

By the Judgement of 17 May 2023 No. 24-II the Constitutional Court assessed constitutionality of Article 12.18, Article 12.24 (part 2), Article 24.5 (item 7 of the part 1) of the Code of Administrative Offences of the Russian Federation

The above provisions were considered insofar as they served as a basis for determining whether the driver of the vehicle should be held administratively liable under Article 12.24 of the Code of Administrative Offences of the Russian Federation for violating traffic rules or rules of vehicle operation resulting in damage to the victim specified therein, if he had previously been held administratively liable for the same violation under Article 12.18 of the Code of Administrative Offences of the Russian Federation.

The Constitutional Court found that the contested provisions in their interrelation were inconsistent with the Constitution of the Russian Federation to the extent that they did not exclude, in the sense given to them by the law enforcement practice, the possibility of the driver's unlawful actions in connection with the same fact being a traffic offence, making him subject to administrative liability under Article 12.18 and Article 12.24 of the Code of Administrative Offences of the Russian Federation.

In addition, the provision of Article 24.5. (1) (7) of the Code of Administrative Offences of the Russian Federation was found to be incompatible with the Constitution of the Russian Federation, since it did not establish, either alone or in conjunction with other provisions of the Code, legal mechanisms compatible with the requirement that administrative liability cannot be imposed twice for the same act, which allowed the driver of the vehicle that committed the offence to be held administratively liable under Article 12.24 of the Code of Administrative Offences of the Russian Federation to hold the driver of a vehicle liable for a violation of road traffic regulations for which he was previously held administratively liable in accordance with Article 12.18 of the Code of Administrative Offences of the Russian Federation.

Until the appropriate legislative regulation is established, the driver of a vehicle may be held administratively liable in accordance with Article 12.24 of the Code of Administrative Offences of the Russian Federation for violating road traffic regulations while driving, for which he has been held administratively liable in accordance with Article 12.18 of the Code of Administrative Offences of the Russian Federation and in direct causal connection with which damage to the victim's health has been caused, if the fact of causing such damage is subsequently established. Having established that the offence in question falls within the scope

of an administrative offence under Article 12.24 (part 1 or 2) of the Code of Administrative Offences of the Russian Federation, the court considering the case shall decide whether the guilty person should be held liable under the latter provision of the Code. At the same time, the court decision on imposing administrative liability on the guilty person under Article 12.24 (part 1 or 2) of the Code of Administrative Offences of the Russian Federation shall contain a provision on cancelling the decision on imposing administrative liability on the guilty person under Article 12.18 of the Code of Administrative Offences of the Russian Federation for the same unlawful act. If the decision on the driver's administrative liability under Article 12.24 (part 1 or 2) of the Code of Administrative Offences is subsequently cancelled (does not come into force), this circumstance results in the reinstatement (maintenance) of the decision on the driver's administrative liability under Article 12.18 of the mentioned Code.