

AARTO MADE EASY



ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998 (ACT NO 46 OF 1998)



FOREWORD DR. SBU. NDEBELE, MINISTER OF TRANSPORT



Fellow South Africans,

We have witnessed the carnage on our roads. I cannot think of anyone who has not lost a loved one through an accident on our roads. Road accidents have robbed our people of fathers, brothers, mothers and people who were bread winners in their families.

As government, we want to MAKE ROADS SAFE. The Administrative Adjudication of Road Traffic Offences Act, 1998, (Act No 46 of 1998) (AARTO), is a new system to deal with offenders who break the rules of the road. The main reasons for the system is encourage law compliance, to allocate demerit points to traffic offenders, reduce road accidents and thereby making our roads safe.

With the new system, we will be able to classify traffic violations as infringements and offences; operate a uniform penalty system for traffic infringements, and provide traffic offenders with an administrative process to deal with traffic infringements. We are confident that the system change people's behavior and reduce the accidents on our roads. We request all South Africans to support AARTO in the interest of the country and our people.

We have developed this booklet to ensure that an ordinary South Africa road user can understand how AARTO works and how it affects each road user, especially drivers.

Dr. Sbu. Ndebele
Minister: Transport



Mr Collins P Letsoalo

Acting Chief Executive Officer (CEO) of the Road Traffic Management Corporation (RTMC)

The Road Traffic Management Corporation (RTMC) is tasked with implementation of AARTO. Our country needs a traffic management system that will MAKE ROADS SAFE and a system that will punish repeat offenders by suspending and eventually cancelling their driving licenses.

Such a system will reward law-abiding behavior by reducing demerit points incurred if infringements or offences are not committed over a specific period of time. I look forward to the implementation of AARTO and to safer roads.

We hope that this booklet will provide more clarity on how AARTO will affect you, the road user. We welcome any suggestion to make this book clearer.

CP Letsoalo
Acting CEO: RTMC

To make comments please call **0861 400 800** or call **Mr. Basil Nkhwashu** on **(012) 809 5316** or email BasilN@rtmc.co.za

WHAT DOES AARTO STAND FOR?

AARTO stands for the ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998, (Act No.46 of 1998)

WHY AARTO?

To make roads safe by:

- Establishing a procedure for the effective and expeditious adjudication of infringements;
- Alleviating the burden on the courts of trying offenders for infringements;
- Penalizing drivers and operators who are guilty of infringements or offences through the imposition of demerit points leading to the suspension and cancellation of driving licences, professional driving permits or operator cards; and
- rewarding law-abiding behaviour by reducing demerit points if infringements or offences are not committed over a specific period

In a nutshell, AARTO is being introduced to improve law abiding and safer driving behaviour in order to reduce road accidents.

WHAT IS AN INFRINGEMENT?

An infringement is a minor offence which can be paid, for example, failing to wear a safety belt.

HOW SHOULD AN INFRINGEMENT NOTICE BE SERVED?

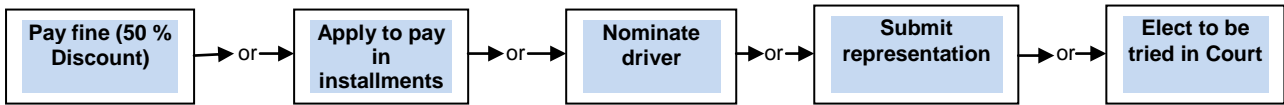
Any document required to be served on an infringer in terms of the AARTO Act, must be served on the infringer personally or sent by registered mail to his or her last known address.

WHAT IS AN OFFENCE?

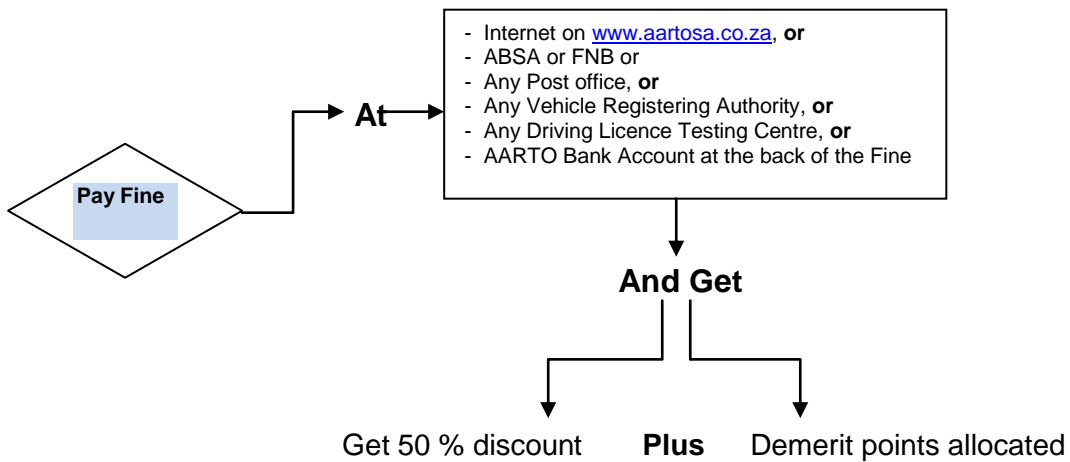
When a driver has committed an offence, there is no fine. However, the driver must appear before the magistrate. For example, driving a motor vehicle without both number plates affixed.

WHAT DO I DO WHEN I HAVE AN INFRINGEMENT NOTICE?

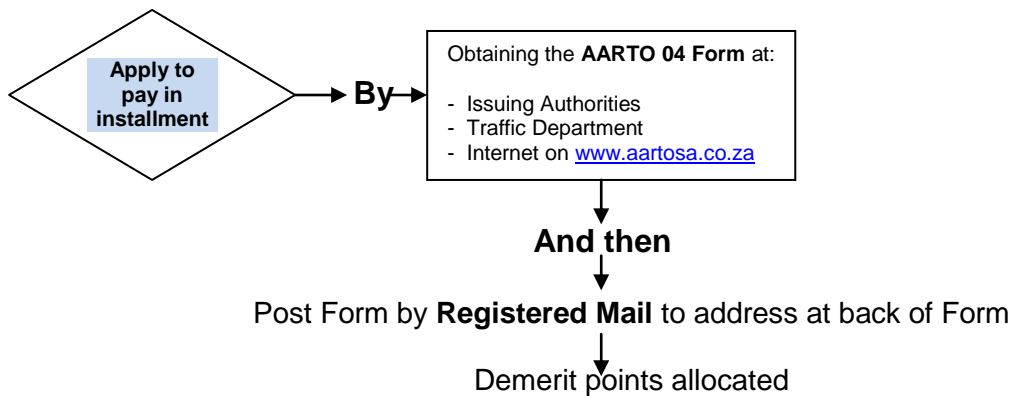
You have the following five (5) options which must be exercised within 32 days:



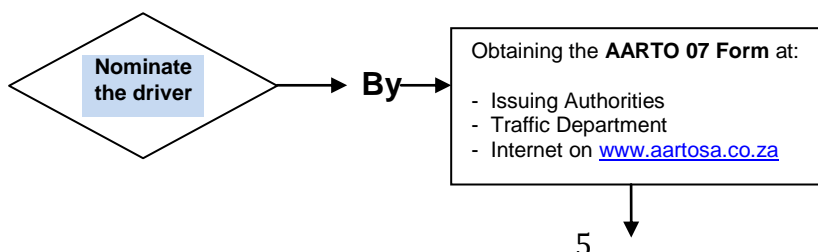
1. Pay the fine and get half price (50% discount)



2. Apply to pay in installments (AARTO 04 Form)



3. Nominate a driver if you were not the driver (AARTO 07 Form)



And then

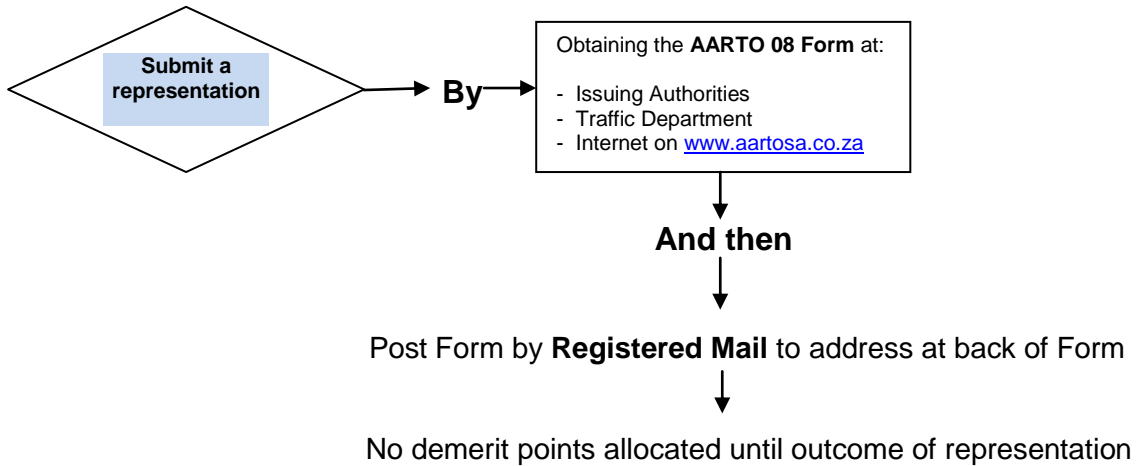


Hand it back at the same Issuing Authority or Traffic Department

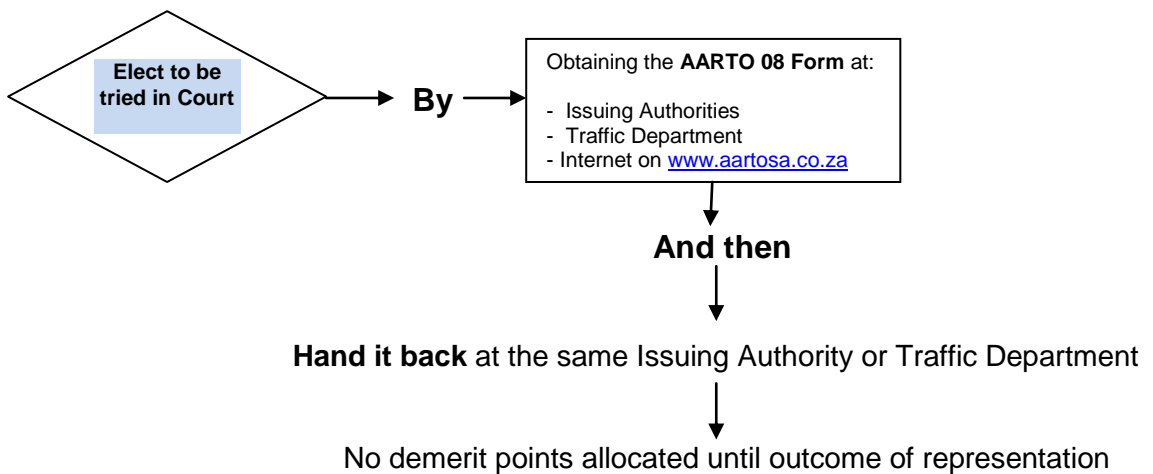


No demerits points allocated until nominated driver is found

4. Submit a representation (AARTO 08 Form)



5. Elect to be tried in court (AARTO 10 Form)



WHEN DO I SUBMIT A REPRESENTATION?

You submit a representation if you admit the infringement but, give a reason which shows it was beyond your control or explain your circumstances which makes it difficult for you to pay the penalty.

HOW DO I SUBMIT A REPRESENTATION?

You submit a representation by completing a form called an AARTO 08 and send it by registered mail to the address provided on the form. A registered mail is available at the Post Office.

WHEN DO I NOMINATE A DRIVER?

You should nominate a driver if you were not the driver of the vehicle at the time the infringement was committed even though the vehicle is registered in your name.

WHEN SHOULD I ELECT TO BE TRIED IN COURT?

You elect to be tried in court if you feel that the traffic officer was unfair in issuing the infringement notice to you. You can also elect to be tried in court if you dispute the accuracy of the equipment used to issue the infringement, such equipment as the speed camera.

HOW DO I ELECT TO BE TRIED IN COURT?

You elect to be tried in court by completing an AARTO 10 form and submit it to the Issuing Authority (e.g. Traffic Departments or Metro Police Department) who will arrange a court date for you.

WHAT IS A DEMERIT POINT?

A Demerit Point is incurred by the driver who commits an infringement or an offence.

HOW IS A DEMERIT POINT AWARDED?

Every driver starts with 0 points and the maximum permissible number of points is 12. Demerit points are recorded against an infringer when:

- The fine is paid,
- You apply to pay in installments,
- You are convicted in a court, and

- When an Enforcement order is issued.

WHEN IS THE DRIVER`S LICENCE SUSPENDED?

The driver`s licence will be suspended for three (3) months for every demerit point exceeding the 12 points threshold.

Law abiding road users are rewarded by reducing one demerit point for every three months if no contraventions occur.

WHEN IS A LICENCE CANCELLED?

A licence will be cancelled if it has been suspended for the third time.

WHAT HAPPENS IF I DO NOT PAY MY FINE?

If a fine is not paid within 32 days, the infringer will pay the full penalty amount and forfeit the discount. A courtesy letter will be issued by the Road Traffic Infringement Agency (RTIA). The courtesy letter is a reminder that the infringer has failed to respond or use the options made available to him/her. The courtesy letter has an administration fee of R60.00. This means that in addition to the full penalty amount, the infringer will pay an extra R60.00.

WHAT HAPPENS IF I IGNORE THE COURTESY LETTER?

If an infringer ignores the courtesy letter for another period of 32 days, the Registrar will authorize an Enforcement Order. The Enforcement Order means that the infringer may be blocked from performing all transactions on the e-NaTIS. This means that the infringer will not be able to do the following:

- renew his/her driving licence when it expires,
- renew his/her vehicle`s licence disc when it expires, and
- renew his/her Professional Driving Licence when it expires.

WHAT HAPPENS IF I DO NOT REACT TO THE ENFORCEMENT ORDER?

If an infringer does not react to the Enforcement Order for another 32 days, a warrant of execution will be authorized by the Registrar. The warrant will not mean that the infringer will be arrested by traffic officers if stopped on the road or at a roadblock. The warrant authorizes that the Road Traffic Infringement Agency can engage the services of the Sheriffs to seize the infringer`s movable goods and sell them to pay for all the costs. The authority can list you with the credit bureau.

WHAT HAPPENS WHEN AN INFRINGER HAS ELECTED TO BE TRIED IN COURT?

An infringer who has elected to be tried in court will be dealt with in terms of the Criminal Procedure Act, of 1977. This means that a summons in terms of section 54 of the Criminal Procedure Act, of 1977 will be issued and served on the infringer to appear in court at the said Issuing Authority where the infringement notice was issued.

WHAT HAPPENS WHEN I AM FOUND DRIVING UNDER THE INFLUENCE OF ALCOHOL (DRUNK DRIVING)?

If a driver is found driving under the influence of alcohol or any other drug, he/she will be dealt with in terms of the Criminal Procedure Act, of 1977. This means that the driver will be arrested, taken to the police station and charged and have his/her blood drawn by medical practitioner to determine the level of alcohol in the blood.

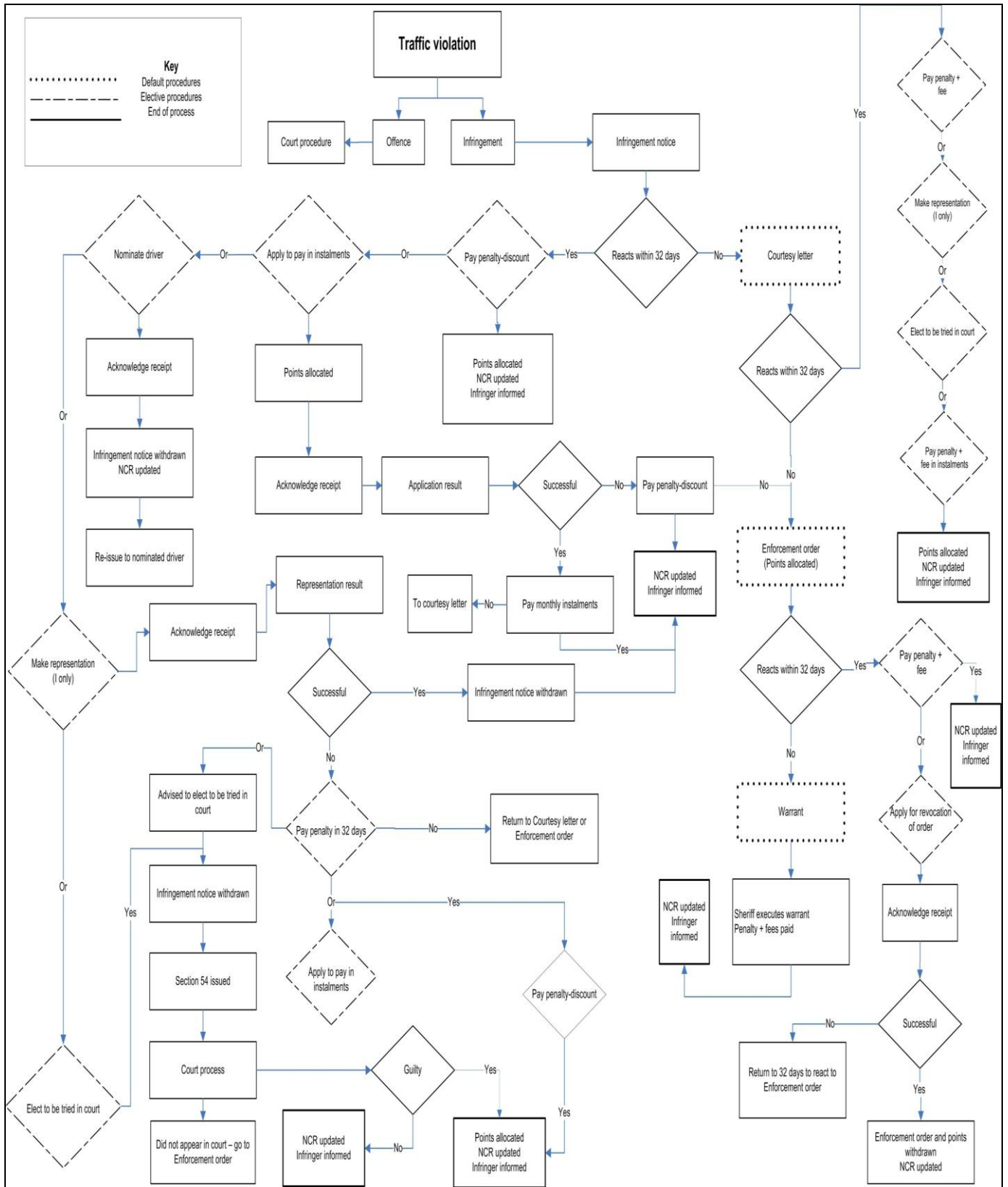
WHAT HAPPENS TO MY DRIVING LICENCE WHEN IT HAS BEEN SUSPENDED?

A person whose driving licence, Professional Driving Licence or operator card has been suspended must immediately hand in these documents to the Issuing Authority for retention during the suspension and produce the driving licence for endorsement as suspended. The infringer who drives a motor vehicle during the suspension period, is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one year or both a fine and such imprisonment.

HOW DO I GET MY LICENCE BACK WHEN THE SUSPENSION PERIOD IS OVER?

A person whose licence was suspended may apply to the Issuing Authority for the return of his/her driving licence, or professional driving licence or to re-issue an operator card.

Schematic representation of the AARTO process





≡ MAKE ROADS SAFE

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