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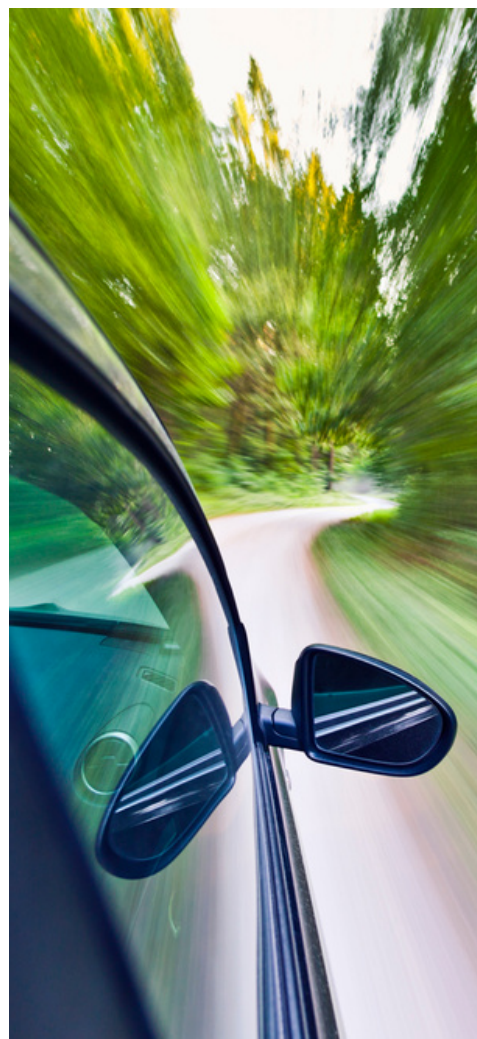
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WHOSE FINE IS IT ANYWAY?

A company vehicle gets caught speeding. The employee who was driving assumes the fine belongs to the business because it is a company car. The business assumes it belongs to the employee because they were behind the wheel. Sitting somewhere between the two is the person appointed as the company's proxy for its vehicles.

So, whose fine is it anyway? For businesses operating even a small number of vehicles, that question can become more complicated than expected. It also matters to employees who drive company cars and to anyone who has agreed to act as a company proxy without necessarily understanding what the role may entail.

South Africa is currently dealing with two different traffic enforcement processes. The Administrative Adjudication of Road Traffic Offences Act 46 of 1998 ("AARTO") is being progressively implemented, with Phase 2 rolling out across 62 local and metropolitan municipalities from 1 July 2026, building on the system already operating in Johannesburg and Tshwane. Traffic matters falling outside the AARTO administrative process may still be dealt with through the criminal justice system.





That distinction can change what happens next. Companies that register vehicles have a proxy or representative reflected in the vehicle registration system. South Africa's National Road Traffic Regulations specifically recognise proxies and representatives in relation to vehicles owned by bodies of persons.

The role matters because the proxy is often the person handling the administration of those vehicles. However, it does not follow that putting your name down as the company proxy means accepting personal responsibility for every speeding fine, parking infringement, or red-light violation committed by an employee.

The driver still matters. The real difficulty begins when an infringement reaches the company and nobody deals with it properly; nobody can establish who was driving, or a notice progresses to a more serious stage.

One practical feature of AARTO is a formal driver nomination process. If an infringement notice is received by the registered owner when someone else was driving, the actual driver or the person in control of the vehicle may be nominated. The prescribed mechanism is Form AARTO 07: Nomination of Driver or Person in Control. RTIA also provides an online driver nomination process.

This sounds straightforward until a business has several employees sharing several vehicles. Who had the bakkie at 14:37 on a Tuesday three weeks ago? If the answer is a combination of "I think it was Sipho" and "let me check the WhatsApp group", the business already has a problem.

Accurate vehicle logs, driver records and fleet-management systems become particularly important because they allow the company to establish who was actually in control of a vehicle when an infringement occurred.

Traffic-fine management is therefore not just an accounts department problem. It is part of managing a company fleet properly.

Another common misunderstanding is that every unpaid traffic fine eventually becomes a warrant of arrest. That is not how the law works. AARTO deals with most traffic infringements administratively. RTIA describes AARTO as a system that removes most traffic violations from the criminal process and treats them as administrative infringements, while certain offences remain subject to the criminal process.

Under AARTO, ignoring an infringement can allow it to move further through the administrative enforcement process. The available processes include an infringement notice, a courtesy letter, and an enforcement order.

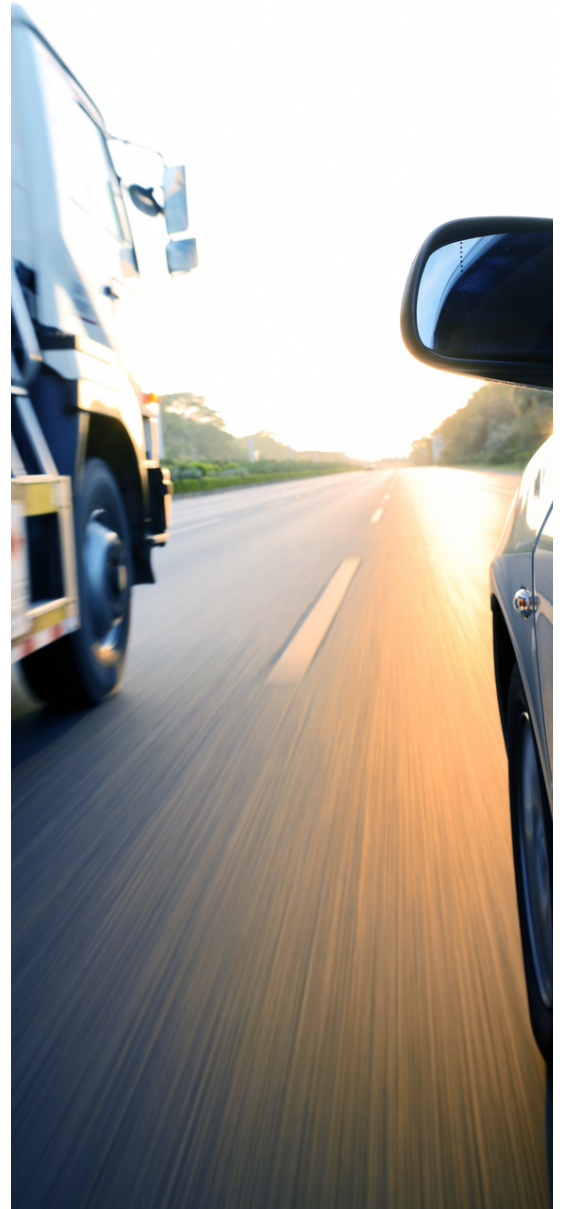
The Criminal Procedure Act 51 of 1977 ("CPA") is different. Where a person has been summoned under section 54 of the CPA to appear in criminal proceedings and fails to appear as required, section 55 allows the court, if the statutory requirements are satisfied, to issue a warrant for that person's arrest.

That is an important distinction. The warrant does not arise merely because someone forgot to pay a traffic fine. The legal risk arises where a matter has entered the criminal court process, a summons has been properly served and the person summoned fails to appear.

For a company proxy, this means notices relating to company vehicles should never be treated as someone else's paperwork simply because an employee was driving.

There is another trap for businesses. When a proxy leaves the company, changes roles or no longer wants the responsibility, appointing somebody new may be administratively necessary. National road traffic regulations require changes concerning a vehicle owner's proxy or representative to be notified to the appropriate registering authority.

A change of proxy, however, should not be treated as a substitute for dealing with existing traffic matters. Before a business hands the keys to the next proxy, figuratively speaking, it makes sense to understand what fines, summonses or enforcement matters are already sitting against its vehicles and to deal with them through the correct process.



For businesses, the lesson is less dramatic than a roadblock, but far more useful. Know who is driving your vehicles. Keep the records. Deal with notices when they arrive. Nominate the correct driver where the law allows it and do not allow an ordinary infringement to become a larger legal problem through inaction.



Ultimately, a company vehicle does not create a legal no-man's-land between the employee who was driving, the business that owns the vehicle and the proxy whose details sit on the system. Each has a role, and the consequences depend on which enforcement process applies and how quickly the matter is dealt with.

For businesses, the real protection lies in knowing who is driving, keeping proper records and acting on notices before they escalate. For employees, driving a company car does not remove personal responsibility for what happens behind the wheel. For proxies, the role should never be treated as a name on a form without understanding the administrative and legal exposure that may come with it.

This article provides general legal information and does not constitute legal advice. The correct process will depend on the circumstances of each matter and the traffic enforcement regime applicable to it.



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