

Traffic Fines:

Facts & Fiction

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1. Disclaimer, Terms & Conditions

This eBook was written with the intention of educating car owners regarding the terms and conditions of Traffic Fines and the guidelines set out by AARTO. The content within this eBook cannot be used to substantiate any claim that is made to MiWay. Each and every individual who signs an agreement with MiWay insurance enters into a legal and binding contract which dictates the manner in which an insurance claim is made, processed and approved.

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We all know the feeling. You're driving along the road, minding your own business when you turn a corner and suddenly are surrounded by flashing blue lights and policemen in uniform.

2. That Dreaded Feeling

It doesn't take long for the panic to set in, regardless of whether or not you have done something wrong. The next thing you know, there is an officer at your window demanding to see your driver's license. You politely hand it over and watch as the officer analyses every detail. Suddenly, another officer comes to join in on the conversation, claiming that you have outstanding traffic fines or e-toll bills to pay. He insists that you settle the funds immediately and in cash. The question now is – what do you do? Are you legally obliged to pay these fines on the spot? If the officer is threatening you or requesting a bribe in exchange for him 'not arresting you', what is the best way in which to handle the situation? Read on and find out.



Facts You Need to Know About Traffic Fines

- Unless you have been summoned to appear in court with an official document and you do not appear as instructed, no matter how old the fine is, you cannot be arrested for not having paid an outstanding traffic fine.
- Traffic officers may not force a driver to pay an outstanding traffic fine at a road block.
- If you receive a section 56 notice, you have 30 days to pay the fine. If you receive a section 341 notice, you have approximately three months to pay the fine.



3. Understanding Your Rights When Pulled Over

A UNIFORMED officer is entitled to do the following:

- ✓ Stop any vehicle at any time.
- ✓ Request to see your driver's license.
- ✓ Ask for your name and / or address.
- ✓ Demand that you immediately remove your vehicle from the road should it be deemed unroadworthy by the officer.
- ✓ Serve you with a summons to appear in court for any outstanding traffic fines (as long as the court date is a minimum of 14 days away)



An officer is NOT entitled to do the following:

- x Request anything from you if he or she refuses to show you their appointment certificate or identity card.
- x Force you to pay any outstanding traffic fines at a roadblock.
- x Arrest you for any outstanding traffic fines without a warrant.
- x A male officer may not physically search a female. A female officer may not physically search a male.

THE BLUE LIGHT PROTOCOL

Remain Calm

1

Slow down and turn on your hazard lights

2

Motion for the officer to follow you by extending your right arm out of the window.

3

Drive at no more than 40 km/h and proceed to the closest police or petrol station.

4

If driving to a police station, once you arrive, remain in your car and hoot until an officer comes outside.

5

If driving to a petrol station, ensure that it has CCTV cameras in operation and that you stop your vehicle in a well-lit portion of the fore-court.

6

Once the officer arrives and approaches the vehicle, explain immediately that you felt unsafe and unsure that you were being pulled over by genuine police, and thus proceeded to a more secure, public area.

7

Remain polite and be co-operative at all times.

8

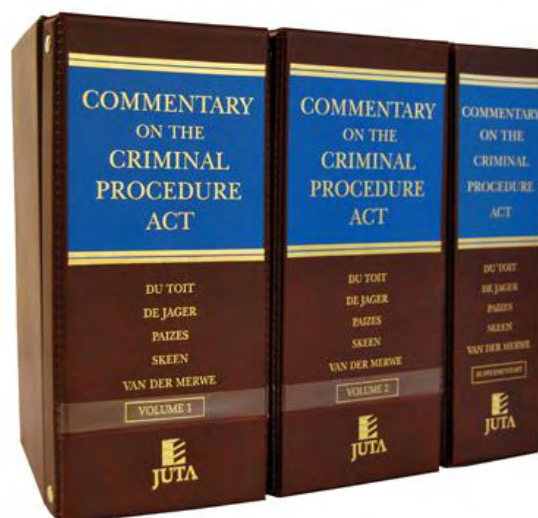
Note: Never drive to your home or to a friend's house as this could endanger your loved ones should the person following you not be a genuine police officer.



5. What You Need to Know About the Criminal Procedure Act

The Criminal Procedure Act, 1977 (Act No. 51 of 1977) is an act that governs criminal procedure in South Africa's legal system. The procedure details the whole system of criminal law, including search and seizure, arrest, the filing of charges, bail, the plea, the testimony of witnesses and the law of evidence, the verdict and sentence, and appeal.

For a clear and comprehensive overview of how the criminal procedure act is applied to Traffic Enforcement, we recommend that you read the Arrive Alive article entitled [Traffic Enforcement](#).



Facts You Need to Know About Arrest Warrants

- They can only be executed by duly appointed Peace Officers or Sheriffs of the Court in possession of valid appointments cards which must be produced on request.
- They can only be executed if the original warrant, or a copy thereof a can be produced on demand..
- A copy must be available to be handed to the person arrested if she / he so demands



6. Everything You Need to Know About AARTO

6.1 What is AARTO?

AARTO stands for
**Administrative
Adjudication of Road
Traffic Offences and**
this act was
approved by
parliament in 1998.

AARTO was put into effect on the 1 February 2008 in Tshwane and was rolled out on a nationwide scale on the 1 April 2008. AARTO was introduced to improve law abiding and safe driving behaviour, with the aim to reduce road accidents.





6.2 The Goals of AARTO

AARTO strives to:

- ✓ Establish a procedure for the fast and effective adjudication of traffic fines and violations.
- ✓ Reduce the necessity of trying traffic offenders in court.
- ✓ Penalise drivers and operators who are guilty of traffic violations or offences by assigning demerit points accordingly, ultimately leading to the suspension and/or cancellation of driving licences, professional driving permits or operator cards.
- ✓ Reward law-abiding behaviour by reducing accumulated demerit points if traffic violations or offences are not committed over a certain period of time.

If you are caught committing a traffic violation...

...you will receive an infringement notice. This notice will be either an AARTO 01, AARTO 02 or AARTO 03 notification.

AARTO 01 is an infringement notice completed by hand at the roadside and served in person.

AARTO 02 is an infringement notice completed electronically at the roadside and served in person or by registered mail.

AARTO 03 is an infringement notice for infringements caught on camera and will be served by registered mail.

For a clear overview of AARTO and how the act is executed we recommend that you read the Arrive Alive article [Administrative Adjudication of Road Traffic Offences](#).

AARTO Timeline

DAY 1

- **Driver commits traffic offence**
- **Driver is served with an infringement notice**
 - o If driver pays penalty within 32 days, he/she will receive a discount.
 - o Once the penalty has been paid for a major infringement, the driver will be allocated the appropriate number of demerit points.
 - o Alternatively, the driver may choose to do the following within 32 days of receiving the infringement notice:
 - ☐ Apply to pay in instalments (forfeit discount).
 - ☐ Notify the Agency to nominate another driver if recipient of the infringement notice was not in control of the vehicle at the time of the offence.
 - ☐ Notify the Agency if he/she elects to follow the court procedure.

AFTER 32 DAYS

- **Driver is served with a courtesy letter**
 - o Driver must pay outstanding fine within a further 32 days, as well as the fees for the courtesy letter.
 - o Driver may still:
 - ☐ Apply to pay in instalments (forfeit discount).

AFTER 64 DAYS

- **Driver is served with an enforcement order**
 - o Driver will receive an enforcement order if he/she did not respond to courtesy letter or if an insufficient payment was received.
 - o Driver must pay the outstanding fine within a further 32 days, as well as the fees for the courtesy letter and enforcement order.
 - o Driver may also:
 - ☐ Submit an application for the revocation of the enforcement order.

AFTER 96 DAYS

- **Driver is served with a warrant**
 - o Once the Sheriff is handed a warrant for execution, he/she may:
 - ☐ Seize movable property in order to cover outstanding costs
 - ☐ Seize the infringer's driver's license
 - ☐ Seize the infringer's license disc
 - ☐ Immobilise vehicle owned by infringer
 - ☐ Report infringer to the credit bureau



7. You've received a Traffic Fine – What Now? Using AARTO to Your Advantage

After you've received a traffic fine, you have a couple of options as far as AARTO is concerned:

- ✓ [Pay a discounted penalty](#): You can pay all of your fines online. By paying your fine within 32 days of receiving it, you will receive a 50% discount.
- ✓ [Make a representation to the RTIA](#): You may submit a representation (i.e. a sworn statement) indicating why you should not be held liable for the penalty payable in terms of the Infringement Notice. Once you have submitted this statement, the RTIA will send such representations to an independent Representations Officer for consideration.
- ✓ [Arrange to pay in monthly instalments](#): AARTO makes it possible for you to pay off your fines in monthly instalments. Unfortunately, when you choose this option, you will no longer receive a discount on the amount payable. In order to pay off your fine in monthly instalments, you need to fill in Form AARTO 04. Once received, the RTIA will consider your application and will let you know when a decision has been made. Should your application be approved, the approval notice will specify the amount and number of instalments to be made in the future. You must pay the first instalment within 32 days after receipt of the approval notice.
- ✓ [Nominate the driver of the vehicle](#): If you received a traffic fine, and you were not the driver responsible for handling the vehicle at the time, you may choose to nominate the actual driver who committed the offence. You may only do this within 32 days of receiving the infringement notice.
- ✓ [Elect to be tried in court](#): When you notify the agency of your intention to be tried in court, the Infringement Notice will be cancelled. A summons will then be issued and served.



- ✓ [Revocation of an enforcement order](#): Failed to appear in court? You can apply to the RTIA and submit satisfactory reasons why an Enforcement Order should be revoked.

For a full list of charge codes and descriptions, penalties and their discounts, and demerit points click [here](#).





8. Fast Facts about Corruption on the Roads of South Africa

- If a driver is pulled over by a corrupt police officer, he or she may be asked to pay a bribe in order to avoid a fine that might be a lot more expensive. (i.e. a R100 bribe is requested when the alternative is to pay a legitimate fine of double that amount).
- In South Africa, drivers most commonly pay bribes to avoid traffic fines, to pass their driver's test and to 'sort out' licensing irregularities.
- If a bribe is paid, it is common practice for certificates of roadworthiness to be issued without actually testing the vehicle in question.
- Many people who are taking the written test for their learner's license pay a bribe to the adjudicator who will then allow them to cheat.
- It is not only drivers who pay bribes these days. Car sellers also often attempt to buy 'paper' certificates that claim second hand cars are in good working order. This certificate is usually presented to the car seller without the vehicle in question even being seen. If the second hand cars are tested, the car sellers will often threaten the testing stations by claiming to take their business elsewhere if a favourable judgement is not made regarding the cars.
- In the case that the car fails the roadworthiness test, car sellers will often take it to another testing station where the criteria may not be as stringent.
- Another underhanded tactic of car sellers is to strip the vehicle of certain quality parts and components after it has passed the test, and before selling the car, replacing these components with less than desirable parts that probably would not make the grade.

HOW TO DEAL WITH CORRUPT TRAFFIC OFFICERS



STOP CORRUPTION
Call Corruption Watch
on 0800 023 456



The e-toll project started in Gauteng in 2008 and was initiated as a way in which to fund the R20 billion highway upgrade programme which began in 2007.

SA National Roads Agency Limited (SANRAL) was the company behind the construction and implementation of the project.

10. E-tolls: The History, the Controversy and the Way Forward

10.1 The History and the Controversy

Since the e-tolls were officially put into practice in December 2013, and for a long time before, the people of Gauteng have made their disdain for the system known. The government has listened to their objections and has officially made some changes – to the e-toll levies, in particular. Originally set at 66c/km, the final Cabinet decision (made in May 2015) is to reduce the levies to just 30c/km for light motor vehicles.



Despite motorists' pleas to do away with the system entirely, the government has made the following statements explaining why the system is both necessary and beneficial:

- In order for South Africa to progress, there has to be a balance between looking after the needs of society and developing the South African economy.
- If people pay e-tolls, it will help to stop the raising of taxes.
- It is up to the people of South Africa to become self-sufficient in terms of funding the country's infrastructure, whilst reducing SA's debt levels at the same time.
- There is evidence that the e-toll system benefits society in the following ways:
 - Improved road quality.
 - Improved fuel efficiency.
 - Reduced vehicle operating costs.
 - Reduced travel time.

10.2 How to Register for an e-Tag

Road users can register for an e-tag through a variety of channels including:

- At e-toll customer service centres, located at many malls or along the Gauteng e-roads;
- Online on [Sanral's website](#);
- By phoning the e-toll call centre on 0800 SANRAL (726 725);
- Through downloading a customer information sheet which can be faxed to 0800 SANRAL (726 725);
- By sending your vehicle licence plate number to 44004 and Sanral's call centre will phone back to complete the registration; or
- By scanning the QR barcode on the Sanral website and completing your pre-registration through the mobi-site.



Facts About the e-Toll Saga

- Sanral and ETC are the main companies behind the design, maintenance and general functioning of the e-tolls.
- There are 43 gantries in total constructed along the N1, N3, N12 and R21 highways..
- If you register for an e-tag, you will qualify for e-toll discounts of up to 48%.
- As of August 2014, only 35% of motorists in Gauteng are paying their e-toll bills.





**Stranger than
Strange?**

**Read on to find out
more information on
some of the
strangest traffic fine
incidents ever
recorded.**

11. The World's Strangest Traffic Fine Incidents

11.1 The Man Who Paid Mother's Parking Ticket

Recently, a fine was paid in Nebraska. The amount due? A dime. Having been issued on July 13th 1954, the fine itself was 57 years old! It was found by a man as he was sorting through some of his mother's old things, and he felt obliged to pay off the debt.



11.2 The Toy Bus That Got a Parking Ticket

A hairstylist, known as Giovanni Cortessi, in the UK wanted to cheer up his customers, as well as those who walked past his shop, by placing a cute model bus outside.

Unfortunately, his good intentions backfired and instead of hordes of smiling customers, he received a parking ticket instead!

11.3 The Bus Driver Who Tried to Hide From a Fine

Ever felt that desperate need to get out of a traffic fine? You will relate to this specific bus driver from China! In an effort to avoid getting a ticket, he hid under his bus, refusing to move even after the cops discovered him. After trying to get him to come out and not succeeding, the traffic officers called a tow truck. This tactic did not work, however, and the man crawled along in time with the moving vehicle. Eventually, he was pulled out by force and was taken into custody.

11.4 The Woman Who Left Her Car Parked in the Same Spot for 2000 Years

Imagine receiving a 32,000 euro fine! This is what actually happened when a woman in Italy received a ticket for illegally parking her vehicle for 2000 years. Apparently, the officer who issued the ticket accidentally dated the fine back to the year 208 instead of 2008! Thankfully, the woman did not have to drain her bank account - the fine was waived as a result.

11.5 The Angry Plumber

After receiving countless fines while on emergency call-outs, Stuart White, a plumber from the UK who felt victimised by traffic officers, chose to pay his most recent fine with 3 500 pennies. We're pretty sure it took a while to count them and that the angry plumber got his revenge!



11.6 The Queen of Red

Think you have encountered bad drivers? We can guarantee that none of them even come close to Amber Gray, a woman from Albuquerque, New Mexico. She owes the city over \$10 000 in fines, most of which are from driving through red lights at a speed far exceeding the limit. According to police, she has also been pulled over 23 times for other traffic infringements and, despite all of this, continues to drive on a revoked license. Other drivers beware!

11.7 We Broke Your Foot, Now You Pay

In 2007, a few men in their twenties were driving home after a night out when they got a flat tyre. Whilst looking for someone to assist them, one of the men, Mr Daniel Horne, was knocked over by a police car, which then proceeded to crush his foot. After taking the man to the hospital, the policeman at fault then opted to issue him with a fine of £80 for causing damage to a police vehicle after 'walking into it' and causing a dent. We're pretty sure that Mr Horne will not be paying that fine.

What Did You Think?

We would love to hear your thoughts on this eBook. Connect with us on [Twitter](#), [Facebook](#) or [G+](#). We're also open to suggestions! If there is a subject relating to cars that you want to know more about, let us know. If we haven't written about it already, we sure will.