

Combatting Speed through Penalty Point Systems



Introduction

Many countries have introduced a penalty or 'demerit' point system: in 2007 20 of the 27 EU member states had a point system, almost all of them differing from one another. Because systems vary greatly from one country to another, some are more efficient than others. It is therefore important to identify what elements are necessary to make a good penalty point system.

Penalty point systems are considered by many a valid alternative or supplement to other sanctions such as financial fines, and should be used especially to tackle the most dangerous offences (such as excessive speed). Indeed many 'speeders' are not receptive to the threat of financial fines, while the risk of losing one's license can be a better deterring factor. It can also be argued that penalty points are fair and equal: monetary fines affect drivers to a greater or lesser extent according to their level of personal income.

The popularity of such systems is also the result of developing a system that is fair in that it tackles recidivists more strictly, either by rehabilitating them, by forcing them to respect the traffic rules because of the fear of losing one's license (often when drivers have only one or a few points to go before being disqualified from driving), or in worse cases removing them from the traffic system altogether before they cause crashes.

Considered an important additional tool, penalty point systems have nevertheless faced a number of problems. It has often been found that their safety impact deters over time: while such systems often cause a spectacular decrease in the number of traffic offences and the number of accidents just after their introduction, some time after the traffic offences and number of crashes tend to increase again. It is therefore important to understand why this is so and how it can be overcome.

A system that remains efficient over time?

The main criticism of the effects of penalty point systems is that their effects seem to weaken after six months to one year following their introduction. However this is often true for the introduction of other new sanctions too. For example the effect of the sharply increased traffic fines in Sweden in October 2006 was relatively short-lived (Road Traffic Inspectorate, 2008).

What is a penalty or demerit point system?

A point system is one in which a driver's licensing authority issues demerits or penalty points to drivers on conviction for road traffic offenses. A major offense may lead to more than the maximum allowed points being issued (or withdrawn), or the accumulation or loss of too many points over a given period or time can lead to additional penalties, including fines and more importantly the suspension or revocation of the driver's license.

In principle, demerit points contain three elements: deterrence (fear), selection, and correction.

- **Deterrence:** A demerit points system is frightening because of the risk of losing one's driving licence. This is an extra motive to obey the traffic rules, thus causing fewer crashes.
- **Selection:** A demerit points system can work as a means for selecting and tracing multiple offenders and removing them from traffic before they cause a crash.
- **Correction:** Demerit points systems can have a correcting effect when drivers can get a reduction of points by following a rehabilitation course or in systems in which drivers are granted points or given points back for obeying traffic rules over a long period of time.

Information box 1: What is a penalty or demerit point system?

Examples where the effects of penalty point systems have been more persistent include cases in which the penalty points system has been coordinated with increased enforcement and media efforts. Indeed, the effect of a demerit points system can be increased by increasing the chance of drivers being caught (objective risk) and by public information campaigns (subjective risk).

A good system should also provide rehabilitation of drivers. Penalty point systems are therefore part of a greater 'chain' of road safety work that contains high levels of police enforcement of traffic rules, good public information, and the chance for recidivists to be rehabilitated.

A number of countries have rehabilitation courses for offenders who have accumulated penalty points. These courses can 'self-finance' themselves if it is the offender who has to pay to attend a course (most often as an option for regaining points). It has been found that the most efficient courses are the ones that are tailored for particular offences rather than generic 'road safety' courses. Speed awareness courses are one of the best examples.

Furthermore, a good penalty point system is one that has a close relationship between penalty points and accident risk, by tackling behaviours that threaten the safety of drivers and others. This is also vital for winning the hearts and minds of the public. Offences such as speeding and drink driving in particular should be severely sanctioned within penalty systems.

Requirements of a good point system:

- A close relation between points and accident risk (speeding and drink driving should be addressed severely)
- Penalty points should be issued for most serious offences. Minor traffic offences should not be included into the system
- Comprehensibility for a good public acceptance
- A high level of transparency for concerned persons
- Regulated recuperation of points by effective psychological help through rehabilitation courses
- A good level of enforcement (if offenders are not caught the system is useless)
- Real risk for serious offenders and recidivists to lose their driving licences

Information box 2: Requirements of a good point system

Penalty Points and Speeding

In many countries the majority of penalty points issued are a result of excessive speed (in Ireland for example 459,311 of all 610,158 penalty points issued in 2008 were for speeding). This is because speeding is a widespread phenomenon. It is the most common offence out of all traffic offences, and a leading factor exposing drivers and others to risk. Compliance levels with speed limits are much lower than for other major traffic rules such as wearing seat belts and respecting BAC levels. For that reason, speeding should be a major focus of a good penalty point system.

The country that has been most cited as a successful example is Denmark where continual speed measurements have been made before and after the introduction of their penalty system, indicating a clear decrease in average speed both on country roads and in urban traffic in connection with the introduction. The reductions in speed began as early as 2 to 3 months prior to the system coming into use (due to effective campaigning), and this positive effect lasted for six months (with the average speed lowered by about 3%).

While there is a large variation in the number of offences covered by penalty point systems, a sound rule of thumb is that a limited number of offences should be included (so that drivers know what kind of behaviour is expected

from them), but the ones causing the greatest exposure to risk should be prioritised. For instance all systems should include speeding offences, and in the countries where they are employed automatic speed controls should be used to enforce the system. For effective deterrence it is also essential that penalties are set at a sufficient level of severity. The level of penalty or demerit points incurred towards licence suspension should escalate as the level of speeding above a speed limit increases.

Case study: Demerit point increases and effects, New South of Wales (Australia)

The New South of Wales regional government trialed a doubling of the demerit points for speeding offences in 1999. Over a 45-day holiday period trial involving publicity about the penalty and enhanced enforcement, the outcomes included:

- a decrease of between 27-34% in fatal crashes
- a decrease of between 27-30% in road deaths
- additional media support
- high levels of community awareness and support
- reductions in traffic infringements

As a result the New South of Wales government has since introduced double demerit points for speeding, seatbelt and motorcycle helmet offences during busy holiday periods such as long weekends, Christmas, New Year and Easter.

Case Study: Spain

Spain is another recent example of a country where speeding has been tackled efficiently as a result of a new penalty point system:

- 38% of all the points withdrawn and 40% of the reported penalties corresponded to speed traffic offences
- Depending on the exceeded speed limit, drivers can lose from two to six points (out of a total of 12)

Since the system came into force, on July 2006, the percentage of casualties has decreased by 11% in Spain, and 92% of surveyed persons think that this system is one of the most important measures developed in Spain to reduce traffic accidents.

The cross border dimension

The interoperability of penalty point systems between countries is compromised by the lack of common technical enforcement standards and by the fact that systems are so different from one country to another. It is therefore difficult to advocate the cross-border enforcement of penalty points. If an Italian driver commits a serious speeding offence in Denmark that would normally cost a Danish driver 1 point out of the only 3 points available on a Danish license, it would not make sense to withdraw one point from his or her Italian license that has a total of 20 points. Penalties for offences committed in a foreign country would be incommensurate with their gravity.

However this does not mean that the cross border dimension of penalty points should not be considered. In an increasingly mobile, integrated and enlarged EU, non-resident drivers make up an ever increasing part of the traffic flow. This is particularly so in transit countries such as France and Germany. There is increasing evidence from different Member States that non-resident drivers flout traffic laws when travelling abroad as they do not fear punishment. According to available data, non-residents represent around 5% of road traffic in the EU, whereas the share of non-resident drivers in speeding offences is around 15% on average.

There are a number of ways in which this can be addressed. Luxembourg is a good example: the principle of application to non-residents was a precondition for introducing the penalty point system in Luxembourg. Given the high number of frontier workers coming to Luxembourg every day, not applying the system to these road users would have had as a consequence that the system would have been perceived as discriminatory by the resident population. As a result, Luxembourg created the 'virtual driving licence' for non-residents: when a non-resident commits an offence on the Luxembourgish territory, a 'virtual' Luxembourgish licence is issued to him or her and points are withdrawn from that licence. If he or she then commits additional offences eventually leading up to 12 points being withdrawn from that 'virtual' licence, the driver will be disqualified from driving in Luxembourg.

Another solution is to encourage countries to adapt or develop their systems together in order to render interoperability possible and then sign bilateral agreement for the interoperability of penalty points. The United Kingdom and Ireland are one good example. Noel Dempsey, the Irish Minister for Transport announced that the feasibility of mutual recognition of penalty points between the UK and Ireland is being investigated and the administrations in both countries are now committed to working towards penalty point recognition in the future.

Finally, countries are also encouraged to record details of penalties which cannot be imposed or enforced and make such information available to authorities in the violator's state of Residence.

Recommendations for integrating a cross border dimension:

- Recording details of penalties which cannot be imposed or enforced and making such information available to authorities in the violator's state of Residence.
- Allowing third party checks on driving licence records: for example insurance companies should be encouraged to check with national authorities to see if drivers have any violations registered in other States prior to issuing vehicle insurance.
- Developing 'virtual licences' for non residents.
- Developing and expanding 'islands of cross-border' cooperation between countries that are close geographically and have the same or similar penalty point systems. As much as possible countries that do not have a penalty point system yet should replicate their neighbouring countries systems, provided that they are efficient ones, to facilitate interoperability.

Information box 3: Recommendations for integrating a cross border dimension

Conclusion

Penalty point systems are a very efficient tool provided that they belong to a wider chain of road safety work, in particular one that includes high levels of police enforcement and good public communications. Penalty points should be issued for the most dangerous traffic offences such as speeding, and they should be set at a sufficient level of severity according to the risk (e.g.: points for speeding offences should escalate with the level of speeding).

Finally, there are many ways in which a cross-border dimension to penalty point systems can be fostered, and this is a topic that deserves particular attention.

Appendix: Countries that have a penalty point system in the EU 27

Austria	Yes
Belgium	No
Bulgaria	Yes
Cyprus	Yes
Czech Republic	Yes (From July 2007)
Denmark	Yes
Estonia	No
Finland	No
France	Yes
Germany	Yes
Greece	Yes
Hungary	Yes
Ireland	Yes
Italy	Yes
Latvia	Yes
Lithuania	Yes
Luxembourg	Yes
Malta	Yes
Netherlands	No (a special point system for novice drivers is operating since 2002)
Poland	Yes
Portugal	No
Romania	Yes
Slovakia	No
Slovenia	Yes
Spain	Yes (From July 2006)
Sweden	No
United Kingdom	Yes

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