, to substitute “emergency services” for the following definition:

“ ‘emergency services’ means emergency medical services provided by an organ of state or private body for private use, disaster management services, fire and emergency services, traffic officers, reserve traffic warden, traffic warden, members of the South African Police Service, municipal police service, members of the South African National Defence force, or the Department responsible for health services;”.

3. On page 3, in line 45, to omit “emergency”.
4. On page 3, in line 49, to omit “a metropolitan police department or”.
5. On page 4, in line 8, to omit “28G” and substitute 28H.
6. On page 4, from line 16, to omit “instructor” and substitute with the following definition:

“ ‘instructor’ means any person who for direct or indirect reward—
(a) instructs any other person in the driving of a motor vehicle;
(b) teaches any other person the rules of the road, road traffic signs or any other teaching in order to obtain a learner’s licence, a driving licence or a professional driving permit;”;

7. On page 4, after line 17, to insert the following paragraph

“(j) by the substitution for the definition of “local authority” of the following definition:

“ ‘local authority’ means all municipalities conferred with the powers of the local sphere of government as envisaged in Chapter 7 of the Constitution;”.

8. On page 4, from line 52, to omit the definition of “motor vehicle” and to substitute of the following definition:

“ ‘motor vehicle’ means any self-propelled vehicle and includes—
(a) a trailer; and
(b) a power assisted pedal cycle, except for a power assisted pedal cycle contemplated in subparagraph (iii), but does not include—
(i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian;

- (ii) any vehicle with a mass not exceeding 230 kilograms and specifically designed and constructed, but not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;
- (iii) a power assisted pedal cycle, having pedals and an engine or electrical motor as an integral part thereof, with a maximum mass of 30 kilograms and a design speed not exceeding 25 kilometres per hour that complies with the prescribed requirements for power assisted pedal cycles; or
- (iv) a vehicle that has maximum design speed of 45 kilometres per hour that complies with the prescribed requirements for environmentally friendly vehicles;”;

9. On page 5, after line 16, to omit the definition of “pedal cycle” and to substitute with the following definition:

“ **‘pedal cycle’** means—

- (a) a bicycle or tricycle designed for propulsion solely by means of human power; or
- (b) a power assisted pedal cycle, as contemplated in subparagraph (iii) of the definition of motor vehicle;”.

10. On page 5, after line 26, to insert the following paragraph:

“(r) by the substitution for the definition of “public road” of the following definition:

“ **‘public road’** means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which—

- (a) is commonly used by the public or any section thereof; or
- (b) the public or any section thereof has a right of access, and includes—
 - (i) the verge of any such road, street or thoroughfare;
 - (ii) any bridge, ferry or drift traversed by any such roads, street or thoroughfare; and
 - (iii) any other work or object forming part of, or connected with or belonging to such road, street, or thoroughfare, and includes roads inside a residential estate or other area with the prescribed methods of access control;”.

CLAUSE 2

1. On page 6, after line 15, to insert subparagraph (v), after omitting “,” and to insert “; and” as follows:
“(v) reserve traffic warden.”.
2. On page 6, in line 20, to omit “subparagraph” and to substitute “subparagraphs”.
3. On page 6, in line 21, to omit “(iv)” and substitute the following:

“(iv) traffic warden;
(v) reserve traffic warden; or
(vi) NaTIS officer.”.

CLAUSE 3

1. On page 6, in line 32, after “**traffic officer,**” to insert “**reserve traffic warden**”.
2. On page 6, after line 37, to omit “(e) to (f)” and substitute the following:
 - “(e) a reserve traffic warden;
 - (f) a traffic warden; or
 - (g) a NaTIS officer,”.

CLAUSE 4

1. On page 6, in line 52, after “traffic officer,”, to insert “, reserve traffic warden”.

CLAUSE 5

1. On page 7, in line 7, to omit “**and**” and insert “,” and to insert “, **reserve traffic warden and NaTIS officer**”.
2. On page 7, in line 12, after “officer” insert “, a reserve traffic warden”.
3. On page 7, in line 12, after “officer” to omit “or”.
4. On page 7, in line 12, after “warden” insert “or NaTIS officer”.

CLAUSE 7

1. On page 8, in line 15, after “applicable law” to insert “and the officer must deal with the impounded vehicle as determined in terms of the relevant sections of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).”.

CLAUSE 8

1. On page 8, in line 19, to substitute the title for the following title: “**Registration of training centre**”.

CLAUSE 10

1. On page 9, in line 21, after “her,” to insert “subject to compliance with the applicable traffic laws”.

CLAUSE 14

1. Clause rejected.

NEW CLAUSE

1. That the following be a new clause:

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

14. Section 8 of the principal Act is hereby repealed.”.

CLAUSE 15

1. On page 12, in line 34, after “Any” to insert “local authority”.
2. On page 12, in line 34, to omit “provincial department responsible for transport”.
3. On page 12, from line 39, to omit “A provincial department responsible for transport” and to substitute “A local authority”.
4. On page 12, in line 50, after “authority” to insert “or a local authority”.
5. On page 12, in line 51, after “authority” to insert “or the local authority”.

CLAUSE 17

1. On page 13, in line 16, after “person” to omit “,” and to insert “[,] or”.
2. On page 13, in line 16, to omit “or a body” and to substitute “[or a body]”.

CLAUSE 18

1. On page 13, in line 21, to omit “or an organisation”.

CLAUSE 19

1. Clause rejected.

CLAUSE 20

1. Clause rejected.

CLAUSE 21

1. On page 14, from line 5 to 6, to omit “**licence, provisional licence or**” and to substitute “**licence [or]**”.
2. On page 14, in line 6, after “**driving licence**” to insert “**driving permit**”.
3. On page 14, in line 32, to omit “subsection” and to substitute “subsections”.
4. On page 14, after line 37, to insert the following new paragraph:

“(4) For purposes of this section read with sections 23 and 32 of this Act, driving permit includes all driving permits as defined in section 1 and required in terms of this Act.”

CLAUSE 22

1. Clause rejected.

CLAUSE 24

1. On page 15, in line 12, to omit “in person” and to substitute “[in person]”.

CLAUSE 27

1. On page 17, in line 20, to omit “on” and to substitute “from”.

CLAUSE 28

1. Clause rejected.

NEW CLAUSE

“Substitution of section 23 of Act 93 of 1996

1. The following section is hereby substituted for section 23 of the principal Act:

“When licence not issued in terms of Act deemed to be driving licence

23. (1) Subject to sections 15, this section, section 32 and the prescribed conditions—

- (a) a licence or driving permit authorising the driving of a motor vehicle and which was issued in a country that is a contracting state to the Convention including Conventions from the Southern Africa Development Community;
- (b) a licence or driving permit in the prescribed territory or contracting state to the Convention; and
- (c) a licence combined with or without any of the driving permits which were issued while the holder thereof was not permanently or ordinarily resident in the Republic,

shall not, in respect of the class of motor vehicle to which that licence or driving permit relates be deemed as a licence or driving permit, unless subject to prescribed conditions and compliant with this Act.

(2) The holder of a licence or driving permit referred to in subsection (1) must, subject to the prescribed conditions, apply for a driving licence or driving permit issued in terms of this Act.

(3) The Minister must prescribe regulations, conditions necessary and required in terms of this section and conditions upon which such licences or driving permits may take the place of licences or driving permits issued in compliance with this Act.

(4) All applications in terms of section 15, this section and 32 must be made in the prescribed manner.”.

CLAUSE 32

1. On page 18 in line 42, to omit “, provisional driving licence”.

CLAUSE 35

1. On page 20, from lines 5 to 17, to omit the words “provisional driving licence” wherever it appears.

CLAUSE 36

1. On page 20, from line 23 to 24, omit “,provisional driving licence”.

CLAUSE 37

1. On page 20, in line 32, after “licensed” to insert “and permitted”.
2. On page 20, from lines 35 to 36, to omit “take the necessary steps to ensure” and to substitute “verify”.
3. On page 20, in line 36, after “licenced” to insert “and permitted to drive”.

CLAUSE 38

1. On page 20, from lines 38 to 39, to omit “by the substitution for subsection (1) of the following subsection;” and to insert “—”.
2. On page 20, after line 39, to insert:

“(a) by the substitution for subsection (1) of the following subsection”.
3. On page 20, in line 49, to omit the full stop and to substitute “; and”;
4. On page 20, after line 49, to insert the following paragraph:

“(b) by the substitution in subsection (3) for paragraph (a) of the following paragraph:

“(3) (a) Any document issued by a competent authority in any prescribed territory or other foreign international territory and serving in that territory a purpose similar to that of a professional driving permit or an international driving permit, is deemed to be a professional driving permit for purposes of subsection (1), once all the necessary conditions and steps prescribed have been taken to ensure its validity as contemplated in accordance with this Chapter to possess such a document.”.

CLAUSE 41

1. On page 21, in line 19, to omit “to any person any”.
2. On page 21, in line 20, and after “power conferred upon him or her in terms of this Act” to insert “, except the powers in section 75”.

CLAUSE 46

1. Clause rejected.

CLAUSE 47

1. Clause rejected.

CLAUSE 49

1. On page 24, in line 41, to omit “laws of any province” and to substitute “[**laws of any province**] prescribed requirements”.

CLAUSE 50

1. On page 25, in line 3, omit “may” and substitute “must”.

CLAUSE 53

Amendment of arrangement of sections in Act 93 of 1996

1. The arrangement of sections after the long title of the principal Act is hereby amended by:
 - (a) by the substitution for “3B Application for registration as inspector of licences, examiner of vehicles, examiner for driving licences or traffic officer” of the following:

3B. Application for registration as inspector of licences, examiner of vehicles, examiner for driving licences [or], traffic officer, reserve traffic warden, traffic warden or NaTIS officer”;
 - (b) by the substitution for 3D “Minimum requirements for registration as inspector of licences, examiner of vehicles, examiner for driving licences and traffic officer” of the following:

3D. Minimum requirements for registration as inspector of licences, examiner of vehicles, examiner for driving licences [and], traffic officer, reserve traffic warden and traffic warden and NaTIS officer”;
 - (c) by the substitution for “3L. Approval of training centre” of the following:

3L. Registration of training centre”;
 - (d) by the insertion after 3L of the following:

3M. Application for registration of training centre;
3N. Registration and grading of training centre;
3O. Suspension or cancellation of registration of training centre”;
 - (e) by the substitution for 5 “Registration of manufacturers, builders, and manufacturers of number plates” of the following:

5. Registration of manufacturers, builders, body builders and importers **[and manufacturers of number plates]**”;
 - (f) by the insertion after 5 of the following:

5A. Manufacturing of blank number plates, supplying of blank number plates, manufacturing of reflective sheeting for number plates, supplying of reflective sheeting for number plates and embossing of number plates;
5B. Application for registration as manufacturer of blank number plates, supplier of blank number plates, manufacturer of reflective sheeting for number plates, supplier of reflective sheeting for number plates and embosser of number plates;
5C. Registration of manufacturer of blank number plates, supplier of blank number plates, manufacturer of reflective sheeting for number plates, supplier of reflective sheeting for number plates and embosser of number plates;
5D. Suspension or cancellation of registration as manufacturer of blank number plates, supplier of blank

- number plates, manufacturer of reflective sheeting for number plates, supplier of reflective sheeting for number plates and embosser of number plates;
- 5E.** Weighbridge facility to be registered;
 - 5F.** Application for registration as weighbridge facility;
 - 5G.** Registration of weighbridge facility;
 - 5H.** Suspension or cancellation of registration of weighbridge facility;
 - 5I.** Manufacturer of microdots, supplier of microdots and microdot fitment centres;
 - 5J.** Application for registration as manufacturer of microdots, supplier of microdots and microdot fitment centre;
 - 5K.** Registration of manufacturer, supplier of microdots and microdot fitment centre;
 - 5L.** Suspension or cancellation of registration of manufacturer, supplier of microdots”;
- (g) by the substitution for 7 “Appointment of inspectorate of manufacturers, builders and importers” of the following:
 “**7.** Appointment of **[inspectorate]** inspectorates of manufacturers, builders **[and]**, body builders, importers, number plates, microdots and weighbridge facilities”;
- (h) by the insertion after 11 of the following:
 “**11A.** Provincial inspectorates”;
- (i) by the substitution for 13 “Licence to drive, either learner’s or driving licence” of the following:
 “**13.** [Licence to drive, either learner’s] Learner’s licence, [or] and driving licence”;
- (j) by the substitution for 14 “Prescribing, classification and extent of learner’s or driving licence” of the following:
 “**14.** Prescribing, classification and extent of learner’s licence or driving licence”;
- (k) by the substitution for 15 “Disqualification from obtaining or holding learner’s or driving licence” of the following:
 “**15.** Disqualification from obtaining or holding learner’s licence, [or] driving licence or driving permit”;
- [(l) by the insertion after 15 of the following:**
 “**15A.** Surrender of licence or re-issue of different categories of licence”;
- [(m)](l)** by the substitution for 28 “Instructor to be registered” of the following:
 “**28.** Instructor to be registered and graded”;
- [(n)](m)** by the insertion after 28C of the following:
 “**28D.** Driving school to be registered;
28E. Application for registration of driving school;
28F. Registration and grading of driving school;
28G. Suspension or cancellation of registration of driving school;
28H. Appointment of inspectorate of driving schools”;
- [(o)](n)** by the substitution for 30 “Use of somebody’s learner’s licence or driving licence by another prohibited” of the following:
 “**30.** Use of somebody’s learner’s licence or driving licence by another person prohibited”;
- [(p)](o)** by the insertion after 53 of the following:
 “**53A.** Delegation by MEC”;
- [(q)](p)** by the insertion after 62 of the following:
 “**62A.** Response to road incident”;
- [(r)](q)** by the substitution for 76 “Incorporation of standards by

reference” of the following:

“76. Incorporation of standards, ECE regulations or model regulations by reference”;

[(s)](r) by the substitution for 80 “Parking for disabled persons” of the following:

“80. Parking for [disabled] persons with disabilities”;
and

[(t)](s) by the substitution for 81 “Vehicle and load may be exempted from provisions of Act” of the following:

“81. Exemption of vehicle and load from provisions of Act”.

Substitution of long title of Bill of Act 93 of 1996

1. On page 2, to substitute the Long Title as follows:

“To amend the National Road Traffic Act, 1996, so as to insert new definitions and to amend others; to provide for the suspension and cancellation of the registration of an examiner for driving licences or an examiner of vehicles, if such person has been convicted of an offence listed in Schedule 1 or 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or has a direct or indirect conflict of interest; to provide for the registration and grading of training centres; to further provide for the registration of manufacturers, builders, body builders, importers and manufacturers of number plates, including manufacturers of reflective sheeting for number plates, suppliers of blank number plates, suppliers of reflective sheeting for number plates, embossers of number plates, weighbridge facilities, manufacturers of microdots, suppliers of microdots and microdot fitment centres; to extend the right to appeal to a manufacturer of blank number plates, manufacturer of reflective sheeting for number plates, supplier of blank number plates, supplier of reflective sheeting for number plates, embosser of number plates, weighbridge facility, manufacturer of microdots, supplier of microdots and microdot fitment centres; to require a provincial Department responsible for transport or local authority to register a driving licence testing centre before operating as a driving licence testing centre; to further provide for the appointment of inspectorate of manufacturers, building, body builders, importers, including inspectorates of number plates, microdots and weighbridge facilities; to prohibit the wilful or negligent issuing of a learner’s licence or authorising the issue of a learner’s licence, endorsing or failure to endorse a learner’s licence, or to produce, print or manufacture any document similar to a learner’s licence, contrary to Chapter IV of the National Road Traffic Act, 1996; to prohibit the use of unauthorised aid during a test for a learner’s licence or a driving licence test, and the disqualification therefor; to provide for the registration and grading of driving school instructors; to provide for the registration and grading of driving schools; to regulate further on international driving permits and foreign driving licence and permits; and to provide for matters connected therewith.”.

Substitution of Memorandum on the objects of the National Road Traffic Amendment Bill, 2020

1. On page 28, in point 2., under “OBJECTS OF THE BILL”, at bullet point 6, after “person” omit “,” and insert “or” and after “authority” omit “or body”.

2. On page 28, in point 3., under “DISCUSSION”, at 3.2 discussing clauses 2 and 3, after “NaTIS officers” insert “, reserve traffic wardens”.
3. On page 28, at 3.3 discussing clause 4, after “traffic officer,” insert “reserve traffic warden,”.
4. On page 30, at 3.13, under clause 14, omit “amends section 8 of the Act by providing that a provincial department or municipality shall not operate a driving licence testing centre unless such testing centre is registered and graded” and substitute “repeals section 8 of the principal Act”.
5. On page 31, at 3.18, omit clause 19, and effect re-numbering.
6. On page 31, at 3.19, omit clause 20, and effect re-numbering.
7. On page 31, at 3.20, under clause 21, after “include”, omit “provisional licence” and substitute “driving permit”.
8. On page 31, at 3.21, omit clause 22, and effect re-numbering.
9. On page 32, at 3.27, after “driving licence” at the end of 3.27, insert “or a driving permit”.
10. On page 33, at 3.36, under clause 37, omit “and shall take the necessary steps to ensure” and substitute “he or she must verify”.
11. On page 34, at 3.45, omit clause 46, and effect re-numbering.
12. On page 34, at 3.46, omit clause 47, and effect re-numbering.
13. On page 34, at 3.48, under clause 49, omit “laws of any province” and substitute “prescribed requirements”.

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