

中华人民共和国道路交通安全法

中华人民共和国主席令 第八号

2003年10月28日，第十届全国人民代表大会常务委员会第五次会议通过，2003年10月28日中华人民共和国主席令第八号公布，自2004年5月1日起施行。

第一章 总则

第一条 为了维护道路交通秩序，预防和减少交通事故，保护人身安全，保护公民、法人和其他组织的财产安全及其他合法权益，提高通行效率，制定本法。

第二条 中华人民共和国境内的车辆驾驶人、行人、乘车人以及与道路交通活动有关的单位和个人，都应当遵守本法。

第三条 道路交通安全工作，应当遵循依法管理、方便群众的原则，保障道路交通有序、安全、畅通。

第四条 各级人民政府应当保障道路交通安全管理工作与经济建设和社会发展相适应。

县级以上地方各级人民政府应当适应道路交通发展的需要，依据道路交通安全法律、法规和国家有关政策，制定道路交通安全管理规划，并组织实施。

第五条 国务院公安部门负责全国道路交通安全管理工作。县级以上地方各级人民政府公安机关交通管理部门负责本行政区域内的道路交通安全管理工作。

县级以上各级人民政府交通、建设管理部门依据各自职责，负责有关的道路交通工作。

第六条 各级人民政府应当经常进行道路交通安全教育，提高公民的道路交通安全意识。

公安机关交通管理部门及其交通警察执行职务时，应当加强道路交通安全法律、法规的宣传，并模范遵守道路交通安全法律、法规。

机关、部队、企业事业单位、社会团体以及其他组织，应当对本单位

的人员进行道路交通安全教育。

教育行政部门、学校应当将道路交通安全教育纳入法制教育的内容。

新闻、出版、广播、电视等有关单位，有进行道路交通安全教育的义务。

第七条 对道路交通安全管理工作，应当加强科学研究，推广、使用先进的管理方法、技术、设备。

第二章 车辆和驾驶人

第一节 机动车、非机动车

第八条 国家对机动车实行登记制度。机动车经公安机关交通管理部门登记后，方可上道路行驶。尚未登记的机动车，需要临时上道路行驶的，应当取得临时通行牌证。

第九条 申请机动车登记，应当提交以下证明、凭证：

机动车所有人的身份证明；

机动车来历证明；

机动车整车出厂合格证明或者进口机动车进口凭证；

车辆购置税的完税证明或者免税凭证；

法律、行政法规规定应当在机动车登记时提交的其他证明、凭证。

公安机关交通管理部门应当自受理申请之日起五个工作日内完成机动车登记审查工作，对符合前款规定条件的，应当发放机动车登记证书、号牌和行驶证；对不符合前款规定条件的，应当向申请人说明不予登记的理由。

公安机关交通管理部门以外的任何单位或者个人不得发放机动车号牌或者要求机动车悬挂其他号牌，本法另有规定的除外。

机动车登记证书、号牌、行驶证的式样由国务院公安部门规定并监制。

第十条 准予登记的机动车应当符合机动车国家安全技术标准。申请机动车登记时，应当接受对该机动车的安全技术检验。但是，经国家机动车产品主管部门依据机动车国家安全技术标准认定的企业生产的机动车

型，该车型的新车在出厂时经检验符合机动车国家安全技术标准，获得检验合格证的，免于安全技术检验。

第十一条 驾驶机动车上道路行驶，应当悬挂机动车号牌，放置检验合格标志、保险标志，并随车携带机动车行驶证。

机动车号牌应当按照规定悬挂并保持清晰、完整，不得故意遮挡、污损。

任何单位和个人不得收缴、扣留机动车号牌。

第十二条 有下列情形之一的，应当办理相应的登记：

机动车所有权发生转移的；

机动车登记内容变更的；

机动车用作抵押的；

机动车报废的。

第十三条 对登记后上道路行驶的机动车，应当依照法律、行政法规的规定，根据车辆用途、载客载货数量、使用年限等不同情况，定期进行安全技术检验。对提供机动车行驶证和机动车第三者责任强制保险单的，机动车安全技术检验机构应当予以检验，任何单位不得附加其他条件。对符合机动车国家安全技术标准的，公安机关交通管理部门应当发给检验合格标志。

对机动车的安全技术检验实行社会化。具体办法由国务院规定。

机动车安全技术检验实行社会化的地方，任何单位不得要求机动车到指定的场所进行检验。

公安机关交通管理部门、机动车安全技术检验机构不得要求机动车到指定的场所进行维修、保养。

机动车安全技术检验机构对机动车检验收取费用，应当严格执行国务院价格主管部门核定的收费标准。

第十四条 国家实行机动车强制报废制度，根据机动车的安全技术状况和不同用途，规定不同的报废标准。

应当报废的机动车必须及时办理注销登记。

达到报废标准的机动车不得上道路行驶。报废的大型客、货车及其他营运车辆应当在公安机关交通管理部门的监督下解体。

第十五条 警车、消防车、救护车、工程救险车应当按照规定喷涂标志图案，安装警报器、标志灯具。其他机动车不得喷涂、安装、使用上述车辆专用的或者与其相类似的标志图案、警报器或者标志灯具。

警车、消防车、救护车、工程救险车应当严格按照规定的用途和条件使用。

公路监督检查的专用车辆，应当依照公路法的规定，设置统一的标志和示警灯。

第十六条 任何单位或者个人不得有下列行为：

拼装机动车或者擅自改变机动车已登记的结构、构造或者特征；

改变机动车型号、发动机号、车架号或者车辆识别代号；

伪造、变造或者使用伪造、变造的机动车登记证书、号牌、行驶证、检验合格标志、保险标志；

使用其他机动车的登记证书、号牌、行驶证、检验合格标志、保险标志。

第十七条 国家实行机动车第三者责任强制保险制度，设立道路交通事故社会救助基金。具体办法由国务院规定。

第十八条 依法应当登记的非机动车，经公安机关交通管理部门登记后，方可上道路行驶。

依法应当登记的非机动车的种类，由省、自治区、直辖市人民政府根据当地实际情况规定。

非机动车的外形尺寸、质量、制动器、车铃和夜间反光装置，应当符合非机动车安全技术标准。

第二节 机动车驾驶人

第十九条 驾驶机动车，应当依法取得机动车驾驶证。

申请机动车驾驶证，应当符合国务院公安部门规定的驾驶许可条件；经考试合格后，由公安机关交通管理部门发给相应类别的机动车驾驶证。

持有境外机动车驾驶证的人，符合国务院公安部门规定的驾驶许可条件，经公安机关交通管理部门考核合格的，可以发给中国的机动车驾驶证。

驾驶人应当按照驾驶证载明的准驾车型驾驶机动车；驾驶机动车时，应当随身携带机动车驾驶证。

公安机关交通管理部门以外的任何单位或者个人，不得收缴、扣留机动车驾驶证。

第二十条 机动车的驾驶培训实行社会化，由交通主管部门对驾驶培训学校、驾驶培训班实行资格管理，其中专门的拖拉机驾驶培训学校、驾驶培训班由农业（农业机械）主管部门实行资格管理。

驾驶培训学校、驾驶培训班应当严格按照国家有关规定，对学员进行道路交通安全法律、法规、驾驶技能的培训，确保培训质量。

任何国家机关以及驾驶培训和考试主管部门不得举办或者参与举办驾驶培训学校、驾驶培训班。

第二十一条 驾驶人驾驶机动车上道路行驶前，应当对机动车的安全技术性能进行认真检查；不得驾驶安全设施不全或者机件不符合技术标准等具有安全隐患的机动车。

第二十二条 机动车驾驶人应当遵守道路交通安全法律、法规的规定，按照操作规范安全驾驶、文明驾驶。

饮酒、服用国家管制的精神药品或者麻醉药品，或者患有妨碍安全驾驶机动车的疾病，或者过度疲劳影响安全驾驶的，不得驾驶机动车。

任何人不得强迫、指使、纵容驾驶人违反道路交通安全法律、法规和机动车安全驾驶要求驾驶机动车。

第二十三条 公安机关交通管理部门依照法律、行政法规的规定，定期对机动车驾驶证实施审验。

第二十四条 公安机关交通管理部门对机动车驾驶人违反道路交通安全法律、法规的行为，除依法给予行政处罚外，实行累积记分制度。公安机关交通管理部门对累积记分达到规定分值的机动车驾驶人，扣留机动车驾驶证，对其进行道路交通安全法律、法规教育，重新考试；考试合格

的，发还其机动车驾驶证。

对遵守道路交通安全法律、法规，在一年内无累积记分的机动车驾驶人，可以延长机动车驾驶证的审验期。具体办法由国务院公安部门规定。

第三章 道路通行条件

第二十五条 全国实行统一的道路交通信号。

道路交通信号

道路交通信号(4张)

交通信号包括交通信号灯、交通标志、交通标线和交通警察的指挥。

交通信号灯、交通标志、交通标线的设置应当符合道路交通安全、畅通的要求和国家标准，并保持清晰、醒目、准确、完好。

根据通行需要，应当及时增设、调换、更新道路交通信号。增设、调换、更新限制性的道路交通信号，应当提前向社会公告，广泛进行宣传。

第二十六条 交通信号灯由红灯、绿灯、黄灯组成。红灯表示禁止通行，绿灯表示准许通行，黄灯表示警示。

第二十七条 铁路与道路平面交叉的道口，应当设置警示灯、警示标志或者安全防护设施。无人看守的铁路道口，应当在距道口一定距离处设置警示标志。

第二十八条 任何单位和个人不得擅自设置、移动、占用、损毁交通信号灯、交通标志、交通标线。

道路两侧及隔离带上种植的树木或者其他植物，设置的广告牌、管线等，应当与交通设施保持必要的距离，不得遮挡路灯、交通信号灯、交通标志，不得妨碍安全视距，不得影响通行。

第二十九条 道路、停车场和道路配套设施的规划、设计、建设，应当符合道路交通安全、畅通的要求，并根据交通需求及时调整。

公安机关交通管理部门发现已经投入使用的道路存在交通事故频发路段，或者停车场、道路配套设施存在交通安全严重隐患的，应当及时向当地人民政府报告，并提出防范交通事故、消除隐患的建议，当地人民政

府应当及时作出处理决定。

第三十条 道路出现坍塌、坑漕、水毁、隆起等损毁或者交通信号灯、交通标志、交通标线等交通设施损毁、灭失的，道路、交通设施的养护部门或者管理部门应当设置警示标志并及时修复。

公安机关交通管理部门发现前款情形，危及交通安全，尚未设置警示标志的，应当及时采取安全措施，疏导交通，并通知道路、交通设施的养护部门或者管理部门。

第三十一条 未经许可，任何单位和个人不得占用道路从事非交通活动。

第三十二条 因工程建设需要占用、挖掘道路，或者跨越、穿越道路架设、增设管线设施，应当事先征得道路主管部门的同意；影响交通安全的，还应当征得公安机关交通管理部门的同意。

施工作业单位应当在经批准的路段和时间内施工作业，并在距离施工作业地点来车方向安全距离处设置明显的安全警示标志，采取防护措施；施工作业完毕，应当迅速清除道路上的障碍物，消除安全隐患，经道路主管部门和公安机关交通管理部门验收合格，符合通行要求后，方可恢复通行。

对未中断交通的施工作业道路，公安机关交通管理部门应当加强交通安全监督检查，维护道路交通秩序。

第三十三条 新建、改建、扩建的公共建筑、商业街区、居住区、大（中）型建筑等，应当配建、增建停车场；停车泊位不足的，应当及时改建或者扩建；投入使用的停车场不得擅自停止使用或者改作他用。

在城市道路范围内，在不影响行人、车辆通行的情况下，政府有关部门可以施划停车泊位。

第三十四条 学校、幼儿园、医院、养老院门前的道路没有行人过街设施的，应当施划人行横道线，设置提示标志。

城市主要道路的人行道，应当按照规划设置盲道。盲道的设置应当符合国家标准。

第四章 道路通行规定

第一节 一般规定

第三十五条 机动车、非机动车实行右侧通行。

第三十六条 根据道路条件和通行需要，道路划分为机动车道、非机动车道和人行道，机动车、非机动车、行人实行分道通行。没有划分机动车道、非机动车道和人行道的，机动车在道路中间通行，非机动车和行人在道路两侧通行。

第三十七条 道路划设专用车道的，在专用车道内，只准许规定的车辆通行，其他车辆不得进入专用车道内行驶。

第三十八条 车辆、行人应当按照交通信号通行；遇有交通警察现场指挥时，应当按照交通警察的指挥通行；在没有交通信号的道路上，应当在确保安全、畅通的原则下通行。

第三十九条 公安机关交通管理部门根据道路和交通流量的具体情况，可以对机动车、非机动车、行人采取疏导、限制通行、禁止通行等措施。遇有大型群众性活动、大范围施工等情况，需要采取限制交通的措施，或者作出与公众的道路交通活动直接有关的决定，应当提前向社会公告。

第四十条 遇有自然灾害、恶劣气象条件或者重大交通事故等严重影响交通安全的情形，采取其他措施难以保证交通安全时，公安机关交通管理部门可以实行交通管制。

第四十一条 有关道路通行的其他具体规定，由国务院规定。

第二节 机动车通行规定

第四十二条 机动车上道路行驶，不得超过限速标志标明的最高时速。在没有限速标志的路段，应当保持安全车速。

夜间行驶或者在容易发生危险的路段行驶，以及遇有沙尘、冰雹、雨、雪、雾、结冰等气象条件时，应当降低行驶速度。

第四十三条 同车道行驶的机动车，后车应当与前车保持足以采取紧急制动措施的安全距离。有下列情形之一的，不得超车：

前车正在左转弯、掉头、超车的；

与对面来车有会车可能的；

前车为执行紧急任务的警车、消防车、救护车、工程救险车的；

行经铁路道口、交叉路口、窄桥、弯道、陡坡、隧道、人行横道、市区交通流量大的路段等没有超车条件的。

第四十四条 机动车通过交叉路口，应当按照交通信号灯、交通标志、交通标线或者交通警察的指挥通过；通过没有交通信号灯、交通标志、交通标线或者交通警察指挥的交叉路口时，应当减速慢行，并让行人和优先通行的车辆先行。

第四十五条 机动车遇有前方车辆停车排队等候或者缓慢行驶时，不得借道超车或者占用对面车道，不得穿插等候的车辆。

在车道减少的路段、路口，或者在没有交通信号灯、交通标志、交通标线或者交通警察指挥的交叉路口遇到停车排队等候或者缓慢行驶时，机动车应当依次交替通行。

第四十六条 机动车通过铁路道口时，应当按照交通信号或者管理人员的指挥通行；没有交通信号或者管理人员的，应当减速或者停车，在确认安全后通过。

第四十七条 机动车行经人行横道时，应当减速行驶；遇行人正在通过人行横道，应当停车让行。

机动车行经没有交通信号的道路上，遇行人横过道路，应当避让。

第四十八条 机动车载物应当符合核定的载质量，严禁超载；载物的长、宽、高不得违反装载要求，不得遗洒、飘散载运物。

机动车运载超限的不可解体的物品，影响交通安全的，应当按照公安机关交通管理部门指定的时间、路线、速度行驶，悬挂明显标志。在公路上运载超限的不可解体的物品，并应当依照公路法的规定执行。

机动车载运爆炸物品、易燃易爆化学物品以及剧毒、放射性等危险物品，应当经公安机关批准后，按指定的时间、路线、速度行驶，悬挂警示标志并采取必要的安全措施。

第四十九条 机动车载人不得超过核定的人数，客运机动车不得违反规定载货。

第五十条 禁止货运机动车载客。

货运机动车需要附载作业人员的，应当设置保护作业人员的安全措施。

第五十一条 机动车行驶时，驾驶人、乘坐人员应当按规定使用安全带，摩托车驾驶人及乘坐人员应当按规定戴安全头盔。

第五十二条 机动车在道路上发生故障，需要停车排除故障时，驾驶人应当立即开启危险报警闪光灯，将机动车移至不妨碍交通的地方停放；难以移动的，应当持续开启危险报警闪光灯，并在来车方向设置警告标志等措施扩大示警距离，必要时迅速报警。

第五十三条 警车、消防车、救护车、工程救险车执行紧急任务时，可以使用警报器、标志灯具；在确保安全的前提下，不受行驶路线、行驶方向、行驶速度和信号灯的约束，其他车辆和行人应当让行。

警车、消防车、救护车、工程救险车非执行紧急任务时，不得使用警报器、标志灯具，不享有前款规定的道路优先通行权。

第五十四条 道路养护车辆、工程作业车进行作业时，在不影响过往车辆通行的前提下，其行驶路线和方向不受交通标志、标线限制，过往车辆和人员应当注意避让。

洒水车、清扫车等机动车应当按照安全作业标准作业；在不影响其他车辆通行的情况下，可以不受车辆分道行驶的限制，但是不得逆向行驶。

第五十五条 高速公路、大中城市中心城区内的道路，禁止拖拉机通行。其他禁止拖拉机通行的道路，由省、自治区、直辖市人民政府根据当地实际情况规定。

在允许拖拉机通行的道路上，拖拉机可以从事货运，但是不得用于载人。

第五十六条 机动车应当在规定地点停放。禁止在人行道上停放机动车；但是，依照本法第三十三条规定施划的停车泊位除外。

在道路上临时停车的，不得妨碍其他车辆和行人通行。

第三节 非机动车通行规定

第五十七条 驾驶非机动车在道路上行驶应当遵守有关交通安全的规定。非机动车应当在非机动车道内行驶；在没有非机动车道的道路上，应当靠车行道的右侧行驶。

第五十八条 残疾人机动轮椅车、电动自行车在非机动车道内行驶时，最高时速不得超过十五公里。

第五十九条 非机动车应当在规定地点停放。未设停放地点的，非机动车停放不得妨碍其他车辆和行人通行。

第六十条 驾驭畜力车，应当使用驯服的牲畜；驾驭畜力车横过道路时，驾驭人应当下车牵引牲畜；驾驭人离开车辆时，应当拴系牲畜。

第四节 行人和乘车人通行规定

第六十一条 行人应当在人行道内行走，没有人行道的靠路边行走。

第六十二条 行人通过路口或者横过道路，应当走人行横道或者过街设施；通过有交通信号灯的人行横道，应当按照交通信号灯指示通行；通过没有交通信号灯、人行横道的路口，或者在没有过街设施的路段横过道路，应当在确认安全后通过。

第六十三条 行人不得跨越、倚坐道路隔离设施，不得扒车、强行拦车或者实施妨碍道路交通安全的其他行为。

第六十四条 学龄前儿童以及不能辨认或者不能控制自己行为的精神疾病患者、智力障碍者在道路上通行，应当由其监护人、监护人委托的人或者对其负有管理、保护职责的人带领。

盲人在道路上通行，应当使用盲杖或者采取其他导盲手段，车辆应当避让盲人。

第六十五条 行人通过铁路道口时，应当按照交通信号或者管理人员的指挥通行；没有交通信号和管理人员的，应当在确认无火车驶临后，迅速通过。

第六十六条 乘车人不得携带易燃易爆等危险物品，不得向车外抛洒

物品，不得有影响驾驶人安全驾驶的行为。

第五节 高速公路的特别规定

第六十七条 行人、非机动车、拖拉机、轮式专用机械车、铰接式客车、全挂拖斗车以及其他设计最高时速低于七十公里的机动车，不得进入高速公路。高速公路限速标志标明的最高时速不得超过一百二十公里。

第六十八条 机动车在高速公路上发生故障时，应当依照本法第五十二条的有关规定办理；但是，警告标志应当设置在故障车来车方向一百五十米以外，车上人员应当迅速转移到右侧路肩上或者应急车道内，并且迅速报警。

机动车在高速公路上发生故障或者交通事故，无法正常行驶的，应当由救援车、清障车拖曳、牵引。

第六十九条 任何单位、个人不得在高速公路上拦截检查行驶的车辆，公安机关的人民警察依法执行紧急公务除外。

第五章 交通事故处理

第七十条 在道路上发生交通事故，车辆驾驶人应当立即停车，保护现场；造成人身伤亡的，车辆驾驶人应当立即抢救受伤人员，并迅速报告执勤的交通警察或者公安机关交通管理部门。因抢救受伤人员变动现场的，应当标明位置。乘车人、过往车辆驾驶人、过往行人应当予以协助。

在道路上发生交通事故，未造成人身伤亡，当事人对事实及成因无争议的，可以即行撤离现场，恢复交通，自行协商处理损害赔偿事宜；不即行撤离现场的，应当迅速报告执勤的交通警察或者公安机关交通管理部门。

在道路上发生交通事故，仅造成轻微财产损失，并且基本事实清楚的，当事人应当先撤离现场再进行协商处理。

第七十一条 车辆发生交通事故后逃逸的，事故现场目击人员和其他知情人员应当向公安机关交通管理部门或者交通警察举报。举报属实的，公安机关交通管理部门应当给予奖励。

第七十二条 公安机关交通管理部门接到交通事故报警后，应当立即派交通警察赶赴现场，先组织抢救受伤人员，并采取措施，尽快恢复交通。

交通警察应当对交通事故现场进行勘验、检查，收集证据；因收集证据的需要，可以扣留事故车辆，但是应当妥善保管，以备核查。

对当事人的生理、精神状况等专业性较强的检验，公安机关交通管理部门应当委托专门机构进行鉴定。鉴定结论应当由鉴定人签名。

第七十三条 公安机关交通管理部门应当根据交通事故现场勘验、检查、调查情况和有关的检验、鉴定结论，及时制作交通事故认定书，作为处理交通事故的证据。交通事故认定书应当载明交通事故的基本事实、成因和当事人的责任，并送达当事人。

第七十四条 对交通事故损害赔偿的争议，当事人可以请求公安机关交通管理部门调解，也可以直接向人民法院提起民事诉讼。

经公安机关交通管理部门调解，当事人未达成协议或者调解书生效后不履行的，当事人可以向人民法院提起民事诉讼。

第七十五条 医疗机构对交通事故中的受伤人员应当及时抢救，不得因抢救费用未及时支付而拖延救治。肇事车辆参加机动车第三者责任强制保险的，由保险公司在责任限额范围内支付抢救费用；抢救费用超过责任限额的，未参加机动车第三者责任强制保险或者肇事后逃逸的，由道路交通事故社会救助基金先行垫付部分或者全部抢救费用，道路交通事故社会救助基金管理机构有权向交通事故责任人追偿。

第七十六条 机动车发生交通事故造成人身伤亡、财产损失的，由保险公司在机动车第三者责任强制保险责任限额范围内予以赔偿；不足的部分，按照下列规定承担赔偿责任：

（一）机动车之间发生交通事故的，由有过错的一方承担赔偿责任；双方都有过错的，按照各自过错的比例分担责任。

（二）机动车与非机动车驾驶人、行人之间发生交通事故，非机动车驾驶人、行人没有过错的，由机动车一方承担赔偿责任；有证据证明非机动车驾驶人、行人有过错的，根据过错程度适当减轻机动车一方的赔偿责

任；机动车一方没有过错的，承担不超过百分之十的赔偿责任。

交通事故的损失是由非机动车驾驶人、行人故意碰撞机动车造成的，机动车一方不承担赔偿责任。

第七十七条 车辆在道路以外通行时发生的事故，公安机关交通管理部门接到报案的，参照本法有关规定办理。

第六章 执法监督

第七十八条 公安机关交通管理部门应当加强对交通警察的管理，提高交通警察的素质和管理道路交通的水平。

公安机关交通管理部门应当对交通警察进行法制和交通安全管理业务培训、考核。交通警察经考核不合格的，不得上岗执行职务。

第七十九条 公安机关交通管理部门及其交通警察实施道路交通安全管理，应当依据法定的职权和程序，简化办事手续，做到公正、严格、文明、高效

交通警察

交通警察

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第八十条 交通警察执行职务时，应当按照规定着装，佩带人民警察标志，持有人民警察证件，保持警容严整，举止端庄，指挥规范。

第八十一条 依照本法发放牌证等收取工本费，应当严格执行国务院价格主管部门核定的收费标准，并全部上缴国库。

第八十二条 公安机关交通管理部门依法实施罚款的行政处罚，应当依照有关法律、行政法规的规定，实施罚款决定与罚款收缴分离；收缴的罚款以及依法没收的违法所得，应当全部上缴国库。

第八十三条 交通警察调查处理道路交通安全违法行为和交通事故，有下列情形之一的，应当回避：

是本案的当事人或者当事人的近亲属；

本人或者其近亲属与本案有利害关系；

与本案当事人有其他关系，可能影响案件的公正处理。

第八十四条 公安机关交通管理部门及其交通警察的行政执法活动，应当接受行政监察机关依法实施的监督。

公安机关督察部门应当对公安机关交通管理部门及其交通警察执行法律、法规和遵守纪律的情况依法进行监督。

上级公安机关交通管理部门应当对下级公安机关交通管理部门的执法活动进行监督。

第八十五条 公安机关交通管理部门及其交通警察执行职务，应当自觉接受社会和公民的监督。

任何单位和个人都有权对公安机关交通管理部门及其交通警察不严格执法以及违法违纪行为进行检举、控告。收到检举、控告的机关，应当依据职责及时查处。

第八十六条 任何单位不得给公安机关交通管理部门下达或者变相下达罚款指标；公安机关交通管理部门不得以罚款数额作为考核交通警察的标准。

公安机关交通管理部门及其交通警察对超越法律、法规规定的指令，有权拒绝执行，并同时向上级机关报告。

第七章 法律责任

第八十七条 公安机关交通管理部门及其交通警察对道路交通安全违法行为，应当及时纠正。

公安机关交通管理部门及其交通警察应当依据事实和本法的有关规定对道路交通安全违法行为予以处罚。对于情节轻微，未影响道路通行的，指出违法行为，给予口头警告后放行。

第八十八条 对道路交通安全违法行为的处罚种类包括：警告、罚款、暂扣或者吊销机动车驾驶证、拘留。

第八十九条 行人、乘车人、非机动车驾驶人违反道路交通安全法、法规关于道路通行规定的，处警告或者 5 元以上 50 元以下罚款；非机动

车驾驶人拒绝接受罚款处罚的，可以扣留其非机动车。

第九十条 机动车驾驶人违反道路交通安全法律、法规关于道路通行规定的，处警告或者 20 元以上 200 元以下罚款。本法另有规定的，依照规定处罚。

第九十一条 饮酒后驾驶机动车的，处暂扣 6 个月机动车驾驶证，并处 1000 元以上 2000 元以下罚款。因饮酒后驾驶机动车被处罚，再次饮酒后驾驶机动车的，处 10 日以下拘留，并处 1000 元以上 2000 元以下罚款，吊销机动车驾驶证。

醉酒驾驶机动车的，由公安机关交通管理部门约束至酒醒，吊销机动车驾驶证，依法追究刑事责任；5 年内不得重新取得机动车驾驶证。

饮酒后驾驶营运机动车的，处 15 日拘留，并处 5000 元罚款，吊销机动车驾驶证，5 年内不得重新取得机动车驾驶证。

醉酒驾驶营运机动车的，由公安机关交通管理部门约束至酒醒，吊销机动车驾驶证，依法追究刑事责任；10 年内不得重新取得机动车驾驶证，重新取得机动车驾驶证后，不得驾驶营运机动车。

饮酒后或者醉酒驾驶机动车发生重大交通事故，终生不得重新取得机动车驾驶证。

第九十二条 公路客运车辆载客超过额定乘员的，处 200 元以上 500 元以下的罚款；超过额定乘员 20% 或者违反规定载货的，处 500 元以上 2000 元以下的罚款。

货运机动车超过核定载质量的，处 200 元以上 500 元以下罚款；超过核定载质量 30% 或者违反规定载客的，处 500 元以上 2000 元以下罚款。

有前两款行为的，由公安机关交通管理部门扣留机动车至违法状态消除。

运输单位的车辆有本条第一款、第二款规定的情形，经处罚不改的，对直接负责的主管人员处 2000 元以上 5000 元以下罚款。

第九十三条 对违反道路交通安全法律、法规关于机动车停放、临时停车规定的，可以指出违法行为，并予以口头警告、令其立即驶离。

机动车驾驶人不在现场或者虽在现场但拒绝立即驶离，妨碍其他车辆、行人通行的，处 20 元以上 200 元以下罚款，并可以将该机动车拖移至不妨碍交通的地点或者公安机关交通管理部门指定的地点停放。公安机关交通管理部门拖车不得向当事人收取费用，并应当及时告知当事人停放地点。

因采取不正确的方法拖车造成机动车损坏的，应当依法承担补偿责任。

第九十四条 机动车安全技术检验机构实施机动车安全技术检验超过国务院价格主管部门核定的收费标准收取费用的，退还多收取的费用，并由价格主管部门依照《中华人民共和国价格法》的有关规定给予处罚。

机动车安全技术检验机构不按照机动车国家安全技术标准进行检验，出具虚假检验结果的，由公安机关交通管理部门处所收检验费用 5 倍以上 10 倍以下罚款，并依法撤销其检验资格；构成犯罪的，依法追究刑事责任。

第九十五条 上道路行驶的机动车未悬挂机动车号牌，未放置检验合格标志、保险标志，或者未随车携带行驶证、驾驶证的，公安机关交通管理部门应当扣留机动车，通知当事人提供相应的牌证、标志或者补办相应手续，并可以依照本法第九十条的规定予以处罚。当事人提供相应的牌证、标志或者补办相应手续的，应当及时退还机动车。

故意遮挡、污损或者不按规定安装机动车号牌的，依照本法第九十条的规定予以处罚。

第九十六条 伪造、变造或者使用伪造、变造的机动车登记证书、号牌、行驶证、驾驶证的，由公安机关交通管理部门予以收缴，扣留该机动车，处 15 日以下拘留，并处 2000 元以上 5000 元以下罚款；构成犯罪的，依法追究刑事责任。

伪造、变造或者使用伪造、变造的检验合格标志、保险标志的，由公安机关交通管理部门予以收缴，扣留该机动车，处 10 日以下拘留，并处 1000 元以上 3000 元以下罚款；构成犯罪的，依法追究刑事责任。

使用其他车辆的机动车登记证书、号牌、行驶证、检验合格标志、保险标志的，由公安机关交通管理部门予以收缴，扣留该机动车，处 2000 元以上 5000 元以下罚款。

当事人提供相应的合法证明或者补办相应手续的，应当及时退还机动车。

第九十七条 非法安装警报器、标志灯具的，由公安机关交通管理部门强制拆除、予以收缴，并处 200 元以上 2000 元以下罚款。

第九十八条 机动车所有人、管理人未按照国家规定投保机动车第三者责任强制保险的，由公安机关交通管理部门扣留车辆至依照规定投保后，并处依照规定投保最低责任限额应缴纳的保险费的 2 倍罚款。

依照前款缴纳的罚款全部纳入道路交通事故社会救助基金。具体办法由国务院规定。

第九十九条 有下列行为之一的，由公安机关交通管理部门处 200 元以上 2000 元以下罚款：

未取得机动车驾驶证、机动车驾驶证被吊销或者机动车驾驶证被暂扣期间驾驶机动车的；

将机动车交由未取得机动车驾驶证或者机动车驾驶证被吊销、暂扣的人驾驶的；

造成交通事故后逃逸，尚不构成犯罪的；

机动车行驶超过规定时速 50% 的；

强迫机动车驾驶人违反道路交通安全法律、法规和机动车安全驾驶要求驾驶机动车，造成交通事故，尚不构成犯罪的；

违反交通管制的规定强行通行，不听劝阻的；

故意损毁、移动、涂改交通设施，造成危害后果，尚不构成犯罪的；

非法拦截、扣留机动车辆，不听劝阻，造成交通严重阻塞或者较大财产损失的。

行为人有前款第二项、第四项情形之一的，可以并处吊销机动车驾驶证；有第一项、第三项、第五项至第八项情形之一的，可以并处 15 日以

下拘留。

第一百条 驾驶拼装的机动车或者已达到报废标准的机动车上道路行驶的，公安机关交通管理部门应当予以收缴，强制报废。

对驾驶前款所列机动车上道路行驶的驾驶人，处 200 元以上 2000 元以下罚款，并吊销机动车驾驶证。

出售已达到报废标准的机动车的，没收违法所得，处销售金额等额的罚款，对该机动车依照本条第一款的规定处理。

第一百零一条 违反道路交通安全法、法规的规定，发生重大交通事故，构成犯罪的，依法追究刑事责任，并由公安机关交通管理部门吊销机动车驾驶证。

造成交通事故后逃逸的，由公安机关交通管理部门吊销机动车驾驶证，且终生不得重新取得机动车驾驶证。

第一百零二条 对 6 个月内发生 2 次以上特大交通事故负有主要责任或者全部责任的专业运输单位，由公安机关交通管理部门责令消除安全隐患；未消除安全隐患的机动车，禁止上道路行驶。

第一百零三条 国家机动车产品主管部门未按照机动车国家安全技术标准严格审查，许可不合格机动车型投入生产的，对负有责任的主管人员和其他直接责任人员给予降级或者撤职的行政处分。

机动车生产企业经国家机动车产品主管部门许可生产的机动车型，不执行机动车国家安全技术标准或者不严格进行机动车成品质量检验，致使质量不合格的机动车出厂销售的，由质量技术监督部门依照《中华人民共和国产品质量法》的有关规定给予处罚。

擅自生产、销售未经国家机动车产品主管部门许可生产的机动车型的，没收非法生产、销售的机动车成品及配件，可以并处非法产品价值 3 倍以上 5 倍以下罚款；有营业执照的，由工商行政管理部门吊销营业执照，没有营业执照的，予以查封。

生产、销售拼装的机动车或者生产、销售擅自改装的机动车的，依照本条第三款的规定处罚。

有本条第二款、第三款、第四款所列违法行为，生产或者销售不符合机动车国家安全技术标准的机动车，构成犯罪的，依法追究刑事责任。

第一百零四条 未经批准，擅自挖掘道路、占用道路施工或者从事其他影响道路交通安全活动的，由道路主管部门责令停止违法行为，并恢复原状，可以依法给予罚款；致使通行的人员、车辆及其他财产遭受损失的，依法承担赔偿责任。

有前款行为，影响道路交通安全活动的，公安机关交通管理部门可以责令停止违法行为，迅速恢复交通。

第一百零五条 道路施工作业或者道路出现损毁，未及时设置警示标志、未采取防护措施，或者应当设置交通信号灯、交通标志、交通标线而没有设置或者应当及时变更交通信号灯、交通标志、交通标线而没有及时变更，致使通行的人员、车辆及其他财产遭受损失的，负有相关职责的单位应当依法承担赔偿责任。

第一百零六条 在道路两侧及隔离带上种植树木、其他植物或者设置广告牌、管线等，遮挡路灯、交通信号灯、交通标志，妨碍安全视距的，由公安机关交通管理部门责令行为人排除妨碍；拒不执行的，处200元以上2000元以下罚款，并强制排除妨碍，所需费用由行为人负担。

第一百零七条 对道路交通违法行为人予以警告、200元以下罚款，交通警察可以当场作出行政处罚决定，并出具行政处罚决定书。

行政处罚决定书应当载明当事人的违法事实、行政处罚的依据、处罚内容、时间、地点以及处罚机关名称，并由执法人员签名或者盖章。

第一百零八条 当事人应当自收到行政处罚决定书之日起15日内，到指定的银行缴纳罚款。

对行人、乘车人和非机动车驾驶人的罚款，当事人无异议的，可以当场予以收缴罚款。

罚款应当开具省、自治区、直辖市财政部门统一制发的罚款收据；不出具财政部门统一制发的罚款收据的，当事人有权拒绝缴纳罚款。

第一百零九条 当事人逾期不履行行政处罚决定的，作出行政处罚决

定的行政机关可以采取下列措施：

到期不缴纳罚款的，每日按罚款数额的 3%加处罚款；

申请人民法院强制执行。

第一百一十条 执行职务的交通警察认为应当对道路交通违法行为人给予暂扣或者吊销机动车驾驶证处罚的，可以先予扣留机动车驾驶证，并在 24 小时内将案件移交公安机关交通管理部门处理。

道路交通违法行为人应当在 15 日内到公安机关交通管理部门接受处理。无正当理由逾期未接受处理的，吊销机动车驾驶证。

公安机关交通管理部门暂扣或者吊销机动车驾驶证的，应当出具行政处罚决定书。

第一百一十一条 对违反本法规定予以拘留的行政处罚，由县、市公安局、公安分局或者相当于县一级的公安机关裁决。

第一百一十二条 公安机关交通管理部门扣留机动车、非机动车，应当当场出具凭证，并告知当事人在规定期限内到公安机关交通管理部门接受处理。

公安机关交通管理部门对被扣留的车辆应当妥善保管，不得使用。

逾期不来接受处理，并且经公告 3 个月仍不来接受处理的，对扣留的车辆依法处理。

第一百一十三条 暂扣机动车驾驶证的期限从处罚决定生效之日起计算；处罚决定生效前先予扣留机动车驾驶证的，扣留 1 日折抵暂扣期限 1 日。

吊销机动车驾驶证后重新申请领取机动车驾驶证的期限，按照机动车驾驶证管理规定办理。

第一百一十四条 公安机关交通管理部门根据交通技术监控记录资料，可以对违法的机动车所有人或者管理人依法予以处罚。对能够确定驾驶人的，可以依照本法的规定依法予以处罚。

第一百一十五条 交通警察有下列行为之一的，依法给予行政处分：

为不符合法定条件的机动车发放机动车登记证书、号牌、行驶证、检

验合格标志的。

批准不符合法定条件的机动车安装、使用警车、消防车、救护车、工程救险车的警报器、标志灯具，喷涂标志图案的。

为不符合驾驶许可条件、未经考试或者考试不合格人员发放机动车驾驶证的。

不执行罚款决定与罚款收缴分离制度或者不按规定将依法收取的费用、收缴的罚款及没收的违法所得全部上缴国库的。

举办或者参与举办驾驶学校或者驾驶培训班、机动车修理厂或者收费停车场等经营活动的。

利用职务上的便利收受他人财物或者谋取其他利益的。

违法扣留车辆、机动车行驶证、驾驶证、车辆号牌的。

使用依法扣留的车辆的。

当场收取罚款不开具罚款收据或者不如实填写罚款额的。

徇私舞弊，不公正处理交通事故的。

故意刁难、拖延办理机动车牌证的。

非执行紧急任务时使用警报器、标志灯具的。

违反规定拦截、检查正常行驶的车辆的。

非执行紧急公务时拦截搭乘机动车的。

不履行法定职责的。

公安机关交通管理部门有前款所列行为之一的，对直接负责的主管人员和其他直接责任人员给予相应的行政处分。

第一百一十六条 依照本法第一百一十五条的规定，给予交通警察行政处分的，在作出行政处分决定前，可以停止其执行职务；必要时，可以予以禁闭。

依照本法第一百一十五条的规定，交通警察受到降级或者撤职行政处分的，可以予以辞退。

交通警察受到开除处分或者被辞退的，应当取消警衔；受到撤职以下行政处分的交通警察，应当降低警衔。

第一百一十七条 交通警察利用职权非法占有公共财物，索取、收受贿赂，或者滥用职权、玩忽职守，构成犯罪的，依法追究刑事责任。

第一百一十八条 公安机关交通管理部门及其交通警察有本法第一百一十五条所列行为之一，给当事人造成损失的，应当依法承担赔偿责任。

第八章 附则

第一百一十九条 本法中下列用语的含义：

“道路”，是指公路、城市道路和虽在单位管辖范围但允许社会机动车通行的地方，包括广场、公共停车场等用于公众通行的场所。

“车辆”，是指机动车和非机动车。

“机动车”，是指以动力装置驱动或者牵引，上道路行驶的供人员乘用或者用于运送物品以及进行工程专项作业的轮式车辆。

“非机动车”，是指以人力或者畜力驱动，上道路行驶的交通工具，以及虽有动力装置驱动但设计最高时速、空车质量、外形尺寸符合有关国家标准的残疾人机动轮椅车、电动自行车等交通工具。

“交通事故”，是指车辆在道路上因过错或者意外造成的人身伤亡或者财产损失的事件。

第一百二十条 中国人民解放军和中国人民武装警察部队在编机动车牌证、在编机动车检验以及机动车驾驶人考核工作，由中国人民解放军、中国人民武装警察部队有关部门负责。

第一百二十一条 对上道路行驶的拖拉机，由农业（农业机械）主管部门行使本法第八条、第九条、第十三条、第十九条、第二十三条规定的公安机关交通管理部门的管理职权。

农业（农业机械）主管部门依照前款规定行使职权，应当遵守本法有关规定，并接受公安机关交通管理部门的监督；对违反规定的，依照本法有关规定追究法律责任。

本法施行前由农业（农业机械）主管部门发放的机动车牌证，在本法施行后继续有效。

第一百二十二条 国家对入境的境外机动车的道路交通安全实施统一管理。

第一百二十三条 省、自治区、直辖市人民代表大会常务委员会可以根据本地区的实际情况,在本法规定的罚款幅度内,规定具体的执行标准。

第一百二十四条 本法自 2004 年 5 月 1 日起施行。

Law of the People's Republic of China on Road Traffic Safety

(Adopted at the 5th Meeting of the Standing Committee of the Tenth National People's Congress on October 28, 2003 and promulgated by Order No.8 of the President of the People's Republic of China on October 28, 2003)

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Chapter I General Provisions

Article 1 This Law is enacted with a view to maintaining road traffic order, taking precautions against and reducing traffic accidents, protecting personal safety, safeguarding the safety of property and other lawful rights and interests of citizens, legal persons and other organizations, and increasing passage efficiency.

Article 2 Within the territory of the People's Republic of China, the

drivers of vehicles, pedestrians, passengers and the units and individuals involved in road traffic activities shall observe this Law.

Article 3 Work for road traffic safety shall be carried out in adherence to the principles of conducting administration according to law and making things convenient to the masses, to guarantee good order, safety and unimpeded flow of road traffic.

Article 4 People's governments at various levels shall guarantee that the administrative work for road traffic safety fits with the economic and social development.

In order to meet the needs of road traffic development, all local people's governments at or above the county level shall, in accordance with the laws and regulations on road traffic safety and the relevant policies of the State, work out administration plans for road traffic safety, and take charge of their implementation.

Article 5 The department for public security under the State Council shall be in charge of the administrative work for road traffic safety nationwide. The traffic control department of the public security organs under the local people's governments at or above the county level shall be in charge of the administrative work for road traffic safety within their respective administrative areas.

The traffic control departments and the construction administration departments under the people's governments at or above the county level shall be in charge of relevant road traffic work in compliance with their respective duties.

Article 6 People's governments at various levels shall conduct regular education in road traffic safety so as to enhance citizens' awareness of the importance of road traffic safety.

When performing their duties, traffic control departments of the public

security organs and their traffic policemen shall give more publicity to the laws and regulations on road traffic safety, and observe such laws and regulations in an exemplary way.

Government departments, armed units, enterprises, institutions, public associations and other organizations shall offer education in road traffic safety to their own members.

Administrative departments of education and schools shall incorporate education in road traffic safety into education in the legal system.

The news media and publishing, radio and TV, and other relevant institutions shall have the duty to conduct education in road traffic safety.

Article 7 Scientific research in administrative work for road traffic safety shall be promoted, and advanced administration methods, technology and equipment shall be used on a wide scale.

Chapter II Vehicles and Drivers

Section 1 Motor Vehicles and Non-motor vehicles

Article 8 The State practises a registration system for motor vehicles. A motor vehicle shall be driven on roads only after it is registered with the traffic control department of a public security organ. Where a motor vehicle is not yet registered but needs to be driven on roads temporarily, a temporary pass shall be obtained.

Article 9 The following certificates and vouchers shall be submitted for application for the registration of a motor vehicle:

- (1) certificate of identification of the owner of the vehicle;
- (2) certificate of the manner in which the vehicle is obtained;
- (3) certificate of outgoing quality for the whole vehicle or certificate of import license for the vehicle imported;
- (4) payment receipt of vehicle purchase tax or duty free certificate; and

(5) other certificates or vouchers to be submitted as required by the provisions of laws and administrative regulations for registration of motor vehicles.

The traffic control department of a public security organ shall finish the examination for registration of a motor vehicle within five working days from the date it receives the application and shall, if the conditions provided for in the proceeding paragraph are met, issue the registration certificate, number plate and license for the vehicle; and if the said conditions are not met, the department shall explain the reasons why the vehicle is not to be registered.

Units and individuals, other than the traffic control departments of the public security organs, shall not issue number plates for motor vehicles or require that other plates are used, except where otherwise provided for by this Law.

Designs for the registration certificate, number plate and license for motor vehicles shall be drawn up and made under the supervision of the department for public security under the State Council.

Article 10 Motor vehicles permitted for registration shall conform to the State safety and technical standards for them. A motor vehicle for the registration of which an application is submitted shall undergo safety and technical inspection. However, with respect to those models of motor vehicles which are manufactured by enterprises confirmed, in accordance with the State safety and technical standards for motor vehicles, by the government department in charge of the products of motor vehicles, if the new vehicles of such models meet the said standards upon inspection conducted before they leave the plant and the certificates of inspection of quality are granted, they shall be exempted from safety and technical inspection.

Article 11 A motor vehicle running on roads shall be hung with its number plate and stuck with the inspection certificate and the insurance label,

accompanied by the motor vehicle license.

Number plates shall be hung in accordance with relevant regulations, kept clear and intact; and they shall not purposely be covered, stained or damaged.

No units or individuals shall confiscate or detain the number plates of motor vehicles.

Article 12 Registration shall be needed in one of the following circumstances:

- (1) when ownership of a motor vehicle is transferred;
- (2) when alterations are made in the registration of a motor vehicle;
- (3) when a motor vehicle is mortgaged; and
- (4) when a motor vehicle is scrapped.

Article 13 Once a motor vehicle begins to be run on roads after registration, it shall, in accordance with the provisions of laws and administrative regulations, undergo regular safety and technical inspection, in terms of its designed purpose of use, quantity of passengers and goods, service life, etc. Where the motor vehicle license and the certificate of the compulsory third party liability insurance on the vehicle are provided, the authority for motor vehicle safety and technical inspection shall inspect the vehicle; and no units shall add other conditions. If the vehicle conforms to the State safety and technical standards, the traffic control department of the public security organ shall issue the sticker of the inspection certificate.

The safety and technical inspection of motor vehicles shall be socialized. Specific measures in this regard shall be formulated by the State Council.

In places where motor vehicle safety and technical inspection is socialized, no units shall require that motor vehicles are inspected at designated places.

Traffic control departments of the public security organs and the authority

for motor vehicle safety and technical inspection shall not require that motor vehicles are maintained or serviced at designated places.

The authority for motor vehicle safety and technical inspection shall collect fees for such inspection strictly in accordance with the rates approved by the department for pricing under the State Council.

Article 14 The State practises the compulsory system for scrapping motor vehicles, under which different criteria for scrapping the vehicles shall be established on the basis of the safety and technical conditions and the different purposes of use of the motor vehicles.

Registration of the motor vehicles shall be cancelled as soon as they are scrapped.

Motor vehicles that reach the criteria for scrapping shall not run on roads. The large passenger cars, trucks and other commercial vehicles that are scrapped shall be disintegrated under the supervision of the traffic control departments of the public security organs.

Article 15 Different signs for police vans, fire engines, ambulances and engineering rescue vehicles shall, in accordance with relevant regulations, be sprayed or painted on them, and these vehicles shall be installed with alarm sirens and signal lights. No signs specially for the vehicles mentioned above or anything similar to such signs shall be sprayed or painted on other motor vehicles, and no alarm sirens or signal lights specially for the said vehicles or anything similar to such sirens or lights shall be installed on them or used.

Police vans, fire engines, ambulances and engineering rescue vehicles shall be used strictly in accordance with their specified purposes of use and conditions.

The vehicles specially used for highway supervision and inspection shall be equipped with unified signs and warning lights in accordance with the provisions of the Highway Law.

Article 16 No units or individuals shall do the following:

- (1) assembling motor vehicles or altering the registered composition, structure or features of motor vehicles without authorization;
- (2) changing the models of motor vehicles, their engine number, chassis number or the identification code of the vehicles;
- (3) falsifying or counterfeiting or using falsified or counterfeited certificates of registration, number plates, licenses, stickers of the inspection certificates or insurance labels of motor vehicles; or
- (4) using the certificates of registration, number plates, licenses, stickers of the inspection certificates or insurance labels of other motor vehicles.

Article 17 The State practises the system of the compulsory third party liability insurance for motor vehicles and establishes the social relief fund for road traffic accidents. Specific measures in this regard shall be formulated by the State Council.

Article 18 Non-motor vehicles required for registration according to law shall run on roads only after they are registered with the traffic control departments of the public security organs.

The types of non-motor vehicles required for registration according to law shall be specified by the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government in light of the actual local conditions.

The external size, quality, brake, handle-bar bell and night reflectors of a non-motor vehicle shall be in conformity with the safety and technical standards for non-motor vehicles.

Section 2 Drivers of Motor Vehicles

Article 19 To drive a motor vehicle, one shall obtain a motor vehicle driver's license according to law.

An applicant for motor vehicle driver's license shall meet the

requirements for driver's license specified by the department for public security under the State Council; and after passing the examination, the applicant shall be issued by the traffic control department of the public security organ the driver's license commensurate with the type of the motor vehicle.

A person holding a motor vehicle driver's license of another country who meets the requirements for driver's license specified by the department for public security under the State Council and passes the examination by the traffic control department of the public security organ shall be issued a Chinese motor vehicle driver's license.

The driver shall drive the approved type of motor vehicle clearly stated in the driver's license; and when driving a motor vehicle, he shall keep the driver's license handy.

No units or individuals, except the traffic control departments of the public security organs, shall confiscate or suspend motor vehicle driver's licenses.

Article 20 Training of motor vehicle drivers shall be socialized. The competent traffic control department shall exercise control of the qualifications of the drivers training schools and classes, among which the qualifications of the ones specially for training tractor drivers shall be under the control of the department of agriculture (agricultural machinery).

Drivers training schools and classes shall, strictly in accordance with the relevant regulations of the State, provide their trainees with the training in laws and regulations on road traffic safety and in driving skills, and ensure the quality of training.

No State organs or departments in charge of training or examination of drivers shall sponsor or participate in sponsoring drivers training schools or classes.

Article 21 Before driving a motor vehicle on roads, the driver shall carefully check the safety and technical performance of the motor vehicle; and he shall not drive a motor vehicle with hidden troubles endangering safety, e.g., the safety facilities are incomplete or the parts are not in conformity with the safety and technical standards.

Article 22 A motor vehicle driver shall observe the provisions of the laws and regulations on road traffic safety and, in accordance with the operating instructions, drive the vehicle safely and civilly.

A person who drinks alcohol, or takes psychotropic substances or narcotic drugs which are under State control, or suffers from diseases that prevent him from driving a motor vehicle safely, or cannot drive safely due to over-fatigue shall not drive a motor vehicle.

No one shall force or instigate a driver to drive a motor vehicle in violation of the laws and regulations on road traffic safety or of the requirements for safe driving of motor vehicles, or connive at such violations.

Article 23 Traffic control departments of the public security organs shall, in accordance with the provisions of laws and administrative regulations, regularly examine and check motor vehicle driver's licenses.

Article 24 With respect to the violations of the laws and regulations on road traffic safety committed by motor vehicle drivers, traffic control departments of the public security organs shall practise the system of cumulative recording of points, in addition to imposition of administrative punishment on the said drivers according to law. The traffic control department of the public security organ shall suspend the motor vehicle driver's license of the driver whose accumulated number of the points recorded reaches the specified total, give him instructions in the laws and regulations on road traffic safety and have him take an examination again; and if the driver passes the examination, the driver's license shall be returned to him.

With respect to the motor vehicle drivers who observe the laws and regulations on road traffic safety and have no cumulative points recorded for the year, the specified time for examining and checking their driver's licenses may be extended. The specific measures in this regard shall be formulated by the department for public security under the State Council.

Chapter III Conditions for Road Passage

Article 25 Uniform road traffic signals shall be used throughout the country.

Traffic signals include the traffic signal lights, traffic signs, traffic line markings and direction by the traffic police.

Traffic signal lights and traffic signs shall be installed and traffic lines marked in conformity with the requirements for road traffic safety and unimpeded passage and with State standards, and they shall be kept clear, conspicuous, accurate and in good condition.

In light of the need of passage, road traffic signals shall be added, replaced or renewed in a timely manner. Where restrictive road traffic signals are to be added, replaced or renewed, the matter shall be made known to the public in advance and wide publicity shall be made.

Article 26 Traffic signals are composed of red, green and yellow lights. The red light stands for no through traffic; the green light stands for passage permitted; and the yellow light stands for warning.

Article 27 Warning lights, warning signs or protective safety facilities shall be put up at the level crossing of railroads and roads. Where there are no guards for a railroad crossing, warning signs shall be put up at a certain distance from the crossing.

Article 28 No units or individuals shall, without authorization, put up, remove, occupy or damage traffic signal lights, traffic signs and traffic line

markings.

A necessary distance shall be kept between the trees and other plants planted, or the billboards, pipelines, etc. installed, on both sides of the roads and along isolation belts, on the one hand, and the traffic facilities, on the other, so that they do not shield road lamps, traffic signal lights and traffic signs, or obstruct the safe range of visibility, or impede the flow of traffic.

Article 29 Roads, parking lots and road supporting facilities shall be planned, designed and constructed in conformity with the requirements of road traffic safety and unimpeded flow of traffic, and shall be readjusted in a timely manner to meet traffic needs.

When the traffic control department of the public security organ discovers that traffic accident occurs frequently in certain sections of a road already open to traffic, or serious hidden troubles endangering traffic safety exist at parking lots or in road supporting facilities, it shall report the matter to the local people's government without delay, and put forth proposals for prevention of traffic accidents and for removal of the hidden troubles, and the local people's government shall make a timely decision on how to deal with them.

Article 30 Where roads are so damaged as to cave in, become bumpy or ruined by water, or bulge out, or where such traffic facilities as traffic signal lights, traffic signs and traffic line markings are damaged or disappeared, the maintenance or control department for road and traffic facilities shall put up warning signs, and make repairs without delay.

When the traffic control department of the public security organ finds the situations as mentioned in the preceding paragraph, which endanger traffic safety and for which no warning signs are put up, it shall take safety measures in good time, regulate the flow of traffic, and inform the maintenance or administration department for road and traffic facilities of the matter.

Article 31 No units or individuals shall, without permission, occupy roads to engage in non-traffic activities.

Article 32 Where it is necessary to occupy or dig a road for construction of projects, or to bury or add pipeline facilities across a road, or above or beneath a road, permission by the department in charge of roads shall be obtained in advance; and where traffic safety may be adversely affected, permission by the traffic control department of the public security organ shall, in addition, be obtained.

The construction unit shall carry out construction in the approved sections of a road and within the approved period of time, and set up conspicuous safety warning signs at the place with the safe distance from the construction site, in the direction of which vehicles are coming, and take protective measures. When construction is completed, it shall immediately remove all the obstacles from the road and eliminate the hidden troubles endangering safety, and only after the road is checked and accepted as up to traffic requirements by the department in charge of roads and the traffic control department of the public security organ, the road may be open to traffic anew.

With respect to a road where traffic is not held up for construction, the traffic control department of the public security organ shall exercise strict supervision over and inspection of traffic safety and maintain road traffic order.

Article 33 In places where public buildings, commercial districts, residential districts, and large (or medium-sized) buildings are constructed, rebuilt or expanded, parking lots shall be constructed or increased to go with them; where parking berths are not enough, the parking lots shall be rebuilt or expanded in a timely manner; and once the parking lots are put into use, their use shall not be discontinued and they shall not be used for other purposes

without authorization.

Within the scope of urban streets and on condition that passage of the pedestrians and vehicles are not impeded, the relevant government departments may delimit parking berths.

Article 34 Where there are no pedestrian crossings in front of schools, kindergartens, hospitals and homes for the aged, crosswalks shall be marked and standby signs shall be set up.

Blind tracks shall, according to plan, be paved on the sidewalks along the main streets in cities. Such tracks shall be paved in conformity with State standards.

Chapter IV Provisions on Road Passage

Section 1 General Provisions

Article 35 Motor vehicles and non-motor vehicles shall keep to the right of the road.

Article 36 Where in light of the road conditions and the need of traffic flow, roads are divided into motor vehicle lane, non-motor vehicle lane and pedestrian sidewalk, the motor vehicles, non-motor vehicles and pedestrians shall take the lanes and sidewalks respectively. Where roads are not divided into such lanes and sidewalks, motor vehicles shall run in the middle of roads, while non-motor vehicles and pedestrians shall go on the sides of roads.

Article 37 Where a special vehicle lane is marked, only specified vehicles are permitted to use the lane and no other vehicles shall run along such lane.

Article 38 Vehicles and pedestrians shall go by traffic lights; where traffic policemen direct traffic on the spot, they shall go by the direction of traffic policemen; and where there are no traffic signals, they shall follow the principles of ensured safety and unimpeded traffic.

Article 39 In light of the specific road conditions and the volume of

traffic flow, the traffic control department of the public security organ may take such measures as regulating, restricting and prohibiting the flow of traffic with regard to motor vehicles, non-motor vehicles and pedestrians. Under conditions of large-scale mass activities or construction on a wide scale, for which restrictive traffic measures need to be taken, or decisions directly relating to the road traffic activities of the public need to be made, the matter shall be made known to the public in advance.

Article 40 In case of natural calamities, disastrous meteorological conditions, major traffic accidents, or other conditions that have a serious effect on traffic safety, the traffic control department of the public security organ may exercise traffic control, when it is difficult to guarantee traffic safety by taking other measures.

Article 41 Other specific regulations on road passage shall be formulated by the State Council.

Section 2 Provisions on the Passage of Motor Vehicles

Article 42 When driving a motor vehicle on roads, the driver shall not exceed the maximum speed per hour shown by the speed limit sign. He shall keep the safety speed along the sections of roads without speed limit signs.

When driving at night or along the sections of roads that are exposed to dangers, or under such meteorological conditions as sandstorm, hailstorm, rain, snow, fog and freeze, the driver shall reduce the speed.

Article 43 When motor vehicles run in the same lane, the vehicle behind shall keep a safe distance from the vehicle in front, enough for putting on the emergency brake. A vehicle shall not overtake another one under any of the following situations:

(1) when the vehicle in front is making a left turn or a U turn or overtaking another vehicle;

(2) when there is the possibility of crossing another vehicle coming from

the opposite direction;

(3) when the vehicle in front is a police van, fire engine, ambulance or engineering rescue vehicle on its way to carry out an emergency task; and

(4) at a railroad crossing, road crossing, narrow bridge, curve, steep slope, in a tunnel, at a pedestrian crosswalk and a section of an urban road with large volume of traffic flow, etc., where conditions for overtaking are lacking.

Article 44 When passing a road crossing, motor vehicle drivers shall follow the traffic signal lights, traffic signs and traffic line markings, or the direction of traffic police; and when passing a road crossing where there are no traffic signal lights, traffic signs, traffic line markings or direction of traffic police, they shall slow down and let pedestrians and the vehicles enjoying priority pass first.

Article 45 When confronted with a situation in which the motor vehicles in front are standing or running slowly in a queue, the driver shall not overtake them by using another lane or the lane for the vehicles coming from the opposite direction, or cut in the queue.

When confronted with a situation in which motor vehicles are standing or running slowly in a queue at the section or junction of a road where the lanes are decreased, or at a road crossing where there are no traffic signal lights, traffic signs or traffic line markings or direction of traffic police, the motor vehicles shall take turns to pass in order.

Article 46 When passing a railroad crossing, the driver shall follow the traffic signals or the direction of the person in charge; and where there are no traffic signals or no person in charge, he shall slow down or stop the vehicle, and pass when he is certain of safety.

Article 47 When passing a pedestrian crosswalk, the driver shall reduce speed; and when pedestrians are passing the crosswalk, the driver shall stop to give way to the pedestrians.

When pedestrians are crossing a road where there are no traffic signals, the driver shall make way.

Article 48 The loaded cargo of a motor vehicle shall be in conformity with the verified loading capacity, and overload is strictly prohibited; the dimensions of the length, width and height of the loaded cargo shall not be at variance with the requirements of loading, and nothing loaded shall be littered or scattered on the way.

Where a motor vehicle carries an indivisible oversize or overload cargo, to the detriment of traffic safety, it shall be driven at a time, along the route and at the speed designated by the traffic control department of the public security organ and hung with conspicuous signs. To the indivisible oversize or overload cargo carried on highways, the provisions of the Highway Law shall be applicable.

Where a motor vehicle carries such dangerous cargoes as explosives, inflammable and explosive chemicals, and highly toxic and radiation cargoes, it shall, with the approval of the public security organ, be driven at a time, along the route and at the speed designated and be hung with warning signs, and the necessary safety measures shall be taken.

Article 49 Passengers carried by a motor vehicle shall not exceed the verified number. Passenger motor vehicles shall not be used for carrying cargoes in violation of regulations.

Article 50 Cargo motor vehicles are prohibited from carrying passengers.

Where it is necessary for a cargo motor vehicle to carry operational workers along with it, the vehicle shall be installed with facilities for protection of the workers.

Article 51 When a motor vehicle is running, the driver and riders shall use safety belts in accordance with regulations; the driver of a motor bicycle and the riders shall wear safety helmets in accordance regulations.

Article 52 When a motor vehicle breaks down on the road and needs to stop to remove the trouble, the driver shall immediately turn on the warning flash lights and move the vehicle to a place where it shall not impede traffic; if it is difficult to move the vehicle, the driver shall keep the warning flashing lights on and take such measures as putting up signs to warn the vehicles coming from the opposite direction so as to keep the warning over an extended area; and when necessary, he shall immediately report to the police.

Article 53 When carrying out emergency tasks, police vans, fire engines, ambulances and engineering rescue vehicles may use alarm sirens and signal lights; under the precondition of ensured safety, these vehicles shall be free from the restrictions on the route, direction, speed and signal lights, and other vehicles and pedestrians shall make way.

When police vans, fire engines, ambulances and engineering rescue vehicles are not carrying out emergency tasks, they shall not use the alarm sirens and signal lights and they shall not enjoy the priority of passage as provided for in the preceding paragraph.

Article 54 When road maintenance vehicles and engineering operation vehicles are at work, they shall not be restricted by the traffic signs or traffic line markings in respect of the routes and directions they are taking, under the precondition that they do not impede the passage of the passing vehicles; and the passing vehicles and persons shall make sure to give way.

Such motor vehicles as spraying cars and cleaning cars shall work in accordance with the standards for safe operation; and on condition that they do not impede the passage of other vehicles, they may be free from being restricted by the regulation that different vehicles use different lanes, but they shall not run in a direction not allowed by traffic regulations.

Article 55 Tractors shall be prohibited from running on expressways and in the streets of the downtown of large or medium-sized cities. With respect to

other roads on which tractors are prohibited from running, the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government shall specify in light of the actual local conditions.

On the roads where tractors are permitted to run, they may be used to transport goods, but not passengers.

Article 56 Motor vehicles shall be parked at specified places. They are prohibited from being parked at the sidewalks, except for the parking berths delimited in accordance with the provisions of Article 33 of this Law.

Where a motor vehicle is parked on the road temporarily, it shall not impede the passage of other vehicles and pedestrians.

Section 3 Provisions on the Passage of Non-motor Vehicles

Article 57 When riding a non-motor vehicle on roads, the person shall observe the regulations on traffic safety. Non-motor vehicles shall run in the bicycle lane; and where there is no bicycle lane, they shall run on the right side of the motor vehicle lane.

Article 58 When motor wheelchairs for the disabled and battery-powered bicycles run in the bicycle lane, their maximum speed per hour shall not exceed 15 kilometers.

Article 59 Non-motor vehicles shall be parked at specified areas. Where no such parking areas are delimited, such vehicles shall be parked at places where the passage of other vehicles and pedestrians are not impeded.

Article 60 Tame animals shall be used for animal-drawn carts; when an animal-drawn cart crosses a road, the driver shall get off the cart to guide the animals; and when the driver leaves the cart, he shall have the animals tethered.

Section 4 Provisions on the Passage of Pedestrians and Passengers

Article 61 Pedestrians shall walk on sidewalks or on the side of roads

where there are no sidewalks.

Article 62 Where pedestrians pass road crossings or walk across roads, they shall use the crosswalks or overhead (or underground) pedestrian crossings; when passing crosswalks with traffic signal lights, they shall follow the direction of the traffic signal lights; and when passing junctions without traffic signal lights and crosswalks, or walking across roads at the sections without overhead (or underground) crossings, they shall pass only when they are sure of safety.

Article 63 Pedestrians shall not stride over, rest or sit on road isolation facilities, or jump onto vehicles, or forcibly block vehicles, or jeopardize road traffic safety in other ways.

Article 64 When preschool-age children and persons suffering from mental disorder or mental retardedness who are incapable of perception or controlling their own behavior walk on roads, they shall be guided by their guardians, persons entrusted by their guardians or persons responsible for taking care of and protecting them.

Blind persons walking on roads shall use sticks for blind persons or take other measures to guide themselves; and vehicles shall make way to blind persons.

Article 65 When passing railroad crossings, pedestrians shall follow the signals or the direction of persons in charge; and where there are no traffic signals or no persons in charge, they shall quickly pass when they are sure that no trains are coming.

Article 66 Passengers shall not bring with them such dangerous articles as inflammable substances and explosives, throw things out of the vehicles, or act in such a way as to prevent the drivers from driving safely.

Section 5 Special Provisions on Expressways

Article 67 No pedestrians, non-motor vehicles, tractors, special wheeled

mechanical vehicles, articulated passenger buses, full trailers and other motor vehicles with the designed maximum speed below 70 kilometers per hour shall enter expressways. The maximum speed marked on the speed limit signs of expressways shall not exceed 120 kilometers per hour.

Article 68 When a motor vehicle breaks down on an expressway, it shall be handled in accordance with the relevant provisions of Article 52 of this Law; but the warning sign shall be put at a place beyond 150 meters in the direction the broken vehicle is running, and the persons on the vehicle shall quickly move to the curb on the right side of the expressway or to the emergency lane and report to the traffic police.

When a motor vehicle cannot run normally on an expressway due to a breakdown or a traffic accident, it shall be pulled or towed away by a rescue vehicle or an obstacle-removing vehicle.

Article 69 No units or individuals shall intercept and inspect vehicles running on expressways, except the people's police of the public security organs who are performing emergency official duties according to law.

Chapter V Disposition of Traffic Accidents

Article 70 When a traffic accident occurs on the road, the driver shall immediately stop the vehicle and keep the scene intact; and if the accident causes casualties, the driver shall immediately rescue the injured persons, and speedily report to the traffic police on point duty or to the traffic control department of the public security organ. If the scene of the accident is changed due to rescue of the injured persons, the location of the scene shall be marked out clearly. The passengers, drivers of the passing vehicles, and passing pedestrians shall offer help.

Where a traffic accident that occurs on the road does not cause casualties and the parties have no objections to the facts and causes of the accident, they

may immediately withdraw from the scene of the accident for restoration of traffic and, through consultation, settle the matters of compensation for damages themselves; and if they do not withdraw from the scene immediately, they shall speedily report to the traffic police on point duty or to the traffic control department of the public security organ.

Where a traffic accident that occurs on the road only causes slight property losses and the facts are basically clear, the parties shall withdraw from the scene before proceeding to settle the matter through consultation.

Article 71 Where a vehicle escapes after the occurrence of a traffic accident, the witnesses on the scene and other persons in the know shall report to the traffic control department of the public security organ or to the traffic police. If the report is proved to be true, the said department shall give them rewards.

Article 72 Upon receiving the report on a traffic accident, the traffic control department of the public security organ shall immediately dispatch traffic police to the scene, who shall first arrange for the rescue of the injured persons, and take measures to restore traffic as soon as possible.

Traffic police shall conduct inspection and examination of the scene of the traffic accident and collect evidence; and the traffic police may detain the vehicle involved in the accident for the need of collection of evidence, but shall take good care of the vehicle for examination.

With respect to the more professional check of the parties' physiological and mental conditions, the traffic control department of the public security organ shall entrust a special institution to make an appraisal. The conclusion of the appraisal shall be signed by the appraiser.

Article 73 The traffic control department of the public security organ shall, on the basis of the inspection, examination and investigation conducted on the scene of the traffic accident as well as the relevant conclusions of the

check and appraisal, produce a written confirmation of the traffic accident without delay, which shall serve as a testimony for disposition of the traffic accident. In the written confirmation of the traffic accident shall clearly be stated the basic facts and causes of the accident as well as the liability of the parties, and the written confirmation shall be served to the parties.

Article 74 With respect to the dispute that arises over the compensation for damages caused by a traffic accident, the parties may request the traffic control department of the public security organ for mediation, or directly bring a civil suit in a People's Court.

Where after mediation by the traffic control department of the public security organ, the parties fail to reach an agreement or do not act in accordance with the mediation document after it becomes effective, they may bring a civil suit in a People's Court.

Article 75 Medical institutions shall, without delay, rescue the persons injured in traffic accidents, and they shall not delay the rescue and treatment due to the fact that the fees for the rescue are not paid in time. Where the compulsory third party liability insurance is brought for vehicles causing accidents, the insurance company shall pay the rescue expenses within the liability limit; and where the rescue expenses exceed the liability limit, and where such insurance is not brought or the vehicles escape after the occurrence of accidents, the social aid fund for road traffic accidents may pay part or total of the rescue expenses in advance, and the administrative body of the social aid fund for road traffic accidents shall have the right to recover the rescue expenses already paid from the persons liable for the traffic accidents.

Article 76 Where motor vehicles are involved in a traffic accident which causes casualties and property losses, the insurance company shall make compensation within the limit of the compulsory third party liability insurance for motor vehicles. Compensation for the part that exceeds the liability limit

shall be paid in the following ways:

(1) where a traffic accident occurs between two motor vehicles, the party in fault shall bear the liability; and where both parties are in fault, the liability shall be shared on the basis of the proportion of each party's fault; and

(2) where a traffic accident occurs between the driver of a motor vehicle and the driver of a non-motor vehicle or a pedestrian, the driver of the motor vehicle shall bear the liability; but if there is evidence which proves that the driver of the non-motor vehicle or the pedestrian violates the laws and regulations on road traffic safety and the driver of the motor vehicle has taken the necessary measures to cope with the situation, the liability to be borne by the motor vehicle driver shall be lightened.

Where the losses in a traffic accident are caused intentionally by the driver of a non-motor vehicle or a pedestrian, the driver of the motor vehicle shall not bear liability.

Article 77 With respect to an accident that occurs when a vehicle runs outside the roads, the traffic control department of the public security organ shall, upon receiving the report on the accident, handle the case by referring to the relevant provisions of this Law.

Chapter VI Supervision of Law Enforcement

Article 78 The traffic control department of the public security organ shall strengthen administration of the traffic police and help enhance their qualifications and raise their level of road traffic administration.

The traffic control department of the public security organ shall, among the traffic police, conduct professional training and appraisal in respect of the legal system and traffic safety administration. Where a traffic policeman fails to pass the appraisal, he shall not take the post to perform his duties.

Article 79 When the traffic control department of the public security

organ and the traffic police exercise control of road traffic safety, they shall, in compliance with their statutory functions and duties and the statutory procedure, simplify official formalities and do their work in an impartial, strict, civil and efficient manner.

Article 80 When performing their functions and duties, the traffic police shall, in accordance with relevant regulations, wear their uniforms and the badges of the people's police, hold their papers of the people's police, keep up the bearing of the police, carry themselves with dignity and direct traffic in conformity with standards.

Article 81 Fees for the cost of the plates and certificates issued in accordance with this Law shall be collected strictly in accordance with the rates fixed by the department for pricing under the State Council, and shall be turned over to the State Treasury in full.

Article 82 When the traffic control department of the public security organ imposes fines as an administrative punishment, it shall, in accordance with the provisions of relevant laws and administrative regulations, separate the decision on fines from the collection of fines; and the fines collected and unlawful gains confiscated according to law shall be turned over to the State Treasury in full.

Article 83 When a traffic policeman investigates and handles violations of the law on road traffic safety or traffic accidents, he shall withdraw in any of the following circumstances:

- (1) if he is a party to the case or close relative of the party;
- (2) if he or his close relative has an interest in the case; and
- (3) if he has other relations with the party to the case, which may affect the impartial disposition of the case.

Article 84 Administrative law enforcement conducted by the traffic control department of the public security organ and the traffic police shall be

subject to supervision exercised by the administrative supervisory authority according to law.

The supervisory department of the public security organ shall, in accordance with law, supervise the enforcement of laws and regulations and the observance of discipline by the traffic control department of the public security organ and the traffic police.

The traffic control department of the public security organ at a higher level shall supervise the law enforcement by the traffic control department of the public security organ at a lower level.

Article 85 When performing their duties, the traffic control department of the public security organ and the traffic police shall consciously accept supervision by the community and citizens.

All units and individuals shall have the right to report or complain against the traffic control department of the public security organ and the traffic police for their failure to enforce laws strictly or their violations of laws or rules of discipline. The authority that receives such report or complaint shall, in compliance with its duties, conduct investigation and impose punishment without delay.

Article 86 No unit shall impose, or impose in disguised form, any penalty quota to the traffic control department of the public security organ; and the traffic control department of the public security organ shall not make the amount of fines imposed as the criterion for appraisal of the performance of traffic police.

The traffic control department of the public security organ and the traffic police shall have the right to refuse to carry out the instructions that transcend the provisions of laws and regulations, and report the matter to the authority at a higher level at the same time.

Chapter VII Legal Responsibility

Article 87 The traffic control department of the public security organ and the traffic police shall, without delay, have the violations of the law on road traffic safety rectified.

The traffic control department of the public security organ and the traffic police shall, on the basis of facts and in accordance with the relevant provisions of this Law, impose punishment on violations of the law on road traffic safety. Where the circumstances are minor as not to impede road passage, they shall point out the violations and let the violators go after giving an oral warning.

Article 88 Punishments for violations of the law on road traffic safety include: disciplinary warning, fine, temporary suspension or revocation of motor vehicle driver's license, and detention.

Article 89 Where a pedestrian, rider or driver of a non-motor vehicle violates the provisions governing road passage in laws and regulations on road traffic safety, he shall be given a disciplinary warning or be fined not less than RMB 5 yuan but not more than 50 yuan; and if the driver of non-motor vehicle refuses to accept the punishment of a fine, his non-motor vehicle may be distrained.

Article 90 Where the driver of a motor vehicle violates the provisions governing road passage in laws and regulations on road traffic safety, he shall be given a disciplinary warning or be fined not less than 20 yuan but not more than 200 yuan. Where there are other provisions in this Law, the punishment shall be meted out in accordance with those provisions.

Article 91 Where a driver drives a motor vehicle after drinking alcohol, his driver's license shall be temporarily suspended for not less than one month but not more than three months and he shall, in addition, be fined not less than 200 yuan but not more than 500 yuan; and where a driver drives a motor

vehicle after being drunk, he shall be restrained by the traffic control department of the public security organ until he is awake from drunkenness, and he shall be placed in detention for not more than 15 days, his driver's license temporarily suspended for not less than three months but not more than six months, and he shall, in addition, be fined not less than 500 yuan but not more than 2,000 yuan.

Where a driver after drinking alcohol drives a commercial motor vehicle, his motor vehicle driver's license shall be temporarily suspended for three months and he shall, in addition, be fined 500 yuan; and where a driver drives such a vehicle while intoxicated, he shall be restrained by the traffic control department of the public security organ until he is awake from drunkenness, he shall be placed in detention for not more than 15 days and his motor vehicle driver's license shall be temporarily suspended for six months, and he shall, in addition, be fined 2,000 yuan.

Where a driver commits the acts of driving a motor vehicle while intoxicated, as provided for in the preceding two paragraphs, within one year and was punished twice and more, his motor vehicle driver's license shall be revoked and he shall not be allowed to drive a commercial motor vehicle within five years.

Article 92 Where a highway passenger car carries passengers in excess of the specified number, a fine of not less than 200 yuan but not more than 500 yuan shall be imposed; and where the specified number was exceeded by 20 per cent or it carries cargo in violation of relevant regulations, a fine of not less than 500 yuan but not more than 2,000 yuan shall be imposed.

Where a cargo motor vehicle carries cargo in excess of the verified loading capacity, a fine of not less than 200 yuan but not more than 500 yuan shall be imposed; and where the verified loading capacity is exceeded by 30 per cent or the vehicle carries passengers in violation of relevant regulations, a

fine of not less than 500 yuan but not more than 2,000 yuan shall be imposed.

Where the driver of a motor vehicle commits any of the acts mentioned in the preceding two paragraphs, the traffic control department of the public security organ shall detain the motor vehicle until the violation is rectified.

If the driver of a vehicle of a transport institution violates the provisions in the first and second paragraph of this Article and fails to rectify after being punished, the person directly in charge shall be fined not less than 2,000 yuan but not more than 5,000 yuan.

Article 93 Where a driver violates the provisions governing the parking and temporary parking of motor vehicles, as stipulated in laws or regulations on road traffic safety, the violation may be pointed out, and the driver shall be given an oral warning and instructed to leave the place immediately.

Where the motor vehicle driver is not on the spot or, although on the spot, he refuses to drive away immediately, thus impeding the passage of other vehicles and pedestrians, he shall be fined not less than 20 yuan but not more than 200 yuan, and the vehicle may be towed to a place where it does not impede traffic or to a place designated by the traffic control department of the public security organ. The said department shall charge the party no fees for towing the vehicle and shall, without delay, inform the party of the place where the vehicle parks.

Where a motor vehicle is damaged due to an improper way of towing, the liability for compensation shall be borne according to law.

Article 94 Where the authority for safety and technical inspection of motor vehicles collects fees for such inspection in excess of the rates fixed by the department for pricing under the State Council, it shall return the part overcharged and shall be penalized by the department for pricing in accordance with the relevant provisions of the Pricing Law of the People's Republic of China.

Where the authority for safety and technical inspection of motor vehicles fails to inspect motor vehicles in accordance with the safety and technical standards of the State for motor vehicles and produces false inspection results, the traffic control department of the public security organ shall impose on it a fine of not less than five times but not more than ten times the amount of the fees it collected for inspection and shall, in accordance with law, disqualify it for inspection. If a crime is constituted, it shall be investigated for criminal responsibility according to law.

Article 95 Where a motor vehicle running on roads is not hung with its number plate, stuck on with the inspection certificate or the insurance label, or the driver fails to bring along with him the motor vehicle license and the driver's license, the traffic control department of the public security organ shall detain the motor vehicle and inform the party of the need to provide the necessary plate, certificate, sticker and label or to go through the formalities to obtain them, and it may impose a punishment in accordance with the provisions of Article 90 of this Law. When the party provides the plate, certificate, sticker and label or has gone through the formalities mentioned, the motor vehicle shall be returned without delay.

Where the number plate of a motor vehicle is purposely covered, stained or damaged or is not installed as required by regulations, a punishment shall be imposed in accordance with the provisions of Article 90 of this Law.

Article 96 Where the certificate of registration, the number plate, the motor vehicle license, the sticker of inspection certificate or the insurance label of a motor vehicle or the driver's license is falsified or counterfeited, or the ones falsified or counterfeited are used, or the certificate of registration, the number plate, the motor vehicle license, the sticker of inspection certificate or the insurance label of another motor vehicle is used, the traffic control department of the public security organ shall confiscate them or detain the

motor vehicle involved, and, in addition, impose a fine of not less than 200 yuan but not more than 2,000 yuan. If a crime is constituted, criminal responsibility shall be investigated according to law.

When the party provides the necessary legal certificates or has gone through the necessary formalities to obtain the certificates, the motor vehicle shall be returned without delay.

Article 97 Where alarm sirens or signal lights are illegally installed, they shall compulsorily be removed and confiscated by the traffic control department of the public security organ, and a fine of not less than 200 yuan but not more than 2,000 yuan shall be imposed.

Article 98 Where the owner or manager of a motor vehicle fails to buy the compulsory third party liability insurance for the motor vehicle, as required by State regulations, the traffic control department of the public security organ shall detain the vehicle until the insurance is bought in accordance with the regulations, and, in addition, a fine of two times the specified minimum liability insurance premium payable for the shall be imposed.

All the fines paid in accordance with the provisions in the preceding paragraph shall be incorporated into the social aid fund for road traffic accidents. The specific measures in this regard shall be formulated by the State Council.

Article 99 Any person who commits one of the following acts shall be fined not less than 200 yuan but not more than 2,000 yuan by the traffic control department of the public security organ:

(1) driving a motor vehicle before obtaining the motor vehicle driver's license, or after the driver's license is revoked or during the period when the driver's license is temporarily suspended;

(2) having his motor vehicle driven by another person who has not

obtained the driver's license or whose driver's license is revoked or temporarily suspended;

(3) escaping after causing a traffic accident, which is not serious enough to constitute a crime;

(4) driving a motor vehicle at a speed 50 per cent in excess of the specified speed per hour;

(5) compelling a motor vehicle driver to drive the vehicle in violation of laws and regulations on road traffic safety or of the requirement for safe driving, thus causing a traffic accident, which is not serious enough to constitute a crime;

(6) making a forcible passage in violation of the regulations on traffic control and refusing to yield to dissuasion;

(7) intentionally damaging, removing or altering traffic facilities, thus causing harmful consequences, which is not serious enough to constitute a crime; or

(8) illegally blocking or detaining a motor vehicle and refusing to yield to dissuasion, thus causing serious traffic jam or relatively heavy losses of property.

If the person commits one of the acts specified in Subparagraph (2) or (4) of the preceding paragraph, his motor vehicle driver's license may be revoked at the same time; and if he commits one of the acts specified in Subparagraph (1), (3), (5), (6), (7) and (8), he may, in addition, be put in detention for not more than 15 days.

Article 100 Where a self-assembled motor vehicle or a motor vehicle old enough to be scrapped is driven on roads, the traffic control department of the public security organ shall confiscate it and compulsorily scrap it.

A driver who drives on roads the motor vehicle mentioned in the preceding paragraph shall be fined not less than 200 yuan but not more than

2,000 yuan and his driver's license shall be revoked.

Where a motor vehicle old enough to be scrapped is sold, the unlawful gains shall be confiscated, a fine equal to the amount of money obtained from the sale of the vehicle shall be imposed, and the vehicle shall be disposed of in accordance with the provisions of the first paragraph of this Article.

Article 101 Where a serious traffic accident occurs due to violation of the provisions in laws and regulations on road traffic safety, which constitutes a crime, criminal responsibility shall be investigated according to law, and the motor vehicle driver's license shall be revoked by the traffic control department of the public security organ.

Where a driver escapes after causing a traffic accident, his motor vehicle driver's license shall be revoked by the traffic control department of the public security organ and he shall not obtain a motor vehicle driver's license again for the rest of his life.

Article 102 Where a professional transport unit that is chiefly or fully responsible for two or more exceptionally serious traffic accidents within six months, it shall be instructed by the traffic control department of the public security organ to remove all the hidden troubles endangering safety, and the motor vehicles with the said hidden troubles shall be prohibited from running on roads until all the troubles are removed.

Article 103 Where the government department in charge of motor vehicle products fails to conduct strict examination and inspection in accordance with the State safety and technical standards for motor vehicles and permits unqualified motor vehicle models to be put into production, the persons who are directly in charge and the other persons who are directly responsible shall be demoted or dismissed from office as an administrative sanction.

Where a motor vehicle manufacturing enterprise that is permitted by the government department in charge of motor vehicle products to produce certain

models of motor vehicles, fails to apply the State safety and technical standards for motor vehicles or to strictly conduct quality inspection of its finished products, so as to let its unqualified motor vehicles leave the plant for sale, the quality and technology supervision department shall, in accordance with the relevant provisions of the Law of the People's Republic of China on Product Quality, impose a penalty on it.

Where a unit that manufactures or sells the models of motor vehicles without permission by the government department in charge of motor vehicle products, the finished motor vehicles and the spare parts illegally manufactured and sold shall be confiscated, and it shall, in addition, be fined not less than three times but not more than five times the value of the unlawful products; if it has a business license, the administrative department for industry and commerce shall revoke the license; and if it has no business license, it shall be closed down.

Where self-assembled motor vehicles are turned out or sold or motor vehicles refitted without authorization are turned out or sold, a punishment shall be imposed in accordance with the provisions of the third paragraph of this Article.

Where motor vehicles not in conformity with the State safety and technical standards for motor vehicles are turned out or sold in violation of the provisions in the second, third and fourth paragraph of this Article, which is serious enough to constitute a crime, criminal responsibility shall be investigated according to law.

Article 104 Any unit or individual that, without approval, digs roads or occupies roads for construction or engages in other activities to the detriment of road traffic safety, the department in charge of roads shall instruct it or him to desist from such illegal acts, to put the roads back to their original state, and may impose a fine on it or him according to law. Where losses are caused to

the passing persons or vehicles or to other property, it or he shall bear the liability for compensation according to law.

Where road traffic safety is adversely affected by the acts mentioned in the preceding paragraph, the traffic control department of the public security organ may instruct the unit or individual to desist from the illegal acts in order to speedily restore traffic.

Article 105 Where losses are inflicted on the passing persons or vehicles or other property because, when a road is under construction or damages appear in a road, no warning signs are put up in time and no protective measures are taken, or there are no traffic signal lights, traffic signs or traffic line markings as there ought to be, or no traffic signal lights, traffic signs or traffic line markings are altered as they ought to be in time, the units respectively responsible shall bear the liability for compensation according to law.

Article 106 Where a unit or individual plants trees or other plants or installs billboards, pipelines, etc. on both sides of a road or along the isolation belts, so that they shield road lamps, traffic signal lights or traffic signs, or obstruct the safe range of visibility, the traffic control department of the public security organ shall instruct it or him to remove the obstacles; and if it or he refuses to comply, a fine of not less than 200 yuan but not more than 2,000 yuan shall be imposed, and the obstacles shall forcibly be removed and the expenses thus incurred shall be borne by it or him.

Article 107 Where a disciplinary warning is to be given to, or a fine of not more than 200 yuan to be imposed on, a violator of road traffic law, the traffic policemen may make the decision on administrative penalty on the spot and produce a written decision on such penalty.

In the written decision on administrative penalty shall clearly be stated the facts of violation by the party, the basis for the administrative penalty, the

penalty imposed, the time and place of the penalty, and the name of the authority that imposes the penalty, and the written decision shall be signed or sealed by the law-enforcing person.

Article 108 The party shall, within 15 days from the date he receives the written decision on administrative penalty, pay the fine at the designated bank.

Where the parties have no objections, the fines imposed on pedestrians, passengers and drivers of non-motor vehicles may be collected on the spot.

Where fines are paid, unified receipts for fines, made and distributed by the financial departments of provinces, autonomous regions, and municipalities directly under the Central Government, shall be written out; and in the absence of such receipts, the parties shall have the right to refuse to pay the fines.

Article 109 Where a party fails to abide by the decision on administrative penalty at the expiration of the time limit, the administrative organ that makes such a decision may take the following measures:

(1) if a fine is not duly paid, an additional 3 per cent of the amount of the fine per day shall be imposed; and

(2) applying to the People's Court for compulsory enforcement.

Article 110 Where a traffic policeman, when performing his duties, deems it necessary to temporarily suspend or to revoke the motor vehicle driver's license of a violator of the law on road traffic as a punishment, he may suspend the driver's license first and, within 24 hours, transfer the case to the traffic control department of the public security organ for disposition.

The violator of the law on road traffic shall, within 15 days, go to the traffic control department of the public security organ for disposition. If, without legitimate reasons, the violator fails to go for the disposition at the expiration of the time limit, his motor vehicle driver's license shall be revoked.

Where the traffic control department of the public security organ

suspends temporarily or revokes a motor vehicle driver's license, it shall produce a written decision on the administrative penalty.

Article 111 With respect to detention as an administrative penalty for violation of the provisions of this Law, the public security bureau or sub-bureau of a county or city or the public security organ equal to the county level shall make a ruling.

Article 112 Where the traffic control department of the public security organ distrains a motor vehicle or non-motor vehicle, it shall produce a receipt on the spot, and tell the party to go, within a specified period of time, to the said department for disposition.

The traffic control department of the public security organ shall take good care of the distrained vehicles and shall not use them.

Where the party fails to go for the disposition at the expiration of the specified period of time, and still fails to do so three months after announcement of the matter, the distrained vehicle shall be disposed of according to law.

Article 113 The term for temporary suspension of a motor vehicle driver's license shall be calculated from the date the decision on the punishment takes effect; and if a motor vehicle driver's license is suspended before the decision takes effect, the number of days in which the license is suspended shall be deducted from the term for temporary suspension.

The interval between revocation of the license and application for a new one shall be governed by the administrative regulations on motor vehicle driver's licenses.

Article 114 The traffic control department of the public security organ may, on the basis of the technical traffic monitoring records and in accordance with law, impose a penalty on the owner or manager of the motor vehicle involved in violation of laws. If the driver can be identified, it may impose a

penalty on the driver in accordance with the provisions of this Law.

Article 115 Where a traffic policeman commits one of the following acts, he shall be given an administrative sanction according to law:

(1) issuing the certificate of registration, number plate, motor vehicle license, or sticker of inspection certificate to a motor vehicle that is not in conformity with the statutory requirements;

(2) giving approval to a motor vehicle that is not in conformity with the statutory requirements to install and use alarm sirens and signal lights, or to spray or paint the sign specially for police vans, fire engines, ambulances or engineering rescue vehicles;

(3) issuing a motor vehicle driver's licenses to a person who does not meet the qualifications for a driver's license, or has not undergo examinations, or fails in the examinations;

(4) failing to implement the system under which the decision on fines is separated from the collection of fines, or failing to turn over in full to the State Treasury the fees and fines collected and the unlawful gains confiscated in accordance with law, as is required by relevant regulations;

(5) engaging in such business activities as sponsoring or participating in sponsoring drivers schools or drivers training classes, motor vehicle repair shops or pay parking lots;

(6) receiving or accepting another person's money or things of value or seeking other benefits by taking advantage of his position;

(7) distraining a vehicle, a motor vehicle license, a driver's license or the number plate of a vehicle in violation of law;

(8) using the vehicle distrained according to law;

(9) collecting a fine on the spot without producing a receipt or failing to fill out the exact amount of a fine;

(10) disposing of a traffic accident unfairly by engaging in malpractices

for personal gain;

(11) delaying the issuance of the number plates and certificates of motor vehicles by deliberately making things difficult;

(12) using alarm sirens and signal lights when not performing emergency duties;

(13) blocking or inspecting normally running vehicles in violation of regulations;

(14) blocking a motor vehicle and getting a lift when not performing emergency duties; or

(15) failing to perform the statutory duties.

If the traffic control department of the public security organ commits one of the acts mentioned in the preceding paragraph, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions accordingly.

Article 116 A traffic policeman who is given an administrative sanction in accordance with the provisions of Article 115 of this Law may be stopped from performing his duties before a decision on such sanction is made; and when necessary, he may be placed in confinement.

Where a traffic policeman is demoted or removed from office as an administrative sanction in accordance with the provisions of Article 115 of this Law, he may be dismissed.

Where a traffic policeman is discharged as a sanction or is dismissed, his police rank shall be deprived of; and where a traffic policeman is imposed a lighter sanction than removal from office as an administrative sanction, his police rank shall be reduced.

Article 117 Where a traffic policeman, taking advantage of his functions and powers, illegally takes public property into his possession, extorts, receives or accepts bribes, abuses his functions and powers, or neglects his

duties, which is serious enough to constitute a crime, he shall be investigated for criminal responsibility according to law.

Article 118 Where the traffic control department of the public security organ or its traffic policeman commits one of the acts mentioned in Article 115 of this Law, thus causing losses to the party, it or he shall bear the liability for compensation according to law.

Chapter VIII Supplementary Provisions

Article 119 For purposes of this Law, the meanings of the following terms are:

(1) “Roads” mean the highways, urban streets, and places that although within the scope of the jurisdiction of units, motor vehicles of the community are permitted to pass through, including squares and public parking lots as are used for public passage.

(2) “Vehicles” mean the motor vehicles and non-motor vehicles.

(3) “Motor vehicles” mean the wheeled vehicles driven or drawn by power sets on roads for carrying people, for transporting cargoes, or for special engineering operations.

(4) “Non-motor vehicles” mean such means of transport as are driven or drawn by man or animal on roads, and the motor wheelchairs for the disabled and electrically operated bicycles which are installed with power sets but the designed maximum speed per hour, the light quality and the external size of which are in conformity with the relevant standards of the State.

(5) “Traffic accidents” mean situations in which vehicles running on roads cause casualties or property losses through errors or something untoward.

Article 120 The relevant departments of the Chinese People’s Liberation Army and the Chinese People’s Armed Police Force shall be in charge of the

issuance of the plates and certificates, and the inspection, of their registered motor vehicles, and the examination and appraisal of their motor vehicle drivers.

Article 121 With respect to tractors running on roads, the department of agriculture (agricultural machinery) shall exercise the administrative functions and powers of the traffic control department of the public security organ as provided for in Articles 8, 9, 13, 19 and 23 of this Law.

When exercising the functions and powers in accordance with the provisions of the preceding paragraph, the department of agriculture (agricultural machinery) shall observe the relevant provisions of this Law and subject itself to supervision by the traffic control department of the public security organ; and violations shall be investigated for legal responsibility in accordance with the relevant provisions of this Law.

The plates and certificates of motor vehicles issued by the department of agriculture (agricultural machinery) before implementation of this Law shall continue to be valid after this Law goes into effect.

Article 122 The State exercises unified control of road traffic safety in respect of motor vehicles entering our territory from abroad.

Article 123 The standing committees of the people's congresses of provinces, autonomous regions, and municipalities directly under the Central Government may, in light of their actual local conditions and within the range of the fines provided for in this Law, fix specific rates for imposing fines.

Article 124 This Law shall go into effect as of May 1, 2004.