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Speeding Regulations in Switzerland in the Light of Police Sanctions: Fine Systems, Raserdelikt and Reform Directions

Introduction

Road safety is a priority area of public policy in modern states, particularly due to the serious personal injuries and deaths resulting from traffic accidents, as well as the significant social and economic burdens they cause. According to public data from the World Health Organisation (WHO), more than 1.3 million people die each year from road accidents worldwide, which is a major cause of death.¹ These tragic indicators show a direct correlation with one of the most common forms of contributory behaviour. Speeding increases the chance of accidents and aggravates their consequences, especially in cases involving death or permanent injury. Given these circumstances, the effective protection of road safety is a state task, which includes the development and consistent enforcement of legislative and law enforcement tools to curb speeding. The effectiveness of norms sanctioning violations of road traffic rules – especially to curb speeding – can only be ensured if the state takes preventive and repressive measures against illegal behaviour, while taking into account the principles of proportionality and differentiation. Switzerland has developed a long-term, sustainable, and effective road safety practice, as confirmed by favourable statistics in inter-

¹ WHO, Global status report on road safety 2023. Geneva, World Health Organization, 2023.

Source: <https://www.who.int/teams/social-determinants-of-health/safety-and-mobility/global-status-report-on-road-safety2023>

Accessed: 01.07.2025.

national comparison. According to a 2023 report by the OECD and the International Transport Forum (ITF), the number of road deaths per million inhabitants in Switzerland was 23, compared to the European average of 50.² This favourable result is supported by a comprehensive legal and institutional system of instruments, as reflected, among other things, in the strictness of the regulation, the efficiency of control, and the high degree of compliance with social norms. The Swiss regulatory model deserves special attention in the approach to speeding. On the one hand, the relevant normative system adopts a differentiated approach, prescribing varying sanctions depending on the severity of the act and the personal circumstances of the perpetrator, especially his financial situation. On the other hand, in some cases, it recognises serious speeding as an independent crime. Of particular importance is the system of income-based fines, which aims to distribute sanctions according to equal burden, and the use of psychological aptitude tests, which serve to filter out persons who are unsuitable in terms of traffic morality. The primary objective of this study is to analyse the Swiss sanction system for speeding comprehensively, taking into account both dogmatic and comparative legal aspects. The research focuses on the connections between criminal and administrative law regulatory elements, their demarcation and functional cooperation. The study discusses in a separate section the legal principles of road safety, the levels of sanctioning, the mechanism of income-based fines, and the normative and practical role of psychological aptitude testing. The study also provides an international comparative analysis, with particular attention to German, Austrian, and Hungarian regulatory and judicial practice, to evaluate the Swiss model in a broader European context. Finally, the study also formulates *de lege ferenda* proposals based on Swiss experience, taking into account the specificities of individual national systems. The study is based on the Swiss Road Traffic Act.

² OECD–ITF, Road Safety Annual Report 2023, OECD Publishing, Paris, 2023.
Source: <https://www.itf-oecd.org/roadsafety-annual-report-2023>
Accessed: 01.07.2025.

(Strassenverkehrsgesetz - SVG), the related implementing regulations, relevant judicial practice, and domestic and international literature.

Basic principles of the Swiss road safety system

One of the defining principles of Swiss road safety legislation is the primacy of prevention, which is applied both in the legislative and the enforcement perspective. The declared aim of the Road Traffic Act (Strassenverkehrsgesetz, hereinafter: SVG) is to ensure the safety and smooth running of road traffic, with particular regard to accident prevention. Article 1 of the SVG states: “*This Act aims to ensure the safety and smooth running of traffic on public roads.*”³ The Swiss legal system aims to achieve the statutory objective through a complex set of instruments that include legal, police, and educational elements. The preventive approach has a dual structure. On the one hand, general prevention is applied, the aim of which is social deterrence: it aims to orient potential violators toward compliance with the law through the adverse legal consequences associated with violating the norm. On the other hand, special prevention seeks to influence the future behaviour of the individual offender, i.e., to encourage future compliance with the rules. In the application of Swiss law – especially in cases of serious traffic violations, such as significant speeding – the principle of zero tolerance prevails. This principle embodies the normative approach according to which the sanctioning of traffic violations is not based on subjective considerations, but on objective normative requirements, especially if the committed behaviour involves obvious danger. According to the consistent case law of the Swiss Federal Court (Bundesgericht), serious speeding is not to be regarded as a mere violation of the rules, but as a deliberate and dangerous attack on traffic morality, to which

³ Strassenverkehrsgesetz (SVG), Art. 1, Bundesgericht, Urteil 6B_686/2017 vom 8. Januar 2018, BGE 144 IV 313. Source: https://www.fedlex.admin.ch/eli/cc/1959/678_678_678/de Accessed: 01.07.2025.

the state must respond effectively and consistently. The court stated in a case-by-case decision: *“Die massive Geschwindigkeitsüberschreitung ist nicht nur eine Ordnungswidrigkeit, sondern eine bewusste Missachtung der Verkehrsregeln, die eine ernsthafte Gefährdung für andere darstellt.”* (“Severe speeding is not just a violation of the rules, but a deliberate disregard for traffic regulations that poses a serious danger to others.”).⁴ A strict normative approach contributes to maintaining a high level of road safety and strengthening social respect for the law. A specific and outstanding element of the Swiss criminal and administrative sanction system, even in European comparison, is the income-based fine, which is implemented in the form of the

Tagessatzsystem (daily fine system). This system, based on the provisions of the Swiss Criminal Code (Strafgesetzbuch, StGB) and the SVG, allows the amount of the fine to be determined in accordance with the offender's daily net income and the seriousness of the offence.⁴ Income-based sanctions aim to enforce proportionality and social justice, ensuring that the sanction carries a noticeable weight for all social groups. Offenders with higher incomes are subject to significantly higher fines for the same violation of norms. In contrast, low-income individuals are assured that the sanction does not exceed the subsistence minimum. In addition, the system also enhances the effectiveness of general prevention: by perceptibly differentiating the financial consequences by social strata, the incentive to comply with the law is universally effective.

Speeding penalty system in Switzerland

The current legal framework – in particular Article 90 of the Road Traffic Act (Strassenverkehrsgesetz, SVG) and the Regulation on Fines for Road

⁴ Criminal Code (StGB), Art. 34; Article 90 SVG

Source: https://www.fedlex.admin.ch/eli/cc/1938/948_948_948/de

Accessed: 01.07.2025.

Traffic Offences (Ordnungsbussenverordnung, OBV)⁵ – regulates speeding in three categories: minor offence, serious offence and criminal offence, the latter category being the so-called Raserdelikt. According to the law, an administrative fine applies to speeding in built-up areas at just 16 km/h. From 25 km/h onwards, the offence is considered serious, while criminal liability can be established for exceeding 50 km/h. On motorways, the lower limit for criminal liability is 80 km/h. The sanctions range from a fine to a temporary or permanent suspension of a driving licence to imprisonment. If the speeding offence exceeds the threshold of criminal relevance – especially in cases falling under the category of Raserdelikt – the assessment can no longer remain within the competence of the administrative authorities, but is diverted to criminal proceedings, which fall under the jurisdiction of the cantonal court. According to the provisions of the Swiss Code of Criminal Procedure (Strafprozessordnung, StPO), proceedings are initiated by the competent public prosecutor's office, and the court decides on the sanction after the evidentiary procedure is completed.⁶ Although the number of court proceedings has decreased due to the introduction of the OBV, serious speeding – in particular Raserdelikt – is regularly subject to judicial review. The jurisdictional regulations are differentiated at the cantonal level, but the federal regulations provide a uniform interpretative framework that makes judicial application coherent and predictable. The temporary or permanent withdrawal of a driving licence is based on Article 16 of the SVG, which states that if a driver seriously endangers road safety or commits a repeat offence, the licence must be withdrawn. In the case of serious speeding – including the Raserdelikt category – the authority is obliged to order a driving ban of at least three months. These provisions aim to exclude persons who are unfit to drive, either temporarily or permanently. In Swiss law, the term Raserdelikt refers

⁵ Article 90 of the SVG

⁶ Schweizerische Strafprozessordnung (StPO), SR 312.0

Source: <https://www.fedlex.admin.ch/eli/cc/2007/758/de>

Accessed: 01.07.2025.

to a separate criminal category for particularly serious speeding offences, introduced by the Via Sicura road safety program adopted in 2013. According to Article 90(3a) SVG, *“Whoever exceeds the permissible speed limit by at least 50 km/h in built-up areas, by at least 60 km/h outside built-up areas or by at least 80 km/h on motorways commits a crime.”* (*“Whoever exceeds the permissible speed limit by at least 50 km/h in built-up areas, by at least 60 km/h outside built-up areas or by at least 80 km/h on motorways commits a crime.”*).⁷ The mandatory penalty for a Raserdelikt is at least one year of imprisonment. This legal institution is a particularly strict example of the criminalisation of traffic offences, which serves to combat the most dangerous forms of driving behaviour. One of the lesser-known yet highly significant tools of the Swiss traffic safety system is the so-called Medizinisch-Psychologische Untersuchung (MPU), i.e., the medical-psychological fitness test. Section 15d of the SVG allows the traffic authority to order a psychological and medical examination if there is reasonable doubt about the driver's fitness.⁸ The purpose of the procedure is to determine whether the person being examined is mentally and psychologically capable of consistently complying with traffic regulations and of recognising and dealing appropriately with dangerous situations arising in traffic. The examination is particularly justified for speeding offenders and repeat speeders, as identifiable risk factors, such as irresponsibility or impulsivity, often accompany these behaviours. The cantonal traffic authority (Strassenverkehrsamt) is responsible for initiating the procedure and can do so ex officio or based on a police report. The assessment is carried out jointly by a specialist psychologist and a doctor, and a written expert opinion is drawn up on the results.⁹ The test consists of several parts. Personality diagnostic questionnaires, reaction time and attention tests, and a structured interview. The purpose of the test is not only to map the current

⁷ SVG Article 90(3a)

⁸ Article 15d of the SVG

⁹ Zürcher Strassenverkehrsamt - MPU

Source: <https://www.stva.zh.ch/internet/sicherheit/mpu.html>

Accessed: 01.07.2025.

state, but also to predict future traffic behaviour. Three possible outcomes of the MPU are known: positive, conditionally positive, and negative. Based on a positive result, the driving license can be returned; a conditionally positive assessment may, for example, only link the restoration of the right to specific vehicle categories, periodic control tests, or completion of refresher training. In the event of a negative result, the license cannot be returned, and a new test can only be ordered after a specified period has elapsed.¹⁰ Although the MPU result is not a formal administrative decision, it is binding. According to Swiss law, a driver's license withdrawn for a Raserdelikt offence can only be returned with a positive or conditionally positive MPU opinion.

Specific features of income-based fines

One of the unique legal institutions of Swiss criminal law, one that is also noteworthy in European comparative jurisprudence, is the so-called daily fine, or Tagessatzsystem. The codified basis of the legal institution is set out in Articles 34 and 36 of the Swiss Criminal Code (Schweizerisches Strafgesetzbuch, StGB).¹¹ The regulation aims to adapt criminal sanctions to the offender's individual financial situation, thereby ensuring that the punishment is proportionate and socially just in concreto. The amount of the daily fine is determined based on the offender's daily net income, taking into account their living expenses, financial circumstances, and maintenance obligations. The minimum daily amount is CHF 30, while the maximum limit is CHF 3,000.¹² The number of days that can be imposed ranges from 1 to 180, so the theoretical maximum fine can be up to CHF 540,000.

¹⁰ Verkehrssicherheitszentrum Zürich – Informationen zur MPU

Source: <https://www.vsz.ch/mpu/>

Accessed: 01.07.2025.

¹¹ Swiss Criminal Code (StGB), Art. 34–36.

Source: https://www.fedlex.admin.ch/eli/cc/1938/948_948_948/de

Accessed: 01.07.2025.

¹² Article 34(2) of the German Criminal Code

In practice, this regulation differentiates punishment based on equal burden, which can be interpreted as a response to criticism of classic sanction systems.¹³ Income-based sanctions play a prominent role in sanctioning serious speeding offences, especially in cases that fall under criminal law and are not assessed as administrative fines. In the case of offences falling within the category of Raserdelikt, the courts often apply the daily fine system either as an alternative to conditional imprisonment or as a supplement to it. This type of sanction can be considered a more effective tool in terms of deterrence than fixed-amount fines, since “*the burden is realistically and perceptibly distributed between social classes*”.¹⁴ Swiss case law shows that the daily fine system is consistently applied in speeding cases, sometimes resulting in significant fines. One of the most famous cases came to international attention in 2010, when a luxury car owner was caught driving at 290 km/h on a Swiss motorway. The court imposed a fine of 300 daily units, based on the offender's income, equivalent to CHF 3,000 per day, totalling CHF 900,000. The vehicle was also confiscated.¹⁵¹⁶ As Ackermann puts it: “*the daily fine is a suitable means for the sanction to penetrate social structures in a just manner.*”¹⁷ The deterrent effect of a fine cannot be measured in its absolute amount, but in its value relative to the social realities of the offender—this approach, I believe it is in line with the preventive and educational goals of modern criminal law doctrines, which assess the effectiveness of a sanction not by its size but by its actual

¹³ Hans-Heinrich Jescheck and Thomas Weigend, *Lehrbuch des Strafrechts: Allgemeiner Teil*, 5th ed. (Berlin: Duncker & Humblot, 1996), 893–896. o.

¹⁴ Matthias Bock and Bernd Stein: *Geldstrafen als Steuerungsinstrument in der Verkehrssicherheit*. Nomos, BadenBaden, 2015. 91–97. o.

¹⁵ BBC News, *Swiss speeder fined record \$290,000*. 7 January 2010.

Source: <https://www.bbc.com/news/10542126>.

Accessed: 01.07.2025.

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¹⁷ Thomas Ackermann: *Die Geldstrafe als gerechte Sanktion? Zeitschrift für Internationale Strafrechtsdogmatik*. 2013/4. 121–129. o.

impact on the offender.¹⁸ However, the system has also been criticised. According to some analyses, the attempt to conceal income or assets carries significant potential for abuse. To address this, Swiss judicial authorities are increasingly relying on cooperation with tax authorities and on examining objective living conditions to reliably estimate income status.¹⁹

Switzerland's achievements in road safety

One of the primary indicators for an objective assessment of road safety is the development of accident statistics, especially for fatal and serious injury accidents. According to the Swiss Federal Statistical Office (Bundesamt für Statistik, BFS), there were fewer than 200 fatal traffic accidents in the country in 2022, corresponding to 2.3 deaths per million inhabitants.²⁰ This indicator is exceptionally low not only among European countries, but also globally. Over the past two decades, the number of fatal road accidents has decreased by more than 60%, while the incidence of serious injuries has also decreased markedly.²¹ *"This favourable trend cannot be interpreted solely as a result of technological progress or infrastructure development, but can primarily be explained by the consistent enforcement of normative and enforcement rigour."*²² I want to highlight the preventive effect of the speeding penalty system, which has helped reduce the frequency of major speeding offences. Statistical data indicate a stagnant or declining trend in

¹⁸ Hans-Heinrich Jescheck - Thomas Weigend: Lehrbuch des Strafrechts: Allgemeiner Teil. 5th edition. Berlin. Duncker & Humblot. 1996. 893–896. o.

¹⁹ Reto König, "Einkommensverhältnisse in der Strafzumessung: Praxis und Probleme," Schweizerische Juristen-Zeitung (SJZ) 2 (2021): 101–110. o.

²⁰ Bundesamt für Statistik (BFS), Strassenverkehrsunfälle und Opfer – Schweiz, 2022. Source: <https://www.bfs.admin.ch/bfs/de/home/statistiken/mobilitaet-verkehr/unfaelle.html>.

²¹ OECD/ITF, Road Safety Annual Report 2023, Paris: OECD Publishing, 2023.

²² Reto Küng and Andreas Balthasar: Effizienz von Verkehrssicherheitsstrategien in der Schweiz. Zürich. Seismo Verlag. 2019. 42–45. o.

this area, especially regarding cases classified as Raserdelikt.²³ The effectiveness of Swiss regulations can be measured not only by accident rates but also by their direct and indirect effects on traffic culture. Direct effects include a reduction in speeding offences and increased road safety. These results are closely linked to the predictability and consistency of the fines system and to the active presence of law enforcement agencies in the enforcement area.²⁴ The indirect effects, however, are at least as significant. Obeying the rules and following traffic norms is a deeply embedded value in Swiss society, one that is shaped by educational and communication tools. Road safety is already part of the school curriculum, and public service media also regularly deal with road hazards and changes in legislation. *“This comprehensive approach reinforces the legal and sociological thesis that the effectiveness of traffic legislation does not depend on the norm itself, but on the social embeddedness of the norm.”*²⁵ Social acceptance also legitimises the effectiveness of regulation.²⁶ According to the latest opinion polls, the majority of the Swiss population supports strict action against speeding, especially in cases of acts falling under the legal category of Raserdelikt.²⁷

²³ ASTRA (Bundesamt für Strassen), Via Sicura – Jahresbericht 2022, Source: <https://www.astra.admin.ch> Accessed: 01.07.2025.

²⁴ Martin Killias - Marcelo Aebi: Crime Trends in Switzerland: The Role of Law Enforcement. European Journal of Criminology. 2018/1. 31–47. o.

²⁵ Urs Walser: Verkehrsdelinquenz und Gesellschaft: Normbefolgung im Straßenverkehr. Nomos. Baden-Baden. 2016. 122. o.

²⁶ Bernadett Patricia Kisfonai: The role of artificial intelligence in future crime prevention in Europe. In: Gyula Bándi – Anett Pogácsás (eds.): Law in the Service of the Sustainable Development Goals. Selected Doctoral Studies – Law in the Service of the Sustainable Development Goals. Selected Doctoral Studies. Budapest. Pázmány Press, 2025. 125–141. o.

²⁷ GfS Bern: Verkehrssicherheit und öffentliche Meinung. Representative poll, December 2021.

Conclusion

Given the complexity and consistency of the Swiss speeding penalty system, it can be clearly stated that the model implements a regulatory and enforcement structure that reflects not only normative rigour but also social sensitivity and preventive effectiveness. The income-based fine mechanism, the traffic psychological aptitude tests, and the differentiated application of criminal law classification together contribute to the system's ability to suppress behaviours that endanger road safety. Empirical research and statistical data also support the view that strict penalties, especially the criminalisation of Raserdelikt, have had a positive impact on traffic morale and on accident rates.²⁸ *"The effectiveness of road safety regulations is guaranteed not only by the existence of standards, but also by their consistent and socially accepted application."*²⁹ Many elements of Swiss practice represent legal policy and practical experience that, in my opinion, may be relevant for other European states, including Hungary. The following areas may be particularly justified in adapting the Swiss model:

- Introduction of a system of income-based fines³⁰
- Legally enshrining the institution of psychological aptitude testing;
- Strengthening the involvement of digital tools in detecting and proving violations;

²⁸ Bundesamt für Statistik (BFS), Strassenverkehrsunfälle – Jahresbericht 2022, Bern, 2023.

Source: <https://www.bfs.admin.ch>

Accessed: 01.07.2025.

²⁹ Thomas Ackermann: Die Zukunft des Verkehrsstrafrechts: Zwischen Prävention und Technologieregulierung. Zeitschrift für Schweizerisches Recht (ZSR). 2022/1. 33–54. o.

³⁰ Hans-Jörg Albrecht – Michael Kilchling: Monetary Sanctions in Comparative Perspective, in: Michael Tonry (szerk.): Crime and Justice: A Review of Research, 27. kötet. University of Chicago Press. 2000. 143–200. o.

Normatively rethinking the principle of proportionality in responses to serious speeding cases.³¹ New challenges in the field of road safety – the legal status of self-driving vehicles, legal harmonisation issues for intelligent traffic management and new forms of mobility – require a forward-looking and adaptive approach to legislation. The Swiss model offers an exemplary model in this area as well. The Via Sicura programme is not just a response to the tragic traffic incidents of the past, but also a forward-looking regulatory toolkit that can keep pace with technological and social changes. I can only agree with Christian Schwarzenegger, who said that *“the future of road law does not lie in the quantity of sanctions, but in their quality and the intelligence of their application”*.³² From this perspective, Swiss practice also sets a strategic direction that can serve as an example for other nations, especially if traffic safety is treated not only as a technical but also as a socio-political priority.

³¹ Marc Thommen: Strafrechtliche Konsequenzen bei Raserdelikten – Eine kritische Analyse des Via SicuraProgramms. Schweizerische Zeitschrift für Strafrecht. 2019/2. 103–120. o.

³² Christian Schwarzenegger: Verkehrsrecht im Wandel – Zwischen Tradition und Digitalisierung, in: Schweizerischer Juristentag 2021. Zürich. Dike Verlag. 2022. 77–93. o.