

INTRODUCTORY MEMO OF THE LAW PROJECT WHICH COMPLETES AND AMENDES THE TRAFFIC LAW NO 52-05

Since it became operative in October 2010, the new traffic laws led to the introduction of new mechanisms to fight road crashes, particularly in terms of:

- Driving license;
- Upgrade of the driving education sector;
- Establishment a driving license points system;
- Establishment a road safety training;
- Establishment of professional driving and primary and continuing training for the professional driver as well;
- Upgrade and improvement of the road control by providing the necessary mechanisms to ensure effective control;
- Regulation of the vehicles immobilization and impoundment operations;
- Expanding the contraventions number that could be subject of transactional fixed fines;
- Criminalization of driving under the influence of alcohol, narcotic and drug substances;
- Upgrade of the technical vehicle inspection ;
- Change of both gray card and driving license support.

However, the result, even being positive, the obstacles arising on the implementation of the new code, showed the urgent need to conduct an evaluation of these reforms, and so it has shown the need to evaluate the traffic laws through a critical reading of his articles, and adequacy with what the practice proved in relation to defects or deficiencies requiring correction.

Therefore the Ministry has adopted an approach based on the participation of professionals and all actors and stakeholders of road safety field in the workshops about the preparation of the amendment project of certain articles 52-05 of traffic law, which can adapt to the changes that have been noticed during the previous four years, providing more realistic and effective solutions to the problems of road safety in our country.

In this context, the traffic laws amendment included several clauses, especially those relating to:

- Revision of the transition time of a driving license category "B" to a driving license categories "D" and "C" of 4 years (trial period + two years) to only two years;
- Revision of certain definitions of the vehicles;
- Establishment of regulations for the transport of goods or passengers by motor tricycles, defining their technical characteristics and the type of license relating thereto, as well as the transitional measures to operate these requirements;
- Revision of certain clauses relating to the immobilization and impoundment operations;
- Limitation of the driving license retention to the accidents causing physical damages cases only, due to aggravating circumstances relating to driving under the influence of alcohol or narcotics at the time of the accident, or hit and run after committing the accident, and until the court renders its verdict;

- Mandatory Use of secondary medical visit check, in order of the king's attorney for any person, victim of a traffic accident, which produced to the competent court a medical certificate stating disability requiring a work stoppage over 21 days;
- Revision of the clauses on technical and administrative committees of inquiry on fatal traffic road crashes;
 - Revision of the amounts of transactional and fixed fines as follows:
 - In the case of payment on site: -43% for the first class and 40% for the second class and 50% for the third class;
 - In the case of payment within 15 days: -28% for the first class and 30% for the second class and 33% for the third class.
 - Review the procedures of creating technical inspection centers and networks;
 - Review sanctions related to technical inspection centers and networks;
 - Integration of the driving instruction payable principle, for the tariff practiced for the instruction by legislation.

This project includes four articles as follows:

- First Article: 70 articles are amended and supplemented to the traffic laws;
- Second Article: Five articles are abrogated and replaced of the traffic laws;
- Third Article: The traffic laws are supplemented by 5 articles;
- Fourth Article: An article is abrogated of the traffic laws.