APPENDIX G
ORDINANCE ON WARNINGS, STANDARD RATES FOR FINES AND THE ORDERING OF A PROHIBITION TO DRIVE FOR TRAFFIC OFFENSES (ADMINISTRATIVE FINE CATALOG ORDINANCE (*BUßGELD-KATALOGVERORDNUNG)* OF 13 NOVEMBER 2001 with subsequent amendments through 19 October 2012

Based on section 26a of the Road Traffic Law (*Straßenverkehrsgesetz*) in the amended version published in the Federal Law Gazette (*Bundesgesetzblatt*) III, classification number 9231-2, which was revised by Article 1, number 7, of the Law of 19 March 2001 (Federal Law Gazette I, page 386), the Federal Ministry of Transportation, Construction, and Urban Development (*Bundesministerium für Verkehr, Bau und Stadtentwicklung*) issues the following Ordinance:

SECTION 1. ADMINISTRATIVE FINE CATALOG

(1) In case of offenses under sections 24, 24a, and 24c of the Road Traffic Law set forth in the annex to this ordinance (Catalog of Administrative Fines (*Bußgeldkatalog*) (appendix H of this pamphlet)), a fine shall be assessed based on the amounts determined therein. In case of traffic offenses under section 24 of the Road Traffic Law for which a standard rate of up to 35 Euros is determined an on-the-spot cautionary fine (*Verwarnungsgeld*) shall be imposed.

(2) The amounts fixed in the Catalog of Administrative Fines are standard rates. In part I of the Catalog of Administrative Fines, they are based on the assumption that the offense was committed negligently and under ordinary circumstances; in part II, they are based on the assumption that the offense was committed intentionally and under ordinary circumstances.

SECTION 2. WARNING

(1) A warning must include an indication of the traffic violation.

(2) In case of minor traffic offenses pursuant to section 24 of the Road Traffic Law, a warning without imposition of an on-the-spot cautionary fine can be considered.

(3) The on the spot fine cautionary fine is charged in the amounts of 5, 10, 20, 30, and 35 Euros.

(4) Unless otherwise determined in the Administrative Fine Catalog the amount charged as on-the-spot cautionary fine should be 5 Euros in case of pedestrians and 10 Euros in case of bicyclists.

(5) If, in case of an on-the-spot cautionary fine, the Administrative Fine Catalog provides for a standard rate of over 20 Euros, the fine can be reduced to a maximum of 20 Euros if it is obvious that the person concerned lives in extraordinarily poor financial conditions.

(6) If, by the same act, several minor administrative offenses are committed for which a warning with an on-the-spot cautionary fine can be considered, only one fine, the highest that can be assessed, will be imposed.

(7) If the person concerned has committed minor administrative offenses by several acts or has violated the same regulation several times, one fine shall be imposed separately for each of the violations.

(8) In the cases of paragraphs (6) and (7) it must be reviewed if the act or the acts altogether can still be considered as minor offenses.

SECTION 3. STANDARD RATES FOR FINES

(1) Any possible entries about an individual in the Central Register of Traffic Offenses (*Verkehrszentralregister*) are not taken into account in the Catalog of Administrative Fines unless otherwise stipulated in numbers 152.1, 241.1, 241.2, 242.1, and 242.2 of the Catalog of Administrative Fines.

(2) If the holder of a vehicle commits an offense under number 119, number 198.1, in connection with table 3 of the annex, or numbers 212, 214.1, 214.2, or 223 of the Catalog of Administrative Fines, for which a standard rate of more than 35 Euros is assessed, that standard rate shall be applied which, in such cases, is assessed for ordering or permitting that a motor vehicle is put into operation by the holder.

(3) Standard rates imposing an amount in excess of 35 Euros are increased according to table 4 of the annex in case of endangerment or damage to property, unless these elements or one of them is already included in the offense listed in the Catalog of Administrative Fines.

(4) If the operator of a vehicle carrying hazardous cargo subject to identification or of a motor bus with passengers commits an offense listed under—

1. Number 8.1, 8.2, 15, 19, 19.1, 19.1.1, 19.1.2, 21, 21.1, 21.2, 212, 214.1, 214.2, 223, or

2. Number 12.5 or 12.6, both in connection with table 2 of the annex, or

3. Number 198.1 or 198.2, both in connection with table 3 of the annex

of the Catalog of Administrative Fines, the standard rate stated there, if it assesses an amount of more than 35 Euros, is increased by 50 percent, also in the cases of paragraph (3). The increased standard rate pursuant to sentence 1 shall also be applied if the holder orders or permits the operation of a motor vehicle carrying hazardous cargo subject to identification or of a motorbus with passengers in the cases of—

1. Number 189.1.1, 189.1.2, 189.2.1, 189.2.2, 189.3.1, 189.3.2, 213, or

2. Number 199.1, 199.2, each in connection with table 3 of the annex, or 224

of the Catalog of Administrative Fines.

(4a) If an offense stated in part I of the Catalog of Administrative Fines that is subject to a standard fine exceeding 35 Euros is committed intentionally, the stated standard rate shall be doubled, even in cases where an increase pursuant to paragraph (2), (3), or (4) was made. The calculated amount will be rounded up to the next highest full euro amount.

(5) If, by one act, several offenses of the Catalog of Administrative Fines are committed for each of which a fine with a standard rate of more than 35 Euros is assessed, only one standard rate, in case of varying standard rates the highest, shall be applied. Such rate can be increased reasonably.

(6) In case of traffic offenses under section 24 of the Road Traffic Law committed by traffic participants not operating a motor vehicle, the standard rate shall be reduced by 50 percent if the standard rate exceeds 35 Euros and the Administrative Fine Catalog does not contain specific offenses for these traffic participants. If the reduced standard rate pursuant to sentence 1 is less than 40 Euros, a fine shall only be assessed if a warning with an on-the-spot cautionary fine cannot be imposed.

SECTION 4. STANDARD PROHIBITION TO DRIVE

(1) In case of traffic offenses pursuant to section 24 of the Road Traffic Law, ordering of a prohibition to drive (sec 25, para (1), sent 1, of the Road Traffic Law) for serious violation of the duties of a vehicle operator is normally considered if an offense under—

1. Numbers 9.1 to 9.3 and numbers 11.1 to 11.3 each in connection with table 1 of the annex,

2. Number 12.5.3, 12.5.4, or 12.5.5 of table 2 of the annex, if the speed is more than 100 km/h, or the number 12.6.3, 12.6.4, or 12.6.5 of table 2 of the annex,

3. Number 19.1.1, 19.1.2. 21.1, 21.2, 83.3, 89a.2, 132.1, 132.2, 132.3, 132.3.1, 132.3.2, 152.1, or

4. Number 244 or 248

of the Catalog of Administrative Fines is committed. If in such cases a prohibition to drive is ordered, the duration determined therein shall be fixed.

(2) If a prohibition to drive is ordered for the first time because of persistent violation of the duties of a vehicle operator, the duration shall, as a rule, be 1 month. As a rule, a prohibition to drive is considered if a fine has already been imposed by final decision on the vehicle operator for a speeding violation with the limit being exceeded by at least 26 km/h, and if he commits another speeding violation, exceeding the speed limit by at least 26 km/h within one year since the decision has become final.

(3) In case of traffic offenses under section 24a of the Road Traffic Law a prohibition to drive (sec 25, para (1), sent 2, of the Road Traffic Law) shall be ordered as a rule, of a duration as stipulated in numbers 241, 241.2, 242.1, and 242.2 of the Catalog of Administrative Fines.

(4) If, as an exception, a prohibition to drive is not imposed, the standard rate of the fine assessed for the respective violation shall be increased appropriately.

SECTION 5. ENTRY INTO FORCE, EXPIRATION

This Ordinance enters into force on 1 January 2002.