

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

And FINE does not mean Freaked-out, Insecure, Neurotic and Emotional, although, once the gravity of what is happening sets in, that may be the case!

What a mess!

In South Africa we are stuck with AARTO, which is the Administrative Adjudication of Road Traffic Offences (AARTO) Act, No. 46 of 1998, and we have the National Road Traffic Act (NRTA), 1996 (Act No 93 of 1996) and its Regulations were administered in terms of the Criminal Procedure Act, 1977 (Act No 51 of 1977). Two vastly different systems with two vastly different sets of by-laws governing each.

While not going into specifics and every single rule within the two Acts, or reason why AARTO was implemented, we will look at how the motorist will be affected by the two different Acts.

Let's look at AARTO first.

Currently only operational in the Johannesburg and Tshwane Metropolitan areas, and as mentioned previously, a very specific set of by-laws governing the procedure of any alleged traffic offence.

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.

Now the fun starts!

If the enforcement order is ignored, it is activated, and the alleged offender's e-NaTIS account is blocked, but SO WHAT?

Once a person's, whether natural or juristic, account is blocked, no vehicle or license admin can take place! Don't misunderstand, though. Depending on the type of transaction, you may pay the applicable fees, but you will not get what you paid for. Let me explain. If you want to renew your vehicle license disc, the license department will allow you to pay the prescribed license fee, but the e-NaTIS system will not issue the disc, only a receipt and an explanation why the disc is not printed.

Other transactions like vehicle registrations or driving license renewals cannot be processed due to the account being blocked.

Again, so what?

You open yourself to incurring more fines by operating a vehicle on a public road without a valid license disc displayed on the vehicle, or without being in possession of a valid driving license to drive the specific vehicle.

If you are involved in an accident and your vehicle does not have a valid license disc displayed, your insurance may repudiate your claim, leaving you in a very nasty situation. The same applies if you are involved in an accident and you do not have a valid driving license for the vehicle you drove.

Scary stuff!

But that's not all.

The next step is that a warrant is issued and served. At additional cost to the alleged offender. You have seven days to pay all fees, or the warrant is executed.

This is what you can expect when a warrant is executed, and may include:

- Seizing and selling of your movable property to defray the penalty, fees and cost; and

- Seizing and defacing of your driving licence and/or professional driving permit; and

- Removing and defacing of the licence disc of your motor vehicle/s of which you are the owner; and

- If applicable, seize and deface the operator card of the motor vehicle/s of which you are the registered operator; and

- Immobilising such vehicle/s; and

- Reporting you to a credit bureau.

You may, at any time prior to the execution of a Warrant, comply with an Enforcement Order through the payment of the penalty and all applicable fees, including the prescribed cost of the Warrant, in which case the Warrant will not be executed.

Let's consider the Road Traffic Act and the administration thereof in line with the Nation Criminal Procedures Act:

A traffic offence takes place, and a fine is issued.

This fine may be served via **regular mail**, and there are no prescribed discounts or time frames, except for a court date indicated on the fine. You can go to court to plead and explain why you committed the offence, do representation to attempt receiving leniency and a reduction, or simply pay.

Should you choose to ignore this, the prosecutor may, at any stage after the court date indicated, issue a court order.

If you choose to ignore this, a warrant of arrest is issued, and this warrant will cause an admin mark on your ID number on e-NaTIS, blocking your account.

A lot of people say that they do not respond to fines arriving in the post. Or they wait for a court order before they pay.

The old saying "penny wise, pound foolish" is applicable here.

But there is a huge IF attached to this.

IF you receive a fine via regular mail, you are extremely fortunate.

So, there may be several unpaid fines that you are not aware of. There may be court orders issued you are not aware of, and you will only know that your e-NaTIS account is blocked due to a warrant of arrest or an enforcement order activated, once you go to register or license a vehicle or renew your driving license card.

At this point, all additional costs must be paid as well. Your R200 fine may ultimately cost you up to R800!

On top of the cost incurred, it may take up to three or four weeks to get the e-NaTIS account unblocked.

At this point, I can hear the question: "but where do I check for unpaid fines?"

You can search for and log on to 12 different websites where **some** of the fines are loaded and shown.

The frightening thing is that **AARTO fines must** be published on a website, where the 241 other traffic authorities do not have to publish the data. Some do, some don't.

Where does that leave the vehicle owner and motorist?

In a dark place, but there is light at the end of the tunnel, and no, it is not the freight train coming!

Traffic Fine Manager/ FFU is the solution.

For a mere R57,50 once off cost, a person's ID number or business registration number and proxy ID number is submitted to authorities to collect the data of unpaid fines.

Immediate representation is done to ascertain any possible savings which is then presented to the person requesting the data.

The service fee is based on the saving presented, or where no saving is presented, a fixed fee is levied to pay the fine on behalf of the offender.

The original R57,50 cost is offset against the service fees once Traffic Fine Manager are appointed to manage the fines on your behalf.

www.trafficfinemanager.co.za or mail fines@trafficfinemanager.co.za