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## eTolls Facts

A large contingent of people are looking to us for answers on eTolls and we are currently receiving multiple SMS, email messages and phone calls on this topic. We ask you to **please** read all of the information on this page and refrain from contacting us directly on this matter.

We believe that the information on this page answers most possible questions and we cannot and will not respond to individual queries related to the information and answers contained on this page if you don't bother to read it.

### JPSA's stance on eTolls

Contrary to the propaganda SANRAL has put out with respect to JPSA's stance on eTolls, we can only present you with the **facts** on the legislation surrounding eTolls and **cannot and will not** advise you on whether you should choose to comply with them or not. Not **ONCE** has JPSA ever "encouraged people to break the law" and SANRAL's feeble PR attempt at making this appear to be the case is childish and both - an outright lie and a tactic which is regularly employed by those wishing to divert attention from their own violations of legislation.

It is no secret that we oppose eTolls for being the grossly inefficient and wasteful exercise they are and we will maintain this stance until such time that we are convinced otherwise.

We will continue to disseminate **TRUTHFUL AND ACCURATE** information on traffic law in South Africa - **INCLUDING** the SANRAL Act and applicable regulations, regardless of whether SANRAL and traffic authorities like it or not.

Vusi Mona's recent, personal attacks on both, JPSA and Howard Dembovsky have been noted and will be treated by us with the contempt that both SANRAL and he deserves.



### What choices do you have?



You may choose to register with SANRAL as a registered eTag user or a Vehicle Licence Number user. These users are granted an up-front discount on eToll tariffs but either have to maintain a positive pre-paid account or provide their banking details for SANRAL to debit.



A "day pass user" is someone who purchases a "day pass" (valid for 24 hours) eTag - of which only 12 may be purchased in a 12 month period. It is not clear if this means 12 per year or 1 per month, but it appears that visitors to Gauteng may only drive on these roads at a "discounted rate" without registering for one day per month.



If you do not register - which is your absolute right - you will be deemed to be an "alternate" user and you are expected to go into a SANRAL "customer service centre" and pay within 7 days of driving under a gantry. Functionality to do so through their website has been **disabled** by SANRAL.



### If I am an "alternate user", what are my obligations?

According to the e-Road regulations (government gazette 36911), an "alternate user" is someone who is "not a registered e-tag user, a registered VLN user, a day-pass user for the e-road used or a non-registered e-Tag user."

Simply put, this means a **vehicle** which is not registered with SANRAL and has not purchased a "day pass". We say "vehicle" because each vehicle, not person or entity is deemed to be a "user".

The obligation to pay toll is incurred immediately one passes under a gantry - just like it would when one comes to a toll plaza on an ordinary toll road. You are then given 7 days "grace" to make payment at a SANRAL "customer service centre".

In terms of regulation 6(5) of the e-Road regulations *"If an alternate user does not pay the toll contemplated in terms of sub-regulation (4) within the time and at the place and subject to the conditions that the Agency may make known and determine, the Agency must within 32 days after the alternate user has used an e-road but after expiry of the grace period and unless the user has registered, send an invoice to the said user, to the last known address provided in terms of the National Road Traffic Act by such user, reflecting the amount of the toll payable and such invoice shall be paid by the said user on or before the date reflected on the invoice."*

Simply put, this means that SANRAL **MUST** issue and send an invoice to your address registered on eNaTIS within 39 days of you passing under a gantry - which takes into account the 7 days "grace" period to pay and the 32 days within which SANRAL must invoice you thereafter if you don't pay within the grace period. You **MUST** then be given a reasonable period in which to settle the invoice and these invoices **DO INDEED** provide 30 days in which to settle them at a 60% discount.

Misinformation on the internet with respect to SANRAL having to use registered mail to post invoices is

completely invalid and there is **NO REQUIREMENT FOR REGISTERED MAIL** to be used to send invoices. Below is an example of a SANRAL eToll invoice. These invoices are contained in envelopes marked "permit mail" and the envelope contains a thick wad of documents.




**COPY TAX INVOICE**

**SANRAL – Violation Processing Centre (VPC)**  
 Private Bag X164  
 Centurion  
 0046

VAT No: 4650258108  
 Tel / Fax: 0800 SANRAL (726 725)  
 E-mail: info@sa-etoll.co.za  
 Website: www.sanral.co.za

VPC Account ID		VPC Tax Invoice Ref. No.	
Vehicle Licence Plate Number		Customer VAT No	N/A
Invoice Date	2013/12/12	Identification No	Business Reg Certificate
E-mail	N/A	Period	2013/12/04 to 2013/12/04

Dear [REDACTED]

Your e-toll VPC Tax Invoice is a consolidation of all your e-toll VPC transaction fees including VAT for the specified period. Please refer to the Payment Terms specified below for any possible discounts.

Description	VAT Rate	VAT Amount	Amount (Incl. VAT)
7 GORT* Toll Transactions from 2013/12/04 to 2013/12/04	14%	R 14.44	R 117.69
<b>Total Amount</b>			<b>R 117.69</b>

**Payment Terms:**

- The discounted amount payable (incl. VAT) before the expiry date: R 47.08
- The date on which the discount expires: 2014/01/11

Please contact e-toll Customer Services for an up-to-date settlement amount.

**Note:**

- The oldest debt will be settled first.
- If you fail to pay your e-toll fees within the prescribed period, you have committed an offence and will be liable for the full value indicated here-in.
- The total amount payable is indicated on the Statement.
- No cash payments by post will be accepted.

Should you continue not to pay the amounts owing, a legal process may commence.

For your convenience payment\*\*\* can be made via the following options:

- The Internet by logging into your e-toll VPC Account (www.sanral.co.za) or by using Internet Banking (EFT).
- You may visit one of our e-toll Customer Service Centres - Acceptable methods of payment are Cash, Credit Card or Debit card.
- By calling the e-toll Call Centre\*\* number: 0800 SANRAL (726 725) - Acceptable method of payment - Credit Card only.

Use the VPC Account ID (listed above) as your payment reference number when paying electronically. Please ensure that your bank links your payment to the following account:

**SANRAL – Violation Processing Centre (VPC)**  
 Bank: First National Bank  
 Account Number: 62280209167  
 Branch Code: 25314500  
 Branch: Global Transaction Services Northern Region

Payments may take between 2-5 days to reflect on your e-toll VPC Account.

Should you need any further assistance, please do not hesitate to contact e-toll Customer Services as indicated below.

Operated by:



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This invoice was received on **27 December 2013**, 14 days **after** it was allegedly issued.

The "transaction report" that goes with this looks like the one below and includes 3 photographs of a **SINGLE** pass under **ONE** gantry:



**TRANSACTION REPORT**

SANRAL – Violation Processing Centre (VPC)  
 Private Bag X164  
 Centurion  
 0046  
 VAT No: 4630289108  
 Toll Free: 0800 SANRAL (726 723)  
 E-mail: info@e-toll.co.za  
 Website: www.sanral.co.za



VPC Account ID	[REDACTED]	VPC Transaction Report No.	[REDACTED]
Vehicle Licence Plate Number	[REDACTED]	Customer VAT No.	N/A
Invoice Date	2013/12/12	Month/Year No.	Business Reg Certificate [REDACTED]
Serial	N/A	Period	2013/12/03 to 2013/12/03

Dear FRASERS INTERNATIONAL REMOVALS

Your e-toll VPC Transaction Report below lists all the outstanding transactions for the noted period.

Tag No.	N/A	Vehicle Class Reg. Code	N/A
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The images above are relating to your transaction details.

Transaction Number	Transaction Date & Time	Toll Agency	Toll Point Detail	Amount (Incl. VAT)
785	2013/12/03 09:30:32 AM	CORT*	Toll Transaction N3-T 8Sunbird	R 45.72
785	2013/12/03 09:36:57 AM	CORT*	Toll Transaction N3-T 19-Rite	R 21.32
785	2013/12/03 09:49:01 AM	CORT*	Toll Transaction N3-T 21-Kwiklip	R 23.51
785	2013/12/03 12:43:27 PM	CORT*	Toll Transaction N3-T 22-Starlink	R 35.67
785	2013/12/03 12:50:06 PM	CORT*	Toll Transaction N3-T 20-Kiewit	R 23.51
785	2013/12/03 12:55:11 PM	CORT*	Toll Transaction N3-T 18-Leeba	R 21.32
<b>Total Amount</b>				<b>R 214.05</b>

Should you need any further assistance, please do not hesitate to contact e-toll Customer Services as indicated below:

Call Centre Number: 0800 SANRAL (726 723) 6am-10pm  
 Website: www.sanral.co.za



**What, or who is the "Violation Processing Centre"?**

The "Violation Processing Centre" is a collections mechanism set up by the ETC joint venture comprising of a few companies, including TMT Services (a Kapsch TrafficCom owned company) and Kapsch TrafficCom itself. The name "violations" implies that you have committed an offence, however this is not strictly true, given the fact that under criminal law, you only violate the SANRAL Act and e-Road regulations once you have definitively failed and **refused** to pay your eTolls.

**Why am I receiving SMS and/or email messages or phone calls from "VPC"?**

We cannot fathom why SANRAL and TMT Services has chosen to put the cart before the horse by accusing people of being "violators" before they have so much as sent them an invoice, apart from the fact that TMT Services is very fond of authoring threats against the public - as they have done unabated for several years now.

The email messages look like this and are quite intimidating:

**From:** Violations Processing Centre <[no-reply+bmsg.vmat@etcrecovery.co.za](mailto:no-reply+bmsg.vmat@etcrecovery.co.za)>  
**Date:** 13 Desember 2013 12:45:45 nm. SAST  
**To:** [REDACTED]  
**Subject:** Handover  
**Reply-To:** Violations Processing Centre <[no-reply@etcrecovery.co.za](mailto:no-reply@etcrecovery.co.za)>



Account Name: [REDACTED]  
 VPC Account ID: [REDACTED]  
 Date: 2013/12/13

Dear e-road User

Our records indicate that you have made use of the Gauteng e-roads and have outstanding e-toll transactions older than 7 days in the amount of R 6656.37, reference number [REDACTED].

Please contact the e-toll Violations Processing Centre (VPC) on 0800 SANRAL (726 725) to arrange payment.

Please note that early settlement may result in a discount on the outstanding amount of your Violations Processing Centre (VPC) Tax Invoices.

Discounts are available to registered e-toll Account holders with up to date accounts. For further information on discounts, please visit our website on [www.sanral.co.za](http://www.sanral.co.za) or call our e-toll Call Centre (details listed below). Should you need any further assistance, please do not hesitate to contact the e-toll Violations Processing Centre (VPC) as indicated below:

Call Centre Number: 0800 SANRAL (726 725) 6am-10pm  
 Website: [www.sanral.co.za](http://www.sanral.co.za)

e-toll Violations Processing Centre (VPC)



*Note: This email was captured using an English email client, hence the "spelling error" red underline.*

These demands are **NOT** legitimate demands for payment, but are in fact an attempt to short-circuit the e-Road regulations and force people to pay as quickly as possible without due processes and legislation being followed.

#### **Phishing, Internet and Nigerian 419 scams**

Unfortunately, we do not find it in the least bit inconceivable that internet scammers will quickly catch onto the dubious practices of SANRAL and TMT Services and we cannot say for sure that they haven't already. In fact, we would be very surprised if they haven't already since SANRAL and TMT Services have provided them with all of the tools they need to commit this kind of fraud.

It is therefore our recommendation that you treat suspicious emails with **extreme caution** and **refrain** from clicking on links provided in them or making payment to banking accounts stated thereon.

#### **Can I check how much I owe and make payment for eTolls online if I'm not registered?**

The short answer to this question is no you cannot.

Despite originally allowing unregistered users to check on their outstanding eTolls within the 7 day grace period, SANRAL has removed this functionality from their website. In addition, should you wish to query and/or settle your eTolls outside of the 7 day grace period, you **cannot** do so without registering as an eTag or VLN user.

There is no registration option that doesn't include registering you as a SANRAL eTolls website user without simultaneously registering as an eTag or VLN user. In this way, SANRAL **FORCES** you to register as an eToll user in order to make use of their website.

SANRAL requires you to call their call centre to enquire, but will not allow you to pay over the phone either. They insist that you go into their "customer service centre" in order to pay and even EFTs cannot be done without a valid SANRAL vehicle reference number - which is only generated when you register or an invoice - which a large proportion of people have not yet received as of 3 January 2014 - exactly one month after eTolls went live.

In essence, SANRAL is making things as difficult as possible for unregistered users to comply with eTolls - offering only registered users the *convenience* of not having to go into a "customer service centre" and stand in queues.

**What do registered users get that unregistered users don't.**

Apart from the discounts and caps applicable to registered users, they also get access to SANRAL's eTolling website where they can view detailed transaction records online. The functionality includes access to detailed transactions records, which include 3 photographs of each pass under each gantry.

Unregistered users get nothing.

### **Can I be arrested for having outstanding eTolls?**

Recently, TMT Services has adjusted the wording on their email demands by stating: "*Failure to make payment will result in you being identified as a non-payer and **will be stopped by the Toll Road Enforcement Unit.***"

This threat is very serious indeed and it is clear that TMT Services and SANRAL are unaware of the fact that stopping a motorist prior to the existence of a Warrant of Arrest is tantamount to wrongful arrest if they have not committed an offence in the presence of an officer. The Gauteng Department of Community Safety, Gauteng Traffic Police should however be aware of this and should be mindful of the civil claims that could (and should) arise out of this abuse. Officers from the Gauteng Traffic Police have been seconded by SANRAL to enforce offences on the eToll roads and have **NO** special powers, beyond being traffic officers.

Even if these "enforcement units" issue an invoice to the road user at the roadside, this would be a **violation** of the e-Road regulations which clearly states that SANRAL **MUST** send an invoice "*to the last known address provided in terms of the National Road Traffic Act*". It makes **NO PROVISION** for roadside invoicing or harassment. They may however issue summonses and AARTO infringement notices.

### **What does the law say about when you have committed a criminal offence?**

SANRAL has tried to bamboozle people by saying "you commit an offence when you pass under a gantry and do not pay" however, it is abundantly clear that they do not understand the basic elements of criminal law.

Section 25 of the SANRAL Act says:

*Any person liable for toll who, at a toll plaza or other place for the payment of toll determined and made known in terms of subsection (1), refuses or fails to pay the amount of toll that is due—*  
*(a) is guilty of an offence and punishable on conviction with imprisonment for a period not longer than six months or a fine, or with both the term of imprisonment and the fine; and*  
*(b) is liable, in addition, to pay to the Agency a civil fine of R1 000. This amount may be increased in 1999 and annually thereafter in accordance with the increase in the official consumer price index for the relevant year as published in the Gazette.*

Read in isolation of the rest of the Act - of which the e-Road regulations comprise an integral part thereof, this sounds very serious indeed and Mr Vusi Mona has been very vocal in referring to this section of the Act recently; claiming that the regulations are somehow subordinate and/or irrelevant to it.

The e-Road regulations are **NOT** subordinate or irrelevant. They form an integral part of the Act.

Essentially, a person who uses a toll road and **refuses or fails to pay** a toll is guilty of an offence, **BUT** the regulations extends the timeframe wherein a person is **compelled** to pay from the time that person passes under a gantry, to somewhere in the order of 131 days after passing under the gantry. This is achieved by the various "grace" and formal periods under which a user is granted to settle the toll. Thereafter, criminal charges **MUST** be brought and such cases **MUST** be heard by a court if the Criminal Procedure Act is used to prosecute such offences.

You **DO NOT** establish your criminal intent of committing a crime by simply saying "I refuse to pay"; you must actually also fail to do so before criminality is established. Criminal intent in the commission of a crime **MUST** be proven by the State in a Court of Law before a conviction can occur.

If you ignore a criminal summons, a Warrant for your arrest **WILL** be issued and you may then be arrested on the strength of that Warrant.

### **Will I get a criminal record if I refuse and fail to pay eTolls**

It is not clear on what basis it is that SANRAL and the Department of Transport are claiming that the Criminal Procedure Act applies specifically to eTolls, whilst the AARTO Act applies, where it is in force to **all other** road traffic offences **including** non-payment of tolls.

Both, Mr Nazir Alli and Mr Vusi Mona have previously alluded to the fact that the AARTO Act will be used where it applies, but they have both now changed their stories, apparently because the threat of a criminal record sounds a lot more *scary* than an AARTO infringement notice - only 12.55% of which were paid in the 2012/13 financial year, according to the Road Traffic Infringement Agency (RTIA).

JPSA has asked for clarification on this matter and has to date received no formal, grown-up, courteous and intelligible reply to our formal request for such clarification. The AARTO Act **decriminalises** road traffic offences, **including** non-payment of toll fees and we suspect that the questions we are asking are seen to be *uncomfortable ones* to SANRAL and the Department of Transport since it disarms one of their most powerful propaganda weapons of threatening people with criminal records.

In short, if you are prosecuted under the Criminal Procedure Act and SANRAL wishes to seek to have the courts impose criminal records on *offenders*, formal dockets **MUST** be registered by the South African Police Service and the fingerprints of **ALL** convicted persons **MUST** be taken so that the criminal record database may be updated with your details. Therefore, the answer is yes, you can incur a criminal record

for committing a criminal offence.

### **Can my licence disc be withheld if I have outstanding eTolls?**

Regulation 59 of the National Road Traffic Act **does not** make provision for withholding licence discs, except for under the following conditions:

1. If there are outstanding **licensing** fees or penalties against the person in whose name the vehicle is registered; or
2. If a warrant of arrest has been issued in the name of the person in whose name the vehicle is registered.

The AARTO Act does however make provision for disallowing licensing transactions if an Enforcement Order has been issued against the person in whose name the vehicle is registered.

Any and **ALL** other attempts to withhold licence disks would be **UNLAWFUL**.

We have scoured all of the legislation surrounding eTolls and, despite previous claims made by SANRAL that licence discs may be withheld on the basis of outstanding eTolls, we have found **NO SUCH PROVISION** anywhere in the legislation.

Any licensing authority **MUST** provide a registered vehicle owner with a **R114 Statement** of account on request and this will detail any and all eNaTIS transactions against your name. If it happens, do not jump to the conclusion that your licence disc is being withheld on the grounds of outstanding traffic fines or eTolls.

### **Should I get an eTag and/or pay my eTolls**

Many people ask us these questions and we cannot tell you how you should act with respect to eTolls. It is also unreasonable for anyone to ask such a question of us. All we can do is to make you aware of the facts surrounding eTolls and it is entirely up to you whether you make a decision to get an eTag and/or register with SANRAL or not.

You must however be aware of the fact that the second that you do register with SANRAL, you agree to their terms and conditions - amongst which are your agreement to pay. Once you have done this, you **MUST** adhere to the terms and conditions, since you have agreed to them in writing. Similarly, if you refuse and fail to pay, this is indeed regarded as an offence.

### **Has JPSA received complaints on billing errors etc?**

Yes we have received a multitude of complaints. It has been the habit of SANRAL to tell people that they should "contact the SANRAL call centre on 0800-SANRAL to have these complaints dealt with instead of contacting JPSA and the media" and we would like to echo this call - with a slight modification to their wording.

If you have received an erroneous bill from SANRAL, please contact their call centre first, and if you receive no joy from them, please feel free contact us. Additionally, if you receive an erroneous bill where it is clearly not your vehicle that incurred the toll, please contact us and let us know.

SANRAL cannot reasonably expect the public to work with them in covering up the "boo-boos" they make. When a 74 year-old lady in Jeffrey's Bay who has not left the town in 4 years get's an SMS stating "You have overdue e-toll fees in the amount of R57.50 which have been handed over for collection to VPC. Call 0800 SANRAL (726725) Ref 131xxxxxxx", it is more than clear that SANRAL do not have a grip on things. Their call centre staff then allegedly said they could not open the reference number stipulated.

This is **NOT** the only complaint we have received and we will continue to make SANRAL's bungles public since it is both - the truth and in the public interest to do so.

### **Why does JPSA's 087 809 0399 number appear on social media sites & email messages doing the rounds?**

When claims started doing the rounds on Twitter in November 2013- to the effect that "SANRAL and Metro Police" were stopping people in roadblocks and demanding to see their eTags -under a threat of fines being issued for not having one, we immediately made it known that people should contact us **IMMEDIATELY** if this happened.

Some *enterprising* anti-etolls lobbyists pounced on the opportunity to include our number with the misinformation they were spreading and the net result was that our number went viral. As a result, we have had to put a voice message on that line to counter the hundreds of daily "test" calls to it.

We are disappointed that people choose to act irresponsibly and choose to spread lies about eTolling when there are more than sufficient truths available on which to *attack* eTolls without making up rubbish about over 900,000 vehicles passing under a single gantry in one day.

To date, we have not received even **ONE** report to the effect that people are being stopped by traffic police or anyone else and intimidated into getting an eTag.

### **We urge people NOT to spread malicious rumours and untruths!**

*This page was last updated on Friday 3 January, 2014*

To subscribe to our free email notifications, send a blank email to [coms-subscribe@jp-sa.org](mailto:coms-subscribe@jp-sa.org)