

German regulation regarding the general conditions of carriage for trams and trolley cars and scheduled services with motor vehicles

(BefBedV)

Issue date: 27/02/1970

Full quote:

“German regulation regarding the general conditions of carriage for trams and trolley cars and scheduled services with motor vehicles’ of 27 February 1970 (Federal Law Gazette I p. 230), last amended by Article 4 of the regulation of 8 November 2007 (Federal Law Gazette I p. 2569)”

Status: Last amended by Art. 4 V of 08/11/2007 I 2569

Footnote

(+++ Textual evidence applicable from: 01/06/1981+++)

Preamble

On the basis of Section 58, Paragraph 1, item 3 of the German Passenger Transport Act (PbfG) of 21 March 1961 (Federal Law Gazette I p. 241), most recently amended by the second law for the amendment of the German Passenger Transport Act (PbfG) of 08 May 1969 (Federal Law Gazette I p. 348), the following has been decreed with the consent of the Bundesrat (upper house of German parliament):

Section 1 Scope of application

(1) The general conditions of carriage shall apply to carriage for trams and trolley cars and scheduled services with motor vehicles. The authorising body responsible may approve applications for deviations from these provisions in consideration of special circumstances (special conditions of carriage).

(2)

Section 2 Entitlement to carriage

Entitlement to carriage exists if there is an obligation for carriers to convey passengers and goods according to the stipulations of the German Passenger Transport Act (PbfG) and legislation passed on the basis of this law. Items shall only be carried in accordance with Sections 11 and 12.

Section 3 Persons excluded from carriage

(1) Persons who represent a danger to the safety or smooth running of operation or passengers shall be excluded. If these prerequisites exist, the following in particular will be excluded

1. persons under the influence of alcohol or other forms of drugs;
2. persons with contagious diseases;
3. persons with loaded firearms, unless these are entitled to carry such weapons.

(2) Children not of compulsory school age under six years old may be excluded from carriage, if they are not accompanied on the entire route by persons aged above six; the provisions of Paragraph 1 still apply.

Section 4 Passenger conduct

(1) Passengers are to behave in a manner that ensures the safety and smooth running of operation, their own safety, and with consideration for other people when using the facilities and vehicles. The instructions of operating staff are to be followed.

(2) In particular, passengers must not

1. talk to the driver while travelling;
2. open the doors during travel without authorisation;
3. throw or allow items to protrude from vehicles;
4. jump up and down during travel;
5. board a vehicle with an occupied sign;
6. affect the use of operating facilities, gangways, or entrances and exits by blocking with bulky objects;
7. smoke on underground platforms;
8. use sound broadcasting equipment or radio receivers.

(3) Passengers may only embark and disembark vehicles at the official stops; exceptions shall require operating staff consent. If there are specially marked entrances or exits, these are to be used to embark and disembark vehicles. Passengers are to embark and disembark quickly and move down the vehicles once inside. If imminent departure has been announced or a door closes, the vehicle must not be embarked or disembarked. Every passenger shall be obliged to hold tight on the vehicle for the duration of the journey.

(4) Those accompanying children shall be responsible for their supervision. In particular, they are to ensure that children do not knee or stand on the seats; they are also to ensure the use of safety belts or suitable child restraining devices to secure children in accordance with road traffic regulations.

(5) If a passenger fails to uphold the above obligations as set out in paragraphs 1 to 4 despite a warning, this person may be excluded from carriage.

(6) If vehicles or operating facilities are soiled, the contractor shall charge fixed cleaning costs; other claims shall remain unaffected.

(7) Complaints are not to be directed at the drivers apart from in the instances defined in Section 6 (7) and Section 7 (3); rather, complaints are to be addressed to supervisory staff. If the complaints cannot be settled by the supervisory staff, they are to be documented with the date, time, vehicle and route, and, if possible, sent with the driving licence to the contractor's administration office.

(8) Any person wrongly using the emergency brake or other safety devices will have to pay a fine of 15 euro, regardless of any prosecution measures arising from criminal or fine proceedings or other claims under civil law. The same shall apply if prohibition as set out in Paragraph 2 (3 or 7) is breached.

Section 5 Allocation of carriages and seats

(1) Operating staff may refer passengers to a particular carriage, if this shall be deemed necessary for operating reasons or to fulfil the obligation to convey passengers.

(2) Operating staff shall be entitled to allocate passengers seats; entitlement to a seat does not exist. Seats are to be made available to persons with serious disabilities, limited mobility, elderly or frail persons, expectant mothers, and passengers with small children.

Section 6 Fares and tickets

- (1) The fixed fares are to be paid in order to travel.
- (2) If a passenger does not possess a valid ticket for this journey on entering the vehicle, he is to acquire the ticket required immediately and without prompting.
- (3) If a passenger possesses a ticket on entering the vehicle that requires validating, he shall hand this over to the operating staff for validation immediately and without prompting; in vehicles equipped with validation devices, the passenger is to validate the ticket immediately for the travel route concerned and check to verify validation.
- (4) The passenger is to keep the ticket safe until the end of the journey and show or hand it over to operating staff for inspection upon request.
- (5) If the passenger is unable to fulfil a duty in accordance with Paragraphs 2 to 4 despite prompting, he may be excluded from the transport means; the obligation to pay an increased fare as set out by Section 9 shall remain unaffected.
- (6) Carriages or compartments without a conductor may only be used by passengers with valid tickets for these.
- (7) Ticket complaints are to be made immediately. Any subsequent complaints will not be taken into account.

Section 7 Cash

- (1) The passenger is to have correct fares at the ready. The driver shall not be obliged to change cash amounts above 5 euro, or accept more than 10 cents in one cent coins as part of the fare, or accept badly damaged notes or coins.
- (2) If the driver is unable to change cash amounts above 5 euro, the passenger is to be issued a receipt for the remaining amount. It shall be the responsibility of the passenger to collect the change at the contractor's office on presentation of the receipt. If the passenger does not agree with this regulation, he is to discontinue travel.
- (3) Any complaints regarding change or the receipt issued by the driver are to be made immediately.

Section 8 Invalid tickets

(1) Tickets which do not comply with the stipulations of the conditions of carriage are invalid and shall be confiscated; this shall also apply to tickets which

1. have not been correctly filled in and despite this being requested are not filled in immediately;
2. do not display a valid sticker token;
3. are torn, cut, or otherwise extremely damaged, soiled, or illegible so as to prevent inspection;
4. have been changed without authorisation;
5. are used by unauthorised persons;
6. are used for journeys other than for those permitted;
7. have expired in terms of time or for other reasons;
8. are used without the required photograph.

Fares shall not be reimbursed.

(2) A ticket which only provides the right to carriage in conjunction with an application or personal ID required by the fare shall be invalid and may be confiscated, if the said application or personal ID is not shown upon request.

Section 9 Increased fare

(1) A passenger shall be obliged to pay an increased fare, if he

1. has not acquired a valid ticket;
2. has acquired a valid ticket, but is unable to produce it for inspection;
3. has not validated the ticket or had it validated immediately in terms of Section 6 (3), or
4. fails to show or hand over a ticket for inspection upon request.

Prosecution arising from criminal or fine proceedings shall remain unaffected. The regulations of items 1 and 3 shall not apply, if the passenger is unable to purchase or validate a ticket for reasons outside his control.

(2) In the cases set out in Paragraph 1, the contractor may increase the fare to a maximum of 40 euro. However, he may raise the fare to twice that for a single journey on the route travelled by the passenger, provided a higher amount shall arise than that according to clause 1; the increased fare may be calculated from the starting point of the scheduled route, if the passenger is unable to prove how far he has travelled.

(3) The increased fare shall be reduced to 7 euro in the case of Paragraph 1 (2), if the passenger is able to produce evidence at the contractor's office of having been in possession of a valid personal season ticket within a week of the date his ticket was requested for inspection.

(4) Other claims of the contractor shall remain unaffected in case of use of invalid season tickets.

Section 10 Reimbursement of fares

(1) If a ticket is not used for travel, the fare shall be reimbursed upon request on presentation of the ticket. The passenger shall be required to provide evidence of non-use of the ticket.

(2) If a ticket is only used on part of the route, the difference between the paid fare and the fare required for the route travelled shall be reimbursed upon request on presentation of the ticket. The passenger shall be required to provide evidence of partial use of the ticket.

(3) If a season ticket is not used or only partially used, the fare for this ticket will be reimbursed upon request taking into account the fare for any single journeys travelled on presentation of the ticket. To determine the date until which single journeys are considered to have been taken (two journeys a day), the day upon which the season ticket is returned or filed, or the date of the post stamp on which the season ticket is sent by post will apply. An earlier date may only be taken into account on submission of a certificate from a doctor, hospital, or medical insurer's regarding illness, accident or death of the passenger. To credit the fare for the single journeys taken a discount shall only apply on the basis of the necessary prerequisites being met, in all other respects, the fare for a single journey.

(4) Applications according to Paragraphs 1 to 3, are to be made immediately at the contractor's office, at the latest within a week of the ticket expiring.

(5) A processing fee of 2 euro and any bank transfer charges will be deducted from the amount to be reimbursed. The processing fee and any bank transfer charges will not be deducted, if reimbursement shall be claimed for circumstances answerable by the contractor.

(6) In the case of exclusion from carriage, there shall be no entitlement to reimbursement of the fee paid, with the exception of Section 3 (1), Clause 2 (2).

Section 11 Carriage of items

(1) There shall be no entitlement to the carriage of items. Hand luggage and other items shall be transported at the same time as the passenger only if the safety and smooth running of operations will not be put at risk or become a nuisance to other passengers.

(2) Hazardous substances and dangerous objects shall be excluded from carriage, especially

1. explosive, highly flammable, radioactive, obnoxious smelling, or caustic substances;
2. items which are not packed or protected and may thus cause harm to other passengers;
3. objects which extend beyond the carriage bounds.

(3) The obligation to transport infants in prams shall be governed by the regulations of Section 2, clause 1. As far as possible, the operating staff shall make sure that passengers with children in prams are not refused carriage. They shall decide whether to take them on board.

(4) The passenger is to stow and watch items brought on board to ensure that the safety and smooth running of operations will not be put at risk or become a nuisance to other passengers.

(5) The operating staff shall decide in each case whether items are permitted for carriage and where they are to be stowed.

Section 12 Carriage of animals

(1) Section 11, Paragraphs 1, 4 and 5 shall apply to the carriage of animals.

(2) Dogs will only be transported if supervised by a suitable person. Dogs that may be a risk to passengers are to wear a muzzle.

(3) Guide dogs accompanying the visually impaired shall always be permitted to travel.

(4) Other animals may only travel on board in suitable containers.

(5) Animals must not travel on seats.

Section 13 Lost property

Lost property is to be handed to the operating staff immediately in accordance with Section 978 of the German Civil Code (*BGB*). Lost property will be returned to its owner by the contractor's lost property office on payment of a fee for storage. The operating staff may return the property immediately if the party who has lost the item concerned is able to identify himself as such. The person concerned shall confirm receipt of the item in writing.

Section 14 Liability

The contractor shall be liable for manslaughter or injury of a passenger and damages to items worn by a passenger or carried about his person as set out by the general, applicable provisions. The contractor shall be liable for a maximum 1,000 euro per passenger; liability shall not be limited, if material damage is caused by intent or gross negligence.

Section 15

(omitted)

Section 16 Exclusion of claims for compensation

Deviations from the timetables due to traffic problems, breakdowns or disruptions, and lack of space shall not substantiate claims for compensation; in this respect, observance of connections shall not be guaranteed either.

Section 17 Place of jurisdiction

The place of jurisdiction for all disputes arising from the Contract of Carriage shall be the contractor's head office.

Section 18 Legal validity

This Regulation shall go into effect 6 months after notification.

Final clause

The Federal Minister for Traffic