

Increased penalties for road traffic offences

Under the provisions of the law passed by the House of Representatives and entered into force on 1 October 2020, penalties for specific road offences have increased, especially for those causing fatal and serious road traffic collisions.

Listed below are the most important amendments, showing the difference between what was used to be applicable and what applies since 1 October 2020:

- 1. Driving under the influence of drugs: imprisonment for 3 years and/or a fine of €8,000 (instead of €3,500) and/or revocation of driving licence for 3 years.** The Court may impose 3-6 penalty points.

What is new:

The Court may, in addition to the above penalties and provided that the person has requested the Court to issue a treatment order, issue a treatment order in accordance with the provisions of Section 6 of the Treatment of Accused Users or Substance Dependents Law.

The Court, when issuing a treatment order, may set such conditions and give such instructions that in its judgment are necessary for its more effective application and for the achievement of the purposes for which such order is issued.

For the application of a treatment order, the accused user or substance dependent must present himself/herself to the Treatment Centre designated by the Court within 48 hours from the issue of the treatment order, having accepted that he/she will faithfully fulfill the content of the treatment contract and comply with the recommendations of the Treatment Centre concerning his/her treatment.

- 2. Reckless / Dangerous Driving:** Imprisonment for any term not exceeding 2 years and/or a fine of €4,000 (instead of €1,500) and 3-6 penalty points.

In case there is Reckless / Dangerous Driving under the influence of alcohol or drugs: Mandatory revocation of Driving Licence for at least 2 months.

- 3. The offence of negligent driving was** punishable with imprisonment for any term not exceeding one year and/or a fine not exceeding €340. Since 1/10/2020, the offence has been divided into the following categories:

Negligent Driving: Imprisonment for any term not exceeding 6 months and/or a fine of €1,500 and 3-6 penalty points.

Negligent driving causing damage to property: Imprisonment for any term not exceeding 1 year and/or a fine of €3,000 and 2-8 penalty points.

Negligent driving causing bodily harm: Imprisonment for any term not exceeding 2 years and/or a fine of €6,000.

In case there is Negligent Driving under the influence of alcohol or drugs: Revocation of driving licence for at least 2 months.

4. **Driving under the influence of fatigue:** Imprisonment for a term not exceeding 1 year and/or a fine of €3,000.
5. **Abandoning a vehicle in a dangerous location:** Imprisonment for 3 months and/or a fine of € 1,000 (instead of € 256) and 1-2 penalty points (instead of no penalty points).
6. **Fleeing the scene of a road traffic collision (Hit-and-run) - causing death:** Imprisonment for a term not exceeding 5 years (instead of 2 years) and/or a fine of €15,000 (instead of €1,708 euros) and revocation of driving licence for a term not exceeding two years from the date of conviction.
7. **Hit-and-run - causing personal injury:** Imprisonment for a term not exceeding 2 years and/or a fine of €10,000 (instead of €1,708) and revocation of driving licence for a term not exceeding two years from the date of conviction.
8. **Hit-and-run - causing damage to property:** Imprisonment for a term not exceeding 1 month (instead of 1 year) and/or a fine of €3,000 (instead of €1,708) and revocation of driving licence for a term not exceeding two years from the date of conviction.

In general, as regards hit-and-run road collisions, the court may impose 5 - 10 penalty points.

9. **Increase of the general penalty fine from €1,708 to €3,000 for the commission of traffic offences listed in the Regulations on Motor Vehicles and Road Traffic.**
10. **For the first conviction of a person driving whilst uninsured, increase of the penalty fine from €1,708 to €3,000, and in the case of a second conviction, increase of the penalty fine from €3,417 to €6,000. The provisions on imprisonment for one and two years, respectively, shall remain the same.**

11. Introduction of a provision allowing a member of the Police or a legally authorised person to prohibit a person from driving a motor vehicle and impound thereof until the issue of a third-party liability insurance:

- The impounded vehicle may be towed by a person authorised by a police officer or a supervisor of the Road Transport Department or following their instructions to a location specified by the Chief of Police, as he/she may deem appropriate.

- The Vehicle shall be collected by its holder or owner or a representative thereof, provided that such a third-party liability insurance is issued. If the vehicle has been towed, the towing and storage fees shall be paid by the holder or owner or a representative thereof prior the vehicle's collection.

In case such fees are not paid or the vehicle is not collected within 2 months from the date of notification of its owner or holder by the Chief of Police, the vehicle may be disposed of as unclaimed property pursuant to Section 32 of the Police Law.

12. The member of the Police or supervisor may prohibit a person from driving a motor vehicle and impound thereof until such vehicle can be legally driven, in the following cases:

- 1. Driving under the influence of alcohol or**
- 2. Refusal to provide a breath sample for alcohol testing or**
- 3. Refusal or avoidance of going to the location where the final alcohol testing is conducted.**

An impounded vehicle may be towed by a person authorised by a police officer or a supervisor or, following the instructions thereof, to a location specified by the Chief of Police, as he/she may deem appropriate.

The towing and storage fees shall be paid before the vehicle is collected by its holder or owner or a representative thereof.

If the vehicle is not collected within 2 months, it may be disposed of as unclaimed property.

Any person who prevents a member of the Police or any other legally authorised person from exercising such granted powers shall be guilty of an offence and in case of a conviction, he/she is subject to imprisonment for a term not exceeding 6 months and/or a fine not exceeding €2,000.

13. It is possible to tow a motor vehicle that is parked or abandoned on any road illegally and/or dangerously or in a way that obstructs the traffic, upon instructions of a member of the Police or a supervisor or any other authorised person.

A police officer or supervisor or any other authorised person may tow the vehicle to a location specified by the Chief of Police, as he/she may deem appropriate, if the vehicle's owner cannot be found or refuses or fails to move it.

Payment of towing fees before the vehicle is collected by the holder or owner or a representative thereof. If the vehicle is not collected within 2 months, it may be disposed of as unclaimed property.

Out-of-Court Settlement:

1. For offences related to **wearing seat belts**, an **out-of-court fine of €150 (instead of €85) and 3 penalty points shall be imposed, while the Court may impose 3-6 penalty points.**

Previously, 2 penalty points were imposed by the Police, while the Court could impose 2-4 penalty points, provided that the offence took place outside residential areas.

Seat belts - failure to:

- (a) install
- (b) use by drivers
- (c) use by passengers
- (d) use of an appropriate child seat

In case of recurrence of the offence within 3 years from the commission of the first, a doubling of penalties applies.

2. **Driving without a protective helmet**: a fine of €200 (instead of €85) and 3-6 penalty points (instead of 2-4 penalty points)

In case of recurrence of the offence within 3 years from the commission of the first, a doubling of penalties applies.

Abandoning a vehicle without taking the necessary precautions: a fine of € 85 and 1-2 penalty points.

3. As of 1 October 2020, **an out-of-court fine of €150 (instead of €65)** applies for the following offences:

Overtaking:

- (i) on a solid white line
- (ii) on any other passing prohibition indication
- (iii) at a turn
- (iv) at an intersection
- (v) on a curved bridge
- (vii) on an ascent
- (viii) a vehicle coming the other way

Overtaking on a pedestrian crossing: **a fine of €200 (instead of €65)**

4. **Illegal Parking:**

Parking on a pavement: a fine of €100 (instead of €85)

Parking at a short distance from:

(i) an intersection: **a fine of €100 (instead of € 85)**

(ii) traffic lights: **a fine of €100 (instead of €85)**

Parking at a short distance from:

(i) a pedestrian crossing: **a fine of €150 (instead of €85)**

(ii) a bus stop: **a fine of €150 (instead of €85)**

Parking at a reserved spot for the **disabled**: a fine of **€300 (instead of €85)**

Parking on a double yellow line: **a fine of €100 (instead of €65)**

Parking on the opposite side of the road: **a fine of €100 (instead of €85)** and 1-2 penalty points.

5. **Distracted driving (use of a mobile phone): a fine of €150 (instead of €85) and 2-4 penalty points.**

In case of recurrence of the offence within 3 years **from the commission of the first**, a doubling of penalties applies.

Distracted driving (use of any other object): a fine of €85 and 1-3 penalty points (penalties remain the same).

6. **Traffic light violation: a fine of €300 fine and 3-6 penalty points (instead of 2-4 penalty points)**

7. **For the first time, the following offences shall be settled outside the court:**

▶ **Driving without a third-party liability insurance: a fine of €200 and 3-6 penalty points.**

▶ **Driving without a roadworthiness certificate:**

1. For buses or trucks (heavy-duty) vehicles: **a fine of €300.**

2. For any other type of vehicle: **a fine of €150.**

▶ **Driving an immobilised vehicle: a fine of €85**

▶ **Driving in violation of a term mentioned on the driving licence: a fine of €50.**

▶ **Driving with a driving licence that has expired: a fine of €50.**