

## Traffic Violations, Traffic Law Enforcement and Infringement Notices (Fines) in South Africa

What effect will AARTO fines have on automotive dealerships?

Two answers: none, in some cases, and in other cases, HUGE!

If the purchaser of a vehicle does not have any unpaid fines, the effect is none.

If the purchaser does have unpaid fines...

AARTO, and the two metro police departments governed by AARTO recently started to change unpaid fines to Enforcement Orders.

While this is written into the ACT, it has not been done for quite a while. This changed on 1 July 2018, when a new drive to ensure compliance came into effect.

A short summary of processes within AARTO:

A traffic offence takes place and an infringement notice (fine) is issued.

The Act states that a fine needs to be served on the alleged offender in person or via registered mail. What very few people know, is that an amendment came into effect on 28 April 1999, which is enforced strictly from 1 July 2018, stating that the fine is **deemed to have been received within 10 days of being issued**. Therefore, even if you have not collected the fine from the post office, or even if the post office has not informed you of a fine ready for collection, you have received the fine!

The alleged offender has 32 days to pay the prescribed penalty fees, and within this time frame you will be eligible for a 50% discount, which is indicated on the fine.

Once 32 days has come and gone, the 50% discount is forfeited and a "courtesy letter" is issued, and once again this needs to be served in person or via registered mail. The same 10-day rule applies.

In addition to the full penalty fee payable, you will also be charged an extra R60 for the "courtesy letter" issued. Once again you have 32 days in which to pay the prescribed penalty fee.

After 32 days of being ignored an enforcement order is issued and served on the alleged offender and please add another R60 to the cost.

Once an enforcement order is issued, the alleged offender has 32 days to pay the fine. If this period lapsed, the RTIA will activate the enforcement order, which will lock the infringers' e-NaTIS account.

The e-NaTIS account manages all vehicle related transaction, as well as driving license card renewals. This means that a vehicle cannot be registered or licensed and driving license card renewals cannot be done.

If the Enforcement order is ignored for 32 days, a warrant is issued. The alleged offender now has 7 days to pay all fees due, which will include the costs of the courtesy letter, the enforcement order, as well as the warrant. If no payment is done, the warrant is executed and may result in the blacklisting of the alleged offender.

Back to the question above.

Let me explain it like this. Joe Blogs walks into the dealership to buy a new vehicle. After going through the process with the sales person, and getting finance approved, Joe is ecstatic to receive his new vehicle. Let's say the vehicle cost R500,000.

The dealership has a policy of delivery first, and then doing the registration and license once delivery took place. The bank pays and will receive the registration document in 7 days, or the bank will pay once they receive a registration certificate.

Joe arrives at the dealership, on Friday afternoon, his new vehicle ready with a red bow on the bonnet, and a bottle of bubbly for him to celebrate later, when he is at home. No drinking and driving!

Thank you for the business Joe, we really appreciate it!

On Tuesday the admin person sends the documentation to the licensing department to get the vehicle registered. Two days after that, the documents are returned, not done, as there is a single enforcement order against Joe's ID number on e-NaTIS.

It is Thursday. The admin person calls Joe, but does not get an answer, as Joe is in a meeting. Or something. Or somewhere. And the admin person promptly forgets, due to severe pressure, as it is month-end.

A week goes by and the bank gets antsy to get a registration certificate. The dealership is in contravention of their agreement with the bank.

Or the sales manager gets upset, as the bank has not paid yet.

All because of an active enforcement order, which no one knew about.

There is a solution!

Traffic Fine Manager will do an audit on the ID number of that customer whose finance was approved, and who is ready to take delivery. This way the salesperson and finance person are forewarned and can take appropriate action to ensure the scenario above does not become reality.

Contact [fines@trafficfinemanager.co.za](mailto:fines@trafficfinemanager.co.za) for your queries.