

WHAT YOU NEED TO KNOW AS AN OWNER OF A VEHICLE.

Introduction

It is common knowledge that people buy and register vehicles on their names but do not know what is expected of them in terms of the law (National Road Traffic Act, 1996 and National Road Traffic Regulations, 2000) when they sell vehicles; when their vehicles are stolen, impounded etc. This document is intended to provide the public with general information that will assist them in dealing with registration, licensing and other related issues. The information contained herein does not in anyway replace or change what is stipulated in the Act or the Regulations. For more information motorists, dealerships or members of the public can obtain copies of the Act and the Regulations from Government Printers or visits the website, www.acts.co.za. Other related information can be obtained from www.enatis.com.

1. Licensing of a Motor Vehicle.

The law requires that every motor vehicle that is operated on South African Roads must be licensed unless such vehicle is exempted from licensing. Every year motorists receive renewal notices reminding them about licensing of their vehicles, but in some cases individuals do not get the renewal notices for some reasons e.g. Change in the postal address, etc. If the owner did not receive a renewal notice, he/she is still liable for licensing the vehicle. It is the owner's responsibility to ensure that at all times the motor vehicle is properly licensed. In this case you can still license the vehicle by completing the relevant forms and submitting them with the required fee to the Registering Authority.

2. Procedure if a motor vehicle is sold.

When a vehicle is sold the seller and the buyer must complete the relevant sections of the **Notice of Change of Ownership** (NCO) and submit to the Registering Authority. It is the responsibility of the seller to submit the NCO and the buyer's responsibility is to register and license the vehicle within 21 days. If the seller does not submit a change of ownership and no registration is done by the buyer, the seller is liable for licensing, interest and penalty fees until the date of change. If these was not done for one reason or the other or if the NCO was submitted but not captured by the Registering Authority, complete another NCO and submit together with an affidavit to the Registering Authority. The particulars of the buyer should be reflected on the NCO and the affidavit. In this case, the purchaser of the motor vehicle is liable for all outstanding fees from the date when the motor vehicle was sold to him/her.

3. Procedure if motor vehicle is stolen.

In terms of National Road Traffic Regulation 54, when a vehicle is stolen the owner/title holder must report the matter to the South African Police Service within 24hrs and notify his or her Registering Authority of such

theft within three months. If the owner is not the title holder he/she must within seven days of the theft inform the Registering Authority. With effect from 5 October 2001 the owner is exempt from licensing from the first day of the month following month in which the acknowledgement of notification was issued, or the theft was reported to the police. Owners of vehicles which were stolen before 5 October 2001 and have been reported as such to the SAPS can apply for cancellation of the fees with the Gauteng Department of Roads & Transport. This applies to residents of Gauteng only.

(Title holder vs. the owner – title holder is usually the bank and the owner is usually the purchaser/user of the car. However the title holder and the owner can be the same individual)

4. Procedure if a motor vehicle is impounded by South African Police Service.

National Road Traffic Regulation 55A states, when a vehicle is impounded by the South African Police Service (SAPS) the owner must notify the title holder and within three months notify the Registering Authority on form CNV or MVR1A accompanied by a receipt from the police indicating the period for which the vehicle is impounded. The owner/title holder is exempt from licensing liability with effect from the first day of the month following the date of notification until the first date of the month following the month in which the vehicle was released by the SAPS.

5. Procedure if a motor vehicle becomes permanently unfit for use as motor vehicle or has been permanently demolished.

In terms of National Road Traffic Regulations 55, the owner must notify the title holder and within three months on which the vehicle has become permanently unfit or demolished notify his/her Registering Authority. The owner is exempt from licensing from the first day of the month following the month in which acknowledgement of notification was issued. Original registration papers are required for deregistration. If original papers do not exist the title holder must apply for duplicate papers. NB. There is no backdating of deregistration which means the owner is liable for the fees until the date of deregistration. Once the process of deregistration is completed the owner will be issued with a Deregistration Certificate. There are no fees charged after a deregistration certificate has been issued.

National Road Traffic Regulations 13A states, a motor vehicle which was deregistered in terms of regulation 55 as permanently demolished, shall not be registered.

6. Duty of title holder and owner of motor vehicle where such title holder or owner changes

In terms of National Road Traffic Regulations, 2000: (53)

1. No person shall, either for himself or herself, the State or on behalf of another person:

- a. Dispose of or deliver or trade with a motor vehicle unless-
 - i) Such motor vehicle, if required to be registered and licensed in terms of this Chapter, is so registered and licensed, and
2. If a motor vehicle forms part of the estate of a deceased person, the executor or executrix of the estate shall ensure that the motor vehicle is registered and licensed if required to be registered and licensed in terms of this Chapter, and that the registration certificate, and if the motor vehicle is required to be licensed, the motor vehicle license, accompanies the motor vehicle concerned.
3. If there is a change of owner of a motor vehicle, the current owner of such motor vehicle shall notify the registering authority where such motor vehicle is licensed of such change and shall identify the new owner of such motor vehicle, on form NCP, MVR1A or RLV

7. Arrear licensing fees and penalties for late registration or licensing.

If application is made for the licensing of a motor vehicle in a month following the month in which liability for the licensing of such motor vehicle arose, arrear license fee is charged. License fee arrears accrue monthly at the rate of one twelve of the normal annual license fee in terms of National Road Traffic Regulation 59 (NRTR) and penalties at the rate of one tenth of the normal annual license fee in terms of regulation 57 of the NRTR. Note that arrears fees and penalties are both charged at the same time.

Furthermore, if a person owing penalties or fees to any registering authority applies for any transaction at an authority, such an authority may refuse to effect the transaction applied for until such penalties and fees have been paid. In terms of regulation 59 (2) of the NRTR the amount tendered may be applied in the settlement of the penalties and fees due.

In terms of Regulation 25 (7), the registering authority may refuse to issue a license disc in respect of a motor vehicle –

- The owner of which owes penalties or fees in terms of the provisions of Road Traffic Act;
- The owner of which is also the owner of another motor vehicle the license of which has expired more than 23 days ago;
- In respect of which a South African Police Service Clearance has to be submitted;
- If a warrant of arrest in respect of an offence in terms of this Act has been issued in respect of the owner of such a motor vehicle;

- The operator card of which has been suspended.

8. Procedure on change of appropriate registering authority due to owner moving.

National Road Traffic Regulation 32, states that if the address of the owner of a motor vehicle changes and the registering authority at whose office such motor vehicle is licensed, is no longer the appropriate registering authority due to such change, such owner shall be liable to apply for the licensing of such motor vehicle to the new appropriate registering authority on the date of expiry of the license of such motor vehicle.

9. Additional Requirements above normal registration processes.

- i. **Registration of the Motor Vehicle acquired from estate of deceased person** – regulation 10 states; application must be accompanied by a document substantiating the circumstances under which such motor vehicle was acquired.
- ii. **Registration of repossessed motor vehicle** – regulation 11 states, application must be accompanied by a certified copy of:
 - The court order; or
 - The voluntary surrender documentation, provided that an affidavit made by the title holder of that motor vehicle stating the circumstances under which the vehicle was repossessed may be submitted in the case where voluntary surrender documentation cannot be obtained, as proof of the right of the title holder to repossess such motor vehicle.
- iii. **Registration of motor vehicle previously reported stolen** – regulation 12A states, application must be accompanied by:
 - The deregistration certificate or an affidavit containing evidence of the fact that motor vehicle was previously reported stolen;
 - A SAPS clearance of the motor vehicle, and Duly completed form CCL.

10. General advice to Motor Vehicle owners/title holders.

It is advisable that:

- You update your contact details with your Registering Authority.
- You check with your Registering Authority which motor vehicles are registered in your name at least once a year.

- You check with your Registering Authority any outstanding fees at least once a year and pay your outstanding fees immediately.
- You deregister your car as soon as it becomes permanently unfit for use as a motor vehicle, failure results in arrear licensing fees and penalties being charged. Remember, you cannot deregister your motor vehicle until all outstanding fees are settled.
- You note that the Gauteng Department of Roads and Transport does not have any arrangements in terms of paying arrears and penalties by installments.

FACTS AND FALLACIES

FALLACY

You cannot renew your vehicle licence without a renewal notice being sent to you.

FACT

If you are not in receipt of a renewal, you may renew your licence with your identity document together with a completed ALV form at your appropriate Registering Authority.

FALLACY

The owner of a motor vehicle does not know the expiry date of the vehicle's licence disc without the reminder being sent to him/her.

FACT

The licence expiry date is reflected on the clearance disc, which is affixed to the vehicle windscreen, further, if you are not in possession of a clearance disc, the expiry date of your vehicle licence is also reflected on your last licence receipt.

In addition K53 requires "Pre-trip inspection – exterior inspection" requires that the vehicle user must check licence disc and certificate of fitness disc (if applicable) for validity before any trip can be taken.

FALLACY

If you do not receive a renewal notice, you are not liable for penalties for late licensing.

FACT

In terms of the National Road Traffic Act, 1996 (Act No 93 of 1996), it is the responsibility of the registered owner to renew his/her vehicle licence timeously. If licensing is not done timeously, the owner becomes liable for the payment of penalties and arrear licence fees on late licensing. Furthermore, motor vehicle owners have a 21 day grace period after the date of expiry of the vehicle licence within which to renew the vehicle licence.

FALLACY

If you are away on holiday for an extended period of time, and your vehicle is in your garage at home or your vehicle is on blocks and not used on a public road, you are not liable for the licence fees, during this period.

FACT

In terms of Regulation 18 of the National Road Traffic Act, 1996 (Act 93 of 1996), it is the responsibility of the registered motor vehicle owner to renew the vehicle licence, irrespective whether such is operated on a public road. Licence fees are therefore payable on ownership of a vehicle and not the use thereof.

ADDITIONAL REQUIREMENTS FOR APPLICATION FOR LICENSING IN THE CASE OF ALTERATION OR RECONSTRUCTION OF A REGISTERED MOTOR VEHICLE

FALLACY

If your motor vehicle is altered or reconstructed in any way, you do not have to inform the appropriate registering authority.

FACT

*In terms of Regulation 31 of the National Road Traffic Act, 1996 (Act No 93 of 1996), when a motor vehicle is altered or reconstructed in such a manner that the licence disc issued in respect of such vehicle, does not describe such vehicle correctly, such disc becomes null and void. A **certification of roadworthiness** is therefore required in respect of these vehicles which will be liable for licensing from the date of alteration or reconstruction. A further requirement is a mass measuring certificate and if the vehicle was introduced, a Letter of Authority from the South African Bureau of Standards (SABS).*

MANNER OF APPLICATION FOR REGISTRATION OF A MOTOR VEHICLE

FALLACY

Completing the RLV form at the appropriate registering authority ensures your vehicle is registered on the NaTIS, or if the title holder is a Manufacturer, Builder or Importer, complete the MVR1-MIB.

FACT

In terms of the National Road Traffic Act, 1996 (Act No 93 of 1996), an application for the registration of a motor vehicle shall be made by the title holder within 21 days after the date of liability or when the title holder is a Manufacturer, Builder or Importer on form MVR1-MIB. Such applications to be accompanied by: Certified copies of acceptable identification of the title holder and owner of the motor vehicle.

VEHICLES THAT ARE PERMANENTLY UNFIT FOR USE OR STOLEN

FALLACY

After a vehicle has become permanently unfit for use or stolen, the appropriate Registering Authority does not need to be notified thereof. Licence fees should therefore not be paid.

FACT

In terms of the National Road Traffic Act, the owner of a motor vehicle which has become permanently unfit for use, must within 3 months after the date of such motor vehicle becoming unfit for use, notify the appropriate Registering Authority. However the motor vehicle is still deemed as currently registered within these 3 months. In the case of a motor vehicle being stolen, the titleholder shall after reporting the theft to the South African Police ensure that the appropriate Registering Authority is informed within 7 days of such theft and that the vehicle is deregistered at the appropriate Registering Authority on form ADV (pink form), accompanied by the Registration Certificate. It must also be mentioned that licence fees are payable to date of deregistration (scrapping).

FALLACY

After a motor vehicle has been deregistered as scrapped or stolen, the licence fees are forfeited.

FACT

If a motor vehicle has been officially deregistered as scrapped or stolen, application can be made at the appropriate Registering Authority for the refund of the licence fees, provided the amount to be refunded is in not less than R100-00.

OTHER RELEVANT INFORMATION

- Opening of the boundaries** – an owner of a vehicle residing in a certain jurisdiction may not license a motor vehicle in another jurisdiction and vice versa. With opening of boundaries, vehicle owners residing within the borders of the Gauteng Province will be able to renew vehicle licenses at any registering authority within Gauteng. This new development started functioning on 01 April 2013.

For more information contact

Gauteng Provincial eNatis Office
(011 891 0001-weekdays)