

**PROPOSED PORTFOLIO COMMITTEE AMENDMENTS TO
NATIONAL ROAD TRAFFIC AMENDMENT BILL**

[B 7—2020]

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 busses, midibusses 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, 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, from line 17, 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;”

6. On page 4, after line 18, 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”.

7. 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 25km/h that complies with the prescribed requirements for power assisted pedal cycles; or
- (iv) a vehicle that has maximum design speed of 45 km/h that complies with the prescribed requirements for environmentally friendly vehicles.”;

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

“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 is—

(a) 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, in paragraph (i), to omit “subparagraph” and to substitute “subparagraphs”.

CLAUSE 5

1. On page 7, in line 7, to omit “and” and insert “,”.

2. On page 7, in line 7, to insert “.reserved traffic warden and NaTIS officer”.
3. On page 7, in line 12, after “officer” insert “,a reserved traffic warden”.
4. On page 7, in line 12, after “officer” to omit “or”.
5. 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

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, to omit “provincial department responsible for transport”.
2. On page 12, in line 34, after “Any” to substitute “local authority”.
3. On page 12, in line 40, after “authority” to insert “or 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 omit “provisional licence” and to substitute

“driving permit”.

2. On page 14, in line 31, to omit “and”.
3. On page 14, in line 37, to omit “.” and to insert “;and”.
4. On page 14, after line 37, to insert the following new paragraph:

“(g) by the addition of the following subsection”

(4) For purposes of this section read with section 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”.

CLAUSE 27

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

CLAUSE 28

1. Clause rejected.
2. On page 17, from lines 24 to 25, to substitute the following:

“Section 23 of the principal Act is hereby amended by the substitution
[for subsections (1) and (2)] of the following **[sub]section**
[, respectively:]

NEW CLAUSE

That the following be a new clause:

**“23. When licence not issued in terms of Act deemed to be driving
licence—**

NEW CLAUSE 28

1. Section 23 of the principal Act is hereby amended-

(a) by the substitution for the heading of the following heading:

Deeming or no deeming of licence or driving permit from foreign
territories or contracting state

(b) by the substitution for subsections (1) to (4) of the following
subsections:

“(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;**

(c) a licence combined with or without any of the driving permits which were issued while the holder thereof was not permanently of 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) (a) 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 37

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

3. On page 20, in line 40, after “licensed” 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
after “amended” to insert “—”.
- (2) On page 20, in line 49, to omit the full stop and to substitute “;and”;
- (3) On page 20, after line 49, to insert the following paragraph:
“(b) by the substitution for paragraph (a) in subsection (3) 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 “any person”.

2. On page 21, in line 20, and after “power” 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 “prescribed requirements”.

CLAUSE 50

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

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 "3L. Approval of training centre" of the following:

"3L. Registration of training centre".