

# Development of Laws on Measures Concerning Drivers

## - Partial Amendment of Road Traffic Act and Enactment of the Law on the Punishment of Causing Casualties to People by Riding on a Bicycle –

### Partial amendment of Road Traffic Act

A succession of traffic accidents caused by drivers who had a condition that causes seizures with impairment of consciousness occurred; one in Kanuma city, Tochigi prefecture in April 2011 and another occurred in Kyoto city, Kyoto prefecture in April 2012. It became known that the drivers had renewed their driving licenses without reporting that they had the illness.

In addition, a succession of tragic traffic accidents caused by drivers without the driving license occurred; one in Nagoya city, Aichi in October of 2011 and another in Kameoka city, Kyoto in April of 2012. In the wake of these accidents, it was strongly demanded to stop driving without the driving license.

Moreover, despite the implementation of comprehensive measures on the traffic safety by bicycles since 2011, bicycle-related accidents still account for about 20% of all traffic accidents and, in addition, about 60% of cyclists who caused traffic accidents were in violation of some type of laws.

In light of these situations, in order to promote measures against drivers with illnesses (a certain illness) that may impair safe driving of a vehicle, measures against aggravated and dangerous drivers and measures against cyclists, a bill for partially amending Road Traffic Act was submitted to the 183 ordinary Diet session. The law was approved on June 11, 2013 and published on the 14th of the same month.

#### Background

#### Outline of the Law (Law 43 of 2013) which partially amends the Road Traffic Act

● Occurrence of a serious accident caused by a person with a condition that causes seizures with impairment of consciousness

- Occurred on April 18, 2011  
6 children on their way to school were killed in a crane crash accident occurred in Kanuma city

➡ Request from the bereaved families to build a driving license granting system in which a license cannot be obtained illegally.

● Occurrence of serious accidents caused by driving without license

- Occurred on October 30, 2011  
A hit and run accident in Nagoya city caused by a Brazilian
- Occurred on April 23, 2012  
Accident in which many children fatalities were caused in Kameoka city

➡ Request from the bereaved families to impose more severe punishment on driving without license and more severe punishment on the suggestion and support of driving without license

● State of traffic accidents caused by bicycles

- Over 130,000 accidents are caused by bicycles every year
- Accidents between bicycles and pedestrians have increased by 1.3 times over 10 years ago.
- Over 60% of cyclists involved in traffic accidents violated laws
- Cyclists are not provided with a systematic traffic education

➡ In order to prevent bicycles from causing a traffic accident, it is indispensable that cyclists comply thoroughly with the traffic rules.

#### Outline

##### ▶ Measures against drivers with a certain illness

[Development of provisions to accurately grasp people with a certain illness which constitutes a reason for denying driving license] (Enacted from June 1, 2014)

- Development of a system in which Public Safety Commission ask persons applying for a license questions, and penal provisions on false declarations
- A system in which doctor reports about a person with a certain illness on an arbitrary basis
- A system in which the validity of license of a person suspected of having a certain illness is temporarily suspended.

[Development of provisions to reduce the burden of those who have been deprived of their license because of a certain illness when they apply for a new license]

- Exemption of a part of the test for those who have been deprived of their license because of a certain illness when they apply for a new license (Enacted from June 1, 2014)
- Deemed continuation of license reacquired of those who have been deprived of their license because of a certain illness (Will be enacted by June 2015)

##### ▶ Measures against aggravated and dangerous drivers

[Related to driving without license] (Enacted from Dec 12, 2013)

- Increase of criminal punishment for driving without license, ordering and tolerance thereof and illegal acquisition of license
  - Prohibition and development of provisions of criminal punishment for the support of driving without license (provision of an automobile and riding together on it)
- [Related to seminars for persons whose licenses have been invalidated] (Enacted from June 1, 2014)
- Expansion of subject persons whose licenses have been invalidated

##### ▶ Measures against cyclists

- - Development of provisions on courses for the prevention of traffic risks by cyclists (Will be enacted by June 2015)
- - Development of provisions on the inspection of braking device of bicycles and instruction on the implementation of emergency measure (Enacted from December 1, 2013)
- - Development of provisions on the transit of the road side strip for light vehicles including bicycles (Enacted from December 1, 2013)

##### ▶ Others

- [Development of provision on "Circular Intersections"]
- Development of provisions on the circulation method at "Circular Intersections" (Enacted from September 1, 2014)
- [Outsourcing to private companies of the collection work of "Hochi-ihankin"(infraction charge which is imposed on the user of the vehicle, if the offender has failed to appear the police station, or to pay traffic infraction fine for parking violation) (Enacted from June 1, 2014)

[Example of "Circular Intersections"]



[Information on the topic is available on the website of the government]

Publicity materials on the "Partial amendment of Road Traffic Act of 2013" is available on:  
<http://www.npa.go.jp/koutsuu/index.htm>

## Enactment of the Act on Punishment for Acts Driving Causing Death or Injury

The number of accidents resulting in casualties by driving a car tends to decrease. However, a number of accidents resulting in casualties by aggravated and dangerous driving including drunk driving and driving without license still occur. In the wake of the case in which only the criminal punishment consisting of the automobile driving negligence resulting in death or injury was applied despite the fact that the accident resulted in casualties by an aggravated and dangerous driving, which did not correspond to the current punishment of the crime of dangerous driving causing death or injury, a number of views and opinions having been brought about demanding the revision of these punishments.

Under the circumstances, the Act on Punishment for Acts Driving Causing Death or Injury (Law 86 of 2013) was approved on November 20, 2013 and enacted on May 20, 2014. The outline of the act is as follows:

### Development of the provisions of the crime of dangerous driving causing death or injury

- ① The act of advancing the road by a car the transit of which is prohibited to a car and driving the car at a speed susceptible of causing a serious traffic risk is now added as a similar type to the crime of dangerous driving causing death or injury.
- ② The person who drives a car in a state in which he might not drive normally by the effect of alcohol or drug while driving the car, and as a result of the effect of the alcohol or the drug, and he falls into a state in which he is difficult to drive the car normally resulting in causing casualties constitutes now the crime of dangerous driving causing death or injury, and when a person is dead, the driver is sentenced to 15 years or less in prison, and when a person is injured, the driver is sentenced to 12 years or less in prison.
- ③ The person who drives a car in a state in which he might not drive normally by the effect of a certain illness designated by a government ordinance while driving the car, and as a result of the effect of the illness, he falls into a state in which he is difficult to drive the car normally resulting in causing casualties constitutes now the crime of dangerous driving causing death or injury, and when a person is dead, the driver is sentenced to 15 years or less in prison, and when a person is injured, the driver is sentenced to 12 years or less in prison.
- ④ The provisions on the traditional crime of the dangerous driving causing death or injury are transferred from the Penal Code.

### Establishment of the crime eluding the discovery of the effect of alcohol and the like on an automobile driving negligence resulting in death or injury

In the case in which the person who drives a car in a state in which he might not drive normally by the effect of alcohol or drug while driving the car, and causes casualties by neglecting to perform his duties while driving. If he takes actions aimed to elude the discovery of the presence or degree of the effect of alcohol and the like in order to elude the discovery of the presence or degree of the effect of alcohol or drug while driving he is sentenced to the crime of eluding the discovery of the effect of alcohol and the like on an automobile driving negligence resulting in death or injury and sentenced to 12 years or less in prison.

### New introduction of aggravation on driving without license

If the person who causes casualties while driving a car is without a driving license, he is sentenced to aggravated statutory penalties.

(Crime of causing casualties)	(Aggravation due to driving without license)
Sentence of 15 years or less in prison	Sentence of 6 months to 20 years or less
Sentence of 12 years or less in prison	Sentence of 15 years or less
Sentence of 7 years or less in prison	Sentence of 10 years or less

### Others

Transfer of the traditional crime of the automobile driving negligence resulting in death or injury from Penal Code.

[Information on the topic is available on the website of the government]

“Act on Punishment for Acts Driving Causing Death or Injury” is available on:  
[http://www.moj.go.jp/keiji1/keiji12\\_00081.html](http://www.moj.go.jp/keiji1/keiji12_00081.html)