



Office of the Chief Executive Officer

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13 January 2020

TO : ALL PROVINCIAL REGISTRIES
: MOTOR VEHICLES INSURANCE LIMITED REGISTRY OFFICES
: TRAFFIC POLICE AND OTHER ENFORCEMENT OFFICERS

SUBJECT : DRIVER'S LICENCES AND INFRINGEMENT NOTICES

Concerns about the PNG driver licensing processes, cards and the associated enforcement has recently been raised with the Road Traffic Authority (RTA). This notice is issued to address the concerns.

Background

1. RTA effectively took over the legal responsibility for driver licensing from the Department of Transport with the bringing into effect of the Road Traffic Rules on 1 June 2018 as notified in National Gazette No. G253 of 19 April 2018. This was also notified in the national newspapers and in workshops and correspondence with provincial administrations.
2. The driver licensing provisions that now apply are set out in the Road Traffic Rules – Licensing of Drivers 2017. The Road Traffic Act, Regulations and Rules are available on the RTA's website:
<http://www.rta.gov.pg/legislation/rules/>
3. The Department of Transport had previously delegated the service delivery of driver licensing to Motor Vehicles Insurance Limited (MVIL) for the NCD area and to provincial administrations for other areas of PNG. RTA has not yet amended or cancelled these delegations as provided for by section 65(3) of the Road Traffic Act because there needs to be a driver licensing service available throughout PNG.
4. RTA has been working with MVIL and provincial administrations to put new arrangements in place under the Road Traffic Act that would be fully compatible with the new law. These new arrangements include upgrading the driver licence and the systems used for issuing driver licences and connecting provincial systems to a central database to improve the integrity of the system. RTA also intends to implement formal testing of applicants for learner's permits and provisional driver's licences to replace the certificate of competency issued by a member of the Police Force under section 7 of the old Motor Traffic Regulation.

5. RTA worked with MVIL to design a new improved PNG driver's licence but it was found that the current equipment could not write the required information on the new licence. RTA has been trying to raise funds to replace the existing driver licence equipment and systems. In the meantime MVIL and provincial registries have been using the old blanks to issue driver's licences. RTA had thought that this was preferable to the alternative paper licence provided for under sections 14(3) and 22(3) of the Licensing of Drivers Rule. But can now see that this is causing confusion, particularly because these licences contain the old types and classes on the back of the licence. We are now in the process of obtaining driver licence blanks with the correct "type" and "class" information on the back and intend to distribute these to all driver licensing agents as soon as they are available.

Driver Licence Classes

6. The new provisions for driver licensing, set out in the Licensing of Drivers Rule, have changed the definitions of the classes of motor vehicle to which a licence applies. The new regime eliminates the old "super class" arrangement where class 6 was deemed to also permit driving of some lower classes of vehicle. Instead, the intention is that all the classes that the person is authorised to drive are clearly printed on the licence under the "class" heading. This will take up to 3 years to achieve because section 65(3) of the Road Traffic Act provides that driver licences issued under the old Motor Traffic Regulation remain current and valid until the expiry date shown on the licence, and must be interpreted in accordance with the old legislation. When these licences come up for renewal, all the classes must be printed on one renewed licence at one cost. The attached transition table is to be used for this purpose. MVIL has confirmed that the system it uses for printing driver licences is able to print multiple "classes" on the one licence and RTA understands that the software used by most provincial registries is also able to do this. If a provincial registry finds that it is unable to print multiple "classes" on one driver's licence, then the administration must immediately notify RTA and work with RTA to find a solution.
7. Answers to some frequently asked questions about vehicle classes are as follows:
 - a) Landcruiser utility – this is classified as a motor truck and requires a class 3 licence to drive. This is not "constructed principally for the carriage of persons", so even if it carries passengers in the tray this does not change the driver licence class.
 - b) Landcruiser troop carrier (10 seater) and Landcruiser 5 door – these are classified as an omnibus and require a class 6 licence to drive.
 - c) Motor truck adapted to carry passengers and operated as a PMV – this requires a class 1 or class 3 driver's licence (depending on the vehicle's unladen weight) plus a PMV endorsement or permit to

drive a PMV. This is not an omnibus as it is not “designed” for the transport of passengers – it is a motor truck “adapted” to transport passengers.

Endorsements to Drive a Licensed Transport Vehicle

8. The 2017 Passenger and Goods Transport Licensing Rule provides that endorsements to drive a public motor vehicle (section 17 of the Rule), a taxicab or private hire car (section 39) or a licensed goods transport vehicle (section 57), may be made on the applicant's current driver licence. These endorsements are printed on the driver licence under the “type” heading, in addition to the “F” for full licence, in accordance with Form 5A of the Licensing of Drivers Rule.
9. All applications for driver endorsements under the Passenger and Goods Transport Licensing Rule must be checked to ensure that the fit and proper person requirements are complied with, the applicant must be questioned if necessary, and the endorsement authorised only when the issuing office is satisfied that the requirements are met. The authorisation for endorsement of the applicant's driver licence must then be conveyed to the agent that issued the applicant's driver licence, which must re-issue the driver's licence with the authorised endorsement added.
10. MVIL has confirmed that the system it uses for printing driver licences is able to print multiple “types” on the one licence and RTA understands that the software used by most provincial registries is also able to do this. If a provincial registry finds that it is unable to print multiple “types” on one driver's licence, then the administration must immediately notify RTA and work with RTA to find a solution.
11. The alternative paper permits will remain valid until the expiry date shown on the permit but provincial administrations must obtain a special exemption from RTA to issue such paper permits after the date of this notice.

Fees and Duration of Driver's Licences

12. Provincial registries are not authorised to charge the new fees for driver's licences, set out in the Road Traffic (Fees and Charges) Regulation, until they have completed an agreement with RTA relating to remittance of revenue to RTA and other matters.
13. With regard to the duration of a driver's licence, section 23 of the Licensing of Drivers Rule provides that a full driver's licence may be issued for a period of up to 5 years. However, RTA has not authorised provincial administrations to issue driver's licences for more than 3 years, because the new licences and system are not yet available.

Enforcement of Driver Licensing

14. The transition for driver licences described in paragraph 4 above was explained to Police during training on the new legislation in May and June 2018 and is now being repeated in this notice to clarify enforcement during the transition period. If a driver's licence showing class 6 is still current, then it must be taken that the driver is also authorised to drive class 1 and class 3 vehicles.
15. It has been brought to our attention that some Police are using traffic infringement forms under the old Motor Traffic Act 1950. These are not valid because the Motor Traffic Act has been repealed. The new forms for traffic infringements together with the current infringement fees are given in the Road Traffic (Offences and Penalties) Regulation 2017, which was brought into effect on 1 June 2018. The new infringement forms and revised "wording of charge" information was supplied to Police during training in May and June 2018 and must be used.
16. Specific provision for "on-the-spot fines" was removed when the Road Traffic Act became effective. Section 36(4) of that Act now applies instead. An infringement fee can be collected "on the spot" if an "authorised collection officer" is present. These are special officers appointed by the RTA under section 34 of the Act. Public money collectors under the Public Finance (Management) Act are not "authorised collection officers" unless they have been also appointed as such by the RTA. This was designed to limit bribery and corruption in payment of infringement fees on the road. RTA invited all provinces in 2017 to submit details of persons that they wished to be appointed as collection officers, but most provinces have not provided any information to RTA for this purpose. If traffic infringement fines are paid at the Police Station or at the provincial administration office, then public money collectors may collect and receipt the money.

If you require further information about this notice, please contact me on **325 0722** or email: nterema@rta.gov.pg or contact **Wilson Wariaka** on **7230 6911 / 7650 5044** or email: wwariaka@rta.gov.pg

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