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The measures taken by the authorities against owners of motor vehicles who fail to have their vehicles periodically inspected

1. Introduction and conclusion

1.1. Purpose and conclusion

1. This report concerns how the Ministry of Transport, Building and Housing, the Ministry of Justice and the Ministry of Tax have managed mandatory periodic vehicle inspection. More specifically, we have examined what measures the Danish Road Safety Agency, the police and the Danish Customs and Tax Administration (SKAT) take against owners of vehicles who fail to have their vehicles inspected. Rigsrevisionen initiated the study in October 2017.

2. In 2010, the Ministry of Transport (now the Ministry of Transport, Building and Housing) took initiative to an amendment of the law that took effect in July 2012. The law amendment was expected to reduce the number of vehicles that are not being inspected from a constant level of approximately 15,000 to between 2,000 and 3,000.

3. With the law amendment, the Road Safety Agency was provided with new tools to reduce the number of vehicles that are not being inspected. Following the law amendment, the agency can issue fines and instruct the owners to hand in the number plates, when they have failed to have their vehicles inspected when due. As before, the police is authorised to impound the number plates of vehicles that have not been inspected when due. SKAT is the government's debt collector and collects the unpaid fines that other authorities have not succeeded in recovering.

4. In this study, we examine whether the law amendment has had the intended effect, what the authorities involved have done on a separate basis, and how they combined manage the task of reducing the number of vehicles that are not being inspected.

5. The purpose of the study is to assess whether the objective of the law amendment has been achieved, and whether the authorities have taken sufficient measures to reduce the number of vehicles that are not being inspected.

In the report, the tax administration is referred to as SKAT, as this body was responsible for collecting arrears, including fines for omission to have your vehicle tested, up until 1 July 2018.

Legal framework - periodic vehicle inspection

The legal framework of periodic vehicle inspection is Directive 2014/45/EU of the European Council. Current Danish law is act no. 473 of 9 June 2014 on the passing and inspection of vehicles including subsequent amendments – and consolidated act no. 516 of 1 June 2012 on the passing and inspection of vehicles (the inspection act).



Conclusion

It is Rigsrevisionen's assessment that the objective of the law amendment, which was to reduce the number of vehicles that are not being inspected, has not been achieved. The Ministry of Transport, Building and Housing's issue of fines has contributed to a drop in the number of vehicles that are not being inspected. However, the measures taken by the Ministry of Justice and the Ministry of Tax, against owners of vehicles who fail to have their vehicles inspected, have not sufficed in relation to achievement of the objective of the law amendment. It is Rigsrevisionen's assessment that achievement of the objective will depend on the effort made by the police to step up impoundment of number plates and SKAT's effort to collect the fines they are requested to recover.

The objective of the law amendment concerning improvement of compliance with the regulations governing periodic vehicle inspection has only been partially achieved. Expectations were a reduction in the number of vehicles that are not being inspected from a constant level of approximately 15,000 to between 2,000 and 3,000. Immediately after the law amendment became effective, the number dropped to approximately 6,300. During the last few years, the number has increased to approximately 7,400. The number of vehicles that are not being inspected has thus been reduced by 50% compared to the level before the law amendment. Approximately 60% of the vehicles whose number plates should be impounded, because they have not been inspected, are passenger cars, and approximately 40% are other vehicles including heavy vehicles. Many of the vehicles that have not been inspected are old vehicles.

The study shows that the Road Safety Agency applies two sanctions on time and systematically, namely the issue of fines and instructions to hand in number plates and requests to the police concerning impoundment of number plates. These sanctions have reduced the number of vehicles that are not being inspected, albeit to a lesser extent than expected.

Since the law amendment, the number of owners of vehicles receiving a first fine has been a stable 20,000 to 24,500, corresponding to approximately 2% of all vehicles due for inspection. The relatively stable level seems to indicate that the instrument of fining the owners will not lead to a further reduction in the number of vehicles that are not being inspected. The number of owners of vehicles that receive several fines has been on the increase in the period from 2013 to 2017. This development seems to indicate a decline in compliance for the group of owners that have been fined several times, since the law amendment.

The study also shows that the police has impounded the number plates of approximately 8% of the vehicles facing number plate impoundment in the period from 2012 to 2017. This means that the police has only to a limited extent impounded the number plates of vehicles that have not been inspected when due. Generally, the police impounds number plates if required, when vehicles are randomly checked during patrolling or are stopped in connection with other policing activities such as, for instance, general roadside checks. Thus, impoundment of number plates is not based on a risk assessment. According to the police, impoundment of the number plates of vehicles that have not been inspected when due is prioritised alongside all other operational police tasks.

Well over half of the vehicles facing number plate impoundment have been on the roads for four or more years without having been inspected. Approximately 12 % of these vehicles have been on the roads for four years or more.

Additionally, vehicles that are more than 16 years old are over-represented among those facing number plate impoundment compared with the total number of vehicles due for inspection. Old vehicles also make up a comparatively large proportion of the vehicles that have been facing impoundment of their number plates for the longest time. Rigsrevisionen is of the opinion that since the risk of technical defects increases with the age of the vehicles, it is inappropriate that particularly older vehicles can be on the roads for so long. The owners of these vehicles have a special incentive to speculate whether it will be worthwhile having their vehicles inspected, because the cost of repairing them can be very high.

It is Rigsrevisionen's assessment that the effort made by the police has not sufficed to fulfil the expectations associated with the law amendment.

SKAT has collected less than half of the unpaid fines concerning inspections issued in the period from 2013 to 2017. In money terms, this corresponds to just under one third of the total amount of the fines issued. SKAT's portfolio of claims from the Road Safety Agency has doubled in the same period, whereas SKAT's portfolio of claims from the police has more than quadrupled. The Road Safety Agency forwards slightly more than half of all fines to the police and SKAT, whereas the police forwards approximately half of all fines to SKAT. The high number of fines forwarded to SKAT indicates low compliance among the owners of the vehicles.

It is Rigsrevisionen's assessment that the preventive effect of the fines depends on SKAT's consistent effort to collect the fines.