



(AARTO) **Administrative Adjudication of Road Traffic Offences**



RTIA
Road Traffic Infringement Agency

Justice in Adjudication



What is AARTO?

It is legislation aimed at providing for administrative management and adjudications of road traffic offences outside the Criminal Justice System. AARTO is an acronym for the Administrative Adjudication of Road Traffic Offences. It is guided by an Act of Parliament (Act No. 46 of 1998) as is currently implemented as a pilot in the Johannesburg and Tshwane Metropolitan areas. The Road Traffic Infringement Agency is responsible for coordinating the implementation of AARTO through-out the country.



Are all traffic fines issued in accordance with the AARTO Act?

Not all traffic fines are issued in accordance with the AARTO Act. In fact, because AARTO has only been rolled out to the jurisdictional areas of the Johannesburg and Tshwane Metropolitan Police Departments, the Criminal Procedures Act is in use in the vast majority of jurisdictions in South Africa. Where an offence has been committed within these pilot sites, such offender will be dealt with in terms of the Criminal Procedure Act.



How are traffic infringements / fines managed in areas where AARTO is not yet operational?

Other parts of the country where AARTO is not yet operational, the Criminal Procedure Act No. 51 of 1977 are used for managing road traffic offences. The AARTO Act decriminalizes minor road traffic offences so that those who commit them may be dealt with outside of the criminal justice system.



What is a traffic violation?

A traffic infringement occur when one contravenes a known road traffic regulation or a road traffic sign as stipulated in the National Road Traffic Act (Act No. 93 of 1996) Regulations and its Amendments. These include but not limited the following:

- Driver of motor vehicle to be licensed. No person shall drive a motor vehicle on a public road –
 - “.... Except under the authority and in accordance with the conditions of a license issued to him or her ...
 - ... unless he or she keeps such license or document or any other prescribed authorisation with him or her in the vehicle. *“Chapter IV, Section 12(a) and (b) of the National Road Traffic Act (Act No. 93 of 1996).*
- Chapter V (Section 42 (1, 2 and 3) of the National Road Traffic Act (No. 93 of 1996) stipulates that –
 - “No person shall operate a motor vehicle which is not in a roadworthy condition on a public road.
 - No person shall operate a motor vehicle on a public road unless the requirements in respect of a certification of roadworthiness contemplated in subsection (4) in relation to such motor vehicle are complied with, and except in accordance with the conditions of such certification or roadworthiness.
 - No person shall operate a motor vehicle on a public road unless the requirements in respect of a roadworthy certificate contemplated in subsection (4) in relation to such motor vehicle are complied with, and except in accordance with the conditions of such roadworthy certificate”.

For more information on scheduled road traffic offences administered under AARTO please refer to Schedule 3 of the AARTO Regulations.

Traffic Charges

Schedule 3 of the AARTO Regulations is divided into several columns and contains short descriptions of road traffic offences, charge codes, penalty amounts, demerit points (where they are applicable), and references to legislation.

Search Schedule 3 of the AARTO Regulations 2008 for charge codes and descriptions, penalties and their documents, and demerit points.



What is the legitimate process that should be followed in handling traffic offences under AARTO?

In accordance with the Administrative Adjudication of Road Traffic Offences Act, No. 46 of 1998 (AARTO), if a person commits a road traffic violation in terms of the National Road Traffic Act, No. 93 of 1996, such violation will be categorised as:

- a traffic offence; or
- infringement.
 - A traffic offence is regarded as a very serious violation of the law, which warrants a major sentence on conviction, such as imprisonment, or a substantial monetary fine, or both.
 - Traffic offences will therefore still be dealt with in terms of the Criminal Procedures Act, 1977 (Act No. 51 of 1977), which means an offender will be arrested, charged and the case will be placed on the roll for a hearing in court. Infringements mean offences categorised as such in terms of section 29(a) of the AARTO Act, detail of which is provided in the AARTO Regulations.
 - Traffic infringements will be dealt with in accordance with the administrative procedures, as prescribed in the AARTO Act. If a person is alleged to have committed an infringement, the traffic officer will issue an Infringement Notice.

What is the legitimate process that should be followed in handling traffic offences under AARTO?

It is the first notification issued after a motorist has been caught committing a traffic violation. The act of transgression can either be captured on camera or by an officer alongside a public road. An infringement notice should be registered on the National Contraventions Register of the eNaTIS and be issued to the alleged offender via registered mail in order for it to have been legitimately issued.



What options does an alleged infringer have upon receipt of an infringement notice?

Within 32 days of receipt of an infringement notice, under the AARTO Act, an alleged infringer has the following options to choose from:

- Pay the fine within 32 days of receipt of the notice and receive an automatic 50% discount of the fine amount; or
- In the event when the infringement notice issued is being disputed for one reason or another, the alleged infringer is allowed to make a representation. RTIA will adjudicate on the merits of the representation submitted. If successful, the issued infringement notice will be cancelled; or
- Upon receipt of an infringement notice via registered mail, the alleged infringer is also allowed to make an arrangement with RTIA for paying their fine in instalments for fines of R750 or more over a period of six months; or
- Elect to be tried in court; or
- If they were not the designated driver of the vehicle at the time the traffic violations was committed, nominate a driver.

All these options must be considered within the first 32 days of receiving an infringement notice via registered mail or issued on the side of the road.



What happens when an issued infringement notice is not attended to after the first 32 day period?

RTIA will send a letter after 32 days of serving an infringement notice. This letter is called a **Courtesy Letter**. It is meant to remind the alleged infringer about the outstanding fines. It carries a R60.00 penalty fee and the infringer would have lost the discount at this stage.



What happens beyond 64 days with a disregarded infringement notice?

An **Enforcement Order** will be issued if you fail to comply with the requirements of a Courtesy Letter, or have failed to appear in Court, either following a traffic offence, or after specifically electing to be tried in court.

The Enforcement Order will be served by registered mail or physically hand delivered. The demerit points (if applicable) will be automatically allocated.

You will simultaneously be notified of the following:

- The number of demerit points that have been allocated and recorded against your name; and
- The total number of demerit points that have been allocated and recorded against your name; and
- The number of points left before your driving license, professional driving permit or operator card will be suspended or cancelled.

The Enforcement Order served on you will:

- Require payment of the penalty in full, plus Representation fees and the fee of the Courtesy Letter, if any, as well as the prescribed fee of the Enforcement Order within a period of 32 days of the date of service of the Order.
- Until such time as you have paid the penalty and the additional fees as required in terms of an Enforcement Order, no:
 - Driving licence; or
 - Professional driving permit (PrDP); or
 - Vehicle licence disc;

will be issued to you or in respect of a motor vehicle which is registered in your name until such Enforcement Order has been complied with or has been revoked.



What happens when one is in dispute of an issued enforcement order?

An Enforcement Order will be revoked if:

- You apply to RTIA in the prescribed manner and submit satisfactory reasons why an Enforcement Order must be revoked; or

If an Enforcement Order is revoked:

- Its consequences will be cancelled;
- The national contraventions register on eNaTIS will be updated;
- You will be informed accordingly;
- Your driving licence, professional driving permit or operator's card will be issued or returned, unless you have been disqualified otherwise.



The demerit point system

It is legislated as part of the AARTO Act No. 46 of 1998. It is important to note that the demerit point system is not yet in operation. Together with the national roll-out of AARTO, the point demerit system is pending the accession of the AARTO Amendment Bill into law by the President of the Republic of South Africa.



Understanding the point demerit system

The demerit point system has been introduced to penalise drivers and operators who are habitual offenders. But it also rewards law-abiding road users, as it reduces 1 point every 3 months down to zero demerit points if no further contraventions are incurred.



How are demerit points going to be allocated?



Demerit points will be recorded against your name in the following instances:

- When penalties and fees are paid.
- When you apply to pay in instalments.
- When you are convicted in court.
- When an enforcement order is issued.



How is demerit points allocated?



Every motorist starts with 0 points and the maximum permissible number of points allocated is 12.

In other words, a person is allowed to drive until he/she has 12 points accumulated from contraventions committed.



Suspension of a licence or driver's permit



Every point in excess of 12 points results in a three-month suspension of the licence. One point is reduced every three months if no further contraventions are incurred within a three-month period.



Cancellation of licences/permits



A licence is cancelled when it has been suspended for the third time.



Are drivers and operators demerited the same way under AARTO?



The demerit points in respect of vehicle operators and drivers are recorded separately even if they arise out of the same incident.



Reduction of demerit points



If demerit points have been incurred by an infringer, such total number of points as recorded in the National Contraventions Register on eNaTIS against that person will be reduced with one (1) point for every three (3) months during which no demerit points were incurred by that person, except for the time the court found that the court process had been deliberately delayed by that person to obtain a reduction in points.



What if?



If you have committed two or more infringements arising from the same incident, demerit points are recorded only in relation to one such infringement or offence to which the greatest number of demerit points applies.



What if I am a learner driver?



If you have a learner's licence at the time of the infringement, your demerit points will only start to reduce when your licence is issued.



What if I am an unlicensed driver?



If you are an unlicensed driver, you receive no discount and your demerit points will only start to reduce when your licence is issued. If you are caught for the third time as an unlicensed driver you will be arrested.



What about non-operators?



A juristic person who is not an operator receives no demerit points, but pays three times the penalty amount. Proxies cannot get demerit points on behalf of a company.



When I chose to have my issued infringement tried in court



If you elect to be tried in court under AARTO; demerit points are only recorded when you are found guilty.

If you appeal against a conviction by the court for an offence no demerit points are recorded unless of course the appeal is rejected or abandoned.

Nothing prevents you from approaching a court to appeal or review the total amount of demerit points recorded against your name.



Suspension of a driving licence, professional driving permit or operator card

If a person incurs demerit points which, when added to the points previously recorded against that person in the National Contraventions Register on eNaTIS, exceeds a total of twelve (12), that person will be disqualified from driving or operating a motor vehicle. The disqualification period equals in months the number of points by which the total of twelve (12) is exceeded, multiplied by three (3).

A person who is disqualified:

- Must immediately hand in any driving licence or professional driving permit to the Issuing Authority for retention by such authority during the disqualification period or must remove the prescribed operator card from the vehicle in applicable cases; and
- May not apply for a driving licence, professional driving permit or operator card during the disqualification period.

Any person who drives or operates a motor vehicle during his or her disqualification period is guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one (1) year or to both a fine and such imprisonment.

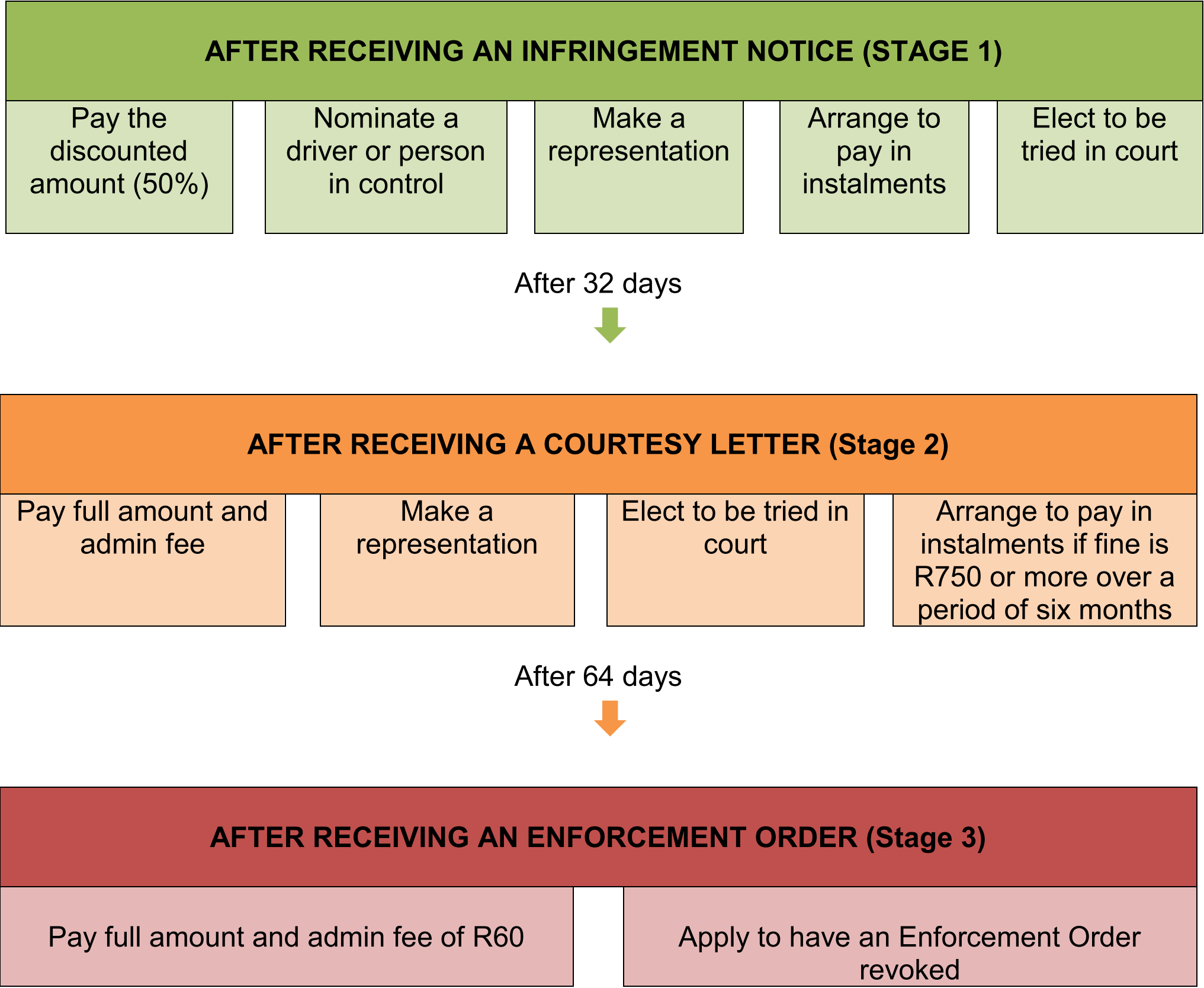
Warning: Upon expiry of his or her disqualification period, a person may re-apply for and be issued with a driving licence, professional driving permit or operator card in terms of the applicable road traffic laws.



Cancelation of a driving licence, professional driving permit or operator card

A person who incurs demerit points resulting in a disqualification to drive or operate a motor vehicle for a third (3) time, must immediately hand in his or her driving licence, professional driving permit or operator card issued in respect of that vehicle to the issuing authority. Upon receipt of such a driving licence, professional driving permit or operator card, as the case may be, the authority will take the necessary steps to destroy such licence, permit or card.

AARTO PROCESS



KNOW YOUR POINT DEMERIT SYSTEM

Infringements, penalty amounts and demerit points

Infringement	Undiscounted penalty amount	Discounted penalty amount if paid within 32 days	Demerit points allocated
Driving an unregistered vehicle	R500	R250	1
Driving an unlicensed vehicle	R500	R250	1
Driving a vehicle with licence plate not clearly visible or legible	R500	R250	1
Driving without a driving licence	R1 250	R625	4
Driving without a seatbelt	R250	R125	0
Driving while holding and using a cell phone	R500	R250	1
Skipping a stop sign – light vehicles	R500	R250	1
Skipping a stop sign – buses, minibus taxi's and trucks	R750	R375	2
Skipping a red traffic signal – light vehicles	R500	R250	1

Infringement	Undiscounted penalty amount	Discounted penalty amount if paid within 32 days	Demerit points allocated
Skipping a red traffic signal – buses, minibus taxi's and trucks	R750	R375	2
Failing to yield to a pedestrian	R500	R250	1
Overtaking across a barrier line – light vehicles	R500	R250	1
Overtaking across a barrier line – buses, minibus taxi's and trucks	R750	R375	2
Overloading a vehicle with a maximum of 56 000kg combination mass in excess of 12.00% - 13.99%	R1 500	R750	5
Driving at 81-85km/h on road with a 60km/h restriction	R750	R375	2
Driving at 106-110km/h on road with a 80km/h restriction	R1 000	R500	3
Driving at 121-125km/h on road with a 100km/h restriction	R750	R375	2
Driving at 131-135km/h on road with a 100km/h restriction	R1 250	R625	4

Infringement	Undiscounted penalty amount	Discounted penalty amount if paid within 32 days	Demerit points allocated
Driving at 131-135km/h on road with a 120km/h restriction	R250	R125	0
Driving at 141-145km/h on road with a 120km/h restriction	R750	R375	2
Driving at 151-155km/h on road with a 120km/h restriction	R1 250	R625	4
Driving under the influence of alcohol or intoxicating substance	Penalty amount determined by court		6 – if found guilty
Driving at 100+km/h on road with 60km/h restriction	Penalty amount determined by court		6 – if found guilty
Driving at 120+km/h on road with 80km/h restriction	Penalty amount determined by court		6 – if found guilty
Driving at 140+km/h on road with 100km/h restriction	Penalty amount determined by court		6 – if found guilty
Driving at 160+km/h on road with 120km/h restriction	Penalty amount determined by court		6 – if found guilty

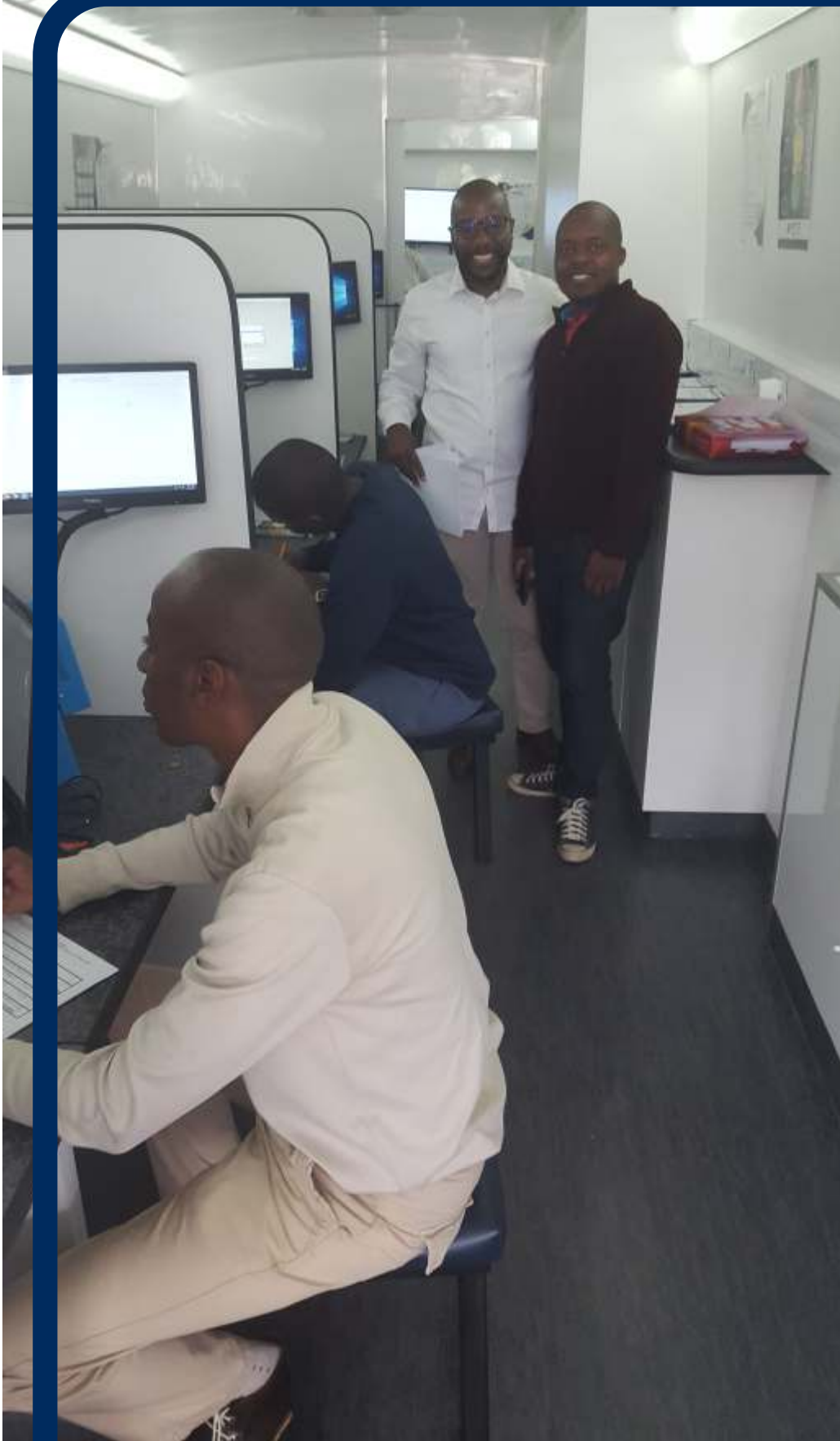


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AARTO MOBILE OFFICE





Where can I pay my fines?

The RTIA has made the payment for AARTO fines easy and convenient and it can be done using the following options:

Cash payments can be made at:

ABSA;
Post Office;
Relevant Issuing Authorities;
Checkers, Shoprite, SPAR and USave chain stores.

Online payments can be made through:

FNB;
Standard Bank;
ABSA;
Nedbank;
www.paycity.co.za
www.paymyfines.co.za
RTIA (Only card payments accepted)
AARTO mobile offices

Elective options may be mailed to:

instalments@rtia.co.za
nominations@rtia.co.za
representations@rtia.co.za
court@rtia.co.za
revocation@rtia.co.za
refunds@rtia.co.za



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