



Learner driver on the simulator: Digital preparation for real road traffic

No false promises

Simulators and the offer to take practice lessons on a simulator are now a permanent feature in the driving school world. However, those who want to advertise the advantages of the digital helpers must be careful to avoid some serious mistakes.

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Today, there is no end to the discussions about whether the use of simulators in the training of learner drivers makes pedagogical and economic sense. Proponents and opponents alike exchange sometimes very emotional views and

arguments on the subject. The opinions range from "we don't need it" to "an absolutely important and sensible addition to the training on offer". It is therefore not surprising that simulators were also discussed at the symposium "Driving School and professional drivers"

in Dortmund were a topic. On the one hand, some of the models currently available for driving schools were shown and explained by the exhibitors, and on the other hand, the benefits for learner drivers and driving schools -based on a recent survey by the Institute of the Automotive

Industry together with the MOVING Int. Road Safety Association - were presented in a lecture.

There is no doubt that the use of a simulator has a number of advantages for both learner drivers and driving schools. For example, its use saves the driving instructor's nerves and the driving school's material. The generation of digital natives, who no longer learn a whole range of haptic or coordinative skills in their everyday lives, has the opportunity to prepare for real road traffic in peace and without stress. According to the results of the current iFA survey, 90 percent of learner drivers take advantage of their driving school's offer to practise on a simulator. According to the results of the survey, vehicle operation and shifting competence are the most important skills that the simulator can impart to the learner driver.

PERMISSIBLE FORMULATIONS Driving schools that offer simulator lessons are also completely at liberty to refer to these recognisable advantages in their advertising. Advertising that focuses on these advantages is therefore not objectionable under competition law. Sentences such as "You can prepare for real road traffic in peace" or "You can train difficult situations several times over" are therefore permissible and can be used in advertising. Likewise, it is neither objectionable under competition law nor under contract law if driving schools make the conclusion of a training contract dependent on the learner driver booking simulator lessons as a compulsory module. This is because the learner driver is free to choose whether to take up this offer of the driving school or to visit a driving school that offers training contracts without simulator lessons.

// SIMULATOR HOURS AS A COMPULSORY MODULE IN THE TRAINING ARE LEGALLY PERMISSIBLE //

CAUTION WITH PRICE ADVERTISING

However, it always becomes critical when the advertising is intended to give the impression that the offer to practise on the simulator has a positive effect on the costs of the driving licence training. Since 2007, the Wettbewerbszentrale has repeatedly pointed out that caution is required when advertising the use of driving simulators. In a report of the associations and the trade press in February 2007, the Wettbewerbszentrale had already pointed out a decision of the Regional Court of Nuremberg-Fürth which it had obtained (Regional Court of Nuremberg-Fürth, judgement of 1 February 2007, file no. 1HK O 7432/06). In this decision, the court had a driving school operator from advertising the use of the simulator in the future with a reference to the reduction of training costs. Previously, in 2004, the Berlin Regional Court had prohibited a driving school operator from stating that one hour of simulator driving would replace three to four practical driving lessons (Berlin Regional Court, judgement of 11 March 2004, ref. 102 O 82/04). In a case brought by the Competition Centre before the Regional Court of Passau in 2021, the court also based its decision on the assumption that the impression must not be given that the training is more favourable due to the use of the simulator (Regional Court of Passau, default judgment of 2 December 2021, Ref. 1 HK O 32/21). This case law has already been referred to several times in the FAHRSCHULE (most recently Fahrtschule issue 2/2022, page 40). The following is therefore also inadmissible

// A REDUCTION IN TRAINING COSTS MAY NOT BE ADVERTISED. WERE //

a comparison of the prices of a practical driving lesson with a cheaper simulator lesson, if this gives the impression that the simulator lesson can actually replace the practical driving lesson in road traffic.

EVIDENCE IS MISSING

According to the Driving Instructor Act and the implementing regulations, the practice hours on the simulator are not part of the practical driving training. They cannot and should not replace it. There is still no scientific proof that the practice hours on the simulator actually lead to a shortening of the practical training. Surveys circulating in the industry do not provide such scientific proof. Therefore, such a connection cannot and must not be made in the advertising of driving schools.

CONCLUSION

Therefore, driving schools can only be advised to limit their advertising for the use of simulators to the usual advantages of the offer for the learner driver and to avoid linking it to the costs of the training. //



Vehicle operation and shifting competence can be practised well on the simulator