

Gov. Decree No 410/2007 (XII. 29.)
Date of entry into force: 11.12.2017

Gov. Decree No 410/2007 (XII. 29.)

on traffic offences subject to an administrative fine, the amount of fines that may be imposed for offences, the rules governing the use of such amounts and the conditions of participating in control activities

Under the authority of items 5, 20, 21 and 22 of Section 48(3)(a) of Act I of 1988 on road transport, in the scope of its duties specified in Section 35(1)(b) of the Constitution, the Government orders as follows:

Section 1 (1) Pursuant to Section 21(1) of Act I of 1988 on road transport ('Public Public Roads Traffic Act'), where the provisions referred to in Sections 2 to 8/A are breached, the administrative fines set out in this Decree shall be imposed against the operator of the vehicle or, in the event specified in Section 21/A(2) of the Public Roads Traffic Act, against the person having taken over the vehicle for use (hereinafter to be collectively referred to as the 'vehicle operator').

(2) For the purposes of this Decree, unless the document on the change of the operator's rights demonstrates otherwise, the operator shall be the operator of the vehicle as registered in the register kept on the basis of the Act on the road transport register or the operator of the vehicle as registered in the document issued by the authority of the country of establishment (registration document).

(3) In the administrative procedure conducted on the basis of Sections 2 to 8/A, persons with restricted power of disposal concerning any group of issues shall also be entitled to participate in the procedure.

Section 2 (1) In connection with Section 21(1)(a) of the Public Roads Traffic Act, the vehicle operator shall pay a fine of an amount specified in *Annex 1* if the vehicle has exceeded the speed limit (hereinafter: 'speeding').

(2) The fine under paragraph (1) need not be paid by the vehicle operator if an equivalent or higher fine has been imposed on him for speeding on the basis of the calculation of average speed for the same period of time and the fine has been paid by the vehicle operator.

(3) The vehicle operator shall only be liable to pay the difference between the fine already paid and the fine newly established if a lower-amount fine has been imposed on him for speeding on the basis of the calculation of average speed for the same period of time.

Section 3 In connection with Section 21(1)(b) of the Public Roads Traffic Act, the vehicle operator shall pay a fine of an amount specified in *Annex 2* for any violation of the legislative provisions referred to therein.

Section 4 In connection with Section 21(1)(c) of the Public Roads Traffic Act, the vehicle operator shall pay a fine of an amount specified in *Annex 3* for any violation of the legislative provisions referred to therein.

Section 5 (1) In connection with Section 21(1)(d) and (i) of the Public Roads Traffic Act, the vehicle operator shall pay a fine of an amount specified in *Annex 4* for any violation of the legislative provisions referred to therein.

(2) For violations committed by the same vehicle as established within an eight-hour period calculated from the time of the first violation on the basis of an inspection conducted in the National Axle Load Measuring System, the fine under paragraph (1) shall be imposed against the vehicle operator on a single occasion, for the violation subject to the highest amount of fine within the eight-hour period concerned.

(3) The eight-hour period under paragraph (2) shall restart at the time the first violation is established following the expiry of eight hours from the first violation detected.

(4) The provisions under paragraphs (2) and (3) shall not apply if the vehicle has been subjected to a roadside inspection for any of the reasons set out in Section 20(1) of the Public Roads Traffic Act by an authority entitled to carry out roadside inspections under Section 20(11)(a)(aa) and (b)(ba) of the Public Roads Traffic Act, after the violation has been observed. The administrative fine may be repeatedly imposed if a violation is committed following such roadside inspection.

(5) In the case of combinations of vehicles, fines shall not be separately imposed for the vehicles forming part of the combination of vehicles concerned.

(6) If several axles or groups of axles are overloaded, the fine concerning the highest excess shall be taken into consideration. Where both the gross combined weight rating and the permitted axle load or the load on groups of axles are exceeded, the relevant fines shall be added up.

Section 6 In connection with Section 21(1)(e) of the Public Roads Traffic Act, the vehicle operator shall pay a fine of an amount specified in *Annex 5* for any violation of the legislative provisions referred to therein.

Section 7 In connection with Section 21(1)(f) of the Public Roads Traffic Act, the vehicle operator shall pay a fine of an amount specified in *Annex 6* for any violation of the legislative provisions referred to therein.

Section 8 In connection with Section 21(1)(g) of the Public Roads Traffic Act, the vehicle operator shall pay a fine of an amount specified in *Annex 7* for any violation of the legislative provisions referred to therein.

8/A. § (1) In connection with Section 21(1)(h) of the Public Roads Traffic Act, in the event of violating the legislative provision set out in Annex 9, the vehicle operator shall pay an administrative fine of an amount calculated on the basis of the relevant vehicle category and the unauthorised use of the road determined for the period specified in Annex 9 by the electronic toll system ('Toll System') as specified in Section 2(17) of Act LXVII of 2013 on the pay-as-you-go toll payable for the use of motorways, express roads and main roads ('ED Act'). Where fines have been imposed concerning more than one period, the higher fine shall be paid.

(2) The fine under paragraph (1) shall not be repeatedly imposed against the vehicle operator for the unauthorised use of the road by the same vehicle where less than eight hours have passed since the unauthorised use of the road by the vehicle in question was first observed.

(3) No new administrative fine shall be imposed if an administrative procedure has been instituted against the person having taken over the vehicle for use on account of the establishment of unauthorised road use, within two hours of the detection of the unauthorised road use the procedure is based upon.

Section 8/B (1) If the administrative fine under Section 21 of the Public Roads Traffic Act is imposed against the driver of the vehicle and requirements concerning the person's criminal record is assigned to the administrative fine by a separate legislation, the client shall be notified of such requirement in the decision.

No fine under Section 21(2) of the Public Roads Traffic Act as specified in Annexes 1 to 6 and in Annex 9 shall be imposed if the person having violated the provisions concerning the speed limit, passage through a level crossing, the signals of the light signalling equipment controlling the flow of traffic, the use on the road of vehicles exceeding the gross combined weight rating or axle load, the use of hard shoulders on motorways, the ban on entry, restricted zones, the prescribed direction of traffic and the pay-as-you-go toll charged for the use of toll road sections has become known during the roadside inspection or during the procedure according to paragraph (3) or in any other manner.

(3) Where an administrative procedure according to Section 21(2) of the Public Roads Traffic Act has been started for committing the violations specified in paragraph (2), and

(a) on the basis of data under Section 21/A(2) of the Public Roads Traffic Act, set out in an official document according to Section 21/A(4) of the Public Roads Traffic Act or in a private deed of full probative value, or

(b) on the basis of the vehicle operator's statement made in front of or to the authority,

it can be established that the driver of the vehicle is the same person as the user or operator of the vehicle, the authority specified in Section 9(2)(a), or the transport authority if the procedure has been started on account of Section 21(1)(d) or (i) of the Public Roads Traffic Act, shall impose a fine against the driver of the vehicle for violating the regulations in accordance with the Government Decree on the amount of fines that may be imposed for the violation of certain provisions related to road haulage, passenger transport and road transport and administrative duties associated with the imposition of fines.

(4) The administrative procedure related to a violation that has been recorded by a technical device according to the ministerial decree laying down the criteria for the devices taking photographs of the vehicle and its administrative markings as specified in Section 21(1) of the Public Roads Traffic Act (with the exception of Section 21(1)(d), (h) and (i) of the Public Roads Traffic Act) shall not be started or conducted against the driver whose identity has been found out if no administrative fine has been imposed against such driver for the same violation on the basis of Section 20 of the Public Roads Traffic Act.

(5) In the event of a violation specified in Section 21(1)(h) of the Public Roads Traffic Act, on the basis of data made available by the Toll System operator specified in the ED Act to the authority competent to impose the fine, an administrative procedure shall not be started or conducted against the driver whose identity has been found out if no administrative fine has been imposed against such driver for the same violation on the basis of Section 20 of the Public Roads Traffic Act.

(6) In the event of a violation specified in Section 21(1)(d) or (i) of the Public Roads Traffic Act, on the basis of data made available by the Toll System operator specified in the ED Act to the authority competent to impose the fine, an administrative procedure shall not be started or conducted against the perpetrator of the

violation whose identity has been found out if no administrative fine has been imposed against such person for the same violation on the basis of Section 20 of the Public Roads Traffic Act. For the purposes of this paragraph, the same violation shall mean the same detection.

Section 9 (1) The Government hereby appoints the body established in order to conduct penalty procedures under Section 21(1)(a) to (c) and (e) to (h) of the Public Roads Traffic Act and to perform general police activities (hereinafter: the 'Police'), and the transport authority to conduct penalty procedures under Section 21(1)(d) and (i) of the Public Roads Traffic Act.

(2) In the penalty procedures under Section 21(1)(a) to (c) and (e) to (h) of the Public Roads Traffic Act,

(a) the following persons shall have competence to conduct the procedure of first instance:

(aa) the Vas County Chief Commissioner of Police shall have jurisdiction to conduct the procedure of first instance in Baranya, Győr-Moson-Sopron, Fejér, Komárom-Esztergom, Somogy, Tolna, Vas, Veszprém and Zala Counties and Budapest,

(ab) the Szabolcs-Szatmár-Bereg County Chief Commissioner of Police shall have jurisdiction to conduct the procedure of first instance in Bács-Kiskun, Békés, Borsod-Abaúj-Zemplén, Csongrád, Hajdú-Bihar, Heves, Jász-Nagykun-Szolnok, Szabolcs-Szatmár-Bereg, Nógrád and Pest Counties

in the event of violations committed in the territory of the above counties;

(b) the Budapest Chief Commissioner of Police shall have competence to conduct the procedure of second instance, with national jurisdiction.

(2a)

(3) During the penalty procedure, access shall be provided for the client to the documents relevant to the procedure by the competent transport authority in penalty procedures under Section 5, and by the police station having jurisdiction over the client's place of residence or, failing a place of residence, the client's place of accommodation or the client's registered address or business premises where any of the legislative provisions specified in Sections 2 to 4 and 6 to 8/A has been infringed. As part of the client's access to documents, the client is entitled to view the images demonstrating the violation of legislative provisions by electronic means, including following the identification.

(4) In a penalty procedure under Section 21 of the Public Roads Traffic Act, there is no requirement to notify the client of the start of a procedure. However, when the ruling is sent, the client shall be notified of his right to submit a motion to present evidence within 8 days and his right to exercise an excuse as set out in Section 21/A of the Public Roads Traffic Act. If such right is waived by the client, the legal consequences associated with the service of the ruling shall take effect on the day immediately following the expiry of the time-limit.

(5) Where the violation specified in Section 21/B(2) of the Public Roads Traffic Act was committed by a vehicle registered in another Member State having transposed Directive (EU) 2015/413 of the European Parliament and of the Council, a notification letter specified in the ministerial decree on the forms to be used in facilitating cross-border exchange of information on road-safety-related traffic offences shall be sent to the vehicle operator, notifying the operator of his right to

submit a motion to present evidence within 15 days and his right to exercise an excuse under Section 21/A of the Public Roads Traffic Act. The official reply form shall be attached to the notification letter.

Section 9/A The amount of the fine imposed on the basis of Section 5 shall become payable to the Hungarian State Treasury account no. 10032000-01040463-00000000 for the centralised revenues of the transport authority within 30 days of the entry into force of the ruling on the imposition of the fine.

Section 10 The amount of the fine imposed on the basis of Sections 2 to 4 and 6 to 8/A shall become payable to the account of the centralised collection account of the National Police Headquarters ('ORFK'), kept with the Hungarian State Treasury within 30 days of the entry into force of the ruling on the imposition of the fine.

(2)

Section 10/A The body or organisation entitled to collect a fee for the use of the road and to control the payment of such fees and, on the roads operated by it, the operator of the road under Section 33(1) of the Public Roads Traffic Act and Section 63/A of Act LXV of 1990 on local governments (hereinafter to be collectively referred to as the 'road operator') and the Police shall set out detailed requirements governing the taking of photographs demonstrating the violation of legislative provisions specified in Sections 2 to 4 and 6 to 8 and the forwarding of such photographs in a cooperation agreement. On behalf of the Police, the Chief Commissioner of Police of Hungary shall enter into the cooperation agreement with the road operator.

Section 11 (1)

(2)

(3)–(5)

Section 12 (1) On the basis of Section 33(2) of the Public Roads Traffic Act, the Police and the road operator shall, on the basis of a written contract of agency, be entitled to employ an agent for taking and forwarding the photographs demonstrating the violation of legislative provisions under Sections 2 to 4 and 6 to 8.

(2) Such agent shall be an incorporated entity or a sole trader

(a) in possession of the following:

(aa) equipment complying with the criteria set out in a separate legislation laying down requirements for devices taking photographs of vehicles and its administrative markings and meeting the conditions specified for the use of such equipment, and

(ab) a qualification according to the MSZ EN ISO 9001:2001 standard or an equivalent qualification, and

(ac) a third-party insurance relevant to his activities, and

(ad) an authorization to take photographs, issued by the body under paragraph (1), and

(b) shall have no unpaid public dues under Section 178(32) of Act XCII of 2003 on the rules of taxation at the time the contract of agency is concluded, and

(ba) the latter shall be demonstrated with an official document issued in the past 30 days, or

(bb) the agent shall be included in the database on taxpayers with no unpaid public dues, and

(c) his employees personally involved in the activity have a clean criminal record, and

(d) the agent is included in the list or the authoritative list specified in Section 2(14) or (15) of Gov. Decree No 143/2004 (IV. 29.) laying down special rules for purchasing projects affecting state secrets or service secrets or fundamental security or national security interests or calling for special security measures.

(3) Where the road operator employs an agent for taking and forwarding photographs,

(a) it shall, simultaneously with the conclusion of the cooperation agreement, notify the body under Section 9(1)(a) of compliance with the conditions under paragraph (2) at, attaching the relevant certificates,

(b) during the effect of the contract of agency, it shall verify compliance with the conditions under paragraph (2) on a regular basis but at least once a year, taking up minutes on such verification.

(4) If the agent fails to meet or no longer meets any of the criteria under paragraph (2), the agent shall discontinue the forwarding of data, notifying the road operator and the body under Section 9(1)(a) thereof.

(5) If, during verification under paragraph (3)(b), the road operator finds that the agent fails to meet or no longer meets any of the criteria under paragraph (2), it shall take measures in order to have the agent discontinue the forwarding of data, notifying the body under Section 9(1)(a) thereof, setting out the reasons for the suspension of the forwarding of data.

(6) If, notwithstanding the measure by the road operator under paragraph (5) above, the agent fails to discontinue the forwarding of data, the body under Section 9(1)(a) shall suspend receiving the data, notifying the road operator of such suspension without delay.

(7) Where the agent no longer meets the criteria under paragraph (2), it shall not act as an agent and shall not be employed as such.

(8) No ruling shall be made on the basis of unlawfully generated data.

Section 13 (1) With the exception set out in paragraph (3), this Decree shall enter into force on 1 January 2008.

(2) The fines determined in Sections 2 to 8 hereof shall apply to offences committed after 1 May 2008.

(3) Sections 10 and 11 of this Decree shall enter into force on 1 May 2008.

(4)

(5)

Section 14 Section 9(4) of this Decree, specified by Section 3(1) of Gov. Decree No 71/2011 (IV. 28.) amending Gov. Decree No 175/2003 (X. 28.) on instruments particularly dangerous for public safety, Gov. Decree No 329/2007 (XII. 13.) on Police bodies and the duties and functions of Police bodies, and Government Decree No 410/2007 (XII. 29.) on traffic offences subject to an administrative fine, the amount of fines that may be imposed for offences, the rules governing the use of such amounts and the conditions of participating in control activities (hereinafter: 'R.') shall also apply to cases pending at the time the R. enters into force.

Section 16 Section 8/A of this Decree, set out by Section 1(1) of Gov. Decree 99/2011 (VI. 29.) amending certain government decrees related to road transport, and Annex 4 to this Decree, set out by Section 1(4) of Gov. Decree 99/2011 (VI. 29.) shall apply in procedures started after 30 June 2011.

Section 16/A (1) Where an offence specified in Section 21(1)(d) and (i) is established to have been committed between the day immediately following the entry into force of the amending reg1 and 31 December 2017, the authority specified in Section 9(1), set out by Gov. Decree 233/2017 (VIII. 14.) amending certain government decrees related to the setting up and operation of the National Axle Load Measuring System and to fines imposed on account of unauthorised road use (hereinafter: 'amending reg1') shall, instead of imposing a fine, warn the vehicle operator, notifying him of the requirements set out in the ministerial decree on the operation of vehicles in excess of a specific gross combined weight, axle load, axle group load and size.

(2) For buses in excess of a specific axle load and axle group load, other than buses used for a public service, in the event of offences committed until 31 December 2017, the control authority shall, instead of imposing a fine, warn the driver or the operator of the bus, notifying them of the requirements set out in the ministerial decree on the operation of vehicles in excess of a specific gross combined weight, axle load, axle group load and size.

Section 17 Together with Act I of 1988 on road transport and Act LXXXIV of 1999 on the road transport register, this Decree ensures compliance with Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences.

Annex 1 to Gov. Decree No 410/2007 (XII. 29.)

No.	Provisions governing the speed limit (excessive speeds shown in km/h)	Amount of fine (HUF)	Joint KPM–BM Decree No 1/1975 (II. 5.) laying down the rules governing road transport
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1. up to 50 km/h

(a)	between 15 km/h and 25 km/h	(a) 30,000	Section 14 (1)(d)
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(b)	between 25 km/h and 35 km/h	(b) 45,000	Section 14 (1)(z)(1)
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(c) between 35 km/h and 45 km/h	(c) 60,000	Section 26 (1) and (2)
(d) between 45 km/h and 55 km/h	(d) 90,000	Section 39/A(2)
(e) between 55 km/h and 65 km/h	(e) 130,000	
(f) between 65 km/h and 75 km/h	(f) 200,000	
(g) in excess of 75 km/h	(g) 300,000	
2. between 50 km/h and 100 km/h		
(a) between 15 km/h and 30 km/h	(a) 30,000	Section 14 (1)(d)
(b) between 30 km/h and 45 km/h	(b) 45,000	Section 26 (1) and (2)
(c) between 45 km/h and 60 km/h	(c) 60,000	
(d) between 60 km/h and 75 km/h	(d) 90,000	
(e) between 75 km/h and 90 km/h	(e) 130,000	
(f) between 90 km/h and 105 km/h	(f) 200,000	
(g) in excess of 105 km/h	(g) 300,000	
3. in excess of 100 km/h		
(a) between 20 km/h and 35 km/h	(a) 30,000	Section 14 (1)(d)
(b) between 35 km/h and 50 km/h	(b) 45,000	Section 26 (1) and (2)
(c) between 50 km/h and 65 km/h	(c) 60,000	
(d) between 65 km/h and 80 km/h	(d) 90,000	
(e) between 80 km/h and 95 km/h	(e) 130,000	
(f) between 95 km/h and 110 km/h	(f) 200,000	
(g) in excess of 110 km/h	(g) 300,000	

Annex 2 to Gov. Decree No 410/2007 (XII. 29.)

No.	Provisions concerning the crossing of a level crossing	Joint KPM–BM Decree No 1/1975 (II. 5.) laying down the rules governing road transport	Amount of fine (HUF)
1.	Provisions concerning stopping ahead of a level crossing	Section 39(3)(b), (c), (e), (h)	30,000

2. Provisions concerning driving into a level crossing Section 39(5)(a) and (b) 60,000

Annex 3 to Gov. Decree No 410/2007 (XII. 29.)

No.	Provisions concerning the prohibition to move on	Joint KPM–BM Decree No 1/1975 (II. 5.) laying down the rules governing road transport	Amount of fine (HUF)
1.	Light signal warning of the prohibition to move on	Section 9 (4)(d)	50,000

Annex 4 to Gov. Decree No 410/2007 (XII. 29.)

No.	A	B	C	D
	Acts and omissions subject to a fine	Amount of fine (HUF)	Legislative reference	The person held responsible for committing the act or omission subject to a fine
1.

2.	operator or under values other than as authorized by the road operator where the gross combined weight rating is exceeded.	500,000	the ministerial decree on the operation of vehicles in excess of a specific gross combined weight, axle load, axle group load and size	vehicle operator

3.	Vehicles exceeding the maximum permitted axle load or axle group load, operated without authorization by the road operator or under values other than as authorized by the road operator.	350,000	the ministerial decree on the operation of vehicles in excess of a specific gross combined weight, axle load, axle group load and size	vehicle operator

4.	In the event of violating the prohibition of manipulating the result of measurements under the axle load measuring system.	100,000	Section 21/K(1a) of Act I of 1988 on road transport	vehicle operator

Annex 5 to Gov. Decree No 410/2007 (XII. 29.)

No.	Provisions concerning the use of hard shoulders on motorways	Joint KPM–BM Decree No 1/1975 (II. 5.) laying down the rules governing road transport	Amount of fine (HUF)
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1. Driving along the hard shoulder	Sections 36 (1) and 37(2)	100,000
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Annex 6 to Gov. Decree No 410/2007 (XII. 29.)

No.	The prohibition of entry and the compulsory direction of traffic	Joint KPM–BM Decree No 1/1975 (II. 5.) laying down the rules governing road transport	Amount of fine (HUF)
1.	Prohibition of entry	Section 13(1)(g), (g/1), (i), (i/1) Section 14 (1)(n), (z)	30,000
2.	The compulsory direction of traffic	Section 13(1)(a), (a/1), (b), (c) Section 14(1)(a), (b), (c)	50,000
3.	Zones with traffic restrictions	Section 14(1)(z/2)	30,000

Annex 7 to Gov. Decree No 410/2007 (XII. 29.)

No.	Nature conservation	Act LIII of 1996 on nature conservation	Amount of fine (HUF)
1.	Unauthorised entry by a vehicle (a) to a protected natural area (b) to a specially protected natural area	Section 38(1)(j)	(a) 150,000 (b) 300,000
2.	Turning off the authorized path within a protected or specially protected natural area	Section 38(1)(j)	100,000

Annex 8 to Gov. Decree No 410/2007 (XII. 29.)

Annex 9 to Gov. Decree No 410/2007 (XII. 29.)

Offences under Section 14(a) of the ED Act

Vehicle category	In the event of a one-time detection of unauthorised road use (amount of fine in HUF)	In the event of a repeated unauthorised road use, detected during the period between the 121st and 240th minute following the detection of unauthorised road use, where no further detection is made between the 241st and 480th minute for the specific vehicle subject to toll payment (amount of fine in HUF)	In the event of a repeated unauthorised road use, detected during the period between the 241st and 480th minute following the detection of unauthorised road use (amount of fine in HUF)
J2	30,000	90,000	140,000
J3	35,000	100,000	150,000
J4	40,000	110,000	165,000

Offences under Section 14(b) of the ED Act

Vehicle category	In the event of a one-time detection of unauthorised road use (amount of fine in HUF)	In the event of a repeated unauthorised road use, detected during the period between the 121st and 240th minute following the detection of unauthorised road use, where no further detection is made between the 241st and 480th minute for the specific vehicle subject to toll payment (amount of fine in HUF)	In the event of a repeated unauthorised road use, detected during the period between the 241st and 480th minute following the detection of unauthorised road use (amount of fine in HUF)
J2	24,000	72,000	110,000
J3	28,000	80,000	120,000
J4	36,000	88,000	135,000

Offences under Section 14(c) of the ED Act

Vehicle category	In the event of a one-time detection of unauthorised road use (amount of fine in HUF)	In the event of a repeated unauthorised road use, detected during the period between the 121st and 240th minute following the detection of unauthorised road use, where no further detection is made between the 241st and 480th minute for the specific vehicle subject to toll payment (amount of fine in HUF)	In the event of a repeated unauthorised road use, detected during the period between the 241st and 480th minute following the detection of unauthorised road use (amount of fine in HUF)
J2	30,000	90,000	140,000
J3	35,000	100,000	150,000
J4	40,000	110,000	165,000
