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DRIVING BAREFOOT OR IN FLIP-FLOPS: IS IT POSSIBLE?

If one drives barefoot, is he likely to be fined? Is there a specific rule or is it necessary to examine it case by case?

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IUS/15 - DIRITTO PROCESSUALE CIVILE

Articolo divulgativo - ISSN 2421-7123

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Publicato, Domenica 28 Agosto 2016

Admit it: when summer comes, it is more comfortable and easy as well as less suffocating to drive their own vehicle barefoot or in flip-flops; however, have you ever wondered what it could happen if the patrol squad stops you and asks you to get out of your car? Is it possible to impose an administrative sanction to a car driver who is driving without lace-up shoes and, therefore, in no condition of control over pedals?

Considered by many as a risk to wear them while driving a vehicle, however, summer footwear (term with whom it is meant **sandals, flip-flops, clogs** and **slip-on**) become necessary when one moves from a beach to another or when, in a seaside resort, people move for short stretches.

The risk of being stopped by the patrol squad, though, even if for a simple control and then of being fined for a trivial infraction like the one taken in consideration, it often leads car drivers to keep, inside the car, a pair of usual footwear, ready to be worn as soon as the vehicle is set in motion. For obvious reasons, the problem exists mainly **when people drive completely shoeless**.

However, contrary to what is commonly thought, the rule that **once forbade to drive barefoot or in sling-back shoes** is **no longer in force**, inside the **legislative decree 285/1992**, better known as **Highway Code**. This happens, above all, in the light of the technological changes that brought cars to handle more promptly to the driver. Actually, it had been imposed the obligation to wear lace-up shoes (in particular, well tied behind the heel bone) because, until recently, brakes were not as sensitive as those of today and, in order to enable a prompt arrest of the vehicle when needed, it was necessary to push the mechanical system by force. To put it simply, the risk that the foot could slip off the pedal, led the legislator to adopt that strict prediction.

On the contrary, nowadays, the braking systems are nearly all hydraulic or, in any case, computerized; gearshifts are automatic and, in many cars, even the clutch does not exist anymore; the accelerator is capable of controlling the driver's way of driving and of conforming to it or is even capable of remaining "stuck" within the upper limit speed pre-set by the steering gear. All that, brought to catalyze the legislator's attention on other behavioral duties, **by cancelling in toto the prohibition to drive barefoot or in sandals or flip-flops**.

Therefore, there is not a specific rule that sanctions someone's behavior of driving barefoot or without lace-up shoes.

However, the legislator substituted the aforesaid rule with another one more generic,

which should be interpreted case by case: in particular, the new Highway Code states that the driver should always be in **control** of his own vehicle, in order to perform all the **necessary maneuvering**, in safety conditions, so to ensure a **prompt braking** of the car within the limits of their field of vision and in front of any **another predictable obstacle**.

Nevertheless, such rule is suitable, thanks to its generic character, to a series of wide interpretation that, in the first instance, is submitted to the traffic warden or to the public officer appointed to verify if, on the basis of the car model and of the shoes worn, they can consider the guiding safe and, only later, in case of challenge of the decision taken by them, is submitted to the **judge**, with appeal against the possible **administrative sanction**.

All in all, if the public officer decided that, in the particular case, the person was driving in a way that was not in accordance with guaranteeing the full control, it would be the magistrate the one to decide, if necessary, by availing themselves of **technical advice** that could evaluate the shoes' quality on the basis of the pedal's sensitivity of the car and of their response to the foot's orders.

In order to find out a solution to the problem on the basis of authentic interpretation, it is curious to check out what the **police** writes on its web site. Well then, on a web page dedicated to the matter, in order to answer to the query about if it is **possible to drive the car barefoot or in flip-flops**, the police have specifically explained that the prohibition has been officially abrogated; however, it remains in any case the duty, for the driver, to **discipline themselves in the outfit and the accessories' choice**, in order to guarantee an effective way of driving by feet (acceleration, braking, clutch's usage).

So, once again, it does not prevail a general rule valid for all the cases, but everything is submitted to the evaluation of the concrete situation.

In the light of what has been said, it would seem that the owners of more outdated cars should keep on wearing lace-up shoes so as to avoid the risk of sanction. Those who, instead, bought a latest generation car, like those produced in the space of the last ten years, provided with **hydraulic brakes** and/or **ABS**, should fear nothing and could **drive barefoot** or in sandals, flip-flops, clogs or other kinds of footwear which are not laced-up.

If any accident occurred, it is insurance's custom- which, as a rule, tries anything to avoid paying- to verify if the crash was caused by heavy negligence; this means that the company, if the police's record indicated that the driver was driving barefoot or in sandals, could seize to this fact, although no sanction had been imposed. Then, the matter will be challenged in proper judicial places, but, surely, at least in the first instance, it

could constitute an obstacle.

In conclusion, in similar cases, a lawyer could always come in handy.
