

Expect more impounds with CT's Traffic By-Law amendments, now open for comment

The City of Cape Town is proposing numerous changes to its Traffic By-Law, including amendments that deal with the impoundment of private vehicles and the e-hailing sector. The amended Traffic By-law will be available for public comment throughout October.



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The by-law was first introduced in 2011, to provide for the regulation of public transport vehicles and traffic within the City's jurisdiction, as provided for in the Constitution.

A key aspect of the original by-law was the impoundment of cellphones of motorists caught using the devices while driving.

"National legislation makes it illegal to use a cellphone while operating a motor vehicle, which means that a motorist will be fined if caught. In Cape Town, the Traffic By-law stays true to legislation in this regard, but also makes allowance for the impoundment of cellphones by authorised officials. This was the big talking point when the by-law was first introduced, but it was and remains part of the City's efforts to reduce distracted driving and improve road safety," said the chairperson of the City's Safety and Security Portfolio Committee, Councillor Mzwakhe Nqavashe.

Eight years later, Cape Town remains the only municipality with a Traffic By-law, which has now been amended to include five new chapters dealing with:

- Powers and duties of authorised officials
- Equipment on or in respect of vehicles
- Animals
- Driving while under the influence
- Impoundment of vehicles and forfeiture to the City

In terms of the draft document, authorised officials may, in the interest and the safety of the public, without prior written notice, impound vehicles where the:

- a. vehicle was involved in reckless or negligent driving or illegal street racing;
- b. vehicle is unlicensed or the licence disc has been expired for more than 90 days;
- c. vehicle is unregistered;
- d. vehicle is not fitted with licence plates,
- e. vehicle is damaged or is in a state of disrepair and is, in the opinion of the authorised official, not roadworthy;
- f. vehicle is a taxi which is being operated in contravention of the conditions of approval its operating licence or off the approved route;
- g. vehicle has been left abandoned as specified in section 61;
- h. driver of the vehicle is unlicensed, or the driver does not have his or her driver's licence available for inspection;
- i. driver of the vehicle is under the influence of intoxicating liquor or a drug having a narcotic effect; or
- j. driver did not stop when signalled to do so by an authorised official resulting in the driver having to be pursued and forced to stop.

In addition, the chapter dealing with public transport operators now includes a section that speaks specifically to the e-hailing sector. It requires drivers of e-hailing vehicles operating within the City's jurisdiction to clearly display a tag identifying the vehicle as such, along with a valid operating license.

The amended draft by-law document is available here: <http://bit.do/trafficbylaw>

"Currently, the City's Traffic Officers are allowed to impound public transport vehicles where the driver does not have an operating license or is operating in contravention of their operating license. The draft amendments to the Traffic By-law make provision for the impoundment of private vehicles under certain circumstances. The statistics show, year-on-year, that there is no change in behaviour relating to very serious transgressions like illegal street racing and driving under the influence. The Portfolio Committee therefore devised the amendments, in consultation with various other parties, in a bid to force road users who insist on breaking the rules of the road with reckless abandon to change their behaviour, and make our roads safer for all," said Councillor Nqavashe.

The public participation process will run from 1 October until 31 October 2019. Interested parties can make submissions online at www.capetown.gov.za or view the draft by-law at their local library or subcouncil office. Written submissions can be delivered to the nearest subcouncil office.