###### National Assembly

###### Question Number: 324

**Mr A M Figlan (DA) to ask the Minister of Transport:**

(1) Whether there are any plans in place to process the non-paid e-toll bills using the same processes and procedures used to deal with the infringement of traffic regulations and fines; if not, why not; if so, what are the relevant details;

(2) whether (a) she and/or (b) SA National Roads Agency Limited obtained any legal opinion regarding the specified plans; if not, why not; if so, what consequences will motorists who fail to pay suffer in terms of the plans;

(3) whether any research has been undertaken on the impact of the specified plans on the Gauteng provincial (a) licence renewal system and (b) vehicle licencing revenue? NW343E

**REPLY**

1. Yes.

Non-payment of toll is a violation in terms of the SANRAL Act No 7 of 1998 and not in terms of the AARTO Act or NRTA. The actual unpaid toll amount is also recoverable in terms of the SANRAL Act.

Disobeying the regulatory toll sign is however an infringement in terms of the National Road Traffic Act, 1996 and prosecution will be in terms of the provisions of the NRTA.

There are two processes in place for the prosecution of traffic offences, the Criminal Procedure system in SA, excluding Tshwane and Johannesburg where the AARTO system is in place.

If a prosecution is instituted in terms of the SANRAL Act, the Criminal Procedure System will also be used as AARTO does not currently accommodate offences other than traffic related offences.

If the prosecution is instituted in terms of the offence of disobeying a toll sign, the AARTO system must be used, as it is the system regulating traffic offences in Johannesburg and Tshwane. Due to all toll payments being processed in the district of Tshwane, the AARTO system will apply.

1. Please provide more details about the “specified plans”. I am not aware of any specification. A legal opinion is not required as the provisions of the AARTO Act are clear. If a person fails to comply with the infringement notice and courtesy letters issued to him or her and an enforcement order is issued for the infringement, the NaTIS system will block the issuing of NaTIS documents until such enforcement order is paid or otherwise resolved.
2. See (2) above.