



*Full Length Research Paper*

# **The disagreement between the laws of transit and the requirements of professional use of motorcycles in Brazil**

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## **Abstract**

Taking into consideration the professional motorcycle use is remarkable that there is a direct contrast between the demands of the profession and the prevailing regulatory laws. While employers and consumers cherish and require the speed during traffic ready for delivery, traffic laws preach prudence and responsibility. Faced with this impasse between being efficiently meeting the requirements of their own social responsibility activity or professional bikers, mostly opt for the first option even if it is accompanied by many risks that threaten their own life and that of other road users everywhere where they. The following survey is configured as basic, exploratory and the procedures used to fit like a documentary analysis. Upon the method chosen scientific articles, journals, reports and official bodies as the basis for the development of theoretical discussion about the activities of professional motorcyclists, difficulties, risks and requirements related websites were used to it. Sites Contran and Denatran were used to obtain information regarding regulatory laws and traffic regulations updated, and the Abraciclo portal containing information regarding fleet of motorcycles and their profile of its users. Through the discussion it was noted that one cannot judge the behavior of professional motorcyclists, not even associate their conduct in traffic solely as a result of their individual recklessness, first of all, you must understand the performance of this professional activity as a result of a series external factors that affect driving behavior.

**Keywords:** Motorcyclists. Transit. Accidents. Professional use of motorcycles.

## **INTRODUCTION**

The significant increase in the number of vehicles urban space became insufficient for the amount of individual means of transport and mass circulate it difficult to mobilize these by the taxiways (Pordeus et al., 2009). Becomes necessary to seek alternative forms of locomotion that may outweigh the difficulties that present themselves in the structural framework and the motorcycle comes as a solution to the proposed problem.

The motorcycle is a small and agile instrument which allows transport circumvent the turbulent traffic of large cities still having affordable prices, low interest rates and

easy financing. In addition to show up as an efficient means of transportation the motorcycle turned into a tool for work due to the demand for ever faster calls of various products and services (Pereira and Fisher, 2009).

For Oliveira and Sousa (2012), the demand for motorcycle increased significantly in recent years both for use as a means of transport as professional use. The agility and low consumption of this vehicle allow time deliveries at competitive costs generating employment opportunities to anyone who has the license to own vehicle and drive it (Ferreira, 2009). Individuals who

engage in this activity become professional drivers of motorcycles popularly known as couriers. It is common to see these professionals driving too fast and recklessly, in violation of traffic laws.

Taking into consideration the professional motorcycle use is remarkable that there is a direct contrast between the demands of the profession and the prevailing regulatory laws. While employers and consumers cherish and require the speed during traffic ready for delivery, traffic laws preach prudence and responsibility. Faced with this impasse which you can see is an increasing number of accidents in traffic due to the risk- need that drives the dynamics of the profession (Bacchieri and Barros, 2011).

The laws about the practices of drivers are on the Brazilian Traffic Code, created on September 23, 1997 by Law No. 9506 in order to regulate and standardize traffic throughout the national territory. Although there are responsible for regulating the practice of drivers in traffic bodies and also technological devices and human resources that support this first, offenses and disrespect the laws are frequently surpassing the official data since many offenses go unnoticed to the resources surveillance (Neto et al., 2012).

The violation of traffic laws by motorcyclists has almost direct consequence accidents due to the vulnerability of this mode of transport. Studies seeking to characterize the profile of these occurrences and their victims identified the motorcycle as a means of transport involved in contingencies in transit (Goliás and Caetano, 2012). Their abuse in the chaotic traffic of large cities has generated alarming results with regard to accidents because the long hours of work are reflected in fatigue, tiredness, decreased reflexes and ability to concentrate for drivers.

Faced with this impasse between being efficiently meeting the requirements of their own social responsibility activity or professional bikers, mostly opt for the first option even if it is accompanied by many risks that threaten their own life and that of other road users everywhere where they .

## **MATERIALS AND METHODS**

In preparing the following methodology describes the instruments and means of conducting content analysis, pointing the way in which decisions were being made on the techniques of handling documents from the organization and classification of the material to the preparation of analytical categories (Pimentel, 2001).

This is a basic research where the study is an exploratory retrospective documentary analysis. The documentary research uses materials not yet received analytical treatment, and, the primary sources. As a result, the researcher's work requires a more thorough analysis, since the documents have not gone before by

any scientific treatment, this feature is essential, as distinct from literature.

In turn , is defined by exploratory research , as part of the primary research , the preliminary study in order to better tailor the instrument to measure the reality that if you want to know, exploratory study aims meet the study variable as it stands its meaning and context in which it is inserted ( Piovesan and Temporini , 1995) .

In the study we used scientific articles, journals, reports and official bodies as the basis for the development of theoretical discussion about the activities of professional motorcycle difficulties, risks and requirements related to this profession sites. Sites CONTRAN and DENATRAN were used to obtain information regarding regulatory laws and standards updated traffic, the site of Abraciclo to join the article relevant information regarding fleet of motorcycles.

## **RESULTS**

### **Use professional motorcycle**

The changes highlighted in the national economic scene in recent years led to the demand for fast and efficient service, this fact plus the saturation of cars in the road system, resulting in increased congestion and reduce the efficiency of delivery of services led to the rapid insertion of motorcycles as working tools in the Brazilian traffic scenario (Malta et al., 2011).

By its own characteristics, the motorcycle has adapted perfectly the existing market requirements for scoring run services with a high degree of efficiency making their increasing demand from people who need to move quickly to desired destinations and especially by entrepreneurs who, as a competitive advantage, aim to provide customers with a fast and effective service delivery, benefit and consolidating the image of your company (Goliás and Caetano, 2012).

The popularity of this mode of transport goes beyond its flexibility and ability to move in minimum space, yet have affordable prices, low interest rates and financing facility that combined the low purchasing power of a considerable portion of the population that needs financial gain for its survival explains the significant increase in the number of motorcycles as working tools (Pereira and Fisher, 2009).

The profession of biker as paid activity that makes use of the motorcycle to perform various activities such as deliveries and withdrawals of documents, checks, pouches, food and all sorts of small volumes and components that require some urgency emerged in Brazil from 80 years and has developed significantly after the constitution of 1988 due to outsourcing and strengthening the service sector (Targino and Gomes, 2011).

The term encompasses professional biker motorcycle taxi drivers and couriers. These first are responsible for

driving the motorcycle to transport passengers while couriers involved in the transportation of documents, values, goods and parcels. In this paper the term professional biker will be used in reference to couriers because professional requirements to which they are subjected these individuals are substantially higher than the other class in question (Amorim et al., 2007).

According to the same author, the activity performed by professional bikers is regulated by law no. 12,009, of July 29, 2009. This law regulates the exercise of their professional activities in delivery of goods and the use of motorcycle safety rules for transport services paid goods.

It is very likely that the changes in the working world have contributed to the proliferation of professional bikers. These individuals are responsible for meeting the demands of contemporary capitalism and develop the economy of large cities through the exercise of their activities satisfying employers and clients (Silva, 2009).

In turn, the appreciation of customers shows up as one of several strategies by which a company can gain a competitive advantage. It is known that consumers prize for increasingly efficient services that can satisfactorily needs surprisingly, that require immediate answers enterprises to solve various problems, since the time for the customer is a variable which must be reduced to the utmost provision of any service (Malanovicz et al., 2010).

Malanovicz et al., (2010) also reports that in an environment full of qualified competitors it is essential that companies develop strategies to meet the needs of the market, targeting the loyalty of existing clients through knowledge of their desires, perceptions, preferences and needs. Companies and their respective officers, driven by the need to meet with the requirements of the property market in which they are inserted in professional motorcycle lay much of the responsibility for its efficient services, this makes the exercise of that profession loaded with responsibilities and pressures that contribute to the physical and psychological strain of these professionals (Schlichting et al., 2012).

In addition to the aforementioned fact is notorious existing prejudice on the part of pedestrians and drivers of other vehicles with professional bikers taking their practices as reckless, audacious and irresponsible, curiously the same as judge and condemn the actions that need constant professional services efficient for these rendered Albuquerque et al., (2012). It is this tenuous relationship between the demands of time and space boundaries, between expectation and satisfaction of quick deliveries, between luxury and insecurity, between essential and stigmatized, between life and death dismay, that the activity of professional motorcycle is develops (Silva, 2009).

### **Profile and statistics about the activity of professional motorcyclists**

To Ganne (2010), the changes taking place in the

Brazilian labor market, the imbalance due to the lower supply and higher demand for jobs and the demand for increasingly high-skill, created a significant parallel market of employed informal economic activities by individuals who often no other option, seek it necessary for their survival means.

Among the many professions that have evolved in this parallel labor market one that deserves attention for its relevance is the professional bikers. These individuals risk their lives daily driving their motorcycles in a wide variety of goods enabling the continuity of expectations of contemporary capitalism and consolidating services of several companies (Silva, 2009).

Drawing a profile of professional bikers can say that these are mostly adults, males, due to the strengthening of the services sector and few job opportunities saw the possibility of obtaining financial income through the use of motorcycle as tool. Moreover, these professionals are mostly low-income, low level of education (Bacchieri and Barros, 2011).

Quantifying the above from the annual survey of the Brazilian association of manufacturers of motorcycles, mopeds, scooters, bicycles and the like (Abraciclo) data, it was found that 98.33 % of motorcyclists are men and about 61 % of them have up to two years in the profession, which is extremely important because the years of experience are crucial to accident rates. With respect to the 16 % buyers purchased the motorcycle to use it as a tool. Regarding the workday 58.8 % work six to eight hours as in 28.75% working eight to ten hours a day, and 85 % are self-employed.

Although insufficient financial remuneration, adverse working conditions and exhaustion resulting from long hours spent at work, the activity of the professional biker wins fans in a stunning speed. What we can see is that even before the various difficulties inherent in this profession, most of these professionals depend on financial compensation arising from this activity having to undergo the risks inherent in it (Amorim et al., 2007).

According to the same author he numbers related to the activity of motorcyclists are extremely relevant. It is noticed that the use of motorcycles has increased considerably in recent years, according to Pacheco (2011), up from 6.2 million in 2003 to 16.5 million in 2010. Currently motorcycles represent 25.46 % of the Brazilian fleet with a number over 20 million.

The use of motorcycle as a tool grows proportionately. According Bacchieri and Barros (2011), in Brazil there are about 1.5 million professionals bikers, but that number is not accurate, which can be explained because there is a huge number of professionals working in the informal sector due to the high cost of regulate the profession. São Paulo is the Brazilian state that has the largest number of professional riders reaching only 250,000 in its capital.

But the large number of professionals does not reflect their satisfaction, because according to Albuquerque et al., (2012), most professional bikers are dissatisfied with

the conditions in which they perform their activities. In many cases the lack of union itself governing the exercise of this activity and not inserting these workers in occupational health programs are shown as the main motivators such dissatisfaction. The absence of public policies that support the professional motorcycle entails the exercise of that profession greatest difficulties. It is noticed that while driving a motorcycle may seem easy, simple and ordinary activity on the part of the beholder actually involves a series of demands from those who are willing to realize - that there are not performed in its entirety bring risks the lives of many people and vehicles that are related to this activity (Balbinot et al., 2011).

Indeed act of driving involves a complex process of interaction of psychological and cognitive functions. Driving a vehicle involves memory, attention, decision making in an environment full of information as pedestrian traffic, other vehicles and a variety of sounds and images. The multiplicity of factors involved in acts of direct influence the behavior of individuals and consequently their way of driving a vehicle (Balbinot and Zaro, 2011).

The complexity of this activity justifies the risks inherent in it. To Malta et al. (2011), the professional motorcycle riders constantly deal with the risk to their physical integrity and are considered generally unwise for flouted safety rules and traffic regulations. The pressure sufferers, however, is to perform its tasks in the shortest possible time for this or that jeopardizes his own life and that of other road users.

Given the difficulties and demands of this activity is the fact that no one chooses the profession of professional biker by desire and even less its exercise is seen as a professional accomplishment, in fact that occupational activity is presented as a compensation professional frustrations on people that without having adequate qualifications must devote to it Vasconcelos (2012).

## DISCUSSION

### **Traffic accidents: a direct consequence of the existing disagreement in this profession**

The Brazilian influence is a multidimensional space shared by drivers of vehicles and pedestrians in general. In this environment the hierarchical mentality that classifies objects and people as upper and lower results in a conflict situation making a space that presumably believed to be equality for all in an environment full of aggression which explains the large amount of accidents (Pitanga, 2012).

Traffic accidents are configured, currently, as a serious and complex public health issue, because accompanying the remarkable economic and technological development of modern societies and at the

same time, are essential to a high number of deaths and sequelae in drivers causing a significant burden to society and their respective health systems (Malta et al., 2011).

The traffic accident can be characterized as an event that takes place on public roads involving one or more vehicles normally for them, and they may be motorized or not, resulting in physical, material damage and in some cases may lead individuals involved to death (Dantas, 2009).

In Brazil we work with the concept of accidents as though preventable unintentional event. This concept is important for demonstrating the non-randomness of the event and the possibility of identifying constraints to their consequent intervention and prevention factors (Neto et al., 2010).

Traffic accidents do not occur without reason, they are the result of irregularities in the aisles, specific characteristics of vehicles operating on them and mainly due to human errors in reaching young people most often in large cities (Bacchieri et al., 2010).

Between car accidents witnessed in recent decades, one can notice that a large number involves driving motorcycles, vehicle that increasingly is being used as a working tool whether in formal or informal sector, especially in the delivery of services (Pinto and Cunha, 2010).

Several factors contribute to the significant growth in the number of accidents involving motorcyclists in recent years, among them the increased number of vehicles in circulation, the impunity of violators of traffic laws, lack of adequate supervision, poor maintenance of public roads and often poor signage (Dantas et al. 2009).

It should be mentioned that the characteristics of motorcycles expose their drivers to risk by having a reduced and less than the other vehicles on roads and the lack of effective hedging instruments expose motorcyclists to all sorts of dangers structure showing the vulnerability of this profession (Sampaio and Nakano, 2012).

According to estimates by the World Health Organization (2013), about 1.2 million people die worldwide each year due to traffic accidents related causes. In Brazil, associated with car accidents deaths are more common in people 20-39 years (Farias et al., 2012), one must consider that there is an even greater number of hospitalizations, emergency services and physical and psychological sequelae. These accidents can cost between 1.5 and 2 % of the emerging and developing countries' GDP.

To Pereira and Fisher (2009), plus the related financial costs, are also present incapable of being measured costs, pain and suffering of accident victims and their families, who sometimes have to fight against exclusion from society, by becoming unproductive for the job market.

Given this context should be sought clever ways to

avoid or mitigate possible causes of traffic accidents involving motorcyclists. In developed countries there has been a substantial reduction in the number of traffic accidents in the last 30 years, this fact can be attributed to changes in the designs of vehicles, improvements in the structure of the taxiways, awareness regarding the use of protective equipment, increased rigidity of legislation and educational campaigns aimed primarily educate drivers (Pinto and Cunha, 2013).

According to Vasconcelos (2012), traffic education emerges as the main alternative to raise awareness and educate people to respect traffic laws in effect in order to ensure a harmonious coexistence between people to transit. Proposing an awareness of the responsibilities of each individual in the exercise of their citizenship.

### **Instruments supervisory practices of professional bikers**

With the increasing use of motor vehicles, traffic control becomes increasingly complex and necessary. Vehicles, while moving, need to divide between themselves and pedestrians, the available space. Where there is movement, there is danger and risk of collision. So that vehicles and pedestrians can safely share the traffic routes, it is necessary that rules exist and that drivers behave in accordance with them (Balbinot et al., 2011).

The presence of the motorcycle in the traffic scenario that became even more chaotic and cluttered environment, as motorcyclists often carry over into small spaces, moving between rows of cars, overtaking improper signals, leading his speeding vehicle endangering the lives of sharing with them all of the taxiways (Malta et al., 2011).

The resulting disorder of the significant increase in the number of vehicles requires that there be an immediate reorganization of traffic in large cities (Farias et al., 2012). Brazilian Traffic Code was created precisely in order to improve and standardize traffic across the Nationwide. It's not only the rules provided for transit, which aim to educate the public and make them aware of their rights and duties, as well as traffic engineering, responsible for signaling (Oliveira and Fantin, 2011).

In an attempt to standardize the drivers' behavior many instruments are used as an aid to the CTB. The use of technology combined with the traffic shows up as one of the most effective methods for facilitating the work of regulators. Technological devices include instruments ranging from the spread of laws in electronic media, until inserted into the traffic of vehicles to the blatant illegal activities and their consequent punishment (Sampaio and Nakano, 2012) apparatus.

According to Pitanga (2012), the electronic monitoring of traffic is divided into metrological and not, as its application. The metrological applications involve measuring the value of a physical quantity and refer to monitoring the speed of vehicles in circulation. In turn,

non- metrological applications identify the occurrence of any event and refer to the supervision of other perceived infractions in traffic.

In general, the use of technological tools in traffic arises as a way to increase supervision on drivers inhibiting or even preventing violations. From a legal standpoint traffic violation can be defined as the failure to observe the precepts listed in the Brazilian Traffic Code, in subsidiary legislation or resolutions of the National Traffic Council being the violator subject to penalties and administrative measures. From the psychological point of view the infraction can be perceived as a transgression or disobedience to rules whether formalized or not (Neto et al., 2012).

The record of offenses, in turn, is a very controversial measure because despite technological instruments are inserted at strategic points in traffic or whenever such actions are recorded by the authorities, is the lack of adequate supervision, lack of equipment or even the strategies used by drivers in order to circumvent this survey (Dantas et al. 2009).

Despite the existence of many resources monitoring the behavior of professional motorcyclists little has changed. The pressure from customers and employers will against regulatory laws causing the motorcyclist, in most cases, disregards the rules to meet the requirements of their profession (Moraes, 2008).

It can be seen that transit has become synonymous with transgress in our society. The behavior of motorcyclists on the streets, in the exercise of its activities, is a permanent conflict between submission to the laws and attending individual interests, the significant increase of the supervisory revealing not just citizens of most people especially the professional motorcyclists (Schlichting et al., 2012).

When the traffic problem relates to the practices of professional motorcyclists must take into account that the behavior of these individuals is not the result of their individual concepts, but are reflective of a number of requirements which are responsible for the actions witnessed daily traffic (Silva, 2009).

Traffic problem is not just a technical issue; it also refers a question of social and political order. Therefore, when addressing the solutions to the traffic problems should also take into account the characteristics of the society in which they are located, analyzing the socioeconomic and psychosocial aspects of the population (Oliveira and Sousa, 2013).

### **The disagreement between the traffic laws and the requirements of professional use of motorcycles**

Given the analysis regarding the activity performed by professional bikers you realize that contrary to what many think this activity involves a series of demands by individuals who are dedicated to it, because according to Balbinot et al. (2011), the act of driving involves a



complex process of interaction of psychological and cognitive functions . Driving a vehicle involves memory, attention, decision making in an environment full of information as pedestrian traffic, other vehicles and a variety of sounds and images.

When it comes to driving a motorcycle complexity increases substantially, which can be explained by the characteristics of this mode of transport which has in its physical structure few utensils security considerably increasing the propensity to accidents and other eventualities.

Added to these factors previously listed the pressure exerted by employers and customers who constantly need the services provided by these professionals. Companies in current times seek to reduce the time variable to the maximum in providing its services to customers pierce an image of efficiency and effectiveness by ensuring the product on time, at the desired location with the required specifications and the lowest possible cost. The dilemma is precisely this fact in an attempt to consolidate the image of their companies in the marketplace employers transfer most of its responsibilities for motorcyclists which makes the exercise of that profession fraught with physical and psychological stress.

People endowed with prejudices judge the practices of professional motorcyclists as reckless and bold , but the same judge who curiously require the services provided by these and require the greatest possible efficiency in the execution of its activity , the figure of customers people ignore the variables related the activity of professional motorcycle thinking exclusively in satisfying your needs .

The regulators try to make the most rigid inspection to prevent individuals circumvent traffic laws and commit infractions jeopardizing the integrity of people who share the public roads , but many of these attempts fail , even with the aid of technology drivers of motorcycles not inhibit their professional conduct and prefer rather to be consistent with the laws demands . What we see is that from the demands of employers and clients is virtually impossible for a rider to behave in accordance with established rules, because if it did, it would be going against their own determination as employers.

This is configured as the greatest dilemma experienced by professional riders in the exercise of their daily obligations, meet the requirements of employers and clients with substantially faster service or to comply with traffic laws, lowering the accident proneness? Between the two options the first seems be more feasible to motorcyclists, as daily witnesses who are these professionals unwisely given the demands of contemporary capitalism, consolidating the image of all kinds. The use of motorcycle as a tool increased significantly in recent decades significantly contributing to the emergence of a new working class formed by professional bikers. These individuals are responsible for

the rapid and efficient transport of small goods and documents consolidating the image of businesses and enabling the development of contemporary capitalism in large Brazilian cities.

Professional bikers live in the exercise of his profession with the pressure exerted by many customers who require a fast, because for these the time variable should be reduced to the extreme as by their employers seeking as a competitive advantage to offer services that successfully surprised the expectations customers , aiming higher profits .

Citizens judge the professional riders in the exercise of his profession as reckless, irresponsible, and by these audacious conduct their motorcycles at high speed disregarding traffic rules and oversight tools, but curiously these same citizens, the figure of customers and consumers, demand for services rapid and effective and could care less if these bikers are behaving properly with the governing laws.

The existing disagreement between professionals by becoming more efficient and obligation to behave service requirements as mandated by laws afflicts the activity of professional motorcycle. These individuals are faced daily with the difficulty of proceeding as governing traffic laws clearly due to this existing nonconformity. In this context actions directed exclusively to the changing behavior of professional bikers probably have little or no effectiveness.

The complexity of the activity performed by professional bikers summed up the characteristics of the motorcycle itself is a mode of transportation that does not have sufficient security tools to protect the driver makes this high-risk profession. The risk is present in the lives of those in need by professionals often ignore it because of its dependence on the coming financial remuneration for this activity element.

Car accidents involving motorcyclists professionals have become routine in the scenario of large cities and noncompliance with laws is seen as the main cause. The laws are there to be fulfilled in its entirety to ensure the safety of the share of public roads.

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