

**Road Traffic Ordinance  
Regulation 308A  
Prohibition on use of communication device while driving**

**As at January 2006**

- (1) No person shall drive a vehicle on a public road –
- (a) while holding a cellular or mobile telephone or any other communication device in one or both hands or with any other part of the body;
  - (b) while using or operating a cellular or mobile telephone or other communication device unless such a cellular or mobile telephone or other communication device is affixed to the vehicle or is part of the fixture in the vehicle and remains so affixed while being used or operated, or is specially adapted or designed to be affixed to the person of the driver as headgear, and is so used to enable such driver to use or operate such telephone or communication device without holding it in the manner contemplated in paragraph (a), and remains so affixed while being used or operated
- (2) Sub-regulation (1) does not apply to the following persons while driving in execution of their duties:
- (a) The driver of a fire-fighting vehicle;
  - (b) The driver of a rescue vehicle or an ambulance;
  - (c) A traffic officer;
  - (d) A member of the South African Police Service and a member of a municipal police service, both as defined in Section 1 of the South African Police Service Act, 1995 (Act 68 of 1995);
  - (e) A member of the South African National Defence Force; and
  - (f) Any person driving a vehicle while engaged in civil protection in accordance with an ordinance made in terms of the Civil Protection Act, 1977 (Act 67 of 1977):

Provided that he or she drives the vehicle concerned with due regard to the safety of other road users.

- (3) For the purposes of this regulation –
- (a) the word “headgear” includes for the purpose of this regulation a device which is specially designed or adapted to allow the driver to use a cellular or mobile telephone or other communication device in such a manner that he or she does not hold it in one or both hands or with any other part of the body, and which is connected to the cellular or mobile telephone or other communication device concerned, directly or indirectly, while being fitted to or attached to one or both ears of the driver; and
  - (b) the phrases “*cellular or mobile telephone or any other communication device*” and “*cellular or mobile telephone or other communication device*” **excludes** land mobile radio transmission and reception equipment operating in the frequency band 2 megahertz to 500 megahertz that is affixed to the vehicle or is part of the fixture in the vehicle.

**Notes**

- Sub-regulation (3) substituted by Government Notice R761 of 31 July 2000 with effect 01 August 2000.
- Paragraph (3) (b) substituted by Government Notice R941 of 22 September 2000 with effect 22 September 2000.
- All preceding paragraph (3) (b) apply to the cellular or mobile telephone service.
- Paragraph (3) (b) applies to the Land Mobile Radio Service and the Amateur Radio Service.