

Legal Update

by Allan Garro N.

CAUTION! New Traffic Law In Force.

On March 1st 2010 a new Traffic Law took effect, this time with severe fines for even small infractions. Before that date, the existing law had a maximum fine equivalent to 20.000 colons (approx US \$38) but now fines have penalties as high as 293.000 colons (approx US \$563). For a poor country like Costa Rica, such fines could be considered excessive, but they are being applied right now.

About two years ago the media started pressuring the Costa Rican Congress because of the increasing number of car accidents linked with speeding and drunk driving. Soon a new amendment to the Criminal Code was proposed with jail sentences for drivers caught exceeding 150 kph - 93 mph - or with a blood alcohol level higher than 0.75 g/l. Some physicians estimate that to be around 3-4 beers, depending on the person's height and weight. Other Congressmen then decided to propose changes to the rest of articles in the law and soon an entire new set of rules was created.

In addition to the criminal penalties mentioned, vehicles must now have:

- A fire extinguisher
- 2 warning triangles
- 1 safety vest green, orange or red in color
- Jumper cables
- A basic kit tool
- A baby seat for infants and a "booster" seat for children under the age of 12.
- Clear front and rear windows - only side windows can be tinted and visibility must be 70% of clear glass

Other important regulations are: **a.** In urban areas the maximum allowable speed is 40 kph - 25 mph - or 60 kph - 38 mph - if traffic is light, **b.** On highways the maximum speed will be displayed on signs. The posted speed can be exceeded by 10 kph if traffic is light. **c.** Drunk driving with a blood alcohol level exceeding 0.5 g/l - approx 2 beers - will be considered reckless driving, punishable with the highest fine. If



the blood alcohol level exceeds 0.75 g/l the driver will be arrested. **d.** Driving at a speed higher than 120 kph - 75 mph - is considered reckless driving, punishable with the highest fine, and if speed exceeds 150 kph - 93 mph - driver will be arrested. **e.** Drivers with foreign driver's licenses can legally drive in the country as long as they can prove they have been in Costa Rica for less than 3 months, otherwise a ticket will be issued, **f.** Talking on a cell phone while driving is forbidden at all times, except with a hands free device.

You must pay at a bank, and there is an additional donation of 30% due for PANI (Children's Protection Institute), so if you receive a 293,000 colon ticket you will pay 381,000 colons (approx US \$732). If payment is not made within 8 days, 3% monthly interest will be applied.

The list of fines is huge, but here are some of the more common ones:

Fines of 293,000 colons (approx US \$563)

- Drunk driving
- Speeding at more than 120 kph - 75 mph
- Driving without a driver's license
- Carrying infants without a baby seat
- Carrying children under 12 years old without a "booster" seat

Fines of 220,000 colons (approx us \$423)

- Driving while talking on a cell phone without a hands free device
- Driving without a seat belt
- Driving without current car documents
- Ignoring a red light

Fines of 147,000 colons (approx US \$282).

- Driving without having warning triangles in the car
- Driving without license plates
- Driving without a current Technical Inspection (RTV)
- Littering

Fines of 117,000 colons (approx US \$225)

- Driving with tinted front or rear windows
- Driving with side windows tinted beyond 30%
- Parking in a restricted area



Continued on page 11...

Fines of 88,000 colons (approx US \$170)

- Driving with an expired driver's license
- Driving with a foreign driver's license after staying more than 3 months in the country

Fine of 29,000 colons

- Entering San Jose on a day prohibited by the last number of the license plate

To make things even more severe, Congress included the Points System created by Spain into the new Costa Rican Traffic Law. All drivers in Costa Rica start with 50 points on their licenses, and when a ticket is issued, points are subtracted in addition to the fine. If all points are used the driver's license is suspended for a period of 2 years, and the driver must take a driver's education course approved by Government.

Here are some examples of the points subtracted in addition to fines:

Drunk driving	50 points
Speeding at more than 120 kph - 75 mph	50 points
Carrying infants without a baby seat	50 points
Ignore stop signs	25 points
Talking on a Cell phone without hands free device	20 points

Driving without a seat belt	20 points
Driving without warning triangles	15 points
Driving without license plates	15 points
Exceeding the permitted number of passengers	10 points
Driving with an expired license	5 points

What can be done if a driver wants to dispute a traffic ticket? Formerly the dispute was presented to the local Traffic Court, and drivers had the right to appeal decisions to the Criminal Court. However, the new law created an administrative department called UNIDAD DE IMPUGNACIÓN DE BOLETAS – Ticket Dispute Unit - that is actually part of the same organization as the Traffic Police. Their decision is final. This could violate the Constitutional right to an appeal, but for the moment the system is in place.

After the law went into effect, Congressmen realized it was too severe and expensive. As you read this, a package of amendments is under discussion to eliminate the point system and lower the fines. For the moment, the best advice is to buy the new set of gadgets required and to be as cautious as possible on the road.

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