APPENDIX D
THE GERMAN ROAD TRAFFIC LAW (*STRASSENVERKEHRSGESETZ - StVG*)

D-1. GENERAL
This appendix is a translation of the new version of the German Road Traffic Law (*Straßenverkehrsgesetz*) of 5 March 2003 (Federal Law Gazette (*Bundesgesetzblatt*) 2003 I, p. 310) with subsequent amendments through 22 December 2011.

D-2. RELATED LAWS
The Road Traffic Law is the basic German law pertaining to the operation of vehicles in road traffic. It must be read in conjunction with other German laws relating to the same subject. For example, there are a number of criminal provisions of the German Criminal Code (*Strafgesetzbuch*) (Appendix A) which punish illegal acts in connection with the operation of a motor vehicle. Other major laws involving road traffic are the Road Traffic Ordinance (*Straßenverkehrsordnung*) (implementing the Road Traffic Law); the Road Traffic Licensing Ordinance (*Straßenverkehrszulassungsordnung*) (containing detailed requirements on safety equipment on vehicles); the Law Concerning Transportation of Hazardous Goods (*Gesetz über die Beförderung gefährlicher Güter*); the Law Concerning Driving Instructors (*Fahrlehrergesetz*); the Law Concerning Administrative Offenses (*Gesetz über Ordnungswidrigkeiten*) and others. These laws, if required, should be consulted in their original German text unless translations thereof appear elsewhere in this pamphlet.

D-3. TECHNICAL TERMS

a. When the precise translation of technical terms was not possible, the original German text has been inserted in parentheses following the appropriate English translation.

b. A basic concept of German law that has no equivalent in U.S. law is that of the "*Halter*" of a vehicle. The word "*Halter*" has been translated as "holder." It has been defined by German courts as the person who has the use of the vehicle for his own account and has the control over it that such use presupposes. It is not necessarily the owner, the registrant, or the person who has physical possession of it. From this definition, it is evident that the status of "holder" is determined by the individual facts in a particular case. When application of this term is of importance, interested personnel should consult a lawyer conversant with German law.

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PART I
TRAFFIC REGULATIONS (*VERKEHRSVORSCHRIFTEN*)

SECTION 1. LICENSING OF MOTOR VEHICLES

(1) Motor vehicles and their trailers that are intended for operation on public roads must be licensed for traffic by the competent authority (licensing authority). Upon request by the party authorized to dispose of the vehicle, and if the vehicle has an operating permit, individual approval, or EC type approval, licensing will be effected by assignment of an official license number.

(2) Motor vehicles within the meaning of this Law are land vehicles that are propelled by mechanical power without being confined to rails.

SECTION 2. PERMISSION TO DRIVE, DRIVERS LICENSE

(1) Persons operating motor vehicles on public roads require permissions (driving permits) from the competent authority (authority issuing driving permits). The driving permits shall be issued in specific categories. Evidence of such permission

shall be provided by an official certificate (drivers license). The validity of the drivers licenses can be determined pursuant to further specification by statutory order on the basis of section 6, paragraph (1), number 1, letters b and x.

(2) A permission to drive for the respective category shall be issued if the applicant—

1. Has his ordinary residence within the domestic territory within the meaning of Article 12 of the Directive 2006/126/EC of the European Parliament and the Council of 20 December 2006 on drivers licenses (OJ L 403 of 30 December 2006, p 26),

2. Has reached the necessary minimum age,

3. Is fit to operate a motor vehicle,

4. Has been instructed to operate motor vehicles in accordance with the Law Concerning Driving Instructors (*Fahrlehrergesetz*) and the legal provisions based thereupon,

5. Has provided proof of his proficiency to operate motor vehicles in a theoretical and practical test,

6. Has basic knowledge of how to attend to persons injured in a traffic accident or can render first aid,

7. Does not possess a permission to drive of that same category issued in a member state of the European Union or another state which is party to the Agreement on the European Economic Area.

Upon further determination by statutory order pursuant to section 6, paragraph (1), number 1, letter g, further prerequisites such as possession of a license in a different category or practical operating experience in a different category may be required. The permission to drive for the categories C and D as well as their subcategories and trailer categories can be issued for a limited period of time. Such permission shall be extended upon request if the applicant is fit to operate motor vehicles and there is no reason to assume that one of the other prerequisites stipulated in sentences 1 and 2 is not fulfilled.

(3) Pursuant to a more specific determination by statutory order in accordance with section 6, paragraph (1), number 1, letters b and g, a specific permission may be required in addition to the permission to drive pursuant to paragraph (1) for the transportation of passengers in vehicles other than motorbuses. The permission is issued for a limited period of time. For the issuance and extension, the same prerequisites may be determined as are applicable for the permission to operate motorbuses. Knowledge of the local area may also be required. Otherwise, the provisions for permissions to drive apply accordingly unless stipulated otherwise by law.

(4) A person is fit to operate motor vehicles if he fulfills the necessary physical and mental requirements and has not considerably or repeatedly violated traffic regulations or criminal law. If, due to physical or mental deficiencies, the applicant is only conditionally capable to operate motor vehicles the issuing authority shall issue the permission to drive with restrictions or subject to terms and conditions if a safe operation of motor vehicles is ensured thereby.

(5) A person is fit to operate motor vehicles if he—

1. Has sufficient knowledge of the legal provisions controlling the operation of motor vehicles,

2. Is familiar with the risks of road traffic and the necessary practices to avoid them,

3. Has the technical knowledge required for a safe operation of a motor vehicle, if necessary with trailer, and is able to apply it practically, and

4. Has sufficient knowledge of an environmental-conscious and energy-saving driving technique and is able to apply it practically.

(6) Whoever applies for the issue, extension, renewal, or modification of a permission to drive or a special permission pursuant to paragraph (3), the deletion of a limitation or condition or the issue or modification of a drivers license, shall, pursuant to a more specific determination by statutory order in accordance with section 6, paragraph (1), number 1, letter h, provide the following information and provide proof to the authority issuing the permission to drive:

1. Last name, maiden name, other previous names, first names, religious or pen names, doctor's degree, sex, date, and place of birth, address, and

2. Fulfillment of the prerequisites pursuant to paragraph (2), sentence 1, numbers 1 through 6, and sentence 2, as well as paragraph (3)

as well as submittal of a photograph. The applicant shall further provide a statement whether he already possesses a domestic or foreign permission of the same category he applies for or a respective drivers license.

(7) The authority issuing permissions to drive shall establish whether the applicant is fit and suited to operate a motor vehicle, if necessary with trailer, and whether he already possesses a domestic or foreign permission to drive or a respective drivers license. For this purpose, it shall obtain information from the Central Register of Traffic Offenses (*Verkehrszentralregister*) and the Central Driving Permit Register (*Zentrales Fahrerlaubnisregister*) in accordance with the provisions of this law. It may, in particular cases, also obtain pertinent information from foreign registers or foreign agencies as well as request a police certificate of good conduct for submittal to the administrative authority pursuant to the provisions of the Law on the Federal Central Register of Criminal Offenses (*Bundeszentralregistergesetz*).

(8) If facts become known which substantiate concerns about the fitness or suitability of the applicant, the authority issuing permissions to drive may order the applicant to provide an expert opinion or certificate from a medical specialist or official physician, an expert opinion from an officially recognized agency for the assessment of fitness to drive or from an officially recognized expert or examiner for motor vehicle traffic within an appropriate period.

(9) The information from registers, police certificates of good conduct, expert opinions and health certificates may only be used for the determination or establishment of the fitness or suitability to drive. They shall be destroyed after a maximum period of 10 years, unless any connected entries in the central register for road traffic or in the central driving permits register are to be deleted or destroyed at a later point in time pursuant to the provisions applicable for these registers. In such a case the later point in time is applicable to the destruction or deletion of data. The10-year period pursuant to sentence 2 starts to run when the decision is final or lasting or when the applicant withdraws his application. Sentences 1 to 4 also apply to such documents which are submitted by the applicant pursuant to paragraph (6), sentence 1, number 2. Instead of destroying the documents, the data contained therein shall be blocked if destruction is not possible or only with unreasonable effort because of the special way the files are kept.

(10) The Federal Armed Forces (*Bundeswehr*), Federal Police (*Bundespolizei*), and the police may issue permissions to drive for the operation of official vehicles (official permissions to drive) through their agencies. These agencies assume the tasks of the authority issuing permissions to drive. Unless otherwise stipulated, the provisions of this law and the regulations based thereupon shall apply to official permissions to drive. Only official vehicles may be operated with official permissions to drive.

(10 a) The authorities responsible under the *Land* laws may issue to members of the volunteer fire brigades, rescue services recognized pursuant to the legal provisions of the *Länder*, technical emergency service (*Technisches Hilfswerk*), and other emergency-relief units performing their duties on a voluntary basis, permits to operate emergency vehicles on public roads of up to an authorized total weight of 4.75 tons – also with trailers, provided that the authorized total weight of the combination does not exceed 4.75 tons. The person requesting the drivers permit must have—

1. Been in possession of a Category-B drivers license for at least 2 years,

2. Been trained in the operation of emergency vehicles of up to an authorized total weight of 4.75 tons, and

3. Passed a practical test to provide proof of his qualification.

The permission to drive will be valid in the entire territory of the Federal Republic of Germany for the fulfillment of duties of the organizations or services specified in sentence 1. Sentences 1 to 3 shall apply accordingly to obtaining permits required to operate emergency vehicles with an authorized total weight of 7.5 tons – also with trailers, provided that the authorized total weight of the combination does not exceed 7.5 tons.

(11) Upon a more specific determination by statutory order pursuant to section 6, paragraph (1), number 1, letter j, foreign driving permits will also entitle the holder to operate a motor vehicle in Germany.

(12) The police shall transmit information on facts indicating permanent deficiencies regarding the suitability or deficiencies regarding the fitness of a person to operate a vehicle to the authorities issuing permissions to drive, if the transmitting agency considers them necessary for an assessment of the suitability or fitness. If the transmitted information is not necessary for an assessment of the fitness or suitability, the documents shall be destroyed immediately.

(13) Agencies or persons assessing or examining the fitness or suitability to participate in road traffic or knowledge of the local area in order to prepare a decision by an administrative authority or who provide training in attending to persons injured in a traffic accident or in first aid (sec 2, para (2), sent 1, no. 6), must be legally or officially recognized or authorized for these tasks. Persons who examine the fitness to operate motor vehicles pursuant to section 2, paragraph (5), must, in addition, be members of a technical testing agency for motor vehicle traffic pursuant to section 10 of the Law on Motor Traffic Experts (*Kraftfahrsachverständigengesetz*). Prerequisites, contents, scope, and procedure for the recognition, authorization, and supervision shall be determined more specifically in a statutory order pursuant to section 6, paragraph (1), number 1, letter k, unless they have already been regulated in the Law on Motor Traffic Experts or in legal provisions based thereon. Notwithstanding what is specified in sentences 1 to 3, persons meeting the requirements specified in paragraph (16) for accompanying persons are authorized to test the [driver's] proficiency to operate emergency vehicles of the organizations or services specified in paragraph (10a), sentence 1.

(14) The authorities issuing permissions to drive may transmit to the agencies and persons designated in paragraph (13), sentence 1, those data which they need to fulfill their tasks. The respective agencies and persons may process and use such data and, upon more specific determination by statutory order pursuant to section 6, paragraph (1), number 1, letter k, also those data collected in the course of fulfilling their tasks.

(15) A person operating a motor vehicle on public roads for training purposes, to take the test, or to assess his suitability or fitness, must be accompanied by a driving instructor within the meaning of the Law on Driving Instructors. For trips pursuant to sentence 1 as well as for the trip to and from a test or evaluation, the driving instructor is regarded as operator of the vehicle within the meaning of this law if the person sitting behind the wheel does not possess a valid permission to drive.

(16) A person operating a respective emergency vehicle on public roads for the purpose of instruction or taking the test pursuant to paragraph (10a) must be accompanied by a driving instructor within the meaning of the Law on Driving Instructors or, in deviation from paragraph (15), sentence 1, by a member of the organizations or services listed in paragraph (10a), sentence 1, who must—

1. Be 30 years or older,

2. Have been in possession of a valid Class-C1 driving permit for at least 5 years,

3. Have no more than three points in the Central Register for Traffic Offenses at the time the instruction or test trips are performed.

Paragraph (15), sentence 2, applies accordingly. The responsible *Land* authority may verify whether or not the prerequisites of sentence 1 are fulfilled; it may obtain the information under sentence 1, number 3, from the Central Register for Traffic Offenses. The driving permit pursuant to sentence 1, number 2, must be verified by a valid drivers license, which is to be carried along during the instruction and test trips and must be presented to persons authorized to monitor road traffic.

SECTION 2A. DRIVERS LICENSE ISSUED ON PROBATION

(1) The first drivers license obtained is issued on probation; the probationary period is two years from the date of issuance. If a permission to drive is given to the holder of a drivers license issued abroad, the time from its acquisition shall be credited to the probationary period. The regulations concerning the permission to drive on probation shall also apply to a holder of a valid permission to drive issued in a member state of the European Union or another state which is party to the Agreement on the European Economic Area, who moved his place of residence to Germany. The time which has elapsed since the drivers license was obtained shall be credited against the probationary period. Seizure, confiscation or taking into custody of drivers licenses in accordance with section 94 of the Code of Criminal Procedure (*Strafprozessordnung*), temporary withdrawal in accordance with section 111a of the Code of Criminal Procedure and withdrawal on the spot by the authority issuing driving permits suspend the running of the probationary period. The probationary period ends prematurely if the permission to drive is withdrawn or the holder waives it. In such a case, a new probationary period starts to run upon issuance of a new permission to drive, however, only for the length of the remaining part of the previous probationary period.

(2) If a final decision has been issued against the holder of a drivers license because he has committed an offense or administrative offense within the probationary period, which must be entered into the Central Register of Traffic Offenses pursuant to section 28, paragraph (3), numbers 1 through 3, the competent authority shall—

1. Order his participation in a remedial training course and set a deadline for it, if he has committed one serious offense or two minor offenses,

2. Admonish him in writing and recommend that he participates in an advisory course on conduct in motor traffic within two months, if, after his participation in a remedial training course, he has again committed one serious or two minor offenses during the probationary period,

3. Withdraw the permission to drive if, after expiration of the period stated in number 2, he has again committed one serious or two minor offenses during the probationary period

even if the probationary period has expired in the meantime or the drivers license pursuant to section 6e, paragraph (2), has been revoked.

In case of the measures pursuant to numbers 1 through 3, the authority issuing driving permits is bound by the final decision on the offense or administrative offense. Section 4, paragraph (9), shall apply accordingly to the advisory course on conduct in motor traffic.

(2a) The probationary period shall be extended by 2 years if participation in a remedial training course pursuant to paragraph (2), sentence 1, number 1, has been ordered. The probationary period shall also be extended by 2 years if the order was not issued because the drivers license had been withdrawn or because the holder of the drivers license waived it.

(3) If the holder of a drivers license has not complied with an executable order of the competent authority pursuant to paragraph (2), sentence 1, number 1, within the fixed period, the permission to drive will be withdrawn.

(4) Withdrawal of the permission to drive pursuant to section 3 shall remain unaffected; the competent authority may especially order submission of an expert opinion from an officially recognized agency for the assessment of fitness to drive if the holder of a driving permit has committed offenses within the probationary period, which, according to the circumstances of an individual case, already give rise to the assumption that he is unfit to operate motor vehicles. If, based on the expert opinion, the authority does not consider his unfitness proved, it shall order participation in a remedial training course if the holder of the drivers license has not yet participated in such a course. Paragraph (3) applies correspondingly.

(5) If a permission to drive has been withdrawn pursuant to—

1. Section 3 or section 4, paragraph (3), sentence 1, of this law because offenses were committed during the probationary period or pursuant to section 69 or 69b of the Criminal Code (*Strafgesetzbuch*),

2. Paragraph (3) or section 4, paragraph (7), because of failure to comply with an order to participate in a remedial training course

or if the drivers license pursuant to section 6e, paragraph (2), has been revoked, a new permission to drive, notwithstanding the other prerequisites, may be issued only if the applicant proves that he participated in a remedial training course. The same applies if the applicant only failed to participate in an ordered remedial training course or the order was not issued because the permission to drive was withdrawn for other reasons or he waived the permission to drive in the meantime. If the permission to drive was withdrawn pursuant to paragraph (2), sentence 1, number 3, a new permission may be issued at the earliest 3 months after the withdrawal took effect; the period starts to run when the drivers license is turned in. Paragraph (2) is not applicable to a new probationary period beginning with the issuance of a drivers license after a preceding withdrawal pursuant to paragraph (1), sentence 7. In this case, the competent authority, as a rule, must order the submission of an expert opinion from an officially recognized agency for the assessment of fitness to drive as soon as the holder of a permission to drive has again committed one serious offense or two minor offenses within the new probationary period.

(6) Objection and action to set aside the order for remedial training pursuant to paragraph (2), sentence 1, number 1, and paragraph (4), sentence 2, as well as the withdrawal of the drivers license pursuant to paragraph (2), sentence 1, number 3, have no delaying effect.

SECTION 2B. REMEDIAL TRAINING IN CASE OF VIOLATIONS WITHIN THE PROBATIONARY PERIOD

(1) Through participation in group talks and a test drive, the attendees of remedial training courses shall be caused to develop increased awareness of risks in road traffic and to conduct themselves safely and considerately. Upon request, the ordering authority may approve that the person concerned can attend an individual course.

(2) The remedial training courses may be conducted only by driving instructors holding a license for remedial training according to the Law Concerning Driving Instructors. Upon further stipulation by statutory order pursuant to section 6, paragraph (1), number 1, letter n, special remedial training courses for holders of a drivers license issued on probation who have participated in motor traffic under the influence of alcohol or other intoxicants, shall be conducted by other officially recognized instructors.

(3) If the attendee of a remedial training course does not hold a drivers license or if he or she is subject to a finally imposed prohibition to drive, section 2, paragraph (15), applies accordingly with regard to the test drive.

SECTION 2C. NOTIFICATION OF THE AUTHORITIES ISSUING PERMISSIONS TO DRIVE BY THE FEDERAL OFFICE FOR MOTOR TRAFFIC

The Federal Office for Motor Traffic (*Kraftfahrt-Bundesamt*) shall notify the competent authority if decisions on the holder of a permission to drive are entered into the Central Register of Traffic Offenses leading to possible orders pursuant to section 2a, paragraphs (2), (4), and (5). For this purpose, it shall transfer the necessary data from the Central Driving Permit Register as well as the contents of the entries in the Central Register of Traffic Offenses on offenses and administrative offenses committed during the probationary period. If information has already been provided as stated in sentence 1, the Federal Office for Motor Traffic shall so indicate in case of another notification.

SECTION 3. WITHDRAWAL OF PERMISSION TO DRIVE

(1) If a person proves to be unfit or not suitable to operate motor vehicles, the authority issuing driving permits must withdraw his permission to drive. In case of a foreign driving permit a withdrawal, even if effected pursuant to different regulations, has the effect of a disallowance of the right to use the driving permit in Germany. Section 2, paragraphs (7) and (8), apply accordingly.

(2) The permission to drive expires upon its withdrawal. In case of a foreign driving permit, the right to operate motor vehicles in Germany expires. Upon withdrawal, the drivers license shall be submitted to the authority issuing drivers licenses or be presented so that the decision can be entered on it. Sentences 1 through 3 also apply if the authority issuing drivers licenses withdraws the driving permit on the basis of other regulations.

(3) As long as criminal proceedings are pending against the holder of a drivers license in which the withdrawal of the permission to drive pursuant to Section 69 of the Criminal Code is considered, the authority issuing drivers licenses may not consider the facts that are the subject of the criminal proceedings in the withdrawal proceedings. This does not apply if the drivers license has been issued for the operation of official vehicles by an agency of the Federal Armed Forces, the Federal Police, or the police.

(4) If the authority issuing driving permits in the course of withdrawal procedures intends to take into consideration facts that were the subject of the findings in criminal proceedings against a person holding a driving permit, it may not, to the disadvantage of the latter, deviate from the contents of the judgment insofar as it refers to the statement of the facts, or the assessment of the question of guilt or of the aptitude to drive motor vehicles. The order imposing punishment and the court decision by which the opening of the main proceedings or the request to issue an order imposing punishment are rejected are equivalent to a judgment; this also applies to decisions concerning the imposition of administrative fines (*Bußgeldentscheidungen*) insofar as they refer to the statement of the facts and the assessment of the question of guilt.

(5) The authorities issuing permissions to drive may transmit to the police the information that the drivers license was withdrawn based on a decision by the administrative authority or court decision, or that a prohibition to drive has been imposed, if this is necessary in a specific case for the purpose of traffic monitoring by the police.

(6) By statutory order pursuant to section 6, paragraph (1), number 1, letter r, the time limits and conditions for the—

1. Issuance of a new drivers license after previous withdrawal or after previous waiver,

2. Granting of the right to again use a foreign drivers license in Germany to persons who are ordinarily resident abroad upon previous withdrawal can be stipulated.

SECTION 4. POINTS SYSTEM

(1) For the protection from risks caused by vehicle operators or vehicle holders repeatedly violating traffic regulations, the authority issuing driving permits shall take the measures (points system) stipulated in paragraph (3). The points system shall not be applied if earlier or other measures based on other regulations, in particular a withdrawal of the drivers license pursuant to section 3, paragraph (1), are required. The points system and regulations on the drivers license on probation shall be applied simultaneously, provided that participation in a remedial training course only takes place once; this does not apply if the last remedial training course was attended more than 5 years ago or if the person concerned never participated in a remedial training course pursuant to section 2a, paragraph (2), sentence 1, number 1, or in a special remedial training course pursuant to paragraph (8), sentence 4, or section 2b, paragraph (2), sentence 2, and participation in a remedial training course for beginners or in a special remedial training course is now considered.

(2) Upon further stipulation by statutory order pursuant to section 6, paragraph (1), number 1, letter s, and in order to apply the points system, the offenses and administrative offenses to be entered in the Central Register for Traffic Offenses pursuant to section 28, paragraph (3), numbers 1 through 3, shall be rated between 1 and 7 points depending on the seriousness of the violations and their consequences. If several violations were committed by one act, only the violation with the highest number of points shall be considered. If the driving permit was withdrawn or a bar (sec 69a, para (1), sent 3, of the Criminal Code) was ordered, the points for violations committed prior to this decision shall be deleted. This does not apply if withdrawal of the drivers license is based on the fact that the person concerned failed to participate in an ordered remedial training course (para (7), sent 1, and sec 2a, para (3)).

(3) The authority issuing driving permits shall take the following measures (points system) against the holders of driving permits:

1. If more than eight but less than 13 points have accumulated, the authority issuing driving permits shall inform the person concerned about this in writing, give a warning, and point out to him the possible participation in a remedial training course pursuant to paragraph (8).

2. If more than 14 but less than 17 points have accumulated, the authority issuing driving permits shall order participation in a remedial training course pursuant to paragraph (8) and shall fix a time limit. If the person concerned already participated in such a course within the last 5 years, he shall be given a written warning. Regardless thereof, the authority issuing driving permits shall point out in writing to the person concerned the possibility to participate in an advisory course on conduct in motor traffic pursuant to paragraph (9) and inform him that when 18 points are reached his drivers license will be withdrawn.

3. If 18 or more points have accumulate,d the person concerned is considered unfit to operate motor vehicles; the authority issuing driving permits shall withdraw the drivers license.

When taking the measures stipulated in numbers 1 through 3 the authority issuing driving permits is bound by the final decision on the offense or administrative offense.

(4) If holders of a driving permit participate in a remedial training course before 14 points have accumulated and provide proof thereof to the authority issuing driving permits within 3 months upon completion of the course, a reduction by 4 points will be made in case of 8 points, a reduction by 2 points will be made in case of 9 to 13 points. If the person concerned, after participating in a remedial training course and after having accumulated 14 points, has attended an advisory course on conduct in motor traffic before reaching 18 points and has provided proof thereof to the authority issuing driving permits within 3 months upon completion of the course, 2 points will be deducted; the same applies if he participates in such course pursuant to section 2a, paragraph (2), sentence 1, number 2. Attendance of a training course and participation in an advisory course result only once in a reduction of points within 5 years. The date of issue of the certificate of participation is the basis for the balance of points and the calculation of the 5-year period. Deduction of points is only allowed down to zero points.

(5) If the person concerned reaches or exceeds 14 or 18 points and the authority issuing driving permits has not taken measures pursuant to paragraph (3) sentence 1, number 1, his accumulated points will be reduced to 13 points. If the person concerned reaches or exceeds 18 points and the authority issuing driving permits has not taken measures pursuant to paragraph (3), sentence 1, number 2, his balance of points will be reduced to 17.

(6) When the respective number of points has been reached (paras (3) and (4)), the Federal Register for Motor Traffic shall transmit the existing entries in the Central Register of Traffic Offenses to the authority issuing driving permits for preparation of the measures pursuant to paragraph (3).

(7) If the holder of a drivers license failed to comply with an enforceable order by the authority issuing driving permits pursuant to paragraph (3), sentence 1, number 2, within the fixed period of time, the authority issuing driving permits shall withdraw the license. Objection and action to set aside the order pursuant to paragraph (3), sentence 1, number 2, as well as against the withdrawal pursuant to sentence 1 and pursuant to paragraph (3) sentence 1, number 3, have no delaying effect.

(8) Through participation in group discussions and test drives, the participants of remediary training courses shall be caused to recognize and eliminate deficiencies in their attitude towards road traffic and traffic safety. Upon request, the authority issuing driving permits may grant the person concerned to attend an individual course. Remedial training courses may only be held by driving instructors holding a respective permit in accordance with the Law on Driving Instructors. Upon further stipulation by statutory order pursuant to section 6, paragraph (1), number 1, letter n, special courses for holders of drivers licenses who participated in road traffic under the influence of alcohol or other intoxicants shall be held by other course instructors who are officially recognized to do so.

(8a) If the participant of a remedial training course does not own a driving permit or is subject to a finally imposed prohibition to drive, section 2, paragraph (15), applies accordingly to the test drive performed to test the participant's fitness to drive.

(9) In the advisory course on conduct in motor traffic, the holder of a driving permit shall be caused to recognize the deficiencies of his attitude towards road traffic and traffic safety and to develop the willingness to eliminate these deficiencies. Consulting takes place in the form of an individual conversation; an additional test drive may be performed if the consultant considers it necessary. The consultant will try to find the reasons for the deficiencies and point out methods for their elimination. The result of the advisory course is solely intended for the person concerned and shall only be revealed to him. However, the person concerned shall receive a certificate of attendance for submittal to the authority issuing driving permits. The advisory course may only be held by an officially recognized person who meets the following prerequisites:

1. Personal reliability,

2. University degree with a diploma in psychology

3. Proof of education and experience in the field of motor traffic psychology according to further specification by statutory order pursuant to section 6, paragraph (1), number 1, letter u.

(10) A new permission to drive may be issued at the earliest 6 months after effectiveness of the withdrawal pursuant to paragraph (3), sentence 1, number 3. The period starts to run when the drivers license is turned in. Notwithstanding the fulfillment of other prerequisites for issuance of a drivers license, the authority issuing driving permits shall order, as a matter of principle, submittal of an expert opinion prepared by an officially recognized expert agency for the assessment of fitness to drive as proof of the restored fitness to operate motor vehicles.

(11) If the driving permit has been withdrawn pursuant to paragraph (7), sentence 1, because of failure to comply with an order to participate in a remedial training course, a new drivers license may only be issued, notwithstanding the other prerequisites, if the applicant proves that he participated in a remedial training course. The same applies if the applicant did not participate in the ordered remedial training course or the order to do so was not given only because he waived the driving permit in the meantime. In deviation from paragraph (10), the driving permit shall be issued without observance of a set period and without submittal of an expertise from a recognized agency specialized in assessing a person's fitness to operate motor vehicles.

SECTION 5. LOST DOCUMENTS AND LICENSE PLATES

If there is an obligation to turn in or present a drivers license, a vehicle certificate, trailer registration list, a vehicle registration certificate, proof of issuance of an official license plate or of the operating permit or EC approval of vehicle type, a foreign drivers license or registration document, or an international drivers license or registration document, or official license plates or insurance plates and if the person obligated to submit such documents asserts that he is unable to turn them in or submit them because the license, list, certificate, supporting documents, or plates got lost or are otherwise missing, he shall, at the request of the administrative authority, give an affirmation in lieu of an oath concerning the whereabouts of the

license, list, certificate, supporting documents, or plates. This applies also if somebody requests issuance of a new license or plates for a license, certificate, supporting document or a trailer registration list that has been lost or is otherwise missing.

SECTION 5A. (DELETED)

SECTION 5B. COST OF TRAFFIC SIGNS

(1) The costs of the procurement, installation, removal, maintenance, and operation of official traffic signs and installations as well as of other traffic signs and installations approved by the Federal Ministry of Transportation, Construction, and Urban Development (*Bundesministerium für Verkehr, Bau und Stadtentwicklung*) are borne by the authority responsible for the construction and maintenance of the road on which they are erected or have been erected; in case of shared responsibility to construct and maintain roads, the costs shall be borne by the authority responsible for the construction and maintenance of the through lane. If no authority is responsible for road construction and maintenance, the costs are borne by the owner of the road.

(2) In deviation from paragraph (1) above, these costs shall be borne by the—

a. Operator of the railroad lines for warning crosses, railway gates, blinking lights with or without half-gates.

b. Entrepreneur within the meaning of the Law Concerning the Transportation of Passengers (*Personenbeförderungsgesetz*) for (streetcar, bus) stop signs.

c. The local communities for parking meters, and other devices or installations to control parking time, road signs, railing, direction signs to local sites, and traffic signs for lanterns that do not burn all night installed along the road running through a built-up area.

d. The construction firm and other entrepreneurs carrying out construction work on and along the road for traffic signs and installations required due to such work.

e. The operators of workshops, gasoline stations, as well as other facilities and events for appropriate official or approved directional signs.

f. The authority responsible for the construction and maintenance of roads from which the traffic should be detoured for directional signs for optional detours.

(3) When new official traffic signs and installations are introduced, the Federal Ministry of Transportation, Construction, and Urban Development is authorized, by statutory order subject to the approval of the Federal Council (*Bundesrat*), to determine that, in deviation from paragraph (1) above, the costs shall be borne by another party pursuant to the regulations in paragraph (2).

(4) Regulation of costs based on Federal and *Land* law provisions concerning intersections shall remain unaffected.

(5) This regulation of costs also includes the costs of traffic statistics, noise measurements, noise computations and measurements of exhaust gas emission.

(6) In the event traffic signs or traffic installations cannot be installed on the road for technical reasons or because of the safety and facility of road traffic, the owners of the adjoining real estate must tolerate their installation. Damage occurring due to installation or removal of traffic signs and traffic installations shall be repaired. In case the use of real estate or its value is considerably impaired by traffic signs and traffic installations, or in case damage caused by erection or removal of traffic signs and traffic installations cannot be repaired, an adequate monetary compensation shall be paid. The party bearing the costs for the traffic signs and traffic installations is obligated to repair the damage and to pay the compensation. If an agreement cannot be reached, the higher administrative authority shall decide. The parties involved shall be heard before a decision is made. As an exception to sentence 5, the *Land* governments are authorized to specify the competent authority by statutory order. They may delegate this authority to the highest *Land* authorities.

SECTION 6. IMPLEMENTING PROVISIONS

(1) The Federal Ministry of Transportation, Construction, and Urban Development is authorized to issue statutory orders with the approval of the *Bundesrat* concerning:

1. The permission for people to participate in road traffic, concerning in particular—

a) Exceptions from the obligation to hold a driving permit pursuant to section 2, paragraph (1), sentence 1, requirements for the operation of motor vehicles not requiring a driving permit, exceptions from individual conditions for the issue of a permit pursuant to section 2, paragraph (1), and from the requirement to be accompanied or supervised by a driving instructor pursuant to section 2, paragraph (15), sentence 1,

b) The contents of the categories of drivers licenses pursuant to section 2, paragraph (1), sentence 2, and the special permit pursuant to section 2, paragraph (3), the validity of the driving permit categories C and D, their subcategories and trailer categories, the validity of the drivers licenses and the special permit pursuant to section 2, paragraph (3), as well as terms and conditions and limitations regarding a driving permit and the special permit pursuant to section 2, paragraph (3),

c) The requirements regarding the fitness to operate a motor vehicle, the assessment of the fitness by expert opinions as well as the establishment and review of the fitness by the authority issuing driving permits pursuant to section 2, paragraph (2), sentence 1, number 3, in conjunction with paragraphs (4), (7), and (8),

d) The measures to eliminate the lack of fitness, in particular contents and duration of respective courses, participation in such courses, requirements regarding the instructors as well as certification of quality assurance, its contents including the processing and use of personal data necessary for this purpose, the assessment, including the procedural, technical, and professional requirements, of the agencies and persons responsible for quality assurance by the Federal Agency for the Road System (*Bundesanstalt für Straßenwesen)*, in order to ensure a proper conduct of the courses, with the possible requirement to have an exchange of experience under the supervision of the Federal Office for the Road System,

e) The testing of the fitness to operate a motor vehicle, in particular regarding the admission to take the test as well as contents, structure, procedure, evaluation, decision, and repetition of the test pursuant to section 2, paragraph (2), sentence 1, number 5, in connection with paragraphs (5), (7), and (8), as well as the trying of new testing procedures,

f) The examination of an environmental-conscious and energy-saving driving technique pursuant to section 2, paragraph (2), sentence 1, number 5, in conjunction with paragraph (5), number 4,

g) The more specific stipulation of other prerequisites pursuant to section 2, paragraph (2), sentences 1 and 2, for the issuance of a driving permit and the prerequisites for the issuance of a special permit pursuant to section 2, paragraph (3),

h) The verification of personal data, the photo as well as the notification and proof of compliance with the prerequisites of the application procedure pursuant to section 2, paragraph (6),

i) The special provisions for official driving permits pursuant to section 2, paragraph (10), and the issuance of general driving permits based on official driving permits.

j) The licensing and registration of owners of foreign driving permits and the processing of turned in foreign drivers licenses pursuant to section 2, paragraph (11), and section 3, paragraph (2),

k) The recognition or assignment of agencies or persons pursuant to section 2, paragraph (13), their supervision, the assignment of such supervision to other agencies, the certification of quality assurance, its contents including the necessary processing and use of personal data and the assessment, including the procedural, technical, and professional requirements, of the agencies or persons responsible for the quality assurance by the Federal Agency for the Road System to ensure a proper and regular performance of the assessment, testing or training pursuant to section 2, paragraph (13), with the possible requirement to have an exchange of experience under the supervision of the Federal Agency for the Road System, as well as the processing and use of personal data for the fulfillment of duties pursuant to section 2, paragraph (14), intended for the recognition or assignment,

l) The exceptions from the probationary period, crediting of probationary periods for the issuance of a general driving permit to owners of official driving permits pursuant to section 2a, paragraph (1), the note concerning the probationary period entered in the drivers license,

m) The classification of the decisions on criminal acts and administrative offenses stored in the Central Register for Traffic Offenses into serious offenses or less serious offenses for the measures pursuant to the regulations on the driving permit on probation pursuant to section 2a, paragraph (2),

n) The requirements for the general and special remedial training courses in particular concerning their contents and duration, participation in the courses pursuant to section 2b, paragraphs (1) and (2), as well as section 4, paragraph (3), sentence 1, numbers 1 and 2, the requirements for the course instructors and their recognition pursuant to section 2b, paragraph (2), sentence 2, and section 4, paragraph (8), sentence 4, as well as the certification of quality assurance, its contents including the necessary processing and use of personal data and the assessment, including the procedural, technical, and professional requirements, of the agencies or persons responsible for the quality assurance by the Federal Agency for the Road System to ensure establishment and conduct of the courses, with the possible requirement to have an exchange of experience under the supervision of the Federal Agency for the Road System,

o) The transmittal of data pursuant to section 2c, in particular concerning the extent of the data to be transmitted and the transmittal method,

p) The measures to achieve that people adopt a more responsible attitude in road traffic thereby achieving a reduction of the accident risk, in the particular case of beginners by—

- Training in which school-type road traffic instructions are combined with the training pursuant to the regulations of the Law on Driving Instructors, as a prerequisite for the issue of a driving permit within the meaning of section 2, paragraph (2), sentence 1, number 4, and

- Voluntary continued education in appropriate training courses after obtaining the drivers license with the option to decrease the probationary period, in particular regarding the contents and duration of the courses, the requirements for the course instructors and the persons performing practical drivers training on suitable surfaces within the scope of the courses, the recognition and supervision of such persons, the quality assurance, its contents and the scientific evaluation including the necessary processing and use of personal data, as well as regarding its introduction, also for a limited period of time as a pilot study, in the *Länder* by the superior *Land* authorities, the agencies assigned by them, or the agencies responsible according to *Land* legislation.

q) The measures in case of owners of driving permits who are only conditionally fit, or unfit, or not capable, or in case of doubts regarding the fitness or capability pursuant to section 3, paragraph (1), as well as the turning-in, presenting and further processing of drivers licenses pursuant to section 3, paragraph (2),

r) The re-issuing of a drivers license after previous withdrawal or previous waiver and the granting of the right to again use a foreign drivers license pursuant to section 3, paragraph (6), after previous withdrawal or previous waiver,

s) The evaluation of the decisions on criminal acts and administrative offenses stored in the central register for traffic offenses pursuant to section 4, paragraph (2),

t) (Deleted)

u) Requirements for the advisory course on conduct in motor traffic, in particular regarding contents and duration of the course, participation in the course as well as the requirements regarding the instructors and their recognition pursuant to section 4, paragraph (9),

v) Production, delivery and design of the sample for a drivers license and its printing as well as the determination of who performs the manufacturing and delivery, pursuant to section 2, paragraph (1), sentence 3,

w) Competence and procedure in case of administrative measures pursuant to this law and the legal provisions based on this law, as well as the authority of the agencies competent according to State law to grant exceptions from section 2, paragraph (1), sentence 3, paragraph (2), sentences 1 and 2, paragraph (15); section 2a, paragraph (2), sentence 1, numbers 1 through 3; section 2b, paragraph (1); section 4, paragraph (3), sentence 1, numbers 2 and 3, paragraph (8), sentence 1, paragraph (9), sentence 6, number 3, paragraph (10), as well as exceptions from the legal provisions based on this law,

x) Contents and validity of previously issued drivers permits, the exchange of drivers licenses for which samples are no longer printed, as well as the new issue of drivers licenses, for which the validity has expired, and the determination of ownership in case of exchange or issue of a new license,

y) Measures to ensure that other persons can participate safely in road traffic, as well as the measures if such persons are only conditionally fit or unfit or not capable to participate in road traffic,

1a. (Deleted)

2. Licensing of vehicles for road traffic including exemptions from the licensing obligation, the design, equipment and testing of the vehicles in particular regarding—

a) Prerequisites for the licensing of motor vehicles and their trailers, in particular concerning construction, design, inspection, equipment and operation, evaluation and testing, operating permit and approval as well as identification of vehicles and vehicle parts, in order to ensure their roadworthiness and in order to protect passengers and other road users in case of a traffic accident or reduce the impact or consequences of such an accident (protection of road users),

b) Requirements for vehicles and their trailers which do not need to be licensed, in order to ensure their roadworthiness and the protection of road users, exceptions from the licensing obligation for motor vehicles and trailers pursuant to section 1, paragraph (1), as well as identification of vehicles and vehicle parts not subject to licensing in order to document the date they were sold to the ultimate consumer

c) Type and contents of license, construction, type, equipment and operation of vehicles and vehicle parts, their evaluation and testing, operation permit and approval, as well as identification,

d) The proof of licensing by means of vehicle documents, design of the samples of vehicle documents and their manufacturing, delivery and issuance as well as the determination of who is authorized to manufacture and deliver them,

e) The manufacturing, offering for sale, sale, acquisition and use of vehicle parts, which must be designed in an officially approved construction type,

f) The general operating permit or construction type approval, type approval or comparable expert opinions of vehicles and vehicle parts, including type, contents, proof and identification as well as type inspection and type testing,

g) The conformity of products with the approved, inspected or tested type, including the requirements for e.g. production processes, tests and certifications as well as proof thereof,

h) The requirement of quality assurance systems including the prerequisites, tests, certifications and proof thereof as well as other obligations of the holder of the permit or approval,

i) The recognition of agencies responsible for the—

aa) Testing and evaluation of vehicles and vehicle parts, and

bb) Testing and certification of quality assurance systems including the pertinent prerequisites, as well as—

the change and termination of recognition and certification including the necessary requirements for the change and termination and the procedure; for the recognition, the agencies responsible for the testing and inspection of vehicles and vehicle parts must provide the guarantee that, for the requested competence, the proper test duties will be performed in accordance with the general criteria for the operation of test laboratories and the necessary motor vehicle specific criteria regarding personnel and equipment,

j) The recognition of foreign permits and approvals as well as foreign evaluations, tests and identifications for vehicles and vehicle parts,

k) The change and termination of licensing and operation, permit and approval as well as identification of vehicles and vehicle parts,

l) Type, scope, contents, location, and intervals of the regular inspections and tests in order to ensure roadworthiness of the vehicles and protection of road users, as well as requirements for the inspection agencies and technical personnel performing inspections and tests including the requirements to be fulfilled by a central agency that is established and funded by institutions responsible for the technical test agencies and officially recognized inspection organizations to review practice orientation of the test standards or their compilation, as well as acceptance of vehicles and vehicle parts including the necessary facilities and equipment, training courses, training facilities, and institutions,

m) The proof of regular inspections and tests as well as the acceptance of vehicles and vehicle parts including the evaluation of the deficiencies established during the inspections and tests and the reporting of the determined deficiencies to the respective manufacturers of vehicles and vehicle parts as well as to the Federal Office for Motor Traffic. In this connection, the transmittal of personal data is not authorized,

n) The confirmation of the official recognition of inspection agencies, if they were recognized before 18 December 2007, as well as the recognition of inspection agencies for the performance of regular inspections and tests as well as acceptances, the organizational, personnel and technical prerequisites for the recognitions including the qualification and requirements for the technical personnel and the equipment as well as the conditions and instructions in connection with the recognitions, in order to ensure proper and regular inspections, tests, and acceptances by effective organizations,

o) The necessary third party liability insurance of recognized inspection organizations to cover all claims arising in connection with inspections, tests and acceptances, as well as the release of the *Land* responsible for the recognition and supervision from third party claims arising from damage caused by the organization,

p) The official recognition of manufacturers of vehicles or vehicle parts for the performance of tests on speed limit devices, tachographs and control devices, the official recognition of motor vehicle workshops performing regular tests on such devices, performing exhaust fume tests, and gas system tests on motor vehicles and performing safety checks on utility vehicles as well as the conditions and terms in connection with the recognitions, in order to ensure proper and regular technical examinations, the organizational, personnel and technical prerequisites for the recognition including the qualification and requirements for the technical personnel and the devices as well as the collection, processing and utilization of personal data of the holder of the recognition, his representative and the person entrusted with the tests by the authorities responsible for the recognition and supervision, in order to ensure proper and regular technical tests,

q) The necessary third party liability insurance of officially recognized manufacturers of vehicles or vehicle parts and of motor vehicle workshops to cover all claims arising in connection with the tests pursuant to letter p, as well as the release of the *Land* responsible for the recognition and supervision from third party claims arising out of damage caused by the workshop or the manufacturer,

r) Quality assurance measures of the agencies in charge of the regular inspections and tests as well as acceptance and assessment of vehicles and vehicle parts, their contents including the necessary processing and utilization of personal data in order to ensure proper inspections, tests, acceptances and assessments of vehicles and vehicle parts in accordance with uniform standards,

s)The responsibility and the duties and rights of the vehicle holder within the scope of the licensing and operation of the vehicles registered in his name as well as the holder of vehicles requiring no license,

t) The responsibility and the procedure in case of administrative measures pursuant to this law and the legal provisions based thereon concerning licensing, evaluation, testing, acceptance, regular inspections and tests, operating permit, approval and identification,

u) Exceptions from section 1, paragraph (1), sentences 2 and 3, as well as exceptions from legal provisions based on this law and the corresponding competences,

v) The licensing of foreign motor vehicles and trailers, the preconditions for such licensing, the recognition of foreign licensing documents and plates, measures in case of violations of the regulations issued on the basis of the Road Traffic Law,

w) Measures and requirements in order to ensure safe participation in road traffic by non-motorized vehicles,

x) Deviating prerequisites for issuance of a permit for individual vehicles and vehicle combinations for high capacity and heavy-load traffic as well as machines, to the extent that these prerequisites are justified by the use and may be standardized without impairment of vehicle safety, the inspection of the vehicles and confirmation of compliance with the prerequisites by an officially recognized expert;

3. The other measures concerning road traffic in order to maintain safety and order on public roads, for defense purposes, in order to prevent wear and tear of roads beyond the normal use by traffic, or to prevent nuisances, which include measures on—

a) (Deleted),

b) (Deleted),

c) The minimum age of vehicle operators and their conduct,

d) The protection of residents and people seeking rest from noise and exhaust fumes caused by motor vehicle traffic and on limitation of traffic on Sundays and holidays,

e) The prohibition to park motor vehicle trailers and motor vehicles with a permitted total weight exceeding 7.5 tons regularly within built-up areas, except on specifically designated parking lots and industrial and commercial zones, in the period between 10 p.m. and 6 a.m. and on Sundays and holidays, which is to be ordered,

f) Built-up areas and direction signs,

g) The prohibition of advertising and propaganda by pictures, text, illumination or sound outside built-up areas that might distract the road user's attention thereby endangering traffic safety or obstructing the smooth flow of traffic,

h) The restriction of road traffic in order to protect cultural events taking place outside the road area, if this is in the public interest,

i) The prohibition to use technical devices on or inside the motor vehicle with the purpose to impede traffic control.

4. (Deleted)

4a. The behavior of the persons involved after a traffic accident which is required to:

a) Ensure safe flow of traffic and tend to injured persons.

b) Determine the involvement in order to clarify and assert civil claims, and

c) Be able to assert third party liability claims;

5. (Deleted)

5a. The construction, design, equipment and operation, inspection, testing, acceptance, operating permit, approval and identification of vehicles and vehicle parts and on behavior in road traffic for the protection from pollution caused by vehicles within the meaning of the Federal Emission Control Act (*Bundes-Immissionsschutzgesetz*); in this connection limiting, values for emissions may also be determined for a point in time after entry into force of the statutory order by taking into account the latest technical development;

5b. The prohibition of motor vehicle traffic in areas determined pursuant to section 40 of the Federal Emission Control Act after announcement of poorly circulating weather conditions;

5c. The proof of disposal or other whereabouts of vehicles after termination of operation in order to ensure an environmentally safe disposal of vehicles and vehicle parts;

6. Type, scope, contents, intervals and locations, including the requirements on the needed rooms and devices, training, training facilities and institutions as well as proof of regular testing of vehicles and vehicle parts, including the

evaluation of the deficiencies determined during the tests, as well as official recognition of supervisory organizations and motor vehicle repair workshops pursuant to number 2, letters n and p, and measures for quality assurance pursuant to number 2, letter r, for the protection against pollution caused by vehicles within the meaning of the Federal Emission Control Act;

7. The measures stipulated under numbers 1 through 6 to the extent that they are necessary to comply with obligations resulting from international agreements or binding decisions of the European Communities.

8. The type, attachment and testing as well as manufacturing, sale, issuance, storage and withdrawal of license plates (including such products for further processing, where only the inscription is missing) for vehicles in order to try to prevent unauthorized use of license plates or committing of offenses by means of vehicles or license plates;

9. The type, manufacturing, sale, use and storage of drivers licenses and vehicle documents including their pre-printed forms as well as decals, test slides and stamps to be used based on this law or legal provisions based on this law in order to try to prevent their theft or abuse in connection with committing an offense;

10. The construction, type, equipment and operation, evaluation and testing, acceptance and regular inspection, operating permit and approval as well as identification of vehicles and vehicle parts in order to try to prevent that vehicles are stolen;

11. The search, finding and confiscation of stolen, lost or otherwise missing vehicles, vehicle license plates as well as drivers licenses and vehicle documents including their pre-printed forms, unless the prosecuting authorities are responsible for these cases;

12. Monitoring of commercial leasing of motor vehicles and trailers to private operators:

a) In order to try to prevent the committing of offenses with rented vehicles, or

b) In order to maintain order and safety in road traffic;

13. Installation of parking lots subject to a fee in case of major events in the interest of traffic order and safety;

14. Restriction of stopping and parking for the benefit of residents in urban areas with a substantial shortage of parking space as well as making available of parking for severely handicapped persons with an exceptional walking handicap, bilateral Amelia, phocomelia, or comparable functional impairment, as well as for blind persons, in particular in the immediate vicinity of their apartment or their place of work;

15. The marking of areas reserved for pedestrians and areas where vehicles are required to drive at a very low speed only and the restrictions or prohibition of vehicle traffic to maintain order and safety in such areas, to protect the population from noise and exhaust fumes and to further an organized urban development;

16. Limitation of road traffic in order to do research on accidents, conduct in traffic, traffic procedures and to test planned regulations and measures to ensure traffic safety or influence the flow of traffic;

17. Measures on road traffic necessary to maintain public safety;

18. Installation of reserved lanes for scheduled buses and taxies;

19. Measures necessary to implement Council Directive 92/59/EEC of 29 June 1992 concerning general product safety (Official Journal EC No. L 228 p. 24);

20. Measures necessary to implement Directive 2000/30EC of the European Parliament and the Council of 6 June 2000 concerning the technical on-the-road control of utility vehicles, participating in road traffic in the Community (Official Journal (EC No. L 203 p. 1).

(2) Statutory orders pursuant to paragraph (1), numbers 8, 9, 10, 11, and 12, will be issued by the Federal Ministry of Transportation, Construction, and Urban Development and by the Federal Ministry of the Interior (*Bundesministerium des Innern*).

(2a) Statutory orders pursuant to paragraph (1), number 1, letter f; number 3, letters d and e; numbers 5a, 5b, 5c, 6, and 15, as well as such statutory orders pursuant to number 7, if they refer to measures pursuant to number 1, letter f; numbers 5a, 5b, 5c, and 6, will be issued by the Federal Ministry of Transportation, Construction, and Urban Development and by the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety (*Bundesministerium für Umwelt, Naturschutz und Reaktorsicherheit*).

(3) In deviation from paragraphs (1) through (2a), statutory orders concerning the implementation of regulations concerning the type, construction, equipment and testing of vehicles and vehicle parts as well as statutory orders concerning general exceptions from the legal provisions based on this law do not require the consent of the Federal Council; prior to their issue, the competent highest Land authorities shall be heard.

(3a) The Federal Ministry of Transportation, Construction, and Urban Development will be authorized, with the consent of the Federal Council, to issue statutory orders regulating the commercial offering for sale, the commercial sale, and the commercial placing on the market of vehicles, parts of vehicles and equipment.

(4) If regulations pursuant to this law are amended or superseded, the Federal Ministry of Transportation, Construction, and Urban Development will be authorized, by statutory order not subject to the consent of the Federal Council, in agreement with the involved Federal ministries, to replace references to the amended or superseded regulations in laws and statutory orders by references to the new provisions of identical contents.

(5) The governments of the *Länder* are authorized to issue special regulations on the basis of a statutory order regarding the issuance of as well as the instruction and the testing for permissions to drive for the operation of emergency vehicles of the volunteer fire departments, the rescue services recognized pursuant to legislation of the *Länder*, the technical emergency assistance services and the emergency rescue services on public roads pursuant to section 2, paragraph (10a). For the detailed specifications, the special conditions of the different weight categories of the permission to drive pursuant to section 2, paragraph (10a), sentences 1 and 4, must be taken into consideration. By statutory order, the governments of the *Länder* may assign the authority pursuant to sentence 1 to the responsible highest *Land* authority.

(6) Subject to the consent of the Federal Council, the Federal Ministry of Transportation, Construction, and Urban Development is authorized to issue statutory orders authorizing the governments of the *Länder* to regulate, by statutory order, exemptions from the statutory orders issued on the basis of section 6, paragraph (1), number 2, letters c, d, k, m, r, s, t, and v, for a period of 3 years in order to test a registration procedure using information and communication technology.

SECTION 6A. FEES

(1) Costs (fees and expenses) will be charged—

1. For official acts, including tests, inspections, evaluations, examinations, imposition of fines—with the exception of administrative fines within the meaning of the Administrative Offenses Act (*Gesetz über Ordnungswidrigkeiten*)—and providing information from registers—

a) Pursuant to this Law and according to legal provisions based on this Law.

b) Pursuant to the Law on the Agreement of 20 March 1958 Concerning the Acceptance of Uniform Conditions for the Approval of Equipment and Parts of Motor Vehicles and Concerning Mutual Recognition of the Approval (*Gesetz zu dem Übereinkommen vom 20. März 1958 über die Annahme einheitlicher Bedingungen für die Genehmigung der Ausrüstungsgegenstände und Teile von Kraftfahrzeugen und über die gegenseitige Anerkennung der Genehmigung*) of 12 June 1965 (Federal Law Gazette 1965 II, page 857) in the version of the Law dated 20 Dec 1968 (Federal Law Gazette 1968 II, p.1224) and according to the legal provisions based on this Law.

c) Pursuant to the Law on the European Agreement of 30 September 1957 concerning International Transportation of Hazardous Goods on the Road (ADR) of 18 August 1969 (Federal Law Gazette 1969 II, p. 1489) and pursuant to the legal provisions based on this Law.

d) Pursuant to the Law Concerning Driving Crews (*Fahrpersonalgesetz*) and the statutory orders based thereon, to the extent that official acts are performed by the Federal Agency for Motor Vehicle Traffic.

e) Pursuant to the Law Concerning the Qualification of Professional Motor Vehicle Drivers (*Berufskraftfahrer-Qualifikations-Gesetz*) and the statutory orders based thereon.

2. For examinations of vehicles pursuant to the Law Concerning the Transportation of Passengers in the revised version as published in the Federal Law Gazette Part III, Number 9240-1, last amended by Article 7 of the Law Concerning Gratuitous Transportation of Disabled Persons in Public Passenger Traffic (*Gesetz über die unentgeltliche Beförderung Schwerbehinderter im öffentlichen Personenverkehr*) of 9 July 1979 (Federal Law Gazette I, p. 989) and according to the legal provisions based on this Law.

3. For measures in connection with motor vehicles and motor vehicle trailers withdrawn from traffic.

(2) The Federal Ministry of Transportation, Construction, and Urban Development is authorized to determine by statutory order the official acts subject to fees as well as rates of fees for individual official acts including examinations, inspections, evaluations, investigations, imposition of fines - with the exception of administrative fines within the meaning of the Administrative Offenses Act - and providing information from registers within the meaning of paragraph (1) and establish fixed rates or skeleton rates (maximum and minimum amounts). The rates shall be assessed in such a way that the expenditures for personnel and equipment needed in connection with official acts including examinations, inspections, evaluations, investigations, imposition of fines - with the exception of administrative fines within the meaning of the Administrative Offenses Act - and providing information from registers are covered; with regard to official acts in favor of a person, the importance, the economic value or any other benefits for the person owing the fees may in addition be taken into due consideration.

(3) Otherwise, the Law Concerning Administrative Costs (*Verwaltungskostengesetz*) of 23 June 1970 (Federal Law Gazette I, p. 821), amended by Art. 41 of the Introductory Law to the German Revenue Law (*Einführungsgesetz zur Abgabenordnung*) of 14 December 1976 (Federal Law Gazette I, p. 3341), is applicable. However, statutory orders pursuant to paragraph (2), may regulate cost exemption, creditor's claims, debtor's payments, the extent of expenditures to be reimbursed and the imposition of costs deviating from the provisions of the Law Concerning Administrative Costs.

(4) By the statutory orders pursuant to paragraph (2), it may be determined that the fees permitted for the individual official acts including examinations, inspections, evaluations and investigations may also be levied if the official acts could not be performed on the date agreed upon or had to be interrupted provided the delay or interruption is not due to the fault of the authority performing the official act, and no sufficient reason is given for it by the applicant or requesting person.

(5) Statutory orders concerning costs, with the Federation being the creditor, do not require the consent of the Federal Council *Bundesrat*.

(6) For parking on public roads and squares within built-up areas the local communities, otherwise the parties responsible to bear the construction and maintenance costs for the road, are authorized to charge fees. The *Land* governments are authorized to issue fee ordinances for the assessment of such fees. These ordinances may also contain a maximum amount. The authorization may be further delegated by statutory order.

(7) The provisions under paragraph (6), sentences 2 to 4, shall apply accordingly to the levying of fees for the use of parking spaces subject to charges within the meaning of section 6, paragraph (1), number 13.

(8) The *Länder* may determine that licensing of vehicles may be made subject to payment of the fees and expenses intended for that purpose as well as to the payment of arrears of fees and expenses from previous licensing procedures.

SECTION 6B. PRODUCTION, SALE, AND ISSUANCE OF LICENSE PLATES

(1) Whoever wants to produce, sell, or issue license plates for vehicles shall notify the registration office of his intention in advance.

(2) (Deleted).

(3) On the production, sale and issuance of license plates, supporting documents shall be furnished, safekept and submitted to competent persons upon request upon more specific determination (sec 6, para (1), no. 8).

(4) The production, sale, or issuance of license plates shall be denied if they are produced, sold or issued without prior notification.

(5) The production, sale, or issuance of license plates shall be denied if—

1. Facts exist disclosing the unreliability of the person responsible or persons entrusted by such responsible person with the production, sale or issuance of license plates, or

2. The provisions concerning furnishing, safekeeping or presentation of supporting documentation on production, sale or issuance of license plates are violated.

SECTION 6C. PRODUCTION, SALE, AND ISSUANCE OF PREFABRICATED PRODUCTS FOR LICENSE NUMBER PLATES

Section 6b, paragraphs (1), (3), and (4), number 1, as well as paragraph (5) apply accordingly to the production, sale or issuance of specific prefabricated products for license plates lacking only the lettering, to be determined upon further specification by the Federal Ministry of Transportation, Construction, and Urban Development (sec 6, para (1), no. 8, and para (2)).

SECTION 6D. INFORMATION AND EXAMINATION

(1) The persons concerned with the production, sale, or issuance of license plates shall, without delay, furnish the required information concerning observance of the duties designated in section 6b, paragraphs (1) to (3), to the appropriate authorities or to the persons authorized by them.

(2) The persons concerned with the production, sale, or issuance of prefabricated products for license plates within the meaning of section 6c shall, without delay, furnish to the appropriate authorities or to the persons authorized by them the required information concerning observance of the duties designated in section 6b, paragraphs (1) and (3).

(3) The persons authorized by the competent authority may, within the scope of paragraphs (1) and (2) enter premises, business locations, operation rooms and means of transportation of the persons obligated to furnish information during operational- or business hours for examination and inspection.

SECTION 6E. OPERATION OF MOTOR VEHICLES WITH ACCOMPANYING PERSON

(1) By statutory order and with the consent of the Federal Council, the Federal Ministry of Transportation, Construction, and Urban Development is authorized to issue the necessary regulations to reduce the accident risk of young learner drivers, in particular concerning the—

1. Reduction of the minimum age required to operate a motor vehicle with a driving permit of categories B and BE,

2. Conditions required to maintain safety and order on public roads, in particular that the holder of the driving permit must be accompanied by at least one person identified by name when operating a motor vehicle,

3. Duties and rights of the accompanying person pursuant to number 2, in particular regarding the option to be available to the driving permit holder in an advisory function,

4. Requirements which must be met by the accompanying person pursuant to number 2 in particular regarding—

a) The age,

b) The possession of a driving permit as well as carrying it along and showing it to persons with the authority to check it,

c) His record of entries in the central register of traffic violations, as well as

d) Restrictions or prohibition to consume alcoholic beverages or intoxicants,

5. Issuance of a test certificate which, in deviation from section 2, paragraph (1), sentence 3, serves as proof of permission to drive only in Germany for a maximum period up to three months after reaching the required basic minimum age, as well as regarding the carrying along and handing over to persons authorized to monitor road traffic,

6. Costs under the respective application of section 6a, paragraph (2), in conjunction with paragraph (4), and

7. Procedure.

(2) A driving permit of categories B and BE issued on the basis of the statutory order pursuant to paragraph (1) shall be revoked if the holder of the driving permit acts in violation of an enforceable condition pursuant to paragraph (1), number 2, by operating a vehicle without being accompanied by a person designated by name. A new driving permit will be issued notwithstanding the other prerequisites pursuant to the provisions of section 2a.

(3) Otherwise the general provisions on the obligation to hold a driving permit, the issuance, revocation or re-issuance of a driving permit, the regulations concerning the driving permit issued on probation, the driving permit register and the permit of people to participate in road traffic, shall apply. Otherwise, the provisions on the drivers license apply accordingly to the test certificate pursuant to paragraph (1), number 5.

PART II
LIABILITY (*HAFTPFLICHT*)

SECTION 7. LIABILITY OF VEHICLE HOLDER *(FAHRZEUGHALTER);* CLANDESTINE OPERATION OF A VEHICLE

(1) If, during the operation of a motor vehicle or a trailer to be carried along by a motor vehicle, a person is killed, the body or health of a person injured, or property is damaged, the holder of the vehicle is obligated to compensate the injured person for the damages arising therefrom.

(2) The duty to compensate for damages is excluded if the accident was caused by force majeure.

(3) If anyone uses the vehicle without the knowledge and approval of the vehicle holder, this person is obligated to compensate for the damage instead of the holder; in addition, however, the holder remains obligated to compensate for the damage if the use of the vehicle was made possible by his fault. Sentence 1 is not applicable if the user is employed by the vehicle holder as a driver of the motor vehicle or if the vehicle was made available to him by the holder. Sentences 1 and 2 apply accordingly to the use of a trailer.

SECTION 8. EXCEPTIONS
The provisions of section 7 are not applicable if—

1. The accident was caused by a motor vehicle that cannot drive at a speed higher than 20 kilometers an hour on a level surface or by an trailer connected to such vehicle at the time of the accident,

2. The injured person was active in the operation of the motor vehicle or trailer, or

3. An object was damaged which was transported by the vehicle or the trailer, unless a person riding in the vehicle is carrying the object on him or along with him.

SECTION 8A. TRANSPORTATION OF PASSENGERS AGAINST PAYMENT; PROHIBITION TO EXCLUDE LIABILITY
In case of commercial transportation of passengers against payment, the obligation of the holder to pay compensation pursuant to section 7 if a transported passenger is killed or injured may neither be excluded nor limited. The commercial character of transportation of passengers is not excluded by the fact that the transportation is carried on by a corporate body or statutory body.

SECTION 9. CONTRIBUTORY NEGLIGENCE
If fault of the injured person contributed to causing the damage, the provisions of section 254 of the Civil Code (*Bürgerliches Gesetzbuch*) will be applicable with the proviso that, in case of damage to an object, the fault of the person who has actual control over the object will be considered equal to the fault of the injured person.

SECTION 10. EXTENT OF LIABILITY FOR FATALITIES

(1) If a fatality is caused, the compensation shall be made by reimbursement of the costs for medical treatment as well as for the financial disadvantage that the killed victim suffered by the fact that during his sickness his earning capacity was lost or reduced, or his needs were increased. In addition, the person obligated to make compensation shall reimburse the funeral costs to the person who has the obligation of bearing those costs.

(2) If the person who was killed was, at the time of the injury, in a relationship to a third person based upon which he was legally obligated to support him or might have become so obligated, and if this third person is deprived of this right to support as a result of the death, the person required to make compensation shall pay damages to the third person to the extent to which the person who was killed would have been subject to the support obligation during the probable duration of his life. The obligation to pay compensation exists also if the person was in the embryo state but not yet born at the time of the injury.

SECTION 11. EXTENT OF LIABILITY FOR BODILY INJURY

In case of injury to body or health, the compensation shall be made by reimbursement of the costs for the medical treatment as well as for the financial disadvantage the injured person suffers by the fact that his earning capacity is temporarily or permanently lost or reduced, or his needs are increased. For damage other than property damage an equitable financial compensation may be claimed.

SECTION 12. MAXIMUM AMOUNTS

(1) The person obligated to pay compensation is liable—

1. Up to a total amount of five million euros in case of death or injury of one or several persons caused by the same incident; in case of a commercial transportation of passengers against payment this amount to be paid by the holder of the transporting vehicle or trailer who is obligated to pay compensation is increased by 600,000 euros for each additional killed or injured person who was transported, if more than 8 transported persons were killed or injured.

2. Only up to a total amount of 1 million euros in case of damage to property, even is several property items were damaged by the same incident.

The maximum amounts pursuant to sentence 1, number 1, also apply to the net present value if the compensation is to be paid in the form of a pension.

(2) If the total amount of the compensation payable to several persons on the basis of the same incident exceeds the maximum amounts designated in paragraph (1), the individual compensations will be reduced by the proportion of their total amount to the maximum amount.

SECTION 12A. MAXIMUM AMOUNTS FOR THE TRANSPORTATION OF HAZARDOUS GOODS

(1) If hazardous goods are transported, the person obligated to pay compensation shall be liable—

1. Up to a total amount of 10 million euros only in case of death or injury of one or several persons by the same incident,

2. Up to a total amount of 10 million euros only in case of damage to immovable property, even if several property items are damaged by the same incident,

provided that the damage is caused by the properties which are the reason for the hazardousness of the transported goods. Otherwise section 12, paragraph (1), shall remain unaffected.

(2) Hazardous goods within the meaning of this law are substances and objects whose transportation on the road is prohibited or only permitted under specific conditions pursuant to annexes A and B of the European Agreement of 30 September 1957 Concerning the International Carriage of Dangerous Goods by Road (ADR) (Federal Law Gazette 1969 II p. 1489) as amended.

(3) Paragraph (1) shall not be applied in case of exempted transportation of hazardous goods or in case of transportation of limited quantities below the limits established in subparagraph 1.1.3.6 of the agreement stated in (2).

(4) Paragraph (1) shall not be applied if the damage occurred during the transportation on the premises of an enterprise which manufactures, treats, processes, stores or destroys hazardous goods, as long as such transportation is carried out on an enclosed compound.

(5) Section 12, paragraph (2), shall apply accordingly.

SECTION 12B. NON-APPLICABILITY OF MAXIMUM AMOUNTS
Sections 12 and 12a shall not be applied if damage is caused in the course of the operation of an armored tracked vehicle.

SECTION 13. ANNUITY

(1) Compensation for loss or reduction of earning capacity or for increased needs of the injured person, as well as the compensation payable to a third person pursuant to section 10, paragraph (2), shall be paid for the future in the form of an annuity.

(2) The provisions of section 843, paragraphs (2) through (4), of the Civil Code, will be applied accordingly.

(3) If no requirement for posting security was imposed at the time the liable party was found liable for the payment of an annuity, the person entitled to the compensation may nevertheless demand the posting of security if the financial circumstances of the liable party have considerably worsened; under the same circumstances, he may demand an increase of the security established in the judgment.

SECTION 14. STATUTE OF LIMITATIONS
The provisions of the Civil Code governing the statute of limitations for unlawful acts apply accordingly to the statute of limitations.

SECTION 15. FORFEITURE
The party entitled to compensation loses the rights that he has under the provisions of this Law if he does not notify the party obligated to pay of the accident within 2 months at the latest, after he obtained knowledge of the damage and the identity of the party obligated to pay. The loss of rights does not occur when the notification was omitted due to circumstances for which the party entitled to compensation is not responsible or if the party obligated to pay obtained knowledge of the accident in another manner within the designated time limit.

SECTION 16. OTHER LAWS
Provisions of Federal law according to which the vehicle holder is liable to a greater extent than established by this Law for damage caused by the vehicle or pursuant to which another person is responsible for the damage, remain unaffected.

SECTION 17. DAMAGE CAUSED BY SEVERAL MOTOR VEHICLES

(1) If a damage is caused by several motor vehicles and if the involved vehicle holders are by operation of law obligated to compensate a third party for the damage, the obligation for compensation and the extent of compensation to be paid depend, in the relation of the vehicle holders to each other, on the circumstances, especially on the extent to which the damage was preponderantly caused by one or another of the parties.

(2) Paragraph (1) also applies to the liability of the vehicle holders among each other if the damage was caused to one of the vehicle holders involved.

(3) Liability to compensate pursuant to paragraphs (1) and (2) is excluded if the accident is caused by a circumstance beyond anybody's control, which is neither based on the design of the vehicle nor on a failure of its operational equipment. An incident is only considered beyond anybody's control if the holder as well as the operator of the vehicle both exercised due care required by the circumstances. The exclusion applies also for the liability to compensate towards the owner of a motor vehicle, who is not the holder.

(4) The provisions of paragraph (1) are correspondingly applicable if the damage was caused by a motor vehicle and a trailer, a motor vehicle and an animal or by a motor vehicle and a railroad train.

SECTION 18. DRIVER'S LIABILITY FOR DAMAGES

(1) In the cases of section 7, paragraph (1), the driver of the motor vehicle or of the trailer is also obligated to compensate for the damage under the provisions of sections 8 through 15. The obligation to compensate is excluded if the damage is not caused by fault of the driver.

(2) The provision of section 16 shall be applied accordingly.

(3) If, in the cases under section 17, the driver of a vehicle or trailer is also obligated to compensate the damage, the provisions of section 17 shall be applied accordingly to this obligation in his relation to the holders and drivers of the other vehicles involved, the other trailers involved, the animal holder, or the railway company.

SECTION 19. (DELETED)

SECTION 20. LOCAL JURISDICTION OF COURTS
Jurisdiction over complaints filed on the basis of this Law is vested also in the court in whose district the damage causing the incident occurred.

PART III
PENAL AND ADMINISTRATIVE FINE PROVISIONS (*STRAF- UND BUSSGELDVORSCHRIFTEN*)

SECTION 21. DRIVING WITHOUT DRIVERS LICENSE

(1) A person shall be punished with imprisonment up to one year or a fine if he—

1. Operates a motor vehicle without possessing the requisite drivers license or while having been prohibited from operating a vehicle pursuant to section 44 of the Criminal Code, or pursuant to section 25 of this Law, or

2. As a holder of a motor vehicle, orders or permits the operation of a motor vehicle by a person who does not possess the required drivers license or who has been prohibited from operating a vehicle pursuant to section 44 of the Criminal Code, or pursuant to section 25 of this Law.

(2) A person shall be punished with imprisonment of up to 6 months or a fine of up to 180 daily rates if he—

1. Commits an offense set forth in paragraph (1) above by negligence,

2. Intentionally or negligently operates a vehicle, although the required drivers license is held in custody, safeguarded, or confiscated pursuant to section 94 of the Code of Criminal Procedure; or

3. As a holder of a motor vehicle, intentionally or negligently orders or permits the operation of a motor vehicle by a person whose drivers license is held in custody, safeguarded, or confiscated pursuant to section 94 of the Code of Criminal Procedure.

(3) In the cases of paragraph (1) above, the motor vehicle involved in the offense may be confiscated if the offender –

1. Has operated the vehicle although his drivers license had been withdrawn or he has been prohibited from operating a vehicle pursuant to section 44 of the Criminal Code, or pursuant to section 25 of this Law, or although a bar to issue a new drivers license for a certain period has been ordered against him pursuant to section 69a, paragraph (1), sentence 3, of the Criminal Code.

2. As the holder of a vehicle ordered or permitted the operation of a vehicle by a person whose drivers license had been withdrawn or who had been prohibited from operating a vehicle pursuant to section 44 of the Criminal Code, or pursuant to section 25 of this Law, or against whom a bar to issue a new license for a certain period of time had been ordered pursuant to section 69a paragraph (1), sentence 3, of the Criminal Code, or

3. During the last 3 years preceding the offense had already been convicted of an offense set forth in paragraph (1) above.

SECTION 22. MISUSE OF LICENSE PLATES

(1) Any person who, with unlawful intent—

1. Equips a motor vehicle or motor vehicle trailer, for which an official license plate has not been issued or authorized, with a sign that is suited for creating the impression of an official license,

2. Equips a motor vehicle or a motor vehicle trailer with a license other than the one officially issued or authorized for the vehicle;

3. Alters, removes, covers, or otherwise impairs the perceptibility of an official license plate mounted on a motor vehicle or a motor vehicle trailer

shall be punished by imprisonment of up to 1 year or by a fine if the act is not subject to a more severe punishment pursuant to other legal provisions.

(2) The same punishment is imposed on persons who use a motor vehicle or a motor vehicle trailer on public roads or places knowing that the license was falsified, forged, or suppressed in a manner described in paragraph (1), numbers 1 through 3.

SECTION 22A. MISUSE OF PRODUCTION, SALE, OR ISSUE OF LICENSE PLATES

(1) Any person who—

1. Produces, sells or issues license plates without prior notification of the competent authority; or

2. (Deleted)

3. Counterfeits license plates with the intent to use them as officially approved license plates or to place them on the market, or to make possible such use or placing on the market, or falsifies license plates with such intent to create the impression of their genuineness, or

4. Offers for sale or places on the market counterfeit or falsified license plates

shall be punished by imprisonment up to 1 year or by a fine.

(2) Counterfeit or falsified license plates which were used in connection with an offense under paragraph (1) may be confiscated. Section 74a of the Criminal Code shall be applicable.

SECTION 22B. MISUSE OF ODOMETERS AND SPEED CONTROL DEVICES

(1) Imprisonment up to 1 year or a fine will be imposed on a person who—

1. Falsifies the measuring of an odometer installed in a motor vehicle by influencing the result of the measurement through manipulation of the device or the measuring process,

2. Eliminates or impairs the intended function of an odometer installed in a motor vehicle by manipulating the device, or

3. Prepares an offense as described in number 1 or 2, by designing computer programs for the purpose of committing such an act, procuring of such programs for himself or another person or offering them for sale, or making them available to another person.

(2) Section 149, paragraphs (2) and (3), of the Criminal Code shall apply accordingly in the cases of paragraph (1), number 3.

(3) Objects which are the target of the criminal act under paragraph (1) may be confiscated. Section 74a of the Criminal Code shall apply.

SECTION 23. OFFERING UNAPPROVED VEHICLES, VEHICLE PARTS, AND EQUIPMENT FOR SALE

(1) Whoever, intentionally or negligently offers for sale on a commercial basis vehicle parts that must be constructed in a manner approved by the Federal Office for Motor Traffic, although they are not marked by an officially required and assigned test sign, commits an administrative offense.

(2) Whoever, intentionally or negligentlty, acts in violation of a regulation, a statutory order issued on the basis of section 6, paragraph (3a), or of an enforceable directive issued on the basis of such a statutory order, commits an administrative offense if the statutory order makes reference to this regulation imposing a fine for a specific offense.

(3) The administrative offense may be punished by an administrative fine of up to 5,000 euros.

(4) Vehicles, vehicle parts, and equipment which are the subject of the administrative offense may be confiscated.

SECTION 24. TRAFFIC OFFENSE

(1) A person commits an administrative offense if he intentionally or negligently violates a provision of a statutory order issued on the basis of section 6, paragraph (1), or of section 6e, paragraph (1), or of an order issued on the basis of such a statutory order, if the statutory order refers to this administrative fine provision with respect to a certain factual situation. A reference is not required in case the provision of the statutory order has been issued before 1 January 1969.

(2) The administrative offense may be punished by an administrative fine of up to 2,000 euros.

SECTION 24A. BLOOD ALCOHOL LIMIT

(1) A person commits an administrative offense if he operates a motor vehicle in road traffic although he has 0.25g/l or more alcohol on his breath or 0.5 mg/100ml or more alcohol in his blood or a quantity of alcohol in his body which leads to such a concentration of alcohol on his breath or blood.

(2) An administrative offense is committed by a person who operates a motor vehicle in road traffic under the influence of one of the drugs listed in the enclosure to this provision. Such an influence exists if one of the substances listed in this enclosure can be found in the blood. Sentence 1 does not apply if the substance is found because a prescribed medication for a specific illness was taken as required.

(3) A person who acts negligently also commits an administrative offense.

(4) The administrative offense may be punished by imposition of a fine of up to 3,000 euros.

(5) The Federal Ministry of Transportation, Construction, and Urban Development is authorized, by statutory order in agreement with the Federal Ministry of Health and Social Security (*Bundesministerium für Gesundheit*) and the Federal Ministry of Justice (*Bundesministerium der Justiz*), with the consent of the Federal Council, to modify or supplement the list of intoxicating drugs and substances contained in the enclosure to this provision, if this is required according to scientific knowledge with regard to road traffic safety.

SECTION 24B. LACK OF EVIDENCE FOR PRODUCTION, SALE, AND ISSUE OF LICENSE PLATES

(1) Whoever intentionally or negligently violates a provision of a statutory order issued on the basis of section 6, paragraph (1), number 8, or acts in violation of an executable order issued on the basis of such a statutory order, if the statutory order refers to this administrative fine provision with respect to a certain factual situation, commits an administrative offense.

(2) The administrative offense may be punished by a fine of up to 2,500 euros.

SECTION 24C. PROHIBITION TO DRINK ALCOHOL FOR LEARNER DRIVERS

(1) A person who during the probationary period pursuant to section 2a or prior to completion of 21 years of age consumes alcoholic beverages when operating a motor vehicle in road traffic or starts to operate a vehicle although he is under the influence of such beverage, commits an administrative offense.

(2) A person who commits the act negligently also commits an administrative offense.

(3) The administrative offense may be punished by a fine.

SECTION 25. PROHIBITION TO DRIVE

(1) In case an administrative fine is imposed on a person because of an administrative offense under section 24, which he committed by gross and persistent violation of the duties of a motor vehicle driver, the administrative authority or the court may, in the decision imposing the administrative fine, prohibit him for a period from 1 month up to 3 months to drive motor vehicles of any or of a certain kind in road traffic. If a fine is imposed upon the person concerned for an administrative offense under section 24a, a prohibition to drive shall, as a rule, also be ordered.

(2) The prohibition to drive becomes effective on the date on which the decision to impose the administrative fine becomes final. For the duration of the prohibition national and international drivers licenses issued by a German authority shall be taken into official custody. The same applies if the drivers license was issued by an authority of a member state of the European Union or another country which is party to the Agreement on the European Economic Area, if its owner is ordinarily resident in Germany. If it is not delivered voluntarily, it shall be seized.

(2a) If during the 2 years preceding the administrative offense no prohibition to drive was imposed and if no prohibition to drive is ordered until the decision to impose an administrative fine is made, the administrative authority or the court shall determine, in deviation from paragraph (2), sentence 1, that the prohibition to drive shall become effective only when the license is submitted for official custody after the decision to impose a fine has become final, however, at the latest after 4 months have elapsed after the finality. If further prohibitions to drive are imposed against the person concerned by final decision, the periods for the prohibition to drive shall be calculated one after the other, in the sequence of the finality of the decisions to impose an administrative fine.

(3) The prohibition to drive shall be entered in foreign drivers licenses other than those listed in paragraph (2), sentence 3. For this purpose the drivers license may be seized.

(4) If, in the case of paragraph (2), sentence 4, or paragraph (3), sentence 2, the drivers license cannot be found on the person concerned, he must, at the request of the enforcing authority (sec 92 of the Administrative Offenses Act), make a statement in lieu of an oath before the District Court concerning the whereabouts of the drivers license. Section 883, paragraphs (2) and (3), of the Code of Civil Procedure (*Zivilprozessordnung*) applies accordingly.

(5) If a drivers license must be kept in official custody or if a prohibition to drive must be noted in a foreign drivers license, the period of the prohibition shall be counted only from the day on which such action is taken. The time during which the offender, upon official order, is placed in an institution shall not be credited to the period of prohibition.

(6) The duration of a temporary withdrawal of the permission to drive (sec 111a of the Code of Criminal Procedure) shall be credited against the prohibition to drive. It may be ordered, however, that the credit shall be wholly or partially omitted, if it is not justified when considering the conduct of the person concerned after the commission of the administrative offense. Taking into custody, safeguarding or seizure of the drivers license (sec 94 of the Code of Criminal Procedure) is equal to the temporary withdrawal of the permission to drive.

(7) In case the prohibition to drive under paragraph 1 is imposed in criminal proceedings (sec 82 of the Administrative Offenses Act) the returning of a drivers license taken into custody, safeguarded, or seized may be postponed if the person concerned does not object to it. In this case the time elapsed since the judgment shall be fully credited against the period of the prohibition to drive.

(8) The person concerned shall be instructed about the coming into effect of the prohibition to drive pursuant to paragraph (2) or (2a), sentence 1, and about the commencement of the period of prohibition under paragraph (5), sentence 1, either at the time of the service of the decision imposing an administrative fine or following its announcement.

SECTION 25A. OBLIGATION OF THE HOLDER OF A MOTOR VEHICLE TO BEAR COSTS

(1) If in administrative fining proceedings for a violation of stopping or parking rules the driver of the motor vehicle who has committed such violation cannot be identified before the expiration of the statute of limitations for prosecution, or if his identification would require a disproportionate expenditure the costs of the proceedings will be assessed against the holder of the motor vehicle or his agent; he shall also bear his expenses. A decision according to sentence 1 will not be made if it would be inequitable to charge the holder of the motor vehicle or his agent with the costs.

(2) The costs decision will be made with the decision terminating the proceedings; prior to the decision, the person to be charged with the costs shall be heard.

(3) A court decision may be requested against the costs decision issued by the administrative authority and the office of the public prosecutor within two weeks upon service. Section 62, paragraph (2), of the Administrative Offenses Act applies accordingly; section 50, paragraph (2), and section 52 of the Administrative Offenses Act also apply accordingly to the costs decision issued by the office of the public prosecutor. The costs decision of the court cannot be contested.

SECTION 26. COMPETENT ADMINISTRATIVE AUTHORITY; STATUTE OF LIMITATIONS FOR PROSECUTION OF OFFENSES

(1) With respect to administrative offenses under section 24 that are committed in road traffic and with respect to administrative offenses under sections 24a and 24c, administrative authority within the meaning of section 36, paragraph (1), number 1, of the Administrative Offenses Act, is the authority or agency of the police that is specifically designated by the *Land* government by a statutory order. The *Land* government may delegate the authority to the highest competent *Land* authority.

(2) With respect to administrative offenses under section 23, administrative authority within the meaning of section 36, paragraph (1), number 1, of the Administrative Offenses Act, is the authority specified by the *Land* government in a statutory order.

(3) The period of limitation for the prosecution of administrative offenses under section 24 is 3 months if neither a notification of an administrative fine has been issued nor charges have been preferred, thereafter it is 6 months.

SECTION 26A. CATALOG OF ADMINISTRATIVE FINES

(1) The Federal Ministry of Transportation, Construction, and Urban Development is authorized to issue regulations by statutory order subject to the consent of the Federal Council concerning—

1. Issuance of a warning (sec 56 of the Administrative Offenses Act) for an administrative offense pursuant to section 24,

2. Standard rates of fines for an administrative offense under sections 24, 24a, and 24c,

3. Imposition of a prohibition to drive under section 25.

(2) Taking into consideration the significance of the administrative offense, the regulations pursuant to paragraph (1) shall determine in which cases, under which circumstances and in what amount the warning fee is imposed, the fine is assessed, and the period for which a prohibition to drive shall be ordered.

SECTION 27. (DELETED)
PART IV
CENTRAL REGISTER OF TRAFFIC OFFENSES

SECTION 28. MAINTENANCE AND ENTRIES IN THE CENTRAL REGISTER OF TRAFFIC OFFENSES

(1) The Federal Office for Motor Traffic maintains the Central Register of Traffic Offenses pursuant to the provisions of this part.

(2) The Central Register of Traffic Offenses is maintained for the storage of data which are needed to—

1. Evaluate the fitness and capability of individuals to operate a motor vehicle, or for accompanying of a motor vehicle operator in accordance with a statutory order issued pursuant to section 6e, paragraph (1),

2. Examine the permit to operate a vehicle,

3. Punish violations of persons repeatedly committing criminal or administrative offenses in connection with road traffic, or

4. Assess persons with regard to their reliability when exercising their responsibility for compliance with existing regulations on traffic safety assigned to them by law, by-laws, or contract.

(3) In the Central Register of Traffic Offenses, data will be stored on—

1. Final decisions of criminal courts if a punishment, warning with reservation to impose punishment is imposed for an illegal act committed in connection with road traffic or if they contain a verdict of guilty,

2. Final decisions rendered by criminal courts ordering withdrawal of the permission to drive, a separate bar to issue a new drivers license for a certain period of time or a prohibition to drive, and decisions of criminal courts ordering temporary withdrawal of the permission to drive,

3. Final decisions because of an administrative offense pursuant to section 24, 24a, or 24c, if a prohibition to drive pursuant to section 25 has been ordered against the person concerned or a fine of at least 40 euros was assessed, if not otherwise determined by section 28a,

4. Prohibitions or restrictions to operate a vehicle for which no permission to drive is required which cannot be contested or must be enforced immediately,

5. Denial of a permission to drive which cannot be contested,

6. Withdrawal, cancellation, denial, or revocation of a drivers license that cannot be contested or is immediately enforceable, or the determination that there is no entitlement to use the drivers license in Germany,

7. Waivers to obtain a permission to drive,

8. Denial of a request to extend the validity of a permission to drive which cannot be contested,

9. Seizure, taking into custody or safeguarding of drivers licenses pursuant to section 94 of the Code of Criminal Procedure,

10. Decisions of foreign courts and administrative authorities revoking the right of German drivers licenses owners to use that license in the respective country, which cannot be contested,

11. Measures of the authority issuing driving permits pursuant to section 2a, paragraph (2), sentence 1, numbers 1 and 2, and section 4, paragraph (3), sentence 1, numbers 1 and 2,

12. Participation in a remedial training course and the type of remedial training course and the participation in an advisory course on conduct in motor traffic, if this is necessary for the application of the provisions regulating the drivers license issued on probation (sec 2a) and the points system (sec 4),

13. Decisions or changes referring to one of the entries stated in numbers 1 through 12.

(4) The courts, public prosecutors offices and other authorities shall inform the Federal Office for Motor Traffic immediately of such data which need to be stored pursuant to paragraph (3) or which result in a change or deletion of entries.

(5) If there are doubts whether a person entered in the register is identical with the person to whom the information pursuant to paragraph (4) refers, the data collected by the Central Register of Driving Permits and the Central Register of Vehicles (*Zentrales Fahrzeugregister*) may be used for identification of that person. If the identity of the respective person

cannot be established by that method, data transmitted upon request from the registration authorities may be used to eliminate the doubts. Permissibility of transmittal by the registration authorities is based on the registration laws of the *Länder*. If the doubts regarding the identity of a person cannot be eliminated the entries on both persons will be furnished with a note regarding the doubts as to their identity.

(6) A regular use of the data stored in the Central Register of Driving Permits based on section 50, paragraph (1), is permitted in order to determine and eliminate mistakes and discrepancies with respect to personal data and the data on permissions to drive and drivers licenses of the person concerned stored in the Central Register of Traffic Offenses, and in order to complete the Central Register of Traffic Offenses.

SECTION 28A. ENTRY IN CASE OF DEVIATION FROM THE CATALOG OF ADMINISTRATIVE FINES
If the fine for an administrative offense pursuant to sections 24, 24a, and 24c has been assessed in deviation from the standard rate of the fine provided in the catalog of administrative fines (sec 26a) for the underlying administrative offense only in consideration of the economic circumstances of the offender, then this section shall be listed in the decision together with the applicable provisions concerning fines, if the standard rate of the fine is—

1.40 euros or more and a lesser fine is assessed, or

2. Less than 40 euros and a fine of 40 euros or more is assessed.

In these cases the standard rate provided in the catalog of administrative fines is decisive for the entry in the Central Register of Traffic Offenses.

SECTION 28B. (DELETED)

SECTION 29. DELETION OF ENTRIES

(1) The entries in the register shall be deleted after the expiration of the periods stipulated in sentence 2. The periods for deletion are—

1. Two years for—

Decisions on administrative offenses,

2. Five years for—

a) Decisions on criminal acts with the exception of decisions on criminal acts pursuant to section 315c, paragraph (1), number 1, letter a, and sections 316 and 323a of the Criminal Code and for decisions by which withdrawal of the drivers license pursuant to sections 69 and 69b of the Criminal Code or a bar on the issuance of a new drivers license for a certain period of time pursuant to section 69a, paragraph (1), sentence 3, of the Criminal Code was ordered,

b) Prohibitions or restrictions to operate a motor vehicle for which no permission to drive is required, imposed by the authority issuing driving permits,

c) Participation in a remedial training course or an advisory course on conduct in motor traffic,

3. Ten years—

In all other cases.

Entries on measures imposed by the authority issuing drivers licenses pursuant to section 2a, paragraph (2), sentence 1, numbers 1 and 2, and section 4, paragraph (3), sentence 1, numbers 1 and 2, will be deleted if the drivers license is withdrawn from the person concerned. Otherwise entries on measures pursuant to section 2a will be deleted 1 year after elapse of the probationary period and in case of measures pursuant to section 4 when the last entry for a criminal or administrative offense for which points were assessed is deleted. A reduction of the expiration periods for entries pursuant to paragraph (1) may only be authorized by statutory order in accordance with section 30c, paragraph (1), number 2, if the entered decision is based on physical or mental deficiencies or a lack of fitness.

(2) The expiration periods for entries do not apply if issuance of a permission to drive or granting of the right to again use a foreign drivers license was permanently denied.

(3) Without consideration of the running of the periods pursuant to paragraph (1) and the prohibition to delete pursuant to paragraph (2), the following entries will be deleted:

1. Entries of decisions if their deletion in the Federal Central Register of Criminal Offenses (*Bundeszentralregister*) is ordered or if the decision is finally set aside in a retrial or in accordance with sections 86 and 102, paragraph (2), of the Administrative Offenses Act,

2. Entries which do not have to be entered in the Federal Central Register of Criminal Offenses if their deletion is ordered by the authority responsible according to State law, however, such order may only be issued if this is required to avoid unjustified hardship and if public interests are not jeopardized,

3. Entries where the underlying decision is set aside or where a change of the underlying decision is necessary upon further determination by statutory order pursuant to section 30c, paragraph (1), number 2,

4. All entries if an official announcement of the death of the person concerned is received.

(4) The expiration period (para (1) starts for—

1. Criminal court convictions on the day of the first judgment and in case of requests to impose punishment (*Strafbefehl*) on the day the request is signed by the judge, with this day still remaining decisive if a cumulative sentence or a uniform juvenile confinement is adjudged, or if pursuant to section 30, paragraph (1), of the Youth Court Law (*Jugendgerichtsgesetz*), juvenile confinement is imposed or a decision is rendered in a retrial, which contains a conviction required to be entered in the register,

2. Decisions of courts in accordance with sections 59 and 60 of the Criminal Code and section 27 of the Youth Court Law on the day the decision is rendered,

3. Judicial and administrative decisions to impose an administrative fine as well as for other administrative decisions on the day the decision becomes final or the appealed decision becomes unappealable,

4. Remedial training courses and advisory courses on conduct in motor traffic on the day the certificate of participation is issued,

(5) In case of denial or withdrawal of the permission to drive because of lack of fitness, in case of a bar to issue a drivers license for a certain period of time pursuant to section 69a, paragraph (1), sentence 3, of the Criminal Code, or in case of a waiver to obtain a drivers license, the expiration period starts only with the issuance or new issuance of the drivers license, however, at the latest five years after the appealed decision or the day the waiver is received by the competent authority. In case of prohibitions or restrictions to operate a vehicle requiring no driving permit imposed by the authority issuing permissions to drive, the expiration period commences five years after the end or revocation of the prohibition or restriction.

(6) If a register contains several decisions pursuant to section 28, paragraph (3), numbers 1 through 9, concerning one person, deletion of an entry, under the proviso of the regulations of sentences 2 through 6, is only permitted after the prerequisites for a deletion for all entries concerned exist. Suspension of a running of the period does also take effect if a new act is committed prior to the expiration of the period fixed for deletion pursuant to paragraph (1), leading to an additional entry before the demurral period (para (7)) has run. Entries of decisions based on administrative offenses only hinder the deletion of decisions on other administrative offenses. The entry of a decision based on an administrative offense—with the exception of decisions based on an administrative offense under section 24a—will be deleted at the latest after 5 years have elapsed. An entry of a decision based on an administrative offense shall generally not be deleted as long as the person concerned is stored in the Central Register of Drivers Licenses as holder of a drivers license on probation. If an entry is deleted, those entries whose deletion was hindered by the respective entry shall also be deleted.

(7) An entry will be deleted after becoming eligible for deletion plus a demurral of 1 year. During this period, the contents of the entry may not be transmitted and no information may be disclosed about it, unless the person concerned requests information on the contents concerning him.

(8) If an entry of a judicial decision in the Central Register of Traffic Offenses has been deleted, the offense and the decision may no longer be held against the person concerned for the purposes of section 28, paragraph (2), and may not be used to his disadvantage. If such entries are subject to a 10-year expiration period, they may, after a period corresponding to a 5-year expiration period pursuant to the provisions of this section, only be transmitted for proceedings dealing with the issuance or withdrawal of a drivers license. In addition, court decisions pursuant to sections 69 through 69b of the Criminal Code may be transferred and used in order to assess whether a person is entitled to operate a motor vehicle. Sentences 1 and 2 do not apply to entries concerning criminal court decisions taken into account for the punishment of criminal acts. In such cases, the provisions of the Law on the Federal Central Register of Criminal Offenses shall apply.

SECTION 30. TRANSMITTAL OF DATA

(1) Entries in the Central Register of Traffic Offenses may be transmitted to agencies responsible for—

1. The prosecution of criminal acts, the enforcement or execution of punishments,

2. The prosecution of administrative offenses and the enforcement of administrative fine notices and their incidental consequences pursuant to this law and the Law on Driving Crews, or

3. Administrative measures based on this law or on the legal provisions based thereupon

to the extent such transmittal is necessary for fulfillment of the duties assigned to these agencies for the purposes stated in section 28, paragraph (2).

(2) Entries in the Central Register of Traffic Offenses may be transmitted to the agencies responsible for administrative measures based on the Law on the Transportation of Hazardous Goods (*Gesetz über die Beförderung gefährlicher Güter*), the Law on Motor Traffic Experts, the Law on Driving Instructors, the Law on the Transportation of Passengers, the legal provisions regarding emergency rescue and ambulance service, the Law on the Transportation of Goods by Road (*Güterkraftverkehrsgesetz*) including Council Regulation (EEC) No. 881/92 of 26 March 1992 on the Access to the Road Transportation Market within the Community for Transportation from or into a Member State or Transit through One or Several Member States (Official Journal EC No. L 95, p. 1), the Law on Driving Crews, or the legal provisions issued on the basis of these laws, to the extent this is necessary for the fulfillment of the duties assigned to these agencies for the purposes stated in section 28, paragraph (2), numbers 2 and 4.

(3) The entries in the Central Register of Traffic Offenses may be transmitted to the agencies in charge of traffic and border checks if this is necessary for the purpose stated in section 28, paragraph (2), number 2.

(4) The entries in the Central Register of Traffic Offenses may also be transmitted for the purpose of issuing, extending, renewing, withdrawal or revocation of a license for pilots or other aviation personnel pursuant to the provisions of the Air Traffic Law or the legal provisions issued on the basis of this law, to the responsible agencies, if this is necessary for the stated measures.

(4a) Entries in the Central Register of Traffic Offenses may also be transmitted to the responsible agencies for the issuing, the withdrawal, the ordering of suspension of qualification certificates and permits for captains, naval officers, or other seamen in accordance with the provisions of the Seamen's Law (*Seemannsgesetz*) and of the Maritime Responsibilites Law (*Seeaufgabengesetz)* and for ship and sports boat operators and other crew members under the Maritime Responsibilites Law or Law on the Responsibilites of the German Government Regarding Inland Waterway Navigation and Transportation (*Binnenschifffahrtsaufgabengesetz*) or in accordance with the legal provisions issued on the basis of these laws, to the extent this is necessary for the stated measures.

(5) The entries in the Central Register of Traffic Offenses may be transmitted and used for scientific research in accordance with section 38 and for statistical purposes in accordance with section 38a. The data may be transmitted and used in accordance with section 38b for preparation of legal provisions and general administrative provisions in the area of road traffic.

(6) The recipient may process and use the transmitted data only for the purpose indicated for the transmittal. The recipient may also process and use the data for other purposes if they also would have been transmitted to him for these purposes. If the recipient is a non-public agency the agency transmitting the data shall make him aware of that. Processing and use of data for other purposes by a non-public agency requires approval of the transmitting agency.

(7) Entries in the Central Register of Traffic Offenses may be transmitted to the competent agencies of other countries if this is required—

1. For administrative measures in the field of road traffic,

2. To prosecute violations of legal provisions in the field of road traffic, or

3. To prosecute criminal acts committed in connection with road traffic or with motor vehicles, trailers or vehicle documents, driving permits or drivers licenses in any other way.

The recipient shall be made aware that the transmitted data may only be processed and used for the purpose for which their transmittal was requested. Transmittal will not be made if interests of the person concerned which are worthy of protection would be impaired, in particular if the receiving country cannot guarantee appropriate data protection standards.

(8) Upon request, the person concerned will be informed in writing about the contents of the Central Register of Traffic Offenses regarding him and about the assessed points at no cost. The applicant shall attach a proof of identity to the application.

(9) Transmittal of data from the Central Register of Traffic Offenses is only permitted upon request, unless it is determined on the basis of a specific legal provision that the registration authority must transmit certain data *ex officio*. The transmitting agency shall be responsible for the permissibility of the transmittal. If transmittal is made upon request of the recipient he shall bear the responsibility. In such a case the transmitting agency checks only if the request for transmittal lies within the scope of duties of the recipient, unless there is a specific reason to check the permissibility of the transmittal.

(10) The entries concerning final or unappealable decisions pursuant to section 28, paragraph (3), numbers 2 and 6, by which owners of foreign driving permits are prohibited from or restricted in their right to use a foreign driving permit, or by which it is determined that there is no authorization to use the driving permit in Germany, will be transmitted by the Federal Agency for Motor Vehicle Traffic to the competent agencies of the European Union member states in order to enable them to initiate their own measures. The scope of data to be transmitted will be determined by statutory order (sec 30c, para (1), No. 3).

SECTION 30A. AUTOMATED RETRIEVAL OF DATA

(1) The agencies responsible for the duties pursuant to section 30, paragraphs (1), (3), and (4a), may obtain the data from the Central Register of Traffic Offenses required for the fulfillment of such duties by automated retrieval.

(2) Installation of equipment for automated data retrieval is only permitted if, upon further determination by statutory order (sec 30c, para (1), no. 5) it is ensured that the—

1. State of the art measures are taken to ensure data protection and data security ensuring in particular confidentiality and integrity of data; encryption procedures shall be used in case of nets which are generally accessible, and

2. Authority of data retrieval can be monitored pursuant to paragraph (3).

(2a) (Deleted)

(3) The Federal Office for Motor Traffic shall prepare records of the retrievals which must contain the data used in the course of the retrieval procedure, the date and time of the retrieval, the identification code of the retrieving agency and the retrieved data. The recorded data may only be used for data protection control, securing of data or to ensure a proper operation of the data processing system. If facts indicate that without their use the prevention or prosecution of a serious criminal offense against life, limb or liberty of a person would be unsuccessful or considerably impeded, the data may also be used for this purpose if the request by the prosecuting authority is made by using the personal data of a specific person. The recorded data shall be protected by appropriate measures against use for any other purpose and against other misuse, and they shall be deleted after six months.

(4) The Federal Office for Motor Traffic shall prepare additional records pertaining to the purpose of the retrieval and allow identification of the person responsible for the retrieval. Further details shall be determined by statutory order (sec 30c, para (1), no. 5).

(5) For the measures stipulated in section 30, paragraph (7), the following data may be transmitted by automated retrieval from the Central Register of Traffic Offenses to the responsible agencies of an EU member state or another country which is party to the Agreement on the European Economic Area:

1. The fact of the following decisions made by the administrative authorities:

a) The final denial of a driving permit, including the denial to extend a driving permit issued for a limited period,

b) The final or immediately enforceable withdrawal, cancellation or revocation of a driving permit,

c) The legally effective order of a prohibition to drive,

2. The fact of the following court decisions:

a) The final or temporary withdrawal of a driving permit,

b) The final order of a bar to issue a new drivers license for a certain period of time,

c) The final order of a prohibition to drive;

3. The fact of confiscation, taking into custody, or safekeeping of a drivers license pursuant to section 94 of the Code of Criminal Procedure;

4. The fact of a waiver of a drivers license, and

5. In addition—

a) Category, type, and any limitations of the driving permit, which are the subject matter of the decision under number 1 or number 2 or of the waiver under number 4, and

b) Last name, maiden name, first names, other former names, religious order, or pen names, date and place of birth of the person for whom an entry was made pursuant to numbers 1 through 3.

The retrieval is permitted only if—

1. This form of data transmittal, with consideration given to the interests of the person concerned which are worthy of protection, is appropriate in view of the large number of transmittals or their particular urgency, and

2. The receiving state applies directive 95/46/EC of the European Parliament and the European Council of 24 October 1995 (Official Journal No. L 281, p. 31).

Paragraphs (2) and (3), as well as paragraph (4) because of the reason for the retrieval, shall apply accordingly.

SECTION 30B. AUTOMATED INQUIRY AND INFORMATION PROCEDURE AT THE FEDERAL OFFICE FOR MOTOR TRAFFIC

(1) Data from the Central Register of Traffic Offenses pursuant to section 30, paragraphs (1) through (4a) and (7), may be transmitted by automated inquiry and information procedure upon further specification by statutory order pursuant to section 30c, paragraph (1), number 6. The inquiring agency shall indicate the purpose for which the data to be transmitted shall be used.

(2) Such procedures may only be established if it is ensured that –

1. Technical and organizational measures are taken to ensure protection from misuse, and

2. Authorization of transmittal in accordance with paragraph (3) can be monitored.

(3) As the transmitting authority, the Federal Office for Motor Traffic shall keep records containing the transmitted data, the time of the transmittal, the recipient of the data, and the purpose indicated by the recipient. Section 30a, paragraph (3), sentences 2 and 3 shall apply accordingly.

SECTION 30C. AUTHORIZATION, IMPLEMENTING PROVISIONS

(1) The Federal Ministry of Transportation, Construction, and Urban Development is authorized to issue statutory orders, with the consent of the Federal Council, concerning—

1. The contents of the entries including personal data pursuant to section 28, paragraph (3),

2. Reductions of the expiration periods pursuant to section 29, paragraph (1), sentence 5, and deletions without consideration of the running of the periods pursuant to 29, paragraph (3), number 3,

3. Type and extent of the data to be transmitted pursuant to section 30, paragraphs (1) through (4), (7), and (10), as well as the determination of the recipients and the official procedure used for the transmittal pursuant to section 30, paragraphs (7) and (10),

4. Proof of identity in case of information pursuant to section 30, paragraph (8),

5. Type and extent of the data to be transmitted pursuant to section 30a, paragraph (1), the measures to avoid misuse pursuant to section 30a, paragraph (2), the additional records pursuant to section 30a, paragraph (4), in case of automated retrieval and the identification of the recipients in case of transmittals pursuant to section 30a, paragraph (5),

6. Type and extent of the data to be transmitted pursuant to section 30b, paragraph (1), and the measures to prevent misuse pursuant to section 30b, paragraph (20), number 1.

(2) The Federal Ministry of Transportation, Construction, and Urban Development is authorized to issue general administrative regulations, with the consent of the Federal Council, concerning—

1. The method the data transmittal is implemented,

2. Cooperation between the Federal Central Register of Criminal Offenses and the Central Register of Traffic Offenses.

The general administrative regulations pursuant to number 1, as far as judicial authorities are concerned, and pursuant to number 2 shall be issued in coordination with the Federal Ministry of Justice.

PART V
MOTOR VEHICLE REGISTER

SECTION 31. REGISTRATION AND REGISTRATION AGENCIES

(1) The agencies responsible for the registration of motor vehicles (registration agencies) shall maintain a register of vehicles for which a license number of their district was allocated or issued (local vehicle register of the registration agencies).

(2) The Federal Office for Motor Traffic shall maintain a register of vehicles for which a license number was allocated or issued within the territorial scope of this law (Central Vehicle Register of the Federal Office for Motor Traffic).

(3) If agencies of the Federal Armed Forces, the Federal or *Land* police authorities, or the Federal authority in charge of waterways maintain their own registers of vehicles licensed by them, the provisions of this part do not apply. Sentence 1 applies accordingly to vehicles registered by the successor companies of the German Postal Services.

SECTION 32. PURPOSE OF VEHICLE REGISTERS

(1) Vehicle registers are maintained to store data for—

1. The licensing and control of vehicles under this law or the legal provisions based thereon,

2. Measures to ensure insurance coverage within the scope of the motor vehicle third party liability insurance,

3. Measures to implement the motor vehicle tax law,

4. Measures pursuant to the Federal Requisitioning Law, the Law to Ensure Transportation (*Verkehrssicherstellungsgesetz*), the Transport Services Performance Law (*Verkehrsleistungsgesetz*) or the legal provisions based thereon,

5. Measures of disaster relief services pursuant to the respective laws issued by the Länder or the legal provisions based thereon and,

. 6. Measures concerning the implementation of the legislation on junk cars (*Altfahrzeugrecht*).

(2) Furthermore, the vehicle registers are maintained to store data to provide information in order to identify or determine

1. Persons in their capacity as "holder" of vehicles,

2. Vehicles of a "holder", or

3. Vehicle data.

SECTION 33. DATA STORED IN VEHICLE REGISTERS

(1) The following data shall be stored in the local and central vehicle register insofar as this is necessary to fulfill the duties under section 32:

1. After more specific determination by statutory order (sec 47, para (1), no. 1), data on the condition, equipment, identification features, examination, licensing and documents of the vehicle as well as on the actual and legal conditions with regard to the vehicle, in particular on the third party liability insurance, and motor vehicle taxes to be paid for the vehicle and recycling or non-disposal of the vehicle as scrap in Germany (vehicle data), as well as

2. The following data on a person to whom a license number for the vehicle is allocated or issued (data on holder):

a) In case of natural persons—
Last name, maiden name, first names, religious order or pen name, given by the holder for the allocation or issuance of the license number, date and place of birth, sex, address; in case of vehicles with an insurance plate the storage of maiden name, place of birth and sex of the holder is not required,

b) In case of juristic persons and agencies—
Name or designation and address, and

c) In case of associations—
Designated representative with the data pursuant to letter a) and, if necessary, the name of the association.

In order to fulfill the duties under section 32, the following data on such persons to whom a vehicle bearing an official license number was sold (data on vehicle holder) will also be stored in the local vehicle register:

a) In case of natural persons—
Last name, first names, and address,

b) In case of juristic persons and agencies—
Name or designation and address, and

c) In case of associations—

Designated representative with the data pursuant to letter a) and, if necessary, name of the association.

(2) In the local and Central Vehicle Register, the following profession-related data will be stored on self-employed persons to whom an official license number is allocated for a vehicle in order to fulfill the duties pursuant to section 32, paragraph (1), number 4:

1. In case of natural persons, their profession or the trade (branch of industry), and

2. In case of juristic persons and associations, if necessary, the trade (branch of industry).

(3) The order to maintain a driver's record book due to a violation of traffic regulations may be stored in the local and central vehicle register.

(4) Furthermore, data transmittal blocks will be stored in the vehicle registers for those data which may not be transmitted (sec 41).

SECTION 34. DATA COLLECTION

(1) Whoever applies for the allocation or issuance of a license number for a vehicle shall, for this purpose, provide the competent agency with—

1. Specific data, to be determined more precisely by statutory order (sec 47, para (1), no. 1), of those vehicle data which are to be stored pursuant to section 33, paragraph (1), sentence 1, number 1, and

2. The data on a vehicle holder to be stored pursuant to section 33, paragraph (1), sentence 1, number 2

and verify such data upon request. The respective insurer is also authorized to provide and verify the data concerning third party liability insurance. The registration agency may check the correctness and completeness of the data provided by the applicant by obtaining information from the residents registration office.

(2) Whoever applies for the allocation of an official license number for a vehicle must also provide to the registration agency the data on profession or trade (branch of industry), if they are to be stored pursuant to section 33, paragraph (2).

(3) If a vehicle for which an official license number has been allocated is sold, the person selling the vehicle shall provide to the registration office that allocated the license numbe the data of the buyer (data of vehicle holder) specified under section 33, paragraph (1), sentence 2.The notification is not necessary if the new owner has already complied with his obligation to notify the registration agency pursuant to paragraph (4).

(4) The holder of the vehicle and the owner, in case he is not the holder at the same time, shall notify the registration agency of every change of data which were collected pursuant to paragraph (1); this does not apply to vehicles for which an insurance plate is required.

(5) The insurers may inform the competent registration agency of a nonexistence or termination of an insurance contract on the mandatory third party liability insurance for the vehicle in question. In connection with the registration of vehicles with insurance plate, the insurers shall provide the necessary vehicle data, after further specification by statutory order (sec 47, para (1), no. 2), and the data on the vehicle holder pursuant to section 33, paragraph (1), sentence 1, number 2, to the Federal Office for Motor Traffic.

SECTION 35. TRANSMITTAL OF VEHICLE DATA AND DATA ON VEHICLE HOLDER

(1) Vehicle data and data on vehicle holders stored in accordance with section 33, paragraph (1), may only be transmitted to authorities or other public agencies within the territorial scope of this law for the fulfillment of the duties of the registration agency, or the Federal Office for Road Traffic, or the duties of the recipient, if it is necessary for the purposes stated in section 32, paragraph (2) to—

1. Fulfill the duties stated in section 32, paragraph (1),

2. Prosecute an offense, enforce or execute a punishment, to take measures within the meaning of section 11, paragraph (1), number 8, of the Criminal Code, or corrective measures or disciplinary means within the meaning of the Youth Court Law,

3. Prosecute administrative offenses,

4. Ward off dangers to public safety or order,

5. Fulfill duties assigned by law to the agencies responsible for the protection of the constitution (*Verfassungsschutzbehörden)*, Military Counterintelligence Service (*Militärischer Abschirmdienst*), and the Federal Intelligence Service (*Bundesnachrichtendienst*),

6. Take measures pursuant to the Waste Disposal Law (*Abfallbeseitigungsgesetz*) or the legal provisions based thereon,

7. Take measures pursuant to the Law To Secure Services in the Field of Trade and Industry (*Wirtschaftssicherstellungsgesetz*) or the legal provisions based thereon,

8. Take measures pursuant to the Law To Secure the Supply of Energy (*Energiesicherungsgesetz*) of 1975 or the legal provisions based thereon,

9. Fulfill the legal obligations to provide information in order to secure the tax revenue pursuant to section 93 of the Tax Code (*Abgabenordnung*), or

10. Assess the toll for the use of toll roads as defined in section 1 of the Law on Federal Highway Toll (*Bundesfernstraßenmautgesetz*) and to assert claims under that law,

11. Calculate the toll for the use of Federal highways and to assert claims pursuant to the Law Concerning the Private Financing of Highway Construction (*Fernstraßenbauprivatfinanzierungsgesetz*) of 30 August 1994 (Federal Law Gazette I, p. 2243) as amended,

12. Calculate the toll for the use of roads in accordance with *Land* law and to assert claims pursuant to the legislation of the *Länder* on new construction and improvement of roads,

13. Check persons who receive social welfare benefits, basic social welfare coverage for persons seeking employment, or benefits pursuant to the Law on Benefits Paid to Asylum Seekers (*Asylbewerberleistungsgesetz*) in order to prevent illegal claiming of such benefits,

14. Fulfill the purposes stated in section 17 of the Reciprocal Enforcement of Support Act (*Auslandsunterhaltsgesetz*), or

15. Fulfill the purposes stated in section 802I of the Code of Civil Procedure.

(1a) The data stored pursuant to section 33, paragraph (1), number 1, concerning the condition, equipment, and identification features of vehicles may be transmitted to the central command posts for fire fighting, emergency relief, and rescue services if this is necessary for purposes stated under section 32, paragraph (2), number 3, to rescue people involved in an accident.

(2) If required for the fulfillment of the purposes pursuant to section 32, paragraph (2), the vehicle data and the data on vehicle holders stored in accordance with section 33, paragraph (1), may be transmitted to—

1. Owners of operation permits for vehicles, or vehicle manufacturers for recalls to remove serious defects regarding the roadworthiness of the car or the environment, at vehicles already delivered (sec 32, para (1), no. 1), and also, until 31 December 1995, for Government-sponsored measures to improve protection against harmful effects on the environment caused by already delivered vehicles,

1a. Vehicle manufacturers and importers of vehicles as well as their legal successors to verify the data on the recycling of the vehicle pursuant to the legislation on junk cars, and

2. Insurers in order to ensure mandatory insurance coverage (sec 32, para (1), no. 2).

(3) Notwithstanding paragraphs (4) and (4a) through (4c) transmittal of vehicle data or data on vehicle holders for other purposes than the identification or determination of holders or vehicles (sec 32, para (2)) is not permissible, unless the data are—

1. Absolutely necessary for—

a) The prosecution of offenses or the enforcement or execution of punishments,

b) Warding off of danger to public safety in a specific case,

c) Fulfillment of duties assigned by law to the authorities responsible for the protection of the constitution, the Military Counterintelligence Service, and the Federal Intelligence Service,

d) Fulfillment of the legal obligation to provide information to secure the tax revenue pursuant to section 93 of the Tax Code, insofar as this regulation can be applied directly, or

e) Fulfillment of the legal obligation to provide information pursuant to section 118, paragraph (4), sentence 4, number 6, of the 12th Book of the Code of Social Law (*Sozialgesetzbuch*),

and

2. Not to be obtained by different measures, or not in good time, or only with an extraordinary effort.

The requesting authority shall maintain records on the request with a note stating its reason. The records shall be kept separately, secured by technical or organizational measures and destroyed at the end of the calendar year following the year the records were set up. Records may only be used to check permissibility of the transmittal, unless there is reason to believe that their utilization may lead to the clarification or prevention of a serious crime against life, limb or liberty of a person, and detection or prevention would be impossible or considerably impeded without this measure.

(4) Upon request of the Federal Office of Criminal Investigation (*Bundeskriminalamt*), the Federal Office for Motor Traffic may compare the data on vehicle holders stored at the Central Vehicle Register with the police's list of persons wanted by warrant of arrest. The data of wanted persons established by that method may be transmitted to the Federal Office of Criminal Investigation. Request of the Federal Office of Criminal Investigation is made by sending of a data medium.

(4a) Upon request of the information office pursuant to section 8a of the Law on Compulsory Insurance (*Pflichtversicherungsgesetz*), the vehicle registration authorities and the Federal Office for Motor Vehicle Traffic shall transmit the data on vehicles and vehicle holders stored in accordance with section 33, paragraph (1), for the purposes stated in section 8a, paragraph (1), of the Law on Compulsory Insurance.

(4b) For the purposes stated in section 7, paragraph (2), of the International Family Law Proceedings Act (*Internationales Familienrechtsverfahrensgesetz*), section 4, paragraph (3), sentence 2, of the Law Implementing the Agreement on the Protection of Adults (*Erwachsenenschutzübereinkommens-Ausführungsgesetz*) of 17 March 2007 (Federal Law Gazette I, p. 314) and for those stated in sections 16 and 17 of the Reciprocal Enforcement of Support Act (*Auslandsunterhaltsgesetz*) of 23 May 2011 (Federal Law Gazette I p. 898), the Federal Office for Motor Traffic shall transmit the data stored on a vehicle owner pursuant to section 33, paragraph (1), sentence 1, number 2, upon request to the central authority designated in the above statutes.

(4c) For the purposes stated in section 755 of the Code of Civil Procedure, the Federal Office for Motor Traffic shall transmit the data of a vehicle holder stored pursuant to section 33, paragraph (1), sentence 1, number 2, to the bailiff upon request.

(5) The vehicle data and data on vehicle holders stored pursuant to section 33, paragraph (1), may, after a more specific determination by statutory order (sec 47, para (1), no 3), be transmitted regularly by the—

1. Registration agencies to the Federal Office for Motor Traffic for the central vehicle register, and by the Federal Office for Motor Traffic to the vehicle registration authorities for the local vehicle registers,

2. Vehicle registration authorities to other registration authorities, if the latter have or had to deal with the vehicle concerned,

3. Vehicle registration authorities to the insurers in order to ensure mandatory insurance coverage (sec 32, para (1), no 2),

4. Vehicle registration authorities to the authorities responsible for the administration of the motor vehicle tax in order to implement the motor vehicle tax law (sec 32, para (1), no. 3),

5. Vehicle registration authorities and by the Federal Office for Motor Traffic for measures pursuant to the Federal Requisitioning Law (*Bundesleistungsgesetz*), the Law To Ensure Transportation, the Transportation Services Performance Law, or of disaster relief, or the legal provisions based thereon, to the authorities responsible for those measures (sec 32, para (1), no 4),

6. Vehicle registration authorities for checks pursuant to section 118, paragraph (4), sentence 4, number 6, of the 12th Book of the Code of Social Law to the social welfare agencies in accordance with the 12th Book of the Code of Social Law.

(6) As the transmitting authority, the Federal Office for Motor Traffic shall maintain records which contain the data transmitted, the date of transmittal, the recipient of the data and the purpose stated by the recipient. The records may only be used to check the permissibility of the transmittal, they shall be secured against misuse by technical and organizational measures, and deleted or destroyed at the end of a 6-months period following those 6 months during which the transmittal took place. In case of transmittal pursuant to section 35, paragraph (5), specific records are not necessary, if the information pursuant to sentence 1 may be obtained from the register or other documents. Sentences 1 and 2 also apply for transmittals by the Federal Office for Motor Traffic pursuant to sections 37 through 40.

SECTION 36. AUTOMATED RETRIEVAL OF DATA

(1) Transmittal pursuant to section 35, paragraph (1), number 1, insofar as it concerns duties pursuant to section 32, paragraph (1), number 1, from the Central Vehicle Register to the vehicle registration authorities may be carried out by automated retrieval of data.

(2) Transmittal pursuant to section 35, paragraph (1), numbers 1 through 5 from the Central Vehicle Register may be carried out by automated retrieval of data to—

1. Federal and *Land* police authorities as well as customs administration authorities insofar as they exercise authority under section 10 of the Customs Administration Act (*Zollverwaltungsgesetz*) or perform duties of the border police—

a) In order to check whether vehicles, including their load and the vehicle documents, are in compliance with the regulations,

b) For the prosecution of administrative offenses pursuant to section 24, 24a, or 24c,

c) For the prosecution of criminal offenses or for the enforcement or execution of punishment, or

d) To ward off dangers to public safety

1a. The administrative authorities as defined by section 26, paragraph (1), for the prosecution of administrative offenses pursuant to section 24, 24a, or 24c,

2. The customs investigation authorities for the prevention or prosecution of tax and economic offenses as well as to the agencies of the *Land* tax authorities in charge of tax offense investigations for prevention and prosecution of tax offenses, and

3. The authorities responsible for the protection of the Constitution, the Military Counterintelligence Service and the Federal Intelligence Service for fulfillment of their duties assigned to them by law.

Sentence 1 shall apply accordingly to retrieval of data by the locally responsible *Land* police authorities and administrative authorities as defined by section 26, paragraph (1), from the respective local vehicle registers.

(2a) The transmittal of data pursuant to section 35, paragraph (1), numbers 11 and 12, from the Central Vehicle Register may be performed by automated retrieval of data to the private person who has granted a loan on the assessment of tolls.

(2b) The transmittal of data pursuant to section 35, paragraph (1), number 10, from the Central Vehicle Register may be performed by automated retrieval to the Federal Authority for Freight Traffic (*Bundesamt für Güterverkehr*) and to another public agency responsible for the assessment of tolls pursuant to the Law on Federal Highway Toll.

(2c) Transfer of data pursuant to section 35, paragraph (1), number 14, from the Central Vehicle Register to the central authority (sec 4 of the Reciprocal Enforcement of Support Act) may be performed by automated procedure.

(2d) Transfer of data pursuant to section 35, paragraph (1), number 15, from the Central Vehicle Register to the bailiff may be performed by automated retrieval.

(3) Transmittal of data pursuant to section 35, paragraph (3), sentence 1, from the central vehicle register may also be carried out by automated retrieval to the Federal and *Land* police authorities for the prosecution of criminal offenses, or the enforcement or execution of punishment, or to ward off a danger to public safety in a specific case, to the customs investigation authorities for the prevention or prosecution of tax or economic offenses, to the agencies of the *Land* tax authorities in charge of tax offense investigations for prevention and prosecution of tax offenses as well as to the authorities responsible for the protection of the Constitution, the Military Counter Intelligence Service and the Federal Intelligence Service to fulfill their duties assigned to them by law.

(3a) Transmittal of data from the Central Motor Vehicle Register pursuant to section 35, paragraph (4a), may be performed by automated retrieval procedure to the information agency pursuant to section 8a of the Law on Compulsory Insurance.

(3b) Transmittal of data from the Central Motor Vehicle Register pursuant to section 35, paragraph (1), number 1, to the authorities responsible for the administration of the motor vehicle tax may be carried out by automated retrieval of data. Retrieval is only permissible if the data transmitted by the registration authorities pursuant to section 35, paragraph (5), number 4, is incorrect or incomplete.

(3c) Transmittal of data from the Central Motor Vehicle Register pursuant to section 35, paragraph (1a), by automated retrieval to the central command posts of the firefighters, emergency relief service, and rescue service is authorized to prepare the rescue of individuals from vehicles.

(4) Retrieval of data may only refer to a particular vehicle or a particular vehicle holder and, in the cases of paragraphs (1) and (2), sentence 1, number 1, letter a and b, only be carried out by use of vehicle data.

(5) Installation of systems for automatic retrieval of data is permissible only if, after a more specific determination by statutory order (sec 47, para (1), no. 4), it is ensured that—

1. The data prepared for retrieval are needed by the recipient with regard to their type and when transmitted by automated retrieval, the affected person's interests warranting protection and the duty of the recipient are appropriately considered,

2. State of the art measures are taken to ensure data protection and data security which, in particular, guarantee confidentiality and integrity of the data; encryption procedures shall be used in case generally accessible networks are used, and

3. The permissibility of retrievals may be controlled in accordance with paragraph (6).

(5a) (Deleted)

(6) The Federal Office for Motor Traffic or the vehicle registration authority as transmitting agency shall maintain records on the data retrievals which shall contain the data used when the retrievals are carried out, the date and the time of

retrievals, the identification code of the retrieving agency, and the data retrieved. The recorded data may only be used for data protection control purposes, for securing of data, or to ensure proper operation of the data processing system. If there are indications that without use of the data, prevention or prosecution of a serious criminal act against live, limb, or liberty of a person would be unsuccessful or considerably impaired, the data may also be used for such purpose, if the request by the prosecuting authority is made by use of vehicle holder data, of a specific person or of vehicle data of a specific vehicle. The recorded data shall be protected against unauthorized use and other misuse by appropriate means and shall be deleted after 6 months.

(7) In case of retrievals from the central vehicle register further records shall be maintained by the Federal Office for Motor Traffic referring to the reason for the retrieval and allowing identification of the person responsible for the retrieval. Further details will be determined by statutory order (sec 47, para (1), no. 5). This shall apply accordingly to retrievals from local vehicle registers.

(8) Insofar as local vehicle registers are not maintained in an automated system, transmittal of vehicle data and data on vehicle holders stored pursuant to section 33, paragraph (1), by review of the local vehicle register outside normal office hours to the police authority responsible for the registration district concerned is authorized if—

1. This is necessary for the fulfillment of the duties designated in paragraph (2), sentence 1, number 1, and

2. Without immediate inspection, fulfillment of such duties would be jeopardized.

The police office shall record the inspection, its date and reason as well as the name of the person carrying out the inspection; the record shall be maintained for a period of 1 year and destroyed at the end of the respective calendar year. Sentences 1 and 2 shall apply accordingly to the inspection by customs investigation authorities for fulfillment of the duties designated in paragraph (2), sentence 1, number 2.

SECTION 36A. AUTOMATED INQUIRY AND INFORMATION PROCEDURE AT THE FEDERAL OFFICE FOR MOTOR TRAFFIC

The transmittal of data from the central vehicle register pursuant to sections 35 and 37 may, upon further specification by statutory order in accordance with section 47, paragraph (1), number 4a, also be performed by an automated inquiry and information procedure. Section 30b, paragraph (1), sentence 2, and paragraphs (2) and (3), shall apply accordingly to the establishment and implementation of the procedure.

SECTION 36B. COMPARISON OF DATA ON VEHICLES COLLECTED BY THE FEDERAL OFFICE OF CRIMINAL INVESTIGATION

(1) The Federal Office of Criminal Investigation regularly transmits to the Federal Office for Motor Traffic data stored in the police information system on vehicles, license plate numbers, vehicle documents and drivers licenses which are marked for securing of evidence, confiscation, seizure, taking into custody, securing of property, and identification of owner or proprietor. The data serve for comparison with the vehicles and vehicle documents registered in the central vehicle register and with the drivers licenses registered in the central register of driving permits.

(2) Transmittal of data pursuant to paragraph (1) may be made by automated procedure.

SECTION 37. TRANSMITTAL OF VEHICLE DATA AND DATA ON VEHICLE HOLDERS TO AGENCIES OUTSIDE THE SCOPE OF APPLICATION OF THIS LAW

(1) The registration agencies may transmit vehicle data and data on vehicle holders stored pursuant to section 33, paragraph (1), to the competent agencies of other countries if this is necessary for—

a) Administrative measures in the field of road traffic,

b) Monitoring of insurance coverage within the scope of motor vehicle third party liability insurance,

c) The prosecution of violations of traffic regulations, or

d) The prosecution of criminal offenses committed in connection with road traffic, or are otherwise connected with motor vehicles, trailers, license plate numbers or vehicle documents, driving permits or drivers licenses.

(1a) In accordance with international agreements between member states of the European Union or with other contracting states of the Agreement on the European Economic Area which require participation of the legislative bodies pursuant to Article 59, paragraph (2), of the Basic Law (*Grundgesetz*) as well as pursuant to Article 12 of Council Decision 2008/615/Jl of 23 June 2008 (Official Journal L 210 of 6 August 2008, p 1), the registration agencies may also transmit the vehicle data and data on vehicle holders stored in accordance with section 33, paragraph (1), to the competent agencies of these states if this is necessary to—

a) Posecute administrative offenses not covered by paragraph (1), letter c,

b) Prosecute criminal offenses not covered by paragraph (1), letter d, or

c) Avert danger to public safety.

(2) The recipient shall be advised that the transmitted data may only be used to fulfill the purpose for which transmitted.

(3) Transmittal will not take place if the affected person's interests warranting protection would be impaired and in particular, if the receiving country cannot ensure an appropriate data protection standard.

SECTION 37A. AUTOMATED RETRIEVAL BY AGENCIES OUTSIDE THE SCOPE OF APPLICATION OF THIS LAW

(1) The data necessary for fulfillment of their tasks may be transmitted upon further specification by statutory order pursuant to section 47, paragraph (1), number 5a, by automated retrieval from the Central Motor Vehicle Register to the competent public agencies in a member state of the European Union or another state which is party to the Agreement on the European Economic Area for the measures designated in section 37, paragraphs (1) and (1a).

(2) Retrieval may only be performed by use of vehicle data, in case of retrieval for the purposes stated in section 37, paragraph (1a), only by use of the complete vehicle identification number or the complete license plate number, and may only be directed at one particular vehicle or one particular holder of a vehicle.

(3) Retrieval of data is only permitted if—

1. This method of data transmittal is appropriate, with consideration given to the interest of the affected persons warranting protection, due to the large number of transmittals or because of the urgency of a specific case, and

2. The receiving state applies directive 95/46/EEC of the European Parliament and the Council of 24 October 1995 (Official Journal EC, no. L 281, page 31).

Section 36, paragraphs (5), (6), and (7), because of the reason for the retrieval, shall be applied accordingly.

SECTION 37B. TRANSMITTAL OF DATA ON VEHICLES AND VEHICLE HOLDERS TO THE COMMISSION OF THE EUROPEAN COMMUNITIES

In compliance with the obligation to report pursuant to Article 4, letter a, subparagraph 2, sentence 3, of Council Directive 72/166/EEC of 24 April 1972 concerning the approximation of legislation of the member states on motor vehicle liability insurance and the control of the appropriate obligation to insure (Official Journal EC No. L 103, page 1) last amended by Article 1 of Directive 2005/14/EC of the European Parliament and the Council of 11 May 2005 (Official Journal EU No. L 149, page 14), the Federal Office for Motor Vehicle Traffic transmits by 31 March of each year to the Commission of the European Communities the names or designations and addresses of those vehicle holders stored pursuant to section 33, paragraph (1), who are exempt from the obligation to insure pursuant to section 2, paragraph (1), numbers 1 through 5, of the Law on Compulsory Insurance.

SECTION 38. TRANSMITTAL OF DATA FOR SCIENTIFIC RESEARCH

(1) The data on vehicles and vehicle holders stored pursuant to section 33, paragraph (1), may be transmitted to universities, and other institutions doing scientific research and public agencies if—

1. This is necessary to perform specific scientific research projects,

2. Usage of anonymous data is not possible for this purpose,

3. The public interest in the research project considerably outweighs the interest of the affected person to deny transmittal, which is worthy of protection.

(2) Transmittal of data shall be made by providing information, if this serves the purpose of the research project and providing the information does not involve an effort which is out of proportion.

(3) Personal data shall only be transmitted to persons holding an office, or who are under a special obligation towards the civil service, or who are required to maintain secrecy. Section 1, paragraphs (2), (3), and (4), number 2, of the Law on the Obligations in Civil Service (*Verpflichtetengesetz*) applies accordingly to the obligation to maintain secrecy.

(4) Personal data may only be used for the research project they were transmitted for. Usage for other research projects or passing on of the data is subject to paragraphs (1) and (2) and requires approval of the agency which transmitted the data.

(5) It must be ensured that third persons cannot take unauthorized notice of the data. The agency conducting scientific research shall ensure that the usage of personal data is locally and organizationally separated from such administrative tasks or business operations for which these data could also be significant.

(6) As soon as the research project allows for it, the personal data shall be rendered anonymous. As long as this is not yet possible those characteristics shall be stored separately by which detailed information on personal or factual circumstances can be attributed to a specific person or a person that can be identified. They may only be combined with the detailed information to the extent necessary for the research project.

(7) Anybody who received personal data pursuant to paragraphs (1) and (2) may only publish such data if this is indispensable for the presentation of research findings on contemporary historical events.

(8) If the recipient is a non-public agency, section 38 of the Federal Data Protection Law (*Bundesdatenschutzgesetz)* shall apply with the proviso that the supervisory authority shall monitor the implementation of the data protection provisions even if there is no evidence to indicate a violation of these provisions or if the recipient does not process personal data in files.

SECTION 38A. TRANSMITTAL AND USE OF DATA FOR STATISTICS

(1) Vehicle data and data on vehicle holders stored pursuant to section 33, paragraph (1), may be transmitted to prepare and set up statistics which have been ordered by legal provisions and if preparation and setting up cannot be done solely with anonymous data (sec 45).

(2) The provisions of the Federal Law on Statistics (*Bundesstatistikgesetz*) and the statistics laws of the *Länder* shall apply.

SECTION 38B. TRANSMITTAL AND USE OF DATA FOR PLANNING PURPOSES

(1) Vehicle data and data on vehicle holders stored in the local vehicle registers pursuant to section 33, paragraph (1), may only be transmitted to public agencies for traffic planning purposes which are of public interest if performance of the plan cannot be carried out solely with anonymous data (sec 45) or is only possible with considerable effort, and the affected person has given his consent, or interests of the affected person warranting protection are not impaired.

(2) The recipient of the data shall ensure that—

1. Control to safeguard the affected person's interests warranting protection is possible at any time,

2. Data are only used for the purpose indicated,

3. Only those people who are working on the project have access to the data,

4. These persons will be obligated not to disclose the data to unauthorized persons, and

5. Data will be made anonymous or deleted as soon as the purpose of the project allows for it.

SECTION 39. TRANSMITTAL OF VEHICLE DATA AND DATA ON VEHICLE HOLDERS FOR THE ENFORCEMENT OF LEGAL CLAIMS

(1) Of the vehicle data and data on vehicle holders stored pursuant to section 33, paragraph (1), the—

1. Last name (in case of juristic persons, agencies or associations: name or designation),

2. First names,

3. Religious order or pen name,

4. Address,

5. Make, manufacturer, and type of vehicle,

6. Name and address of insurer,

7. Insurance policy number, or, in case the policy number is not stored, the number of the insurance confirmation,

8. Time of termination of insurance contract, if applicable

9. Exemption from the legal obligation to insure, if applicable, as well as

10. Time of delivery or issuance of the license plate number to the vehicle holder

may be transmitted by the registration agency or the Federal Office for Motor Traffic if the recipient, by stating the respective license number or vehicle identification number, explains that he needs the data to assert, secure, enforce, or satisfy, or challenge a legal claim in connection with participation in road traffic or to bring a private action for violation of road traffic regulations (simple register request).

(2) Vehicle data and data on vehicle holders in addition to those permissible pursuant to paragraph (1), shall be transmitted if the recipient, by stating the vehicle data or personal data of the holder, establishes that he –

1. Needs the data to assert, secure or enforce, satisfy or challenge legal claims in connection with participation in road traffic, the theft or loss of the vehicle, or to bring a private action for violation of road traffic regulations,

2. (Deleted)

3. Would not be able to obtain the data in any other way or only by unreasonable effort.

(3) The vehicle data and data on vehicle holders listed in paragraph (1), numbers 1 through 5 and 11, may be transmitted if the recipient, by stating the vehicle data or personal data of the holder, establishes that he—

1. Needs the data to assert, secure or enforce –

a) Claims under public law which are not connected to participation in road traffic,

b) Claims transferred pursuant to section 7 of the Law on Advance Support Payments (*Unterhaltsvorschussgesetz*), section 33 of the 2nd Book Code of Social Law or section 94 of the 12th Book of the Code of Social Law, each in the amount of at least 500 euros.

2. Would not be able to assert, secure or enforce the legal claim without knowledge of the data, and

3. Would not be able to obtain the data in any other way or only by unreasonable effort.

Section 35, paragraph (3), sentences 2 and 3, apply accordingly. Records may only be used to control permissibility of transmittals.

SECTION 40. TRANSMITTAL OF OTHER DATA

(1) The data on profession and trade (branch of industry) stored pursuant to section 33, paragraph (2), may only be transmitted to the competent authorities for the purposes stated under section 32, paragraph (1), numbers 4 and 5. In addition, such data may be transmitted for statistical purposes (sec 38a, para (1)). Permissibility and execution of statistical surveys are determined pursuant to section 38a.

(2) The data on the obligation to keep a driver's record book stored pursuant to section 33, paragraph (3), may only be transmitted to the—

1. Registration agencies or Federal Office for Motor Traffic for measures taken within the scope of registration procedures or to monitor the obligation to keep a driver's record book, or

2. Competent authorities or courts for the prosecution of criminal offenses or administrative offenses pursuant to section 24, 24a, or section 24c.

SECTION 41. BLOCKING DATA TRANSFER

(1) Orders to block data transmittal for the vehicle registers is permissible if disclosure of data on a holder conflicts considerably with public interests.

(2) Blocking of data transmittal shall also be ordered upon request of the affected person if he can establish that by the transmittal his interests warranting protection are impaired.

(3) Transmittal in spite of an existing blocking is permissible in a specific case if there is a main public interest in the knowledge of the blocked data, in particular in the prosecution of a criminal act. The agency responsible for ordering the blocking will decide upon its suspension. If this agency wants to maintain the blocking because it considers the public interest (para (1)) justifying it more important or because it accords priority to the impairment of the affected persons' interests warranting protection (para (2)), it shall transfer the matter to the highest *Land* authority for decision. Prior to the transmittal, the affected person shall be given the opportunity to make a statement, unless such a hearing would contravene the purposes of the transmittal.

(4) Transmittal in spite of an existing blocking is also permissible in a specific case if the assertion, securing or enforcement, satisfaction or challenge of legal claims within the meaning of section 39, paragraphs (1) and (2), would otherwise not be possible. Prior to the transmittal, the affected person shall be given the opportunity to make a statement. Paragraph (3), sentences 2 and 3, shall be applied accordingly.

SECTION 42. COMPARISON OF DATA TO ELIMINATE ERRORS

(1) In case there is any doubt if a registered vehicle holder is identical with the holder to whom a new entry refers, the data of the Central Register of Traffic Offenses and the central register of driving permits may be used to identify these vehicle holders. If establishment of identity of the respective holders is not possible by this method, the data transmitted upon request from the residents registries may be used to eliminate the doubts. Permissibility of transmittal by the registration authorities is based upon the registration laws of the *Länder*. If doubts as to the identity of the respective vehicle holders cannot be eliminated, entries on both holders shall be supplemented with the note that there are doubts as to their identity.

(2) Data stored pursuant to section 33 in the central vehicle register may be transmitted to the registration authorities if this is necessary to determine and eliminate errors and discrepancies in the registers and in order to complete these local registers. The data stored in the local vehicle register pursuant to section 33 may be transmitted to the Federal Office for Motor Traffic if this is necessary to identify and eliminate errors and discrepancies in the central vehicle register and to complete the data in the central vehicle register. Transmittal pursuant to sentence 1 or 2 is only permitted if there is reason to assume that the register is incorrect or incomplete.

(3) Data on vehicle holders or vehicles stored by the Central Vehicle Register or the competent local vehicle register pursuant to section 33 may be transmitted to the authority responsible for the administration of the motor vehicle tax if this is necessary to enforce measures implementing the vehicle tax law, identify and eliminate errors and discrepancies in the data

collected by the authorities responsible for the administration of the motor vehicle tax, and complete such data. Transmittal pursuant to sentence 1 is only permitted if there is reason to assume that the collected data are incorrect or incomplete.

SECTION 43. GENERAL PROVISIONS ON DATA TRANSMITTAL, PROCESSING AND UTILIZATION OF DATA BY THE RECIPIENT

(1) Transmittal of data from vehicle registers is only permitted upon request unless it is determined based on a specific legal provision that the registration authority must transmit certain data *ex officio*. The agency transmitting the data is responsible for permissibility of the data transmittal. If transmittal occurs upon request of the recipient the recipient shall be responsible. In such a case the transmitting agency shall only check if the transmittal request is within the scope of the recipient's duties, unless there is a special reason for checking permissibility of the transmittal.

(2) The recipient may only use the transmitted data for the purpose for which they were transmitted. The recipient may process and use the transmitted data also for other purposes, if they would also have been transmitted to him for these purposes. If the recipient is a non-public agency the transmitting agency shall point this out to him. Processing and utilization for other purposes by non-public agencies requires consent of the transmitting agency.

SECTION 44. DELETION OF DATA IN VEHICLE REGISTERS

(1) The data stored in vehicle registers pursuant to section 33, paragraphs (1) and (2), shall be deleted at the latest when no longer needed for the duties pursuant to section 32. By this time, all other data stored in connection with the respective vehicle shall also be deleted.

(2) Data on the obligation to keep a driver's record book (sec 33, para (3)) shall be deleted after the obligation was abolished.

SECTION 45. ANONYMOUS DATA
The provisions of this part of the law shall not apply to the collection, processing and other use of data which cannot be connected to a particular or identifiable person (anonymous data). The license number of a vehicle, the vehicle identification number and the number of the vehicle registration certificate also fall under the category of data that can be connected to a particular or identifiable person.

SECTION 46. (DELETED)

SECTION 47. BASIS FOR THE AUTHORIZATION, IMPLEMENTING PROVISIONS
The Federal Ministry of Transportation, Construction, and Urban Development is authorized to issue statutory orders, with consent of the Federal Council—

1. Determining the—

a) Vehicle data (to be specified in each case) (sec 33, para (1), sent 1, no. 1), and

b) Data on the vehicle holder pursuant to section 33, paragraph (1), sentence 1, number 2, in which cases of allocation and issuance of a license number, with regard to the duties stated under section 32

that shall be stored in the local and in the central vehicle register (sec 33, para (1)), and collected for storage (sec 34, para (1)),

2. Determining the vehicle data (to be specified in each case) that must be provided by the insurers for storage in the central vehicle register pursuant to section 34, paragraph (5), sentence 2,

3. Concerning regular transmittal of data pursuant to section 35, paragraph (5), in particular concerning the method of transmittal as well as the type and extent of the data to be transmitted.

4. Concerning the type and scope of data to be transmitted and the measures to prevent misuse in case of automated data retrieval pursuant to section 36, paragraph (5),

4a. Concerning the type and scope of data to be transmitted and the measures to prevent misuse pursuant to section 36a,

5. Concerning details of the procedure pursuant to section 36, paragraph (7), sentence 2,

5a. Concerning the type and scope of the data to be transmitted, determination of the recipients and the official procedure for transmittal pursuant to section 37, paragraphs (1) and (1a),

5b. Determining which data may be transmitted pursuant to section 37a, paragraph (1), by automated retrieval.

5c. Concerning the determination of foreign public agencies which are authorized to automated retrieval pursuant to section 37a, paragraph (1),

6. Concerning the procedure on transmittal blocking as well as on storage, change and suspension of blockings pursuant to section 33, paragraph (4), and section 41, and

7. Concerning the deletion of data pursuant to section 44, in particular concerning the prerequisites and periods for the deletion.

PART VI
REGISTER OF DRIVING PERMITS

SECTION 48. REGISTRATION AND REGISTRATION AGENCIES

(1) Within the scope of their local responsibility the authorities issuing driving permits (sec 2, para (1)) keep a register (local register of driving permits) on—

1. Driving permits issued or registered by them as well as respective drivers licenses,

2. Decisions concerning amount, type and scope of driving permits or other permits to operate a vehicle.

Notwithstanding sentence 1, number 2, the agency authorized to issue a test certificate may keep records on certificates authorizing the operation of vehicles not requiring a driving permit issued by that agency.

(2) The Federal Office for Motor Traffic maintains a register (Central Register of Driving Permits) on—

1. Driving permits and the respective drivers licenses of persons ordinarily resident in Germany issued by a domestic authority issuing driving permits,

2. Driving permits issued by a foreign authority or agency and the respective drivers licenses of persons ordinarily resident in Germany, to the extent they are obliged to have their driving permits registered,

3. Driving permits issued or registered by a domestic authority issuing driving permits as well as the respective drivers licenses of persons not ordinarily resident in Germany.

(3) In case of a central production of drivers licenses, the authority issuing driving permits transmits the necessary data to the manufacturer. The manufacturer may store all drivers license numbers of all produced licenses exclusively for proof of their whereabouts. Storage of the other data contained in the drivers license by the manufacturer is not permitted, unless they are exclusively and temporarily stored for manufacturing purposes; the data shall be deleted afterwards. Upon further specification by statutory order pursuant to section 63, paragraph (1), number 1, the data pursuant to sentences 1 and 2 may be transmitted to the Federal Office for Motor Traffic for storage in the central register of driving permits; there, they shall be deleted at the latest after twelve months if the Federal Office for Motor Traffic has not been informed about issue or change of the driving permit within this period of time; the manufacturer shall delete the data after their transmittal. The Federal Office for Motor Traffic may not release any data prior to receipt of notification about the issue or change of a driving permit.

SECTION 49. PURPOSE OF REGISTERS

(1) The local registers of driving permits and the central register of driving permits are maintained to store data necessary to determine the types of driving permits and drivers licenses in possession of a person.

(2) The local registers of driving permits are also maintained to store data necessary to—

1. Assess the ability and fitness of a person to operate a motor vehicle, and

2. Check the authorization to operate a vehicle.

SECTION 50. DATA STORED IN DRIVING PERMIT REGISTERS

(1) The following data will be stored in the local register of driving permits and in the central register of driving permits:

1. Last name, maiden name, other previous names, first names, religious or pen names, doctor's degree, sex, date and place of birth,

2. Upon further specification by statutory order pursuant to section 63, paragraph (1), number 2, data on the issue and registration (including the exchange and registration of a German drivers license abroad), amount, type, scope, period of validity, extension and change of driving permits, date of commencement and ending of probationary period, secondary provisions regarding the driving permit, on drivers licenses and their validity including putting of license on a wanted list, other authorizations to operate a motor vehicle, as well as references to entries in the central register of traffic offenses affecting the authorization to operate a vehicle.

(2) The following additional information may be stored in the local registers of driving permits:

1. The address of the person concerned, and

2. Upon further specification by statutory order pursuant to section 63, paragraph (1), number 2, data on—

a) Denial, withdrawal, revocation, and cancellation of a driving permit, waiver to hold a driving permit, separate bars to issue a driving permit, prohibition to drive as well as taking into custody and safekeeping of drivers licenses as well as measures pursuant to section 2a, paragraph (2), and section 4, paragraph (3),

b) Prohibitions or restrictions to operate a vehicle.

SECTION 51. DATA PROVIDED TO THE CENTRAL REGISTER OF DRIVING PERMITS

For the purpose of storage in the Central Register of Driving Permits, the authorities issuing driving permits shall immediately inform the Federal Office for Motor Traffic about data to be stored pursuant to section 50, paragraph (1), or data resulting in a change or deletion of an entry.

SECTION 52. TRANSMITTAL

(1) The data stored in the driving permit registers may be transmitted to agencies responsible for—

1. The prosecution of criminal acts, the enforcement or execution of punishments,

2. The prosecution of administrative offenses and the enforcement of orders to pay administrative fines and their incidental legal consequences pursuant to this law, or

3. Administrative measures based on this law or legal provisions based thereon if they concern driving permits, drivers licenses or other authorizations to operate a vehicle,

to the extent this is necessary for fulfillment of the obligations incumbent upon these agencies in connection with the purposes stipulated in section 49.

(2) The data stored in the driving permit registers may be transmitted to the agencies responsible for traffic and border checks, as well as to the agencies responsible for road checks for the purposes stipulated in section 49, paragraphs (1) and (2), number 2, if this is required for fulfillment of their tasks.

(3) The Federal Office for Motor Traffic shall maintain a record pursuant to section 35, paragraph (6), sentences 1 and 2 on the transmittals under paragraphs (1) and (2).

SECTION 53. DIRECT ENTRY OF DATA AND AUTOMATED DATA RETRIEVAL

(1) To those agencies responsible for the duties pursuant to section 52, the required data from the central register of driving permits and the local registers for driving permits may be transmitted by automated retrieval for the purposes stipulated in section 49.

(1a) The authorities issuing driving permits may transmit the data they have to provide to the Federal Office for Motor Traffic pursuant to section 51 by direct entry through remote data transmission.

(2) Establishment of systems for direct entry or automated retrieval is only permitted if, upon further specification by statutory order pursuant to section 63, paragraph (1), number 4, it is ensured that—

1. State of the art measures for the protection of data and data security are taken to ensure in particular confidentiality and integrity of the data; encryption procedures shall be implemented when generally accessible nets are used,

2. Permissibility of direct entry or retrieval can be monitored in accordance with paragraph (3).

(3) As data transmitting agencies, the Federal Office for Motor Traffic or the authority issuing driving permits shall keep records on the direct entries and retrievals, which must contain the data used for the direct entries or the retrievals, the date and time of the direct entries or retrievals, the identification of the agency entering or retrieving the data, and the data entered or retrieved. The recorded data may only be used for purposes of data protection control, securing of data or to ensure proper operation of the data processing system, unless there are reasons to assume that without the use of such data prevention or prosecution of a serious crime against life, limb or liberty of a person would be unsuccessful or considerably impeded. The recorded data shall be protected against use for a different purpose and against other misuse and deleted after 6 months in case of retrieval, and upon completion of 110 years of age of the person concerned in case of direct entry.

(4) In case of direct entries into and retrievals from the Central Register of Driving Permits, the Federal Office for Motor Traffic shall prepare additional records concerning the reason for the direct entry or the retrieval and enabling identification of the person responsible for the direct entry or retrieval. Details shall be determined by statutory order (sec 63, para (1), No. 4). This applies accordingly to retrievals from the local driving permit registers.

(5) Transmittal of data from the local driving permit registers by inspection of the register outside the regular office hours to the police station responsible for the respective district is permitted if—

1. This is required for the purposes stated in section 49, paragraphs (1) and (2), number 2, to fulfill duties incumbent upon the police, and

2. Without immediate inspection, a fulfillment of these duties would be jeopardized.

The police shall make a record of the inspection, the date and reason for the inspection as well as the name of the person performing it; records shall be kept for one year and shall be destroyed after the respective calendar year has elapsed.

SECTION 54. AUTOMATED NOTIFICATION, INQUIRY AND INFORMATION PROCEDURE AT THE FEDERAL OFFICE FOR MOTOR TRAFFIC

Transmittal of data to the Central Register for Driving Permits and from the Central Register for Driving Permits pursuant to sections 51, 52, and 55 may, upon further specification by statutory order in accordance with section 63, paragraph (1), number 5, also be performed by automated notification, inquiry, and information procedure. Section 30b, paragraph (1), sentence 2, and paragraphs (2) and (3), apply accordingly to establishment and implementation of the procedure. The recorded data of the notifications shall be deleted upon completion of 110 years of age of the person concerned.

SECTION 55. TRANSMITTAL OF DATA TO AGENCIES OUTSIDE THE SCOPE OF THIS LAW

(1) The data stored on the basis of section 50 may be transmitted by the registration authorities to the competent agencies of foreign countries if this is required for—

1. Administrative measures in the field of road traffic,

2. Prosecution of violations of legal provisions in the field of road traffic, or

3. Prosecution of criminal offenses in connection with road traffic or otherwise connected to motor vehicles or trailers or vehicle documents or drivers licenses.

(2) The recipient shall be advised that the transmitted data may only be processed or used for the purpose for which they were transmitted.

(3) Transmission shall be refrained from if interests of the person concerned which are worthy of protection will be impaired, in particular if the receiving state cannot ensure an appropriate data protection standard.

SECTION 56. AUTOMATED DATA RETRIEVAL BY AGENCIES OUTSIDE THE SCOPE OF THIS LAW

(1) For measures stated in section 55, paragraph (1), data may be transmitted by automated retrieval from the central register of driving permits to the competent public agencies in a member state of the European Union or another state party to the Agreement on the European Economic Area for fulfillment of their duties upon further specification by statutory order pursuant to section 63, paragraph (1), number 6.

(2) Retrieval is permitted only if—

1. This method of data transmittal is appropriate due to the high number of transmittals or because of the specific urgency, under consideration of the interests of the person concerned which are worthy of protection, and

2. The receiving state applies Directive 95/46/EC of the European Parliament and Council of 24 October 1995 (Official Journal EC, no. L 281, p. 31).

Section 53, paragraphs (2) and (3), as well as paragraph (4), because of the reason for the retrieval, shall apply accordingly.

SECTION 57. TRANSMITTAL AND UTILIZATION OF DATA FOR SCIENTIFIC, STATISTICAL AND LEGISLATIVE PURPOSES

For transmittal and utilization of data stored pursuant to section 50, for scientific purposes section 38 shall apply accordingly, for statistical purposes section 38a, and for legislative section 38b shall apply accordingly.

SECTION 58. PROVIDING REGISTERED DATA TO THE PERSON CONCERNED

Upon request, a private person will be informed in writing and at no cost about the entries that exist about him in the local or central register of driving permits. The requesting person shall enclose a proof of identity with his request.

SECTION 59. COMPARISON OF DATA TO ELIMINATE ERRORS

(1) In case it cannot be determined beyond doubt, whether a registered person is identical with a person about whom information pursuant to section 51 is provided, the data stored by the Central Register of Traffic Offenses and the central vehicle register may be used to identify these persons. If establishment of identity of the respective persons is not possible by this method, the data transmitted upon request from the residents registries may be used to eliminate the doubts. Permissibility of transmittal by the registration authorities is based upon the registration laws of the *Länder*. If doubts as to the identity of the respective persons cannot be eliminated, entries on both persons shall be supplemented with the note that there are doubts as to their identity.

(2) Regular utilization of the data stored in the Central Register of Traffic Offenses on the basis of section 28, paragraph (3), is authorized to identify and eliminate errors and discrepancies regarding personal data as well as data on driving permits and drivers licenses of the persons concerned in the central register of driving permits, and to complete that register.

(3) Data stored in the central register of driving permits pursuant to section 50, paragraph (1), may be transmitted to the authorities issuing driving permits to the extent this is necessary to identify and eliminate errors and discrepancies in their registers and in order to complete such local registers. The data stored in the local register of driving permits pursuant to

section 50, paragraph (1), may be transmitted to the Federal Office for Motor Traffic if this is necessary to identify and eliminate errors and discrepancies in the central register of driving permits and in order to complete that register. Transmittal pursuant to sentences 1 and 2 is only permitted if there is reason to assume that the registers are incorrect or incomplete.

SECTION 60. GENERAL PROVISIONS ON DATA TRANSMITTAL, PROCESSING AND UTILIZATION OF DATA BY RECIPIENT

1) Transmittal of data from driving permit registers is only permitted upon request unless it is determined based on a specific legal provision that the registration authority must transmit certain data ex officio. The agency transmitting the data is responsible for permissibility of the data transmittal. If transmittal occurs upon request of the recipient, he shall bear responsibility. In such a case the transmitting agency shall only check if the transmittal request is within the scope of the recipient's duties, unless there is a special reason for checking permissibility of the transmittal.

(2) Section 43, paragraph (2), applies to the processing and use of the data by the recipient.

SECTION 61. DELETION OF DATA

(1) The data stored in the central register of driving permits on the basis of section 50 shall be deleted if –

1. The respective driving permit has expired, with the exception of the data stored pursuant to section 50, paragraph (1), number 1, of the category of the expired permit, the date of issue, the date of expiration and the driving permit number, or

2. An official notification of the death of the person concerned is received.

Entries on the probationary period will be deleted one year after it has elapsed.

(2) After expiration of the driving permit, information about the data stated in paragraph (1), sentence 1, number 1, may only be provided to the—

1. Person concerned, and

2. Authorities issuing driving permits for verification in case of issue of a new driving permit or an extension.

(3) If the local driving permit registers contain decisions which also need to be entered in the central register of traffic offenses, section 29 shall apply accordingly to their deletion. Paragraph (1) shall apply for the remaining data.

SECTION 62. REGISTER OF OFFICIAL DRIVING PERMITS ISSUED BY THE FEDERAL ARMED FORCES

(1) The Central Agency for Military Motor Traffic (*Zentrale Militärkraftfahrstelle*) maintains a central register of the official driving permits and official drivers licenses issued by the agencies of the Federal Armed Forces. The same data which may be stored in the local registers of driving permits may be stored in this register.

(2) The central register of driving permits at the Federal Office for Motor Traffic only stores the data mentioned in section 50, paragraph (1), number 1, the fact that an official license exists, its respective category and the date of commencement and ending of a probationary period, as well as the number of the driving permit.

(3) The data stored in the central register of the central agency for military motor traffic and in the central register of driving permits at the Federal Office for Motor Traffic shall be deleted after one year of completion of the mandatory military service of the person concerned (sec 3, paras (3) and (4), of the Law on Mandatory Military Service (*Wehrpflichtgesetz*)).

(4) Otherwise the provisions of this part with the exception of sections 53 and 56 apply accordingly. Based on statutory orders pursuant to section 63, paragraph (1), number 9, deviations from the provisions of this part may be authorized, if this is necessary to fulfill sovereign responsibilities.

SECTION 63. AUTHORIZATION, IMPLEMENTING PROVISIONS

The Federal Ministry of Transportation, Construction, and Urban Development is authorized to issue statutory orders with the consent of the Federal Council concerning—

1. Transmittal of data by the manufacturer of drivers licenses to the Federal Office for Motor Traffic and the storage by that office in accordance with section 48, paragraph (3), sentence 4,

2. Determination which data may be stored in the local and central register of driving permits pursuant to section 50, paragraph (1), number 2, and paragraph (2), number 2,

3. The type and scope of the data to be transmitted pursuant to sections 52 and 55 as well as the determination of the recipients and the official procedure to be applied for transmittals pursuant to section 55,

4. The type and scope of the data to be transmitted, the security measures against misuse, and the additional records in case of automated retrieval pursuant to section 53,

5. The type and scope of data to be transmitted and the security measures against misuse pursuant to section 54,

6. Determination of data which may be transmitted by automated retrieval pursuant to section 56,

7. Determination of foreign public agencies authorized to use automated retrieval pursuant to section 56,

8. Proof of identity in case of information provided pursuant to section 58, and

9. Special provisions on the driving permit registers of the Federal Armed Forces pursuant to section 62, paragraph (4), sentence 2.

PART VII
JOINT REGULATIONS, TRANSITIONAL PROVISIONS

SECTION 64. JOINT REGULATIONS
In case of a change of the maiden name, or first name of a person who has become 14 years old, the registration authorities shall transmit, in addition to the previous name, the following data to Federal Office for Motor Traffic for the purpose stated in sentence 2:

1. Maiden name,

2. Last name,

3. First names,

4. Date of birth

5. Place of birth

6. Sex,

7. Designation of authority which initiated the name change in the register of residents, and

8. Date and file number of the underlying legal instrument.

If the Central Register of Traffic Offenses or the Central Register of Driving Permits has an entry on this person, the new name shall be noted with the entry. Information provided pursuant to sentence 1 may only be used for the purpose stated in sentence 2. If the registers do not contain an entry about the person concerned, the information shall immediately be destroyed by the Federal Office for Motor Traffic.

SECTION 65. TRANSITIONAL PROVISIONS

(1) Information from registers, police certificates of good conduct, expert opinions, and health certificates that have already been in the files on 1 January 1999 must, in derogation of section 2, paragraph (9), sentences 2 through 4, only be destroyed when the authority issuing driving permits deals with the action for some other reason. Review of the files must,

however, be carried out at the latest by 1 January 2014. Instead of destroying the documents the data contained in them shall be blocked if, due to the special method the files are compiled, destruction is impossible or can only be done with extraordinary effort.

(2) If criminal or administrative offenses have been committed prior to 1 January 1999, the measures shall be based on the regulations concerning a driving permit issued on probation pursuant to section 2a in the version effective prior to 1 January 1999. If criminal or administrative offenses are added which were committed after 1 January 1999 all measures shall be based on section 2a in the version effective from 1 January 1999.

(3) The data stored by the Federal Office for Motor Traffic prior to 1 January 1999 on the basis of section 2c shall be transferred to the central register of driving permits.

(4) If criminal or administrative offenses were committed prior to 1 January 1999, the measures are determined by the points system in the version of the general administrative regulation RE section 15b of the Road Traffic Licensing Ordinance (*Straßenverkehrs-Zulassungsverordnung*). If criminal or administrative offenses are added that were committed after 1 January 1999 all measures are determined by the points system pursuant to section 4; the following measures will be considered equal:

1. The measures pursuant to section 4, paragraph (3), sentence 1, number 1, to the measures pursuant to section 3, number 1, of the General Administrative Regulation (*Allgemeine Verwaltungsvorschrift*) RE section 15b of the Road Traffic Licensing Ordinance,

2. The measures pursuant to section 4, paragraph (3), sentence 1, number 2 (ordering of a remedial training or issuing of a warning) to—

a) The inspection by an officially recognized expert or examiner for motor vehicle traffic pursuant to section 3, number 2, of the General Administrative Regulation Re section 15b of the Road Traffic Licensing Ordinance,

b) Subsequent training courses which were authorized by the authority issuing driving permits as alternative to the inspection by an officially recognized expert or examiner for motor vehicle traffic pursuant to section 3, number 2, of the General Administrative Regulation RE section 15b of the Road Traffic Licensing Ordinance.

Pointing out participation in an advisory course on conduct in motor traffic and notifying about a risk of withdrawal of the driving permit pursuant to section 4, paragraph (3), sentence 1, and??? number 2, sentence 3, shall remain unaffected.

(5) Recognition pursuant to section 4, paragraph (9), sentence 6, may be performed under the prerequisites stated in that section from 1 May 1998.

(6) Such decisions whose entry in the Central Register of Traffic Offenses pursuant to section 28 in the version effective prior to 1 January 1999 was not required, will only be registered from 1 January 1999 if the acts forming the basis for the decisions were committed from 1 January 1999.

(7) If revocations or withdrawals pursuant to section 28, paragraph (3), number 6, have to be entered in the Central Register of Traffic Offenses only those will be considered that have become unappealable or immediately enforceable after 1 January 1999.

(8) Entries pursuant to section 28, paragraph (3), number 12, shall not be made if the remedial training course was completed prior to 1 January 1999.

(9) Decisions entered in the Central Register of Traffic Offenses prior to 1 January 1999 shall be deleted by 1 January 2004 pursuant to the provisions of section 29 in the version effective until 1 January 1999, in conjunction with section 13a of Road Traffic Licensing Ordinance; the decisions may be used pursuant to section 52, paragraph (2), of the Law on Federal Central Registers (*Bundeszentralregistergesetz*) in the version effective until 31 December 1998, however, at maximum until the day which corresponds to a 10-year period for deletion. In deviation therefrom, section 29, paragraph (7), in the version of this law, is also applicable to decisions which already had been entered in the Central Register of Traffic Offenses when this law became effective.

(10) A local register of driving permits (sec 48, para (1)) may no longer be kept if—

1. Its data stock was transferred to the central register of driving permits together with the data mentioned in section 50, paragraph (1),

2. The measures taken by the authority issuing driving permits pursuant to section 2a, paragraph (2), and section 4, paragraph (3), were taken over by the Central Register of Traffic Offenses, and

3. The authority issuing driving permits may be provided the data by automated retrieval which may be transmitted to it pursuant to section 30, paragraph (1), number 3, and section 52, paragraph (1), number 3, from the central registers.

The authorities issuing driving permits shall delete from their local register of driving permits at the latest by 31 December 2012 all data stored in the Central Register of Driving Permits after they made sure that all data transferred to the Central Register of Driving Permits is complete and correct. Those data of the authorities issuing driving permits not yet stored in the Central Register of Driving Permits shall be stored in the local register until data is transferred. Measures taken by the authority issuing driving permits pursuant to section 2a, paragraph (2), sentence 1, numbers 1 and 2, and section 4, paragraph (3), sentence 1, numbers 1 and 2, will only be stored in the Central Register of Traffic Offenses if storage in the local register of driving permits is no longer performed.

(11) The General Administrative Regulation for the issuance of a warning in case of road traffic offenses of 28 February 2000 (Federal Gazette (*Bundesanzeiger*), p. 3048), even if it is amended pursuant to Article 84, paragraph (2), of the Basic Law, shall continue to be applied until a statutory order in accordance with section 26a, paragraph (1), number 1, is issued.

(12) A driving permit issued before 1 January 2011 on the basis of section 6e, paragraphs (1) and (2), in the version applicable until 31 December 2010, as well as on the basis of statutory orders issued based on these provisisions will remain valid.

SECTION 66. PROMULGATION OF STATUTORY ORDERS

Notwithstanding section 2, paragraph (1), of the Law Concerning the Promulgation and Public Announcement (*Verkündungs- und Bekanntmachungsgesetz*) in the Federal Gazette, statutory orders may also be promulgated in the electronic Federal Gazette (*elektronischer Bundesanzeiger www.ebundesanzeiger.de)*.

Enclosure (Re sec 24a)

List of Drugs and Substances

Drugs	Substances
Cannabis	Tetrahydrocannabinol (THC)
Heroin	Morphine
Morphine	Morphine
Cocaine	Cocaine
Cocaine	Benzoylecgonine
Amphetamine	Amphetamine
Designer amphetamine	Methylendioxyamphetamine (MDA)
Designer amphetamine	Methylendioxyethylamphetamine (MDE)
Designer amphetamine	Methylendioxymetamphetamine (MDMA)
Metamphetamine	Metamphetamine