



REPUBLIC OF SAN MARINO

EXECUTIVE DECREE 10th March, 2009 N. 27

We the Captains Regent Serene Republic of San Marino

*Having regard to Article 1, third paragraph, the Executive Decree 26th May 2008 n.81;
Having regard to Article 1 of Law March 20th, 2008 n.51,
The deliberation of the State Congress Number 36 adopted at its meeting on February 23rd, 2009;
In view of Article 5, paragraph 3, of the Constitutional Act No. 185/2005 and Articles 8 and 10,
paragraph 2, of Law Qualified n.186/2005;
Sent to publish and promulgation following executive decree:*

AMENDING PROVISIONS AND IMPLEMENTATION OF THE "TRAFFIC CODE"

Art 1

1. Article 3, first paragraph, first period of the Executive Decree n.81 May 26th, 2008 is amended as follows: "Road traffic, besides the code and the implementing rules, in particular cases and for temporary and special needs-such as, those relating to the operation of the snow route services on all roads, public and Private, of the Republic, are regulated, notwithstanding the provision of Article 36, first paragraph, letter c) of this Decree-through orders issued by the Secretary of State for Internal Affairs in accordance with regulations adopted by the State Congress. "

Art 2

1. Article 5, first paragraph of Executive Decree n.81/2008 shall read: "A Working Group on Road Safety, has been established formed by the Head of Department of the Territory, as chairman, the Director of the Autonomous Status of Production (hereinafter AASP), the Executive Planning Office, the Office of Vehicle Registration, the Office of Planning and Police Commanders. Group members can avail themselves of Police strength at the respective Offices and delegate an employee to participate in the Work Group on their behalf. The Working Group, through its President, whenever the need arises, may invite to its meetings the Director or his delegate of the Authority for approval, accreditation and quality of health services, social and health and socio-educational".

Art 3

1. Article 11, first paragraph of the Executive Decree n.81/2008 is amended as follows: "New access from public roads to private property is authorized, after consultation, if necessary, with the AASP, in accordance with the provisions urban planning. To this end, the Manager of the Urban Planning Office acquires in relation to the above any opinion respecting the provisions of Article 163, paragraph 1, letter a) and 2 °, b) of Act No.87 July 19th, 1995 n.87".

Art 4

1. Article 48, first paragraph, letter f) of Executive Decree n.81/2008 added the following number: "(3) smoking";

Art 5

1. Article 54, first paragraph of the Executive Decree n.81/2008 is amended as follows: "The movement on roads or public areas or however, areas open to the public or other vehicles in the Executive Decree No. 69 28th April 2008 and vehicles referred to in Article 3, first paragraph, letter g), h) and) of Law n. 108, September 20th, 1985 which, by their shape, weight or load exceeding the dimensions or weights allowed by the road signs shall be subject to specific authorization to be granted on a case by case by the Commander of the Civil Police, in consultation if necessary Vehicles Registry Office AASP. The authorization shall be granted taking into account the size and weight of the load-related routes to be served and the conditions of the roads concerned. In the cases provided for in Article 3 of Decree n.69/2008 Officer, the vehicles in the same Decree, except those which make the snow route service, may also move only if accompanied by members of the Police Corps or technical basis by the transporter. The Commander of the Civil Police Regulation applies shall by decree. The amount of compensation due to the applicant for service is determined by the Commander of the Civil Police and agreed with the applicant. "

Art 6

1. Article 57, fourth paragraph of Executive Decree n.81/2008 is amended as follows: "The driver of a vehicle when there is presumptive State evidence of mental and physical deterioration resulting from the use of alcohol or taking of drugs or psychotropic substances or abuse of pharmaceutical medication, who does not comply with Police orders to immediately follow them to a health facility in order to make the necessary controls or those who refuse to submit to a breathalyzer test are punished by the penalties laid down in the first paragraph. "

Art 7

1. After Article 57, fourth paragraph of Executive Decree n.81/2008 as amended by article 6 shall be inserted the following paragraph: "In a situation in which there are no clues indicating the presumptive fourth paragraph, the driver of a vehicle that does not comply with the said Police order to follow them immediately to a health facility in order to take the necessary tests or submit to a breathalyzer test are punishable by second grade arrest under the provisions of Article 259 of the Penal Code. "

Art 8

1. Article 68, third paragraph of the Executive Decree n.81/2008 is amended as follows: "The offender is entitled to exercise the voluntary option sacrifice of paying a sum equal to half of the same penalty imposed".

Art. 9

1. Drivers of mopeds and motorcycles are exempt from the requirement to affix insurance and road tax sticker, in partial derogation from Article 60, first paragraph, number 5, letter h) and i) of Decree Delegate n.81/2008.

2. The stickers referred to in paragraph 1 shall be produced by the driver of a moped or motorcycle at the request of supervisors, under penalty of a fine and the application of the first category mentioned in the "Appendix A" of the Delegative Decree n.81/2008.

Art 10

1. To determine the speed of vehicles, there is a deduction of 5%, with a minimum of 5 km/h, the value measured by the equipment approved for that purpose used by members of the Police Corps.

2. The reduction referred to in paragraph 1 also includes instrumental tolerance, for approval of the equipment it must not exceed 5%.

Art 11

1. The determination of the deterioration of mental and/or physical state consequently following the consumption of alcoholic beverages referred to in Article 57 of Executive Decree n.81/2008, as amended by the preceding Articles 6 and 7, is made not only by laboratory testing, including through air/breath analysis performed by a breathalyzer.

2. The driver of a vehicle may apply to police officers, before being tested by breathalyzer, to delay the trial itself for a period not exceeding fifteen minutes.

3. The driver of a vehicle may ask the police officers, within 30 minutes after carrying out the tests referred to in paragraph 2, to be accompanied to the State hospital emergency department to verify the rate observed by the blood-alcohol breath test.

Data from our residence, this day of 10th March 2009 / 1708 DFR

The Captains Regent
Ernesto Benedettini - Assunta Meloni

THE SECRETARY OF STATE
FOR HOME AFFAIRS
Valeria Ciavatta