

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

Decision of the Standing Committee of the National People's Congress on Amending the Law of the People's Republic of China on Road Traffic Safety

(Adopted at the 31st Meeting of the Standing Committee of the Tenth National People's Congress on December 29, 2007)

At its 31st Meeting, the Standing Committee of the Tenth National People's Congress decided to make the following amendments to the Law of the People's Republic of China on Road Traffic Safety:

Article 76 is revised to read, "Where motor vehicles are involved in traffic accidents which cause casualties and property losses, the insurance company shall make compensation within the limit of the compulsory third party liability insurance for motor vehicles; if the said insurance is insufficient, the part not covered shall be compensated according to the following provisions:

"(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 for compensation if the driver of the non-motor vehicle or the pedestrian is not in fault; if there is evidence which proves that the driver of the non-motor vehicle or the pedestrian is in fault, the liability for compensation to be borne by the motor vehicle driver shall be appropriately lightened on the basis of the degree of the fault; if the driver of the motor vehicle is not in fault, the liability for compensation to be borne by him shall not exceed 10 per cent.

"Where the losses in a traffic accident are caused by the driver of a non-motor vehicle or a pedestrian who deliberately runs into a motor vehicle, the driver of the motor vehicle shall not bear any liability for compensation."

This Decision shall go into effect as of May 1, 2008.

The Law of the People's Republic of China on Road Traffic Safety shall be amended correspondingly in accordance with this Decision and promulgated anew.

Adopted at the 5th Meeting of the Standing Committee of the Tenth National People's Congress on October 28, 2003; amended according to the Decision on Amending the Law of the People's Republic of China on Road Traffic Safety adopted at the 31st Meeting of the Standing Committee of the Tenth National People's Congress on December 29, 2007 )

## Contents

### Chapter I General Provisions

### Chapter II Vehicles and Drivers

#### Section 1 Motor Vehicles and Non-motor Vehicles

#### Section 2 Drivers of Motor Vehicles

### Chapter III Conditions for Road Passage

### Chapter IV Provisions on Road Passage

#### Section 1 General Stipulations

#### Section 2 Provisions on the Passage of Motor Vehicles

#### Section 3 Provisions on the Passage of Non-motor Vehicles

#### Section 4 Provisions on the Passage of Pedestrians and Riders

#### Section 5 Special Provisions on Expressways

### Chapter V Disposition of Traffic Accidents

### Chapter VI Supervision of Law-enforcement

### Chapter VII Legal Responsibility

### Chapter VIII Supplementary Provisions

## **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, preserving 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 preceding 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.

The registration certificate, number plate and license for motor vehicles shall be designed 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 runs on roads for the first time 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 with 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 with 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 administration 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 Stipulations**

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 oversized or overloaded 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 with 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 retardation 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 evidence 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 bought 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 bought 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 traffic accidents which cause casualties and property losses, the insurance company shall make compensation within the limit of the compulsory third party liability insurance for motor vehicles; if the said insurance is insufficient, the part not covered shall be compensated according to the following provisions:

(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 for compensation if the driver of the non-motor vehicle or the pedestrian is not in fault; if there is evidence which proves that the driver of the non-motor vehicle or the pedestrian is in fault, the liability for compensation to be borne by the motor vehicle driver shall be appropriately lightened on the basis of the degree of the fault; if the driver of the motor vehicle is not in fault, the liability for compensation to be borne by him shall not exceed 10 percent.

Where the losses in a traffic accident are caused by the driver of a non-motor vehicle or a pedestrian who deliberately runs into a motor vehicle, the driver of the motor vehicle shall not bear any liability for compensation.

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 is 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 distrain 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 Subparagraphs (2) and (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 Subparagraphs (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 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 or 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 law. 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 license 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 the 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.

The English translation is for reference only and if there is any discrepancy, the Chinese version shall prevail.