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LIMITED TRAFFIC ZONE VIOLATIONS: THERE IS NO FINE WITHOUT FAULT

Reggio Emilia's court has identified the need of the subjective element for the infliction of some administrative penalties.

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IUS/15 - DIRITTO PROCESSUALE CIVILE
Articolo divulgativo - ISSN 2421-7123

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Publicato, Lunedì 20 Giugno 2016

Reggio Emilia's court (sentence sect. II, 14/10/2014) rejected the Municipality's appeal against the declaration made by the justice of the peace, thanks to which a citizen's thesis was partially accepted after he underwent some administrative penalties due to his access to Limited Traffic Zones for business with an expired permit.

In particular, the court observed that the Administration had not communicated the permit's imminent deadline to the driver, thus failing the requirement of subjective "fault", which is a necessary element for the application of all the violations following the first notified infraction.

The Emilian judge explained that administrative penalties take place "when the violation contains not only an objective element, but also a subjective element, at least of fault".

He believed that the following violations consisting in the access to Limited Traffic Zones do not have a subjective element, fraud or fault, because they derive from the previous omission. Taken individually, they do not show the driver's explicit awareness and will to violate the applicable rules.

In conclusion, Reggio Emilia's court enunciated the following law principle: "in case the driver forgot to renew their permit to access Limited Traffic Zones, in spite of having the right to do it, and the permit's imminent deadline was not communicated in advance by the Administration, the violations following the first infraction and preceding the notification of such first infraction do not have a subjective element and they are not sanctionable".
