

THE ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES ACT, 1998 (with the Amendment Act 4 of 2019)

AARTO also known as the Points Demerit System (PDS) has been signed into law and will be phased in from the 01 July 2021.

This is powerful legislation and will have huge impact on business, private vehicle owners and drivers.

I will briefly explain the current system and then how AARTO will work and affect you.

Current System

Traffic regulations and fines are controlled by the Criminal Procedure Act (CPA) and a person is presumed innocent until proven guilty.

You admit to guilt by paying the fine or are found guilty in a court of law. The court system is overloaded. The state does not have the capacity to enforce these and relies on goodwill and compliance.

This system has failed. South Africa has some of the worst accident statistics in the world.

AARTO (PDS)

The current system has been overhauled and to be replaced by the AARTO Act and this brings significant changes:

- ✚ Fines no longer fall under the CPA but AARTO
- ✚ They are now seen as INFRINGEMENTS

- ✚ Fines are twice as much and there are added levies (R300)
- ✚ DEMERIT POINTS are added
- ✚ A business is seen as a JURISTIC PERSON
- ✚ You start with 0 points and demerit points are added for each infringement (1 - 6 depending on severity of the infringement)
- ✚ If you exceed 15 points your licence is suspended and must be handed in
- ✚ The proxy of a business is not penalized but rather the vehicle
- ✚ Points are added to the vehicle of a business
- ✚ Vehicles with 16 or more points cannot be sold or used
- ✚ If a vehicle is sold with < 15 demerit points they come off the vehicle and are transferred onto the business and then onto the next car licensed
- ✚ The owner is presumed to be the driver of the vehicle at the time of infringement
- ✚ AARTO can send notice of a fine in any way and the onus would be on you to prove it was not
- ✚ Good driving behavior for 3 months will see you win back 1 point
- ✚ If you (or vehicle) drive and are caught with a suspended licence the suspension is extended to one year and you could face criminal charges

- ✚ Once a fine has been issued it is assumed that you have received notice 10 days thereafter
- ✚ You have 32 days to pay the fine and receive a 50% discount or nominate a driver
- ✚ After 32 days of notice you can no longer receive the discount nor nominate a driver
- ✚ AARTO will then send you a courtesy letter and you have a further 32 days to pay
- ✚ If still not paid AARTO can change the **OUTSTANDING INFRINGEMENT** to an **ENFORCEMENT ORDER** and block your profile at the licencing department
- ✚ You have little option but to pay fines if you wish to receive licence discs

Effects on business

You could end up with the financial burden of expensive fines as well as vehicles in your fleet that cannot be used or sold.

Further to this you may end up with employees with suspended licences who are not able to perform their functions properly.

It is the business' responsibility to ensure all vehicles and drivers have valid licences.

Insurance cover and liability are at risk if vehicles and/or drivers are not legally licensed.

The Solution

Nothing short of a powerful system will help you manage this PDS.

It will be tough for any business to deal with the difficult administrative procedures and short time frames set out by this act.

We are here to help!



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