

# Foreigners Department Nerja Town Hall

## New Traffic Penalty Points System

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The **Penalty Points System** changes the way in which drivers who do not respect traffic regulations are dealt with. From the 1st of July 2006, infractions will lead to heavier fines, discount of points until the eventual loss, or even to the immediate withdrawal of your driving licence.

The effectiveness of this system has been demonstrated in England, Germany, France and Italy.

### Who Will Be Affected By This New Law?

It affects each and every holder of a driving licence, disregarding which class of licence, and where or when it was obtained.

### How Many Points Does A Driver Have?

Drivers, who have their driving licence for more than 3 years, start with a total of 12 points.

Drivers who have their driving licence for less than 3 years, start with a total of 8 points.

### Good Drivers

Good drivers will be given 2 extra bonus points after three years driving without having committed any offence, and 1 additional extra point after the following three years without any infraction. The maximum is 15 points.

### What Happens If You Lose Any Of Your Points?

**Partial recovery:** A 12 hour re-education course to recover 4 points can be taken every two years.

Professional drivers can take it every year. Price: 170 €.

### What Happens When You Lose All Your Points?

You will lose your driving licence.

Six months after the withdrawal, you will have to obtain a new driving licence by taking a 24 hour re-education course and passing a test at the Traffic Department. The price for this test is 320 €, which is to be paid by the driver. If you pass the test, you will be given a new licence with only 8 points. If during the next two years you do not lose any more points, your 12 points will be re-instated. For a very serious infraction, your driving licence will be taken away, disregarding the points you may have.

### How To Recover Lost Points Or A Driving Licence?

In both cases, it is necessary to pass a re-education course. The courses consist of: common subjects on

general culture and road education, with debate and reflection in group, and of specific subjects, adapted to the areas that affect each driver personally. Courses for our area will be given in Velez-Malaga and will be paid by the driver.

### **How Long Will It Take To Recover A Driving Licence?**

Non-professional drivers: 6 months the 1st time, 12 months the 2nd.

Professional drivers: 3 months the 1st time, 6 months the 2nd.

### **Will The Points Be Deducted At The Moment Of The Infraction?**

- No. The points will be deducted when the fine is confirmed. If you do not appeal, points will be deducted one month after the notification of the fine.
- If you appeal and it is found against you, points will be deducted when you receive the resolution notification.

### **When Can Your Driving Licence Be Immediately Confiscated?**

The new system gives traffic authorities the right to immediately withdraw the licence if an offence is considered extremely serious, i.e. driving under the effects of alcohol, drugs or driving over 50 % of the speed limit.

### **How Do You Know How Many Points You Have?**

Information can be obtained at website: [www.dgt.es](http://www.dgt.es) by introducing your NIE number and details of your driving licence.

## **Penalty Points System**

### **Deduction Of 2 Points**

- **Speed** excess of more than 21 km/h - 30 km/h.
- Parking or stopping in curves, slopes, tunnels, crossroads or any other dangerous spots where traffic or pedestrians are at risk.
- Parking or stopping in bus lanes.
- Using anti-radar equipment.
- Driving without lights when necessary or using them incorrectly.
- Carrying a passenger under the age of 12 on motorbikes or mopeds.
- Motorbike passengers: children of 7 - 12 years of age may only be transported as passengers on motorbikes by their parents or any person with a written authorization. Children over 12 years can be taken without this authorization. The use of a helmet is obligatory for all.
- Bicycle passengers: children under 7 years of age may only be taken by their parents or any person with a written authorization; a special seat, helmet and safety harness are obligatory.

### **Deduction Of 3 Points**

- **Speed** excess of more than 31 km/h - 40 km/h.
- Driving without fastened seatbelt.
- Driving without helmet on motorbikes.
- Manual use of mobile phones, headphones or any other device while driving.
- Making an illegal turn.
- Not maintaining the security distance of 70m to the vehicle in front.

### **Deduction Of 4 Points**

- **Speeding** over the limit by more than 40 km/h, whenever this does not mean an excess of 50%.
- **Alcohol:** between 0.25 mg/l and 0.5 mg/l in the breathalyser test.
  - Professional drivers and beginners: 0.15 mg/l to 0.30 mg/l.
  - Also your driving licence will be confiscated from 1 to 3 months.
- Using unauthorized vehicles on motorways and dual carriageways, e.g. mopeds, bicycles, tractors, animals.
- Carrying more than 50% of the permitted number of passengers, not counting the driver. This will not be applied to buses.
- Driving vehicles without the necessary licence required.
- Throwing out of the car cigarettes or objects which might cause fires or accidents.
- Driving in a careless manner.
- Disregard of priority, going through red traffic lights or stop signs.
- Disregard of general overtaking rules, putting at risk drivers who are coming on the other lane and overtaking at spots or under conditions with reduced view.
- Overtaking and putting at risk motorcyclists.
- Driving backwards on highways and motorways.
- Disobedience to a police officer.
- Speeding up or making dangerous manoeuvres which impede overtaking or cause risks for overtaking cars.

### **Deduction Of 6 Points**

- **Speeding** at more than 50% of the allowed maximum speed, when it is at least more than 30 km/h over the allowed maximum speed.
- **Alcohol:** over 0.50 mg/l in the breathalyser test.
  - Professional drivers and beginners: over 0.30 mg/l.
  - Also your driving licence will be confiscated from 1 to 3 months.
- Driving under influence of drugs or other substances with similar effect.
- Refusal to undergo a breathalyser test for alcohol, drugs or other substances with similar effect.
- Driving in a reckless manner, in the wrong way or driving cars in non authorized competitions or races.
- Professional drivers: overpassing in time 50% of the allowed driving hours or taking less than

50% of the obligatory rest hours.

## Deduction Of Points For Foreign Drivers

The most common traffic infractions are alcohol consumption and speeding. Especially in the Costa del Sol, driving under the influence of alcohol is most frequent amongst foreigners. If the breathalyzer test is positive, at present, the fine will be 600 €. Shortly, a new law will be passed to qualify drinking drivers as criminal offenders penalized with imprisonment.

European Foreign Residents are no longer obliged to have a Spanish driving licence as they can drive with a driving licence from their country or a European one. If you wish to keep your foreign driving licence, you must know that when stopped and fined by the Guardia Civil, you will be automatically registered on the list of foreign drivers and will have points deducted accordingly. Nevertheless, if you live in Spain, it is advisable to change your licence to a Spanish one or register on the list of foreign drivers.

### Foreigners with a Spanish driving licence:

- Points will be deducted just the same as a Spanish citizen.

### Foreigners with a driving licence from their country:

- There are 2 possibilities:
  - **If you have an NIE number:** You will be considered as a regular driver in Spain. From the moment that you are stopped and fined by the Guardia Civil or Local Police, a note with the points that have been deducted will be registered on the list of foreign drivers. Each time you commit an offence, points will be deducted accordingly. When you have reached 12 points, you will be driving illegally and if you are stopped by the Guardia Civil or Police, after checking with the Traffic Department, you will be arrested.
  - **If you do not have an NIE number:** You will be considered as a Non-Resident and will have to pay the fine immediately on site or your car will be confiscated until the fine is paid. You will not be registered on the list of foreign drivers and points will not be deducted.

Licences from England, Germany and some other countries, normally do not have to be renewed and are valid for lifetime. In Spain it is different. According to our traffic laws, a Spanish driving licence must be renewed as follows:

- Drivers from 18 to 45 years old ..... renewal every 10 years.
- “ from 46 to 70 years old ..... “ every 5 years.
- “ more than 71 years old ..... “ every 2 years.

If you are a resident, you will have to renew your driving licence or registration on the list of foreign drivers in the before mentioned periods. If not, your licence will be considered expired in Spain, even if it is valid in your country. Consequently, you will be driving illegally and will be liable to fines or arrest.

If you are a Foreign Resident, it is better to change your foreign driving licence to a Spanish one. If you wish to keep your original driving licence, it is advisable to register on the list of foreign drivers at the Traffic Department in Malaga. This means that you will obtain a Spanish registration certificate that must be carried together with your driving licence.

To change your driving licence or to register on the list of foreign drivers you must present the following documents:

- Residence card or NIE and passport.
- Census certificate from the Town Hall.
- Medical certificate issued by an authorized centre. (Clinica Rincon).
- Driving licence from your country.
- 2 photographs (one is for the medical certificate).
- Pay approx. 17 €.

A Spanish driving licence or the registration on the list of foreign drivers must be renewed every 10, 5 or 2 years according to your age as mentioned before.

## Important Information

- The Local Police can also deduct points from your driving licence.
- Manual mobile phones are not permitted. Only hand-free phones are accepted. You cannot stop on the side of a road or motorway to speak on a mobile phone. It will only be permitted in case of an emergency.
- Cars that do not have seatbelts fitted in the rear seat are not obliged to have them installed.
- Passengers not wearing a seatbelt will be responsible for paying their own fine.
- Motorbikes and mopeds will lose points the same as cars.
- In order to recover your confiscated driving licence for committing an alcohol infraction, and always after the date stated in the resolution notification, you must go to Trafico in Malaga, Tel. 95 204 1600 / 02 or to the corresponding provincial department and present the following documents: receipt of fine payment and resolution notification. You can also ask the Guardia Civil of the town where you live to apply to Trafico for the return of your licence. This will take several days.
- Children under 3 years old must have a specially adapted seat. Anyone over 3 and under 150cm must have a fastening device. Both systems must comply with safety standards. It is the parent's obligation to always ensure that their children have the required safety device to ride in any car, although it is the driver who will be fined if the child is not adequately secured.
- Maximum speed.
  - Up to approximately 10 km over the speed limit will not be fined.
  - **Motorways (Dual Carriageways):** Where the speed limit is 120 km/h.
  - Up to 132 km/h is exempt of fine.
  - From 133 km/h to 152 km/h = 100 €.
  - From 153 km/h to 162 km/h = 140 € + deduction of 2 points.
  - From 163 km/h to 172 km/h = 200 € + deduction of 3 points.

- From 173 km/h to 198 km/h = 300 € + deduction of 4 points.
- From 199 km/h to 208 km/h = 380 € + deduction of 6 points.
- From 209 km/h onwards = licence confiscated.
  
- Peñoncillo: speed limit 50 km/h.
- Up to 60 km/h is exempt of fine.
- From 61 km/h to 80 km/h = 100 €.
- From 81 km/h to 90 km/h = 140 € + deduction of 2 points.
- From 91 km/h onwards = 380 € + deduction of 6 points.

## **Documents You Must Always Have In Your Car**

You must always have in your car an officially stamped photocopy (fotocopia compulsada) of the following documents:

- Your driving licence.
- Your Residence Card, passport or identity card.
- The log book of the car.
- The MOT inspection certificate.
- The insurance.

You do not need the originals of these documents as they can be stolen from the car and it is safer to carry stamped photocopies. To have a photocopy officially stamped, take the original documents to the Town Hall where they will make the photocopies and stamp them free of cost. These photocopies can also be stamped by any other authority.

## **Traffic Fines**

The Guardia Civil has now enforced traffic controls, therefore, drivers must be aware of the following: Foreigners may not drive a foreign registered car if they live in Spain for more than 6 months or have a business here.

Foreigners who have a Residence Card will have more advantages than Non Residents. When stopped by the Guardia Civil, Residents will have 30 days to pay the fine. Non Residents will have to pay the fine immediately on site, if not your car will be seized until the fine is paid.

## **Payment Of Fines**

You will have 30% deduction if the fine is paid within 30 days.

### **Foreign Residents:**

If you have been fined in any town, payment is to be made at the Town Hall or at the Local Police of that town.

If you have been fined on the motorway or out of a town, payments are to be made as follows:

- At the Traffic Department in Málaga or at the province where you have been fined.
- Sending a postal order to the Traffic Department in Málaga or to the province where you have

been fined, stating the reference number (número de expediente) which figures on the fine.

**Non Residents:**

When stopped, you must pay the fine immediately on site. Cheques or credit cards will not be accepted, only cash. Also, the Guardia Civil does not have the obligation to have change, so you should give the exact amount or as near as possible.

If you have no money at the moment of being stopped and have no possibilities of obtaining it within short, (e.g. from a nearby cash machine), your car will be taken away and will only be returned when the fine has been paid.

Foreigners can prove that they are Residents by showing to the Guardia Civil the original or a stamped copy of one of the following documents:

- Residence Card or application form.
- Car documents showing that you are the owner with your NIE number and address.
- Census certificate from the Town Hall.

Consequently, we suggest that if you are spending 6 months or more in Spain, you should apply for your Residence Card and have your driving licence changed to a Spanish one or register it on the list of foreign drivers.

If you lend your car to a friend, you should give him/her a written authorization and a copy of your passport.