

# ● Act Partially Amending the Road Transportation Act

In light of the recent accidents involving charter buses, a business permit renewal system will be introduced, the scope of disqualifying grounds for business operators, etc. will be expanded, and towards the promotion of stricter audits and improvement activity initiated by the business operators themselves, measures will be taken that include creating a financial support system for private designated agencies to conduct guidance by regular visitations and patrols.

## Background

In the Karuizawa Ski Bus Accident Investigation Committee, which was established in light of the Karuizawa ski bus accident that occurred in January 2016, measures to prevent future accidents were examined. On June 3 of the same year, the "Comprehensive Measures to Realize Safe and Secure Operation of Charter Buses" were compiled, and the measures to prevent reoccurrence of similar accidents were spelled out.

- (1) Strengthening of compliance of charter bus operators and operation administrators
- (2) Early correction of violations of laws and regulations, disqualification of unqualified drivers, etc.
- (3) Improvement of the effectiveness of audits
- (4) Strengthening of relationships with tour operators, users, etc.
- (5) Promotion of accident prevention through safety measures regarding equipment and software

Concerning items (2) and (3), which will require early legal measures, the following steps will be taken:

### Outline of the Karuizawa Ski Bus Accident



Date of occurrence: January 15, 2016

- 15 passengers and crew were killed, 26 passengers had light or serious injuries
- It was the first time in 31 years that over 10 people had been killed in a bus accident

Business operator: ESP (corporation)

<Currently known major violations>

The pre-departure checks were not conducted, the driver instructions were inadequate, the medical test of the driver was not conducted, passenger fares were below the minimum rate set by the MLIT, etc.

## Outline of the Amendments

### (1) Introduction of a Business Permit Renewal System for Charter Buses

- Charter bus operators will be checked once every 5 years to confirm that they have the ability to safely conduct business operations

### (2) Prevention of Disqualified Bus Operators from Easily Re-entering the Industry or from Avoiding Disciplinary Action Imposed Through Dispositions

Measures regarding passenger motor carrier services:

- Regarding business licenses:
  - Lengthening of the disqualification period (From 2 years in the pre-amendment period to 5 years after the amendment)
  - Restricting the market entry of subsidiary companies whose parent company licenses have been revoked, and of persons who have abolished their companies after audits for the purpose of avoiding disciplinary action through dispositions
- Regarding the issuance of qualification certificates of operation administrators\*
  - Lengthening of the disqualification period (From 2 years in the pre-amendment period to 5 years after the amendment)
- \* The persons responsible for conducting the operation administrator's duties of labor management and daily vehicle inspection, etc.
- Notification will be required 30 days in advance of suspending or abolishing business operations (pre-amendment: notification after the fact)

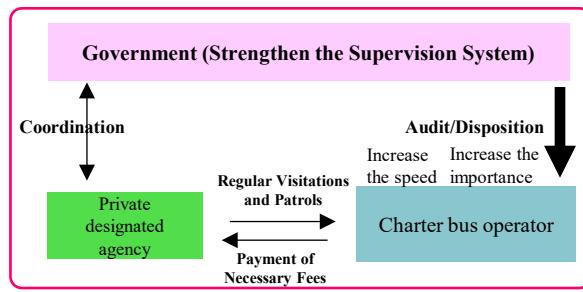
### (3) Promotion of Improved Audits and Improvement Activity Initiated by the Business Operators Themselves

- To enable private designated agencies to conduct guidance by regular visitations and patrols, a system will be established in which the agencies collect the necessary fees from the charter bus business operators

### (4) Strengthening of Penalties

- Strengthen statutory penalties and establish a system of heavy corporate penalties for bus business operators that do not comply with safety assurance orders

(Pre-amendment: fine of 1 million yen or less (violator/corporation)⇒After amendment: imprisonment of 1 year or less or fine of 1.5 million yen or less (violator), and fine of 100 million yen or less (corporation))



## By removing disqualified charter bus operators, achieve safe and reliable charter bus

### [Objectives/ Desired Results]

Concerning fatal charter bus accidents, in addition to targeting the goal of zero passenger fatalities, reduce the number of accidents resulting in passenger injuries by 50% within 10 years.

# ●道路運送法の一部を改正する法律

最近の貸切バス事業における事故を踏まえ、事業許可に係る更新制の導入、事業者等の欠格事由の拡充、監査機能の強化と自主的改善の促進に向けて民間指定機関が巡回指導等を行うための負担金制度の創設等の措置を講ずる。

## 背景

平成28年1月に発生した軽井沢スキーバス事故を踏まえ設置した「軽井沢スキーバス事故対策検討委員会」において再発防止策について検討。同年6月3日に「安全・安心な貸切バスの運行を実現するための総合的な対策」がとりまとめられ、再発防止策を明示

- (1)貸切バス事業者、運行管理者等の遵守事項の強化
- (2)法令違反の早期是正、不適格者の排除等
- (3)監査等の実効性の向上
- (4)旅行業者、利用者等との関係強化
- (5)ハード面の安全対策による事故防止の促進

早期に法律上の措置が必要な(2)・(3)の事項について、以下のとおり対応

### 軽井沢スキーバス事故の概要



発生日: 平成28年1月15日

- ・乗客乗員15名死亡、乗客26名重軽傷
- ・死者10名以上のバス事故は31年ぶり

事業者:(株)イーエスピード

＜今回判明した主な違反＞

始業点呼の未実施、運行指示書の記載不備、運転者の健康診断の未受診、運賃の下限割れ等

## 改正法の概要

### ①事業許可の更新制の導入

- 貸切バス事業者が安全に事業を遂行する能力を有するかどうか5年ごとにチェック

### ②不適格者の安易な再参入・処分逃れの阻止

旅客自動車運送事業に関し、

- 事業の許可について、
  - ・欠格期間の延長(改正前:2年⇒改正後:**5年**)
  - ・許可取消を受けた会社の子会社等、処分逃れを目的として監査後に廃業した者等の参入を制限
- 運行管理者(※)の資格者証の交付について、
  - ・欠格期間の延長(改正前:2年⇒改正後:**5年**)

(※)乗務員の労務管理や車両の日常点検等の運行管理の責任を担う者
- 休廃業を30日前の事前届出へ(改正前:事後届出制)

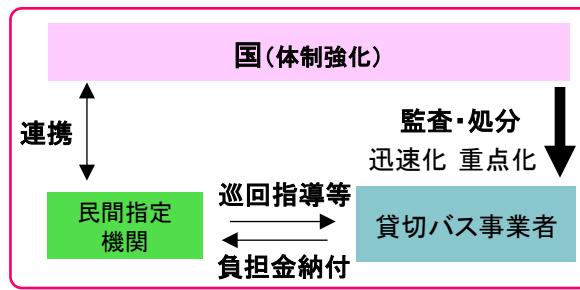
### ③監査機能の補完・自主的改善の促進

- 貸切バス事業者に対して民間指定機関による巡回指導等を行うため、当該機関による貸切バス事業者からの負担金徴収の制度を創設

### ④罰則の強化

- 輸送の安全確保命令に従わないバス事業者に対する法定刑の強化、法人重科の創設

(改正前:100万円以下の罰金(違反者・法人)⇒改正後:懲役1年・150万円以下の罰金(違反者)、1億円以下の罰金(法人))



**不適格者の排除等により、安全・安心な貸切バスの運行を実現**

## 【目標・効果】

貸切バス事業者が原因となる事故について、乗客の死亡事故をゼロとすることを目指すとともに、乗客の負傷事故を10年以内に半減することを目指す。