

**REGULATIONS FOR DRIVERS.
OCTOBER 2006.**

1. Question: What shall be included into the protocol on administrative violations, in case the driver violates traffic rules?

Answer: The Protocol on violations of traffic rules includes the followings: information about the violator and the person who prepares the protocol; the time and place of violation; article showing the violation of traffic rules; the essence of violation and the article of the Code of Administrative Offences of Azerbaijan Republic defining the responsibility for that violation; names and surnames of witnesses and damaged person(if present); explanation of violator; and other information necessary for solution of case. If driving license is taken from driver, this fact shall be included into the protocol. The protocol defining the fact of violation is officially registered in the presence of violator (Code of Administrative Offences of Azerbaijan Republic, Article 410). It shall be noted that driver can write all the facts of his or her discontent, personal attitude to the incident, the names of person who witnessed the incident to a certain place of protocol intended for drivers and can demand from police officer to note down the article of the Code of Administrative Offences which he or she violated. Remember that all information that you include, can be a ground for you to appeal. To sign the protocol is your right, not the duty.

2. Question: Which grounds does the officer of Traffic Patrol Service have to demand taking away the car of the driver to a special stop?

Answer: According to the article 29 of Azerbaijan Constitution, special property (here the car) is protected by law and nobody can be deprived of this property without the decision of the court. According to the article 406, 407, 408 of the Code of Administrative Offences of Azerbaijan Republic, in the following exceptional cases the car can be taken temporarily:

1. If the driver doesn't have necessary documents;
2. If the driver is in the state of drunkenness under the influence of alcohol or drugs;
3. If there is any disorder in: 1) brake system; 2) system of steering-wheel; 3) tow equipment. The car shall be returned after the elimination of cases which caused the temporal taking away of the car (within 3 (three) hours, Article 407, the Code of Administrative Offences of Azerbaijan Republic) or after the arrival of a person (relative, taxi driver) with driving license or after bringing the necessary documents.

3. Question: Where shall the inspector stand while writing the protocol?

Answer: Only in necessary cases, the inspector can demand to turn off the engine of the car from the driver and ask him to get off the car. As a rule, the inspector conducts negotiation and documentation with a driver on the pavement. In this case, to lean on vehicle (to make notes on or inside of it, to put feet on bumper) is inadmissible. The inspector conducts documentation inside the patrol car only in bad weather condition (wind, rain etc.). In any case, it is forbidden to seat the driver in patrol car for documentation of traffic violation. (Instruction of Traffic Patrol Service 3.4.4.4.)

4. Question: What happens when a person is deprived of the right to drive vehicle?

Answer: In accordance with the article 456.2 of the Code of Administrative Offences, in case if the restriction period of private property (in this case driving the vehicles) expires, or if that period is reduced according to the article 455.5 of the Code of Administrative Offences, all the documents taken from the person who is charged with that offence **SHALL BE RETURNED** back to that person. According to the Code of Administrative Offences and the Law on Traffic Rules, if as the result of violations of traffic rules, the driver gets the score of 10 or more than it within a year, his right to drive vehicles is temporarily restricted. The temporary restriction of the right is not considered as deprivation of this right. As mentioned above, after the appointed date expires, the documents shall be returned without any test. If the driver faces with the demand to

take any test, he can insure his right by applying to the court at any time. Besides, it shall be taken into consideration that the trials on administrative offences are free of charge.

5. Question: How shall the driver behave when his car is stopped by the officer of Traffic Patrol Service?

Answer: We advice the driver whose car is stopped by the officer of Traffic Patrol Service to behave in the following manner:

1. Be polite, delicate and decent. Take into account that to stop the car, go off and approach to the officer is not your duty but your right.
2. Ask the inspector to introduce his official ID and note somewhere for yourself information about his personality.
3. There shall be insignia with a special number on the breast of the officer. The absence of such insignia shall be a hint for doubt.
4. Address your appeal of complaint on the violation of your right by police officer to Procurator's Office or relevant bodies of the Ministry of Internal Affairs. This is necessary for registration of these violations in appropriate way.
5. In any case, don't say "I will not give my documents" or "I will not go to police station", especially in the presence of witnesses.

6. Question: The officer of Traffic Patrol Service imposes administrative fine on me; however, I do not agree with it. What shall I do in this case?

Answer: You have to express your disagreement with this decision in polite and understandable manner. In this case, police officer can not impose administrative fine on the driver in the place of incidence, and that's why he has to prepare a protocol about administrative fine only. After the preparation of the protocol, you have to review it attentively. Try to avoid the use of general statements (for example, "increased the speed", "violated traffic rules", etc.).

7. Question: Which rights does the person detained by the police have?

Answer: While detaining the citizen, police officers:

- shall provide the right to receive legal aid, i.e. with a lawyer, in accordance with law;
- shall inform person's relatives, the authority of his working or educational place(if the person hasn't reach the mature age, such information is obligatory.);
- shall take measures for delivering medical aid to the citizen if necessary;
- shall eliminate the danger threatening the life, health, or property of detained person.

8. Question: If you are required to take a test determining alcohol level in your blood?

Answer: This can be required if the police officer have grounded doubts, and in such cases special technical equipments (alcoholmeter) is used or sent to medical analysis. Relevant protocol is prepared and a copy of it is handled to the person who is charged. If you are tested with alcoholmeter in the place of incidence, require the presence of two witnesses and check that alcoholmeter is new. If police officer refuses to conduct the test in the place of incidence, learn the reason and include it into the protocol. If you consider that unfair protocol was prepared in the place where you were send to, you may give your blood test again in any independent hospital, and can apply to the court with this additional opinion.

9. Question: How is it determined whether speedometers meet the standards?

Answer: Controlling speedometers used in traffic patrol service shall be checked by state standardizing bodies and these devices shall have certificates permitting their use. The use of unchecked speedometers or those of which the date of inspection has expired is inadmissible. (Instruction of Traffic Patrol Service 3.3.9.). If you are sure that you didn't drive at a speed which the device shows- look at the time of the speed defined by speedometer and include it into the protocol. In any case, the court will not accept the indicators of speedometers as an evidence,

except the cases when modernized type of speed controlling devices that measures the speed of car and takes its photo is used.

10. Question: What to do if you are being asked to give bribe?

Answer: Ask suddenly: "What do you want?"

Try to make sure that the passengers of the car hear the name, surname and badge number of the police officer, the number of police car and the time, and immediately call hot lines of Ministry of Internal Affairs, General Procurator's Office or "Transparency Azerbaijan".