

DELEGATED DECREE no. 73 of 2 May 2023
(*Ratifying Delegated Decree no. 33 of 28 February 2023*)

**We the Captains Regent
of the Most Serene Republic of San Marino**

Having regard to Delegated Decree no. 33 of 28 February 2023 - Amendments to Delegated Decree no. 81 of 26 May 2008 and subsequent amendments - Road Traffic Rules- which has been promulgated:

*Having regard to Article 1, paragraph 3 of Delegated Decree no. 81 of 26 May 2008;
Having regard to Congress of State Decision No. 12, adopted during its sitting of 19 December 2022;*

Having regard to the amendment to the above-mentioned Decree, which was introduced at the time of its ratification by the Great and General Council in its sitting of 25 April 2023;

Having regard to Decision no. 26 of 25 April 2023 of the Great and General Council ,

Having regard to Article 5, paragraph 3 of Constitutional Law no. 185/2005 and to Article 8, paragraph 3, and Article 10, paragraph 2 of Qualified Law No. 186/2005, as well as to Article 33, paragraph 6 of Qualified Law No. 3/2018;

Hereby promulgate and order the publication of the final text of Delegated Decree no. 33 of 28 February 2023, as modified following the amendment approved by the Great and General Council at the time of its ratification:

**AMENDMENTS TO DELEGATED DECREE NO. 81 OF 26 MAY 2008 AND
SUBSEQUENT AMENDMENTS - ROAD TRAFFIC RULES**

Art. 1

(Amendment to Article 51, paragraph 1 of Delegated Decree no. 81 of 26 May 2008)

1. After letter f) of paragraph 1 of Article 51 of Delegated Decree no. 81 of 26 May 2008, the following letter f bis) shall be added:

“f bis) to wear high-visibility retro-reflective personal devices or clothing when undertaking physical or sports activity on the roads from half an hour after sunset to half an hour before sunrise and, in any case, whenever visibility is poor.”.

Art. 2

(Amendment to Article 52 of Delegated Decree no. 81/2008)

1. Article 52 of Delegated Decree no. 81/2008 shall be replaced as follows:

“Art. 52

(Obligations of cyclists, moped riders and motorcyclists)

1. Cyclists, moped riders and motorcyclists:

- a) shall proceed in a single row and be free to use their hands and arms; they shall hold the handlebars with both hands or with only one hand if necessary for the appropriate manoeuvres or signals. They shall not proceed by lifting the front wheel;
 - b) they shall not be towed by other vehicles;
 - c) they shall be able at all times to see freely in front of them, on both sides, and to perform the necessary manoeuvres as freely, readily and easily as possible.
2. Cyclists shall push the vehicle when, due to traffic conditions, they inconvenience or endanger pedestrians. In that case, they shall be treated as pedestrians and shall act with normal diligence and prudence.
3. From half an hour after sunset to half an hour before sunrise and, in any case, whenever visibility is poor, cyclists shall:
- a) use front and rear light signalling devices;
 - b) wear high-visibility retro-reflective personal devices or clothing.”.

Art. 3

(Amendment to Article 56, paragraph 2 of Delegated Decree no. 81/2008)

1. Paragraph 2 of Article 56 of Delegated Decree no.81/2008 shall be amended as follows:

“2. Anyone who unlawfully produces or distributes or alters registration licence plates, vehicle registration certificates, provisional permits, driving licences, authorisations to practice, certificates of professional qualification, driving and parking cards for persons with disabilities, or anyone who uses such documents unlawfully produced shall be punished in accordance with Article 405 of the Criminal Code.”.

Art. 4

(Amendment to Article 60, paragraph 1, point 3 of Delegated Decree no. 81/2008 and subsequent amendments)

1. In Article 60, paragraph 1, point 3 of Delegated Decree No. 81/2008 and subsequent amendments, the following letter *n ter*) shall be added:

“*n ter*) Anyone who uses the card issued to persons with disabilities contrary to the requirements set out in Annex C.”.

Art. 5

(Amendment to Article 60, paragraph 1, point 5 of Delegated Decree no. 81/2008)

1. In Article 60, paragraph 1, point 5 of Delegated Decree no. 81/2008, the following letter *m bis*) shall be added:

“*m bis*)pedestrians who fail to comply with the obligations set out in Article 51, paragraph 1, letter *f bis*) and cyclists who fail to comply with the obligations set out in Article 52, paragraph 3).”.

Art. 6

(Amendment to Article 66, paragraph 2 of Delegated Decree no. 81/2008 and subsequent amendments)

1. Letter n) of paragraph 2 of Article 66 of Delegated Decree no. 81/2008 and subsequent amendments shall be amended as follows:

“n) drink-driving and exceeding speed limits of more than 9 km/h, in cases where the suspension sanction referred to in paragraph 1 of this Article is not applicable;”.

Art. 7

(Amendment to Article 66 of Delegated Decree no. 81/2008 and subsequent amendments)

1. Paragraph 4 of Article 66 of Delegated Decree no. 81/2008 and subsequent amendments shall be modified as follows:

“4. When such violations cannot be immediately notified, the owner, or on his behalf the usufructuary, the buyer under a retention of title clause or the lessee as part of a financial lease, shall be required to provide to the Police Officer who establish the offence evidence of identity and residence of the person who was actually driving the vehicle at the time of the violation, in order to report it on the driver’s driving licence or suspend the latter.”.

2. After paragraph 4 of Article 66 of Delegated Decree no. 81/2008 and subsequent amendments, the following paragraphs 4 *bis* and 4 *ter* shall be added:

“4 *bis*. In the event that the information referred to in paragraph 4 is not provided within the term of twenty days from the date of notification of the order for payment, an additional second-category pecuniary sanction shall be imposed on the owner of the vehicle or, on his behalf, on the usufructuary, the buyer under a retention of title clause or the lessee as part of a financial lease (or the persons required to provide such information).

4 *ter*. The sanction referred to in paragraph 4 *bis* shall be raised to the maximum of the third category without the option of voluntary settlement, if the driver's data are not reported, in case of violation of the speed limit by more than 40 kilometres per hour or when the obligation to moderate speed appropriately has been infringed when it may constitute a genuine danger to the safety of persons, as referred to in paragraph 1 of this Article. The sanction referred to in paragraph 4 *bis* and in this paragraph shall be imposed on the same persons also when the notification of the order for payment has not been picked up when the competent Office has notified it through public posting.”.

Art. 8

(Amendment to Annex C of Delegated Decree no. 81/2008)

1. Annex C of Delegated Decree no. 81/2008 shall be replaced by Annex A to this Delegated Decree.

Art. 9

(Transitional rule and entry into force)

1. Those who, at the time of the entry into force of this Delegated Decree, are already in possession of the card for persons with disabilities, shall request its replacement within two years from the ratification of this Delegated Decree.

2. The provisions of this Delegated Decree, with the exception of Article 6, shall take effect from the date of its ratification.

Done at Our Residence, on 2 May 2023/1722 since the Foundation of the Republic.

THE CAPTAINS REGENT
Alessandro Scarano – Adele Tonnini

THE MINISTER
OF INTERNAL AFFAIRS
Elena Tonnini

“ANNEX C to Delegated Decree no. 81/2008

Art. 1

(Driving and parking cards for persons with disabilities)

1. Driving and parking cards for persons with disabilities shall be issued by the Command of the Civil Police to persons resident in San Marino:
 - a) having walking impairment or reduced mobility;
 - b) blind people;
 - c) having mental diseases or intellectual disabilities that impair their independence and therefore need the help of third parties in their movements;
 - d) having upper limb disabilities where it is effectively demonstrated that this impairment makes it difficult for them to move independently.
2. The application for the card shall be accompanied by a medical certificate from the Director of the Primary Care and Territorial Health Unit attesting to the existence of the health conditions entitling to the issue.
3. The Command of the Civil Police shall issue the card to the entitled applicant or his/her delegate pursuant to Law no. 159 of 5 October 2011.
4. The card shall be strictly personal, not be bound to a specific vehicle, shall be issued regardless of the possession of a driving licence or the ownership of a vehicle and shall be valid throughout the territory of San Marino.
5. When using the card, it should be displayed in original at the front of the vehicle, so that it is clearly visible for checking purposes.

Art. 2

(Validity, return, duplicate and replacement of the card)

1. The card shall be valid for five years. To renew it, an application shall be submitted to the Command of the Civil Police accompanied by a medical certification issued by Primary Care and Territorial Health Unit attesting to the persistence of the health conditions having entitled to the issue.
2. People with irreversible disabilities shall not need to submit the medical certification from the Primary Care and Territorial Health Unit to obtain a renewed card.
3. Fixed-term cards shall be issued to persons with reversible disabilities as a result of an accident or other illnesses. In this case, the medical certification shall indicate the presumed duration of the disability. Upon expiry of that period, a new fixed-term card shall be issued subject to the further medical certification issued by the Primary Care and Territorial Health Unit attesting to the continued disability entitling to a further issue.
4. The card's holder or his/her guardian, carer or heir shall return the original card in the event of non-use, expiry of the fixed-term disability, death of the holder and in all cases in which the conditions that led to its issue no longer exist. The return shall be made either by directly handing over the original card to the Command of the Civil Police or by sending it in a sealed envelope by registered mail with return receipt, enclosing a copy of the identity document of the person returning it.
5. The return referred to in paragraph 4 shall take place in accordance with the following timetable:
 - a) in the event of the death of the holder, within 30 days from the date of death;
 - b) in cases of expiry of fixed-term disability, within 15 days of the expiry date;

- c) in all cases other than letters a) and b), within 15 days of non-fulfilment of the conditions that led to the issue of the card.
6. In the event of theft or loss, a duplicate of the card shall be requested by submitting a special application to the Command of the Civil Police and enclosing the report of loss made to one of the Police Corps.
7. The replacement of the card shall be requested to the Command of the Civil Police in the event of its deterioration to such an extent that the data cannot be read.
8. The reproduction of a non-existent card or the manipulation of an authentic card shall be punishable by an administrative pecuniary sanction and it may constitute an offence under the Criminal Code.

Art. 3
(Accessibility)


1. Valid cards shall entitle holders to access pedestrian traffic zones, to drive in limited traffic zones and to park in the special parking facilities, as identified in Annex B, Chapter VI.
2. Those accompanying a card's holder shall occupy the reserved areas for the time strictly necessary to assist the accompanied person.
3. Misuse of the card shall be punished by the sanctions provided for and by its immediate withdrawal by the officials of the Police Corps in charge of control; in the event of abuse of the card, it shall be revoked. Cards shall be withdrawn and possibly revoked also when they are displayed with expired validity or in such a way that the data cannot be read.

Art. 4
(Card model)

1. The card issued by the Command of the Civil Police shall comply with the model adopted in Europe and is reproduced at the bottom of this Article. It shows:
- a) on the front:
- 1) the white wheelchair symbol on a blue background;
 - 2) the date of expiry;
 - 3) the serial number;
 - 4) the name of the authority issuing the card (Civil Police Corps);
 - 5) the wording in capital letters: "Contrassegno di parcheggio per persone con disabilità o invalidità";
 - 6) the official coat of arms of the Republic of San Marino.
- b) on the back:
- 1) the data about the card's holder, i.e. Surname, name, social security number, photo, signature or other authorized distinctive sign."

CARD MODEL

	Contrassegno di parcheggio per persone con disabilità o invalidità
VALIDITÀ	
Scade il _____	
Contrassegno Nr. 0000	
REPUBBLICA DI SAN MARINO CORPO DI POLIZIA CIVILE	

COGNOME _____	<i>Il presente permesso autorizza la sosta nelle aree di parcheggio riservate alle persone con disabilità o invalidità e deve essere esposto sul cruscotto del veicolo in modo che siano chiaramente visibili la validità ed il nr. del contrassegno per i controlli.</i>
NOME _____	<i>La sosta non deve arrecare intralcio agli altri veicoli o disagio ai pedoni.</i>
CODICE ISS NR. _____	<i>Gli accompagnatori hanno l'obbligo di occupare le zone riservate per il tempo strettamente necessario all'assistenza delle persone con disabilità o invalidità.</i>
	<i>Il contrassegno non è più valido e deve essere restituito al Corpo di Polizia Civile quando non sussistono più le condizioni che ne hanno determinato il rilascio.</i>
FIRMA	
