

Draft

Order on graduation drives, parades, etc.¹⁾

Pursuant to Section 68(1), first sentence, Section 83 and Section 118(13), first sentence, of the Road Traffic Act, cf. Consolidation Act No 168 of 14 February 2023, the following is laid down pursuant to Section 3(1) of Order No 373 of 9 April 2024 on the tasks and powers of the Road Safety and Transport Authority and the right to appeal:

Scope

Section 1. This Order shall apply to graduation drives where persons are carried on the carrying platform of vans, lorries or tractor vehicle combinations. The Order shall also apply to parade driving where persons are carried on the carrying platform of vans, lorries, semi-trailers or tractor vehicle combinations.

Definitions

Section 2. The following definitions apply for the purposes of this Order:

- 1) Graduation drives: The carriage of passengers on the carrying platform of vans, lorries or tractor vehicle combinations in the course of drives following the final exam of an upper secondary education of at least 2 years' duration.
- 2) Parade driving: The carriage of passengers on the carrying platform of vans, lorries, semi-trailers or tractor vehicle combinations in connection with carnival parades, city festivals, May 1 parades, etc.

Graduation drives

Section 3. (1) Graduation drives may only take place immediately after the completion of an upper secondary education of at least 2 years' duration and only persons who have completed the final exam following an upper secondary education of at least 2 years may take part in graduation drives, without prejudice to paragraphs 2–4.

(2) Persons enrolled in an upper secondary education of at least 2 years' duration but who do not complete one or more re-exams may take part in graduation drives.

(3) Persons who have completed the final exam following an upper secondary education of at least 2 years' duration may take part in graduation drives even if they have not passed the final exam.

¹⁾ A draft of this Order has been notified in accordance with Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (codification).

(4) Persons who have agreed to extend an upper secondary education of at least 2 years' duration may take part in graduation drives after the end of the regular period of the education.

Section 4. In cases where a person covered by Section 3 needs personal assistance because of particular physical or mental needs, an assistant may take part in graduation drives.

Section 5. (1) Graduation drives may only take place if the following conditions are met:

1) The vehicle and the design of the vehicle shall be inspected and approved by a testing centre in accordance with Annexes 1 and 2 within 1 year of driving. If the vehicle is fitted with a swap body, the testing centre shall provide photographic documents of the vehicle with swap bodies electronically on a form drawn up by the Danish Road Traffic Authority through a system provided by the Danish Road Traffic Authority. The testing centre shall also provide the manufacturer with the photographic document form. The form must be carried during the drive.

2) No modification of the design or equipment of the vehicle as compared to the approval in accordance with Annexes 1 and 2 shall have been made at the time of the graduation drive.

3) Civil liability insurance shall be taken out to cover personal injuries to persons carried during the drive.

4) No more passengers may be carried during the drive than the vehicle has been approved for by a testing centre in accordance with Annex 2.

5) The graduation drive shall not take place on motorways or express roads.

(2) A driver of tractor vehicle combinations carrying out graduation drives shall hold a valid driving licence for a regular car with a large trailer (category B/E).

(3) The speed limits applicable at all times shall be followed. The speed shall not exceed 40 km per hour in a densely populated area and 60 km per hour outside the densely populated area.

Section 6. During the drive, the driver must carry evidence that the conditions laid down in Section 5(1)(1) and (3) have been met and presented to the police on request.

Parade driving, etc.

Section 7. Driving, cf. Section 1, second sentence, may take place only with the authorisation of the police.

Section 8. (1) Driving authorisations covered by Section 7 shall be granted by the police.

(2) The police may decide that only one authorisation covering several districts shall be granted.

(3) An authorisation shall be granted for one or more vehicles, the registration number or chassis number of which shall be indicated in the application.

(4) An authorisation shall be granted for one drive.

Section 9. (1) The police may, on the basis of a specific assessment of the traffic conditions, including the interests of other road users and passengers, grant driving authorisations in accordance with Section 7.

(2) The police shall lay down the following conditions for the authorisation:

- 1) The vehicle and the design of the vehicle shall be inspected and approved by a testing centre within 1 year of driving. Inspections and approvals shall be in accordance with Annexes 1 and 2.
 - 2) No modification of the design or equipment of the vehicle as compared to the approval in accordance with Annexes 1 and 2 shall have been made at the time of the drive.
 - 3) Civil liability insurance shall be taken out to cover personal injuries to persons carried during the drive.
- (3) As conditions for authorising the driving of tractor vehicle combinations, the police stipulates that the driver must hold a valid driving licence for a regular car with a large trailer (category B/E).
- (4) In the case of carriage of passengers by semi-trailers, the police shall lay down conditions that the speed does not exceed 5 km per hour (walking speed) and that guards on both sides must follow the vehicle combination and ensure that no occupants embark on and disembark from the vehicle during the drive.
- (5) The police may impose additional conditions for an authorisation, including the maximum speed of the vehicle during the drive and route instructions.

Section 10. (1) The police authorisation shall contain the following information:

- 1) Make, registration number and chassis number of the vehicle.
- 2) Name and address of owner and user.
- 3) The police districts in which the authorisation is valid.
- 4) The time of the drive.
- 5) The type of service covered by the authorisation.
- 6) The terms of the authorisation.

(2) During the drive, the driver must carry the police authorisation together with documentary evidence that the conditions laid down in Section 9(2) have been met and it must be presented to the police on request.

Section 11. The police may revoke an authorisation if the conditions of the authorisation are not met.

Section 12. The drive shall not take place on motorways or express roads.

Right to appeal

Section 13. (1) The police's decisions under this Order may be appealed to the Danish Road Traffic Authority.

(2) Decisions taken by the Danish Road Traffic Authority pursuant to paragraph 1 may not be appealed to any other administrative authority, cf. the Order on the tasks and powers of the Danish Road Traffic Authority and the right to appeal.

Penal provisions

Section 14. (1) A fine shall be imposed on anyone who infringes Sections 3–7 and Section 10(2) and Section 12.

(2) Similarly, a fine under Section 118(1)(2) of the Road Traffic Act shall be imposed on anyone who fails to comply with the conditions for an authorisation granted under this Order.

Paragraph 3. Companies etc. (legal persons) may be rendered criminally liable in accordance with the provisions in Chapter 5 of the Danish Penal Code.

Entry into force and transitional provisions

Section 15. (1) This Order shall enter into force on 1 January 2025.

(2) Order No 1401 of 30 November 2023 on graduation drives, parades, etc. and Order No 375 of 18 May 2004 on the design and equipment of vehicles used for student drives, parades, etc. shall be repealed.

(3) Applications for parade driving will be processed in accordance with the rules in force on receipt of the application.

For embarkation and disembarkation, it shall be permitted to use loading tailgates or hydraulic lifts for persons with reduced mobility provided that the following is complied with:

- 1) There must be, at a distance of 1.00 m from the loading tailgate or the hydraulic lift, a clear marking on the carrying platform and nobody shall be present between the marking and the loading tailgate or the hydraulic lift during the operation of the loading tailgate or the hydraulic lift.
- 2) It must be ensured that the loading tailgate or the hydraulic lift cannot be operated by passengers on the carrying platform.
- 3) The loading tailgate or the hydraulic lift may only be used for the embarkation and disembarkation of a person with reduced mobility and, where appropriate, an assistant at a time.
- 4) Wheelchairs shall be securely fixed on the loading tailgate or the hydraulic lift in the event of embarkation and disembarkation.

For the drives referred to in Sections 5 and 9, the vehicle shall be inspected and approved in accordance with the following conditions:

- 1) Vans, lorries and tractor trailers shall be equipped with firmly attached sides and headboards and tailgates. There shall be no less than two protective devices on the tailgate to prevent accidental opening during the drive. Sides and headboards and tailgates shall have a minimum height of 120 cm measured from the bottom of the carrying platform. If the vehicle is fitted with seats along the sides of the carrying platform, the sides shall be increased accordingly in the seating height. If seats are located in the centre of the carrying platform, the sides shall be provided with a 40 cm shielding without any openings measured from the bottom of the carrying platform. There may be a distance of 5 cm at the shielding between the bottom of the carrying platform and headboards or tailgates, and between the bottom of the carrying platform and the lower edge of the sides. Horizontal openings on sides, headboards or tailgates shall not exceed 25 cm. The distance between the bottom of the carrying platform and headboards or tailgates, and between the bottom of the carrying platform and the lower edge of the sides shall not exceed 5 cm. Vertical openings on sides, headboards or tailgates are not allowed.
- 2) The vehicle's carrying platform shall be provided with robust seats for all passengers. The seats shall be securely attached.
- 3) If the vehicle is intended to be used for the carriage of a person in a wheelchair, the vehicle shall be fitted with wheelchair restraints. Wheelchair restraints shall be firmly attached to the vehicle.
- 4) The design of the vehicle in accordance with Nos 1–3 shall be carried out in accordance with professional design standards.
- 5) The number of passengers allowed to be carried on the carrying platform shall be determined by the testing centre and shall be appended to the roadworthiness certificate. For the purposes of determining this, it may be assumed that the width of the seat for each passenger is 450 mm. For the purpose of this measurement, up to 35 mm free space on either side of the seat itself may be taken into account. In addition, any space provided for the mounting and attachment of wheelchairs shall be taken into account.
- 6) At least one solid and non-slip stairway shall be provided for disembarkation and embarkation.
- 7) Loading tailgates or hydraulic lifts shall not be used for disembarkation and embarkation and shall be effectively secured against unintended use. However, loading tailgates or hydraulic lifts may be used for persons with reduced mobility in accordance with the rules laid down in Annex 1.
- 8) Tipping vehicles shall be protected against the use of the tipping carrying platform during the drive.
- 9) At least one dry powder extinguisher must be carried during the drive, which must be located in an appropriate position and easily accessible to the driver. The dry powder extinguisher shall comply with the requirements of EN 3-10 and shall be inspected in accordance with the requirements of standard DS 2320: 2020. The dry powder extinguisher must be approved and marked in accordance with Danish standard DS. In addition, the dry powder extinguisher shall be approved and marked in at least Classes 5 A, 34 B, or 13 A, or 89 B in the case of a vehicle designed for the carriage of more than 19 passengers.

- 10) A first-aid kit must be carried during the drive.
- 11) The carrying platform of the vehicle shall be such that passengers can leave the vehicle by their own means in the case of an emergency.
- 12) The tractor trailer shall be equipped with at least 2 axles and steering.
- 13) The height of the centre of gravity of a laden tractor trailer or a double deck laden tractor trailer shall not exceed 90 per cent of the track gauge