

Expired Driver's Licence What to do



Introduction

OUTA compiled the following guide to assist motorists who have been unable to renew their driver's licence cards, and as a result are facing fines for driving with an expired driving licence card.

Lockdowns, faulty equipment, and poor administrative practices have given rise to hundreds of thousands of motorists having to drive with expired licence cards. The Minister of Transport Fikile Mbalula has on several occasions extended the grace period validity of expired driver's licence cards, to overcome the backlog, with no further extension provided beyond 5 May 2022. We believe hundreds of thousands of motorists will not have their licences renewed on time and according to the minister, fines will be issued to motorists with expired licence cards who are stopped by law enforcement authorities, however, that law enforcement will assist motorists who can demonstrate they have experienced real challenges in renewing their licence cards.

Important to know

An expired driver's licence card is deemed to be valid for a further three months from the initial expiry date, if motorist can prove that they have applied for a new card, and provided that the expired card and the proof (receipt) are kept in the vehicle at all times.



Renewing your driving licence card

1. All driver's licence testing centres (DLTCs) will accept walk-ins until 31 May 2022.
2. Until the end of May 2022, testing centres will extend their hours by two hours and remain open on weekends.
3. Keep records of interactions with the authorities. Keep detailed records (date, time, and place) of all attempts to obtain a new driver's licence card and where possible, take photos, screen shots or video recordings of your attempts. This includes your attempts to make a booking as well as the renewal process. Keep a copy of these in the vehicle at all times.
4. If your licence card has expired or will expire before you receive your new licence card, purchase a temporary licence when you are at the testing station and keep your temporary licence with you when driving a vehicle.

Driving with an expired licence card

What to keep in your vehicle:

1. Your expired driver's licence card.
2. Receipt for your driver's licence application, any proof of your attempts to make a booking.
3. Your temporary driver's licence.

What to do if you are stopped

1. Remain calm and cooperate with the officer.
2. Provide the officer with your expired licence card as well as any of the documents outlined.
3. Answer any questions the officer asks.
4. The officer may let you go, or issue you with a fine.



What to do with the fine for driving with an invalid (expired) driver's licence

If the traffic fine was issued in Gauteng, the **AARTO Act** will apply and if the traffic fine was issued in other parts of the country, the **Criminal Procedure Act** will apply.

AARTO

You can elect to pay the fine, OR if you are not guilty of an offence you can challenge the traffic fine in court, or make representations to the issuing authority. We suggest electing to be tried in court, where you can make representations to the prosecutor, at which time you can explain the efforts and extent you went to renew your licence and thus why you are not guilty of this offence to the magistrate. The magistrate may be lenient, given the current state of driver's licence renewals. Then await your summons and appear in court on the date and time provided. Be sure to take all your supporting documents with you to plead your case to the prosecutor and/ or the court.

Criminal Procedure Act

The driver can choose to pay the fine or challenge the traffic fine in court. A court date should appear on the fine. We suggest that if you are not guilty (for reasons indicated above relating to the attempts you have made to have your licence renewed), that you elect to appear in court, where you can explain why you are not guilty to a prosecutor and/ or a magistrate, who might be lenient given the current state of driver's licence renewals. Appear in court on the date and time provided and be sure to take all your supporting documents with you to plead your case to the prosecutor and/or the court.

Your rights when stopped

1. You may ask for the officer's details.
2. An officer may NOT demand payment at the scene for this fine.
3. Motorists with expired licence cards can be fined and are not supposed to be arrested.



In the highly unlikely event of your arrest

1. You have a right to legal representation and the right to remain silent.
2. You must be informed of the reason for your arrest.
3. You have a right to see the warrant of arrest.
4. We advise you immediately contact an attorney.
5. You have a right to apply for after-hours bail.
6. The process at a police station can take a while, so be patient.
7. If you are denied any of the above rights, you can bring a civil action claim against the officer.

Handy Tips

1. Drive carefully and obey all traffic laws.
2. Regularly check for warrants of arrest / enforcement orders by contacting:
 - Natis **0861 400 800** or
 - AARTO <https://online.aarto.gov.za/>
3. A warrant of arrest or enforcement order should be addressed as soon as possible to avoid getting in trouble. Call Fines4U **(011) 867-7331** or similar businesses to assist you.
4. Keeping an accurate record of your dealings with the authority is essential, as you may have to testify to this in the future.
5. Do not stop applying to have your driver's license renewed.

