Who pays, who doesn't: Understanding toll exemptions

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ZAMBIA'S Toll Act No.14 of 2011 represents a significant legislative framework aimed at regulating the collection of tolls on designated roads and infrastructure across the country. Enacted to support the maintenance and development of the road network, this Act empowers authorities to impose charges on vehicles using specific routes, ensuring that road users contribute fairly to the upkeep of vital transport arteries.

Understanding who is required to pay these tolls and who qualifies for exemptions is crucial for motorists, transport companies and policy-makers alike to avoid unexpected penalties. In this guide, we will provide a clear overview of the key provisions of the Toll Act, highlighting the categories of payers, the types of vehicles subject to tolls, and the exemptions established to protect certain road users from tolls.

The Toll Act No. 14 of 2011 was enacted to provide for the operation of toll roads; provide for the charging and collection of tolls; provide for private sector participation in the tolling of roads; repeal and replace the Tolls Act 1983; and provide for matters connected with, or incidental to, the foregoing. This legislation aims to ensure the sustainable financing, maintenance and development of the country's road network, which is vital for economic growth and regional connectivity.

Under Zambia's Toll Act No. 14 of 2011 section 3 clause 9 (1), specific categories of vehicles are subject to pay when using designated toll roads. This section states that a driver of a vehicle passing through a toll point shall, at the time of passing through the toll point, pay the toll in respect of that vehicle to the toll collector.

Understanding which vehicles incur charges is essential for compliance and smooth travel. Generally, fees apply to a broad range of motor vehicles, including private cars, commercial trucks and buses. However, the Act categorises vehicles based on their size, weight and purpose, which in turn determines the fee structure applicable to each category.

For instance, light trucks and private small vehicles typically pay a lower toll fee compared to heavy commercial vehicles like trucks and buses, which cause more wear and tear on road infrastructure. This tiered system ensures that toll charges are equitable and proportional to vehicle impact.

According to section 3 clause 10 of the same Act, certain vehicles and individuals are granted exemptions from toll payments to promote fairness and support specific public interests. These exemptions are clearly defined to ensure that only eligible parties benefit, preventing misuse and maintaining efficient toll operations.

As enforcement of Zambia's toll system continues across major highways, Government has reiterated that not all vehicles are required to pay road tolls under the provisions of the Toll Act No. 14 of 2011.

According to the law, specific categories of vehicles are exempt from toll payments to support critical public services and national functions. These include the President's and Vice-President's motorcade, which are granted automatic exemption due to their state security and official status.

Also exempt are authorised emergency vehicles such as fire department trucks, police vehicles, and ambulances, whether operated by public or private health services. Emergency response units transporting life-saving resources like blood or tissue banks are also included in the exemption list.

Military vehicles are covered under the exemption to ensure unrestricted mobility for national defence and operations. In addition, contractors actively involved in the construction, improvement, maintenance or development of roads are not required to pay tolls when carrying out such work.

However, authorities have clarified that these exemptions do not extend to all temporary road users. The law specifically states that temporary free passage, not exceeding 24 hours, may only be granted under exceptional circumstances such as operational safety or emergencies. This form of exemption must be authorised by the chief executive officer of the National Road Fund Agency (NRFA).

NRFA advises motorists and institutions to familiarise themselves with these provisions to avoid confusion at toll points and ensure compliance with the law.

The requirement for diplomats to pay tolls may seem unexpected, but it is essential to understand that the diplomatic immunity does not automatically imply exemption from toll payments. Diplomats, like other motorists, are expected to comply with the laws of our country.

According to part IV section 22 (a), a person who fraudulently or forcibly drives a vehicle through a toll point or without paying the toll is liable, upon conviction, to a fine exceeding 300,000 penalty units or to imprisonment for a period not exceeding three years, or to both. Failure to comply with the provisions set out in the Toll Act No. 14 of 2011 can result in significant penalties designed to enforce adherence and maintain the integrity of the toll collection system. Drivers who evade toll payments or bypass toll gates without authorisation are subject to fines that can vary depending on the severity and frequency of the offence.

For instance, first-time offenders may face a monetary penalty, while repeat violators could be subjected to heavier fines or even legal action. Additionally, vehicles found operating without a valid toll payment may be impounded until the outstanding fees and penalties are settled. These strict measures underscore Government's commitment to ensuring that all road users contribute fairly to the maintenance and development of our country's road infrastructure. Motorists must understand these consequences to avoid unexpected expenses and legal complications. Staying informed and compliant not only benefits individual drivers but also supports the overall improvement of the country's transportation network.

In conclusion, it is important for vehicle owners and operators to familiarise themselves with the detailed categories outlined in the legislation to avoid penalties and contribute fairly to the maintenance of Zambia's road network. Clear signage at toll plazas and official resources guide fee rates and vehicle classifications to assist travellers in adhering to the regulations effectively.

To learn more about the operations of NRFA, please visit the official agency website www.nrfa.org.zm or contact the NRFA Customer Care Centre by dialling 700. The author is a shift supervisor at NRFA.