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The example of France:

The penalty point driving licence system and road behaviour

Speaker: Mr. Y. Le Breton, Ministry of Transport, France

I. INTRODUCTION

The French authorities regularly conduct campaigns for a wide-ranging public to counter the lack of safety on the roads, putting emphasis on the behaviour of drivers and road users.

The slogans adopted stress this essential aspect: "If you know how to drive, you know how to live" or "Driving means good behaviour".

The long-term priority given to the question of "calmer driving" or "law-abiding driving" is also illustrated by the implementation of the licence point system, originally based on the experience of a number of foreign countries. Introducing it into French legislation has made it possible to link punishment and prevention of road offences in an educational context, since the offending drivers are required to take road safety awareness courses. This gives them an opportunity to become aware of the collective dimension of risks so that they can be encouraged to adopt a new attitude to the rules and prevented from repeating dangerous types of behaviour.

The objective is to bring about a lasting modification of the attitude of road users, in particular by dealing with the issue of aggressiveness on the part of some of them.

II. THE METHOD

The penalty point driving licence system was instituted by the act of 10 July 1989 concerning various road safety and fines issues. The decree of 25 June 1992, appearing in the *Journal Officiel* of 28 June 1992, brought the system into effect.

The point system in no way modifies the established legislative and regulatory provisions; it supplements them. Its objective is to take disciplinary action against recurring dangerous behaviour (repeated breaches of the Highway Code).

The national register of driving licences has been computerized for the purpose of managing a system handling over 35 million driving licences, in keeping with the requirements of the information technology and freedoms act.

The point system was designed as a preventive measure and constitutes a real development, in that it is both punitive and educational compared with traditional means of combating road traffic offences.

It constitutes the backbone of the system of disciplinary action for serious breaches and represents a link in a system of gradual access to the driving process. The act of 12 June 2003 has recently reinforced the logic of a continuous learning process before and after the driving licence, which gives priority to user and driver training and also establishes a system of trial period permits for young drivers.

III. THE BASIC PRINCIPLES OF THE SYSTEM

1. An initial quota

The driving licence is credited with an initial quota of 12 points once the driving test has been passed. For new drivers this quota will be reduced to 6 points on 1 March 2004 in the context of the trial period licence.

2. Deduction of points

This quota may be reduced or invalidated by the deduction of points. This occurs automatically when the driver commits offences which either take the form of an on-the-spot fine, or a judgement which becomes final once all remedies have been exhausted or abandoned.

When the number of points reaches zero, the driving licence becomes invalid. The driver must then obligatorily take a new driving test.

3. Possibility of reconstituting the quota

The driver may reconstitute all or part of his quota:

- either by committing no further breaches for a period of three years (recovery of the initial quota);
- or by taking an awareness course which allows him to recuperate 4 points. A driver may only take this course once every two years.

4. An educational approach

(i) Course planning

Basic principles

The purpose of the courses is to enable participants to update their road safety knowledge and to be made more aware of the interactive and social aspect of driving, so that their offending behaviour can be modified.

It is also a question of finding the right moment for discussing road safety without drivers who are in breach of the law feeling that they are being judged, that they are guilty or that they are being patronized, but rather seeing themselves as full participants in the traffic system.

Organization of courses and their content

Awareness courses are conducted:

- In State-approved centres (664 approved centres at 1 January 2003);
- By a team of two trainers who have had two months of specialized training (there were 526 trainers at 1 January 2003);
 - a qualified psychologist;
 - a specialist in driver training;
- The courses last for 16 hours, spread over two days.

(ii) Content: 4 modules

Core curriculum module: general information on road safety (study of accidents, vision, reaction time, awareness of main types of offences).

This module may include a practical phase of observation and analysis of driving in traffic.

Speed module: communicating and explaining the dangers of speed as a factor in accidents through an in-depth analysis of cases of accidents.

Alcohol module: information on alcohol, dependence, physiological and criminal consequences, through the analysis of cases of accidents.

Heavy vehicle module: contribution of specific know-how on the basis of an accident case study involving one or more heavy vehicles.

IV. ASSESSMENT AFTER 11 YEARS

1. The legality of the penalty point driving licence

The system has been considered legal both by the administrative jurisdictions (decree of the Council of State of 23 October 1993) and by the judicial courts (decree of the Court of Cassation of 6 July 1993).

The European Court of Human Rights concluded in a unanimous decree of 23 December 1998 that the French penalty point driving licence system complied with the requirements of the Convention.

2. Efficiency of the procedure

(i) Deduction of points

At 1 July 2003, more than 10.5 million drivers had received sanctions since 1 July 1992, with the deduction of nearly 29 million points.

For the year 2002, nearly 1.2 million drivers had lost more than 3.1 million points.

Between 1993 and July 2003, 97,200 drivers had lost all their points, while in 2002, 13,600 had had their quota reduced to zero.

Between 1997 and 1 July 2003, 4.9 million drivers had their quota reconstituted because they had not committed any offences for three successive years. In 2002, 847,000 drivers benefited from this measure.

(ii) Who are the offenders?

They are mainly men: 956,000 in 2002, or more than 80% of all offenders. Women, of whom there were 232,000, only account for less than 20%.

Young people between 18 and 25 years of age are most often involved in traffic accidents. Deductions of points account for 23% of the dossiers handled, although they only constitute 10.2% of the total population.

(iii) Categories of offences committed

Speeding offences are the first source of point deduction - 570,000 in 2002, accounting for 47% of all offences handled in the context of the penalty point system.

Failure to wear a seat belt or helmet comes in second place, with 309,600 offences recorded in 2002, accounting for 26% of all offences.

Alcohol only comes in third place with 96,000 offences in 2002, accounting for less than 10% of the offences handled.

(iv) The awareness courses

On average nearly 40,000 offenders take the road safety awareness courses each year. For the most part they are men (75 to 85% according to the studies on the subject). Young men of between 18 and 25 years of age account for between 10 and 35% of participants.

More than 85% of the participants, on being questioned at the close of the course, say that it was beneficial. Approximately 73% intend to modify some aspect of their behaviour.

When questioned in the two years following the course, the attitudes declared are as follows: 71% are aware of risks on the roads, 26% have a better understanding of the cogency of the sanction and 21% talk to those around them about road safety problems. Their social behaviour also seems to have evolved: 71% stress that they have reduced their driving speed, 32% have moderated their consumption of alcohol before driving and 42% say that they wear their seat belt more regularly.

On the basis of these results and studies in the field, it can be posited that the system established and the awareness courses in particular have had a positive effect although the question of recidivism cannot be ignored.

(v) Recidivism

The repeat offender has been identified in many studies as an offender who takes a relative approach to the law thereby justifying his offence, and makes it into a real provision that takes precedence over the intended rule. He describes himself as a “good driver” in control of his vehicle, and therefore considers himself to be less dangerous for other people than an “ordinary” driver.

The national register of driving licences makes it possible to calculate the number of drivers who reoffend after a first offence involving deduction of points. Statistically, 75% of drivers who commit an offence do not do so again. The register currently includes approximately 2 million repeat offenders; a study of the files shows that 1,200,000 contain two offences, 400,000 contain three offences, 146,000 contain four offences and 100,000 contain more than four offences.

As regards the courses held and the participants who have obtained a partial reconstitution of their points quota, the following figures are available:

- 6 to 7% of the persons who took a first awareness course have committed another offence since 1993. Out of 110,000 offenders who took a first course, 6,430 have taken two courses, 440 three courses and 20 four courses;
- For cases where a driving licence has been invalidated, 4.4% have already had their points quota reduced to zero since the inauguration of the penalty point licence system.

When persons who have taken a course are asked about repeat offences, 20.6% reply that they have been reported once or more in the two years following the course.

V. IMPACT OF THE SYSTEM ON THE ROAD BEHAVIOUR OF DRIVERS

1. The results obtained in the first few years

During the first six months after the entry into force of the penalty point driving licence, compared with the same period in 1991, the results recorded in terms of lives spared were excellent: 587 fewer deaths.

This result was still apparent after a year. On 1 July 1993 it was calculated that 736 lives had been spared and 15,176 cases of injuries avoided. The decrease in the number of physical accidents, -9,876, was appreciable. All observers agreed that the improvement observed could be attributed for the most part to the penalty point system. There was a clear coincidence between the entry into force of the system and an increase in safety on the roads.

At the end of 1995, the number of deaths was still decreasing, although at a more modest rate: -1.4% compared with 1994. There was a sharp decrease (-3.1%) in the number of serious injuries. The number of light injuries, however, did not progress positively: +1.3%. The toll in 1995 was 8,412 deaths; 121 lives were spared.

Subsequently, it becomes difficult to estimate the impact of the system introduced. The reinforcement of a number of measures taken recently (loss of 3 points for failure to wear a seat belt or helmet, 2 points for using a mobile phone and 6 points for levels of between 0.5 and 0.8 g/l of alcohol in the blood) are, however, likely to reinforce the efficiency of the penalty point driving licence.

2. Psychological impact courses

The system of modules that currently exists corresponds to a first level of awareness-raising to meet the needs of drivers who have committed all types of offences. The results obtained on the basis of studies are not strictly scientific (collection of data from statements, lack of control group, etc.) but are nevertheless satisfactory. A necessary next step would seem to be to establish a follow-up over several months or even several years with, for example periodic evaluations of attitudes. An appropriate methodological framework naturally needs to be used, with a control group of drivers who have not taken the course and who have recuperated all their points after three years.

In addition, more detailed studies need to be made of the subgroups of drivers who have committed offences but have not been taken into account and treated under the present system. These mainly include drivers under the influence of alcohol, drivers who repeatedly break speed limits, drivers without a licence and/or without insurance, etc.

VI. CREDIBILITY OF THE SYSTEM

An inter-ministerial audit carried out during 2001 gave a figure of over 50% for the failure to sanction offences that involved a deduction of points compared with those handled by the national register of driving licences. This revealed that in its operation the system only gave a very approximate result in terms of the goal established by the legislator in 1989. This failure to sanction offences derives from the complexity of the procedure and can be attributed both to legal causes (irregularities in the prior information of the offender, prescription of the right of

public action, discontinuation of proceedings ...) and to problems relating to the computerization of the process (multiple files and procedures, inability to process rejected offences ...). Since 2002 an inter-ministerial project has been put into practice. The computer programmes of the national register of driving licences have been revised and improved so as to reduce the rejection rate, leading to a 70% improvement. The legal causes have been partially resolved with the act of 12 June 2003 and the conversion to a package system of the first four classes of offences.

VII. TRIAL PERIOD LICENCES

This new system, introduced by the act of 12 June 2003 and the decree of 11 July 2003, will come into force as from 1 March 2004. The population concerned will be mainly composed of new drivers (approximately 900,000 annually), but also by drivers whose licences have been invalidated through loss of points (around 13,000 annually) or revoked by a judicial decision.

All new driving licence-holders will be assigned 6 points (instead of 12 at present) for a trial period of three years (reduced to two years for drivers who have taken a pre-driving course). After the trial period, a driver who has not committed any offences involving deduction of points will have his total points increased to 12. In the event of an offence during the period in question, the three-year period will run again following the legal settlement of the offence. If during this trial period the licence-holder commits an offence leading to the deduction of 3 or more points (but not exceeding 6, in which case the licence becomes invalid), he will be required to take the awareness course which is part of the current procedure. This last-mentioned measure will ultimately probably concern more than 90,000 drivers.

The three-year trial period during which the novice driver must pay particular attention to the rules of the road in order to acquire his full quota of points corresponds to the period during which the number of accidents among novice drivers is threefold.

VIII. CONCLUSION AND EVOLUTION OF THE SYSTEM

The penalty point system introduced in 1992, together with other measures, has made a considerable contribution to reducing the number of deaths and injuries on the roads in France. Driver behaviour has improved as a result of greater awareness of road risks and the justification of the sanctions that accompany failures to comply with the rules.

The new measures recently taken by the Government (act of 12 July 2003), in particular with the introduction of a trial period for novice drivers, should for their part make it possible to change the unsafe situation on the roads and encourage the emergence of new, more law-abiding behaviour.
