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

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Chapter I — General Provisions

Article 1 — This Law is enacted to maintain road traffic order, prevent and reduce traffic accidents, protect personal safety, safeguard the property safety and other lawful rights and interests of citizens, legal persons, and other organizations, and improve traffic efficiency.

Article 2 — This Law shall apply to vehicle drivers, pedestrians, passengers, road traffic activity participants, and entities and individuals related to road traffic safety within the territory of the People’s Republic of China.

Article 3 — Road traffic safety work shall adhere to the principles of law-based administration, putting people first, convenience for the people, and unified management and division of responsibilities.

Article 4 — People’s governments at all levels shall ensure that road traffic safety management is compatible with economic construction and social development. Local people’s governments at or above the county

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level shall adapt to the needs of road traffic development, and formulate road traffic safety management plans and organize their implementation in accordance with road traffic safety laws, regulations, and state policies.

Article 5 — The public security organ traffic management department of the State Council shall be responsible for the administration of road traffic safety nationwide. The public security organ traffic management departments of local people's governments at or above the county level shall be responsible for the administration of road traffic safety within their respective administrative regions. The traffic and construction administrative departments of people's governments at or above the county level shall be responsible for relevant road traffic work in accordance with their respective responsibilities.

Article 6 — People's governments at all levels shall regularly conduct road traffic safety education to improve citizens' awareness of road traffic safety. Administrative departments such as public security organs, traffic and transportation, and construction shall perform their respective duties in road traffic safety publicity and education.

Article 7 — Scientific research on road traffic safety management shall be strengthened, and advanced management methods, technologies, and equipment shall be promoted and applied.

Chapter II — Vehicles and Drivers

Article 8 — The state shall implement a registration system for motor vehicles. A motor vehicle may only be driven on roads after it has been registered with the public security organ traffic management department. A motor vehicle that has not yet been registered may only be driven on roads temporarily with a temporary passage permit.

Article 9 — To apply for motor vehicle registration, the following documents and certificates shall be submitted: identity certificate of the motor vehicle owner; certificate of the origin of the motor vehicle; factory qualification certificate of the whole vehicle or import certificate of the motor vehicle; tax payment certificate or tax exemption certificate for vehicle purchase; and certificate of compulsory motor vehicle traffic accident liability insurance. The public security organ traffic management department shall complete the registration review within five working days of acceptance.

Article 10 — Where the registration particulars of a registered motor vehicle change, the motor vehicle owner shall apply to the public security organ traffic management department for change registration.

Article 11 — When driving a motor vehicle on roads, number plates shall be suspended and a motor vehicle driving permit, inspection conformity mark, and insurance mark shall be placed in accordance with regulations. Motor vehicle number plates shall be hung in accordance with regulations and kept clear and complete, and shall not be deliberately obstructed or defaced.

Article 12 — A motor vehicle shall undergo regular safety and technical inspections during its period of use. Motor vehicle safety and technical inspections shall be conducted by motor vehicle safety and technical inspection institutions that meet state-prescribed qualifications.

Article 13 — The state shall implement a compulsory scrapping system for motor vehicles and set scrapping standards for different types of motor vehicles based on their safety and technical conditions and the purpose of use. Motor vehicles that have reached the scrapping standard shall not be driven on roads.

Article 14 — The state shall implement a uniform management system for special vehicles such as police cars, fire trucks, ambulances, and engineering rescue vehicles, formulating standards for their body appearance, marking patterns, and sirens.

Article 15 — No entity or individual shall assemble a motor vehicle without authorization or change the registered structure, construction, or features of a motor vehicle without authorization.

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Article 16 — Any entity or individual shall have the right to report or complain about traffic violations committed by public security organ traffic management departments and their traffic police in enforcing the law.

Article 17 — The state shall implement a motor vehicle driving license system. To drive a motor vehicle, one shall obtain a motor vehicle driving license in accordance with law. An applicant for a motor vehicle driving license shall meet the driving license conditions prescribed by the public security organ traffic management department of the State Council.

Article 18 — Driving training shall be conducted by driving training schools or coaching classes in accordance with the state-prescribed teaching syllabus and training specifications. The competent transport department shall strengthen management of driving training.

Article 19 — Before driving a motor vehicle on roads, the driver shall carefully inspect the safety and technical performance of the motor vehicle. It shall not be driven if safety facilities are incomplete or components do not meet technical standards.

Article 20 — Drivers of motor vehicles shall comply with road traffic safety laws and regulations, and drive safely and courteously in accordance with operation specifications. A driver who has consumed alcohol or taken state-controlled psychotropic or narcotic drugs shall not drive a motor vehicle. A person suffering from a disease that impedes safe driving, or who is excessively fatigued and thereby impedes safe driving, shall not drive a motor vehicle.

Chapter III — Road Passage Conditions

Article 21 — Where a road is damaged or traffic facilities are incomplete, the road management department shall set up warning signs and promptly repair them. The public security organ traffic management department shall take safety measures such as speed limits and traffic diversion.

Article 22 — No entity or individual may occupy roads for non-traffic activities without authorization. Where approval is obtained to occupy a road for construction or other activities, safety and anti-collision facilities shall be set up, and after the activity ends, the road shall be promptly restored to its original condition.

Article 23 — Road supporting facilities such as parking lots, bus stops, and taxi stands shall be planned and constructed simultaneously with the main road project.

Article 24 — Traffic signals shall include traffic signal lights, traffic signs, traffic markings, and the direction of traffic police. Traffic signals shall comply with national standards and be kept clear, eye-catching, accurate, and intact.

Article 25 — Railway crossings shall be equipped with safety facilities such as warning signs, and shall be managed and maintained by the railway management department.

Article 26 — No entity or individual may set up, remove, occupy, or damage traffic signals without authorization. Where trees, utility poles, or advertising facilities obstruct traffic signals, the relevant units shall promptly eliminate the obstruction.

Article 27 — When roads are being maintained or repaired, the operation unit shall take safety precautions, set up warning signs during construction, and promptly restore the road to its original condition after completion. Construction on roads with heavy traffic flow shall be conducted during off-peak hours.

Article 28 — Where a road or traffic facility is damaged, any entity or individual discovering it shall promptly report it to the relevant authority. The relevant authority shall take emergency measures and organize repairs.

Chapter IV — Rules of Road Passage

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Article 29 — Motor vehicles, non-motor vehicles, and pedestrians shall follow the principle of separation. Where roads are not separated, motor vehicles shall travel in the middle, non-motor vehicles and pedestrians shall travel on the sides.

Article 30 — Motor vehicles shall not exceed the maximum speed indicated by speed limit signs. On roads without speed limit signs, safe speed shall be maintained. Under conditions such as nighttime driving or hazardous weather, driving speed shall be reduced.

Article 31 — Where motor vehicles travel in the same lane, the vehicle behind shall maintain a safe distance from the vehicle in front sufficient for emergency braking. Under conditions of icy, snowy, or muddy roads, or when visibility is low, the distance between vehicles shall be increased.

Article 32 — Motor vehicles shall not make a U-turn, reverse, or cross the central divider at locations where such actions are prohibited. At railway crossings, intersections, or on bridges, U-turns, reversing, and stopping are prohibited.

Article 33 — Motor vehicles shall yield to pedestrians crossing at crosswalks. When passing schools or residential areas, vehicles shall slow down and avoid pedestrians and non-motor vehicles.

Article 34 — Motor vehicles passing through intersections controlled by traffic signal lights shall pass in accordance with the regulations. When turning right at a red light, vehicles shall yield to vehicles and pedestrians lawfully proceeding through the intersection.

Article 35 — Where a motor vehicle breaks down or has a traffic accident on the road and cannot be moved, hazard warning lights shall be turned on, and a warning sign shall be placed at an appropriate distance behind the vehicle. Personnel shall promptly move to a safe location.

Article 36 — Heavy-duty trucks, trailers, and articulated vehicles shall travel in the rightmost lane or the lane designated by traffic signs when driving on urban roads.

Article 37 — Motor vehicles shall not be parked at locations where parking is prohibited or on sidewalks, except for parking spaces designated in accordance with law. When temporarily parking, the driver shall not leave the vehicle and shall not obstruct the passage of other vehicles and pedestrians.

Article 38 — Non-motor vehicles shall travel in non-motor vehicle lanes. On roads without non-motor vehicle lanes, they shall travel on the right side of the roadway. The speed of non-motor vehicles shall not exceed the prescribed limit.

Article 39 — Pedestrians shall walk on sidewalks. On roads without sidewalks, they shall walk on the right side of the roadway. When crossing a road, they shall use crosswalks or pedestrian crossing facilities and shall pass in accordance with traffic signal light instructions.

Article 40 — Passengers shall not carry dangerous goods that are flammable, explosive, or toxic, shall not throw objects out of the vehicle, and shall not interfere with the driver’s safe driving.

Chapter V — Handling of Traffic Accidents

Article 41 — When a traffic accident occurs on the road, the driver shall immediately stop the vehicle and protect the scene. Where there are casualties, the driver shall immediately rescue the injured and promptly report to the traffic police on duty or the public security organ traffic management department. Where the scene has changed due to rescue of the injured, the location shall be marked.

Article 42 — The public security organ traffic management department shall promptly dispatch traffic police to the scene after receiving a traffic accident report, organize the rescue of the injured, restore traffic, and investigate and collect evidence of the traffic accident.

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Article 43 — Medical institutions shall promptly rescue those injured in traffic accidents and shall not delay treatment. Where rescue expenses exceed the limit of the compulsory motor vehicle traffic accident liability insurance or where the vehicle causing the accident has not taken out such insurance, the road traffic accident social assistance fund shall advance part or all of the rescue expenses.

Article 44 — The public security organ traffic management department shall, based on the scene investigation, inspection, and investigation, produce a traffic accident determination letter stating the basic facts, causes, and liabilities of the parties involved in the traffic accident, and shall serve it on the parties.

Article 45 — Disputes over compensation for damages from traffic accidents may be resolved through mediation by the public security organ traffic management department, or the parties may directly file a lawsuit with the people's court.

Article 46 — Compensation for losses in motor vehicle traffic accidents shall be borne by the compulsory motor vehicle traffic accident liability insurance within the liability limit. The shortfall shall be borne by the parties based on their degree of fault. Where both parties are at fault, the liability shall be shared in proportion to their fault.

Article 47 — Where a traffic accident between motor vehicles causes damage and the parties have no dispute over the facts and causes, they may negotiate on the spot for compensation for damages, and may promptly leave the scene to restore traffic.

Article 48 — Where a vehicle involved in a traffic accident flees the scene, the public security organ traffic management department shall promptly initiate investigation procedures. If the identity of the party is unknown, the road traffic accident social assistance fund shall advance the rescue expenses.

Chapter VI — Law Enforcement Supervision

Article 49 — Traffic police shall strictly, fairly, and courteously enforce the law, shall not abuse power, neglect duty, or engage in malpractice for personal gain, and shall accept social supervision.

Article 50 — When imposing administrative penalties for violations of road traffic safety laws and regulations, traffic police shall inform the party of the facts, reasons, and basis for the penalty, and shall inform the party of the rights they enjoy in accordance with law.

Article 51 — Traffic police may take administrative compulsory measures against illegal acts on the spot, including temporarily suspending or detaining a motor vehicle or motor vehicle driving license, and confiscating illegally installed devices.

Article 52 — When investigating and handling road traffic safety violations, traffic police shall produce their law enforcement identification. When detaining a motor vehicle or motor vehicle driving license, a detention certificate shall be issued.

Article 53 — No entity or individual shall refuse or obstruct the lawful performance of duties by traffic police. Where traffic police enforce the law in violation of regulations, the parties concerned shall have the right to file a complaint or report.

Chapter VII — Legal Liability

Article 54 — Where a person drives a motor vehicle without a motor vehicle driving license, or with a driving license that has been revoked or temporarily suspended, the public security organ traffic management department shall impose a fine of not less than RMB 200 but not more than RMB 2,000, and may concurrently impose administrative detention of not more than 15 days.

Article 55 — Where a person drives a motor vehicle after consuming alcohol, the motor vehicle driving license shall be temporarily suspended for six months and a fine of not less than RMB 1,000 but not more

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than RMB 2,000 shall be imposed. Where a person is penalized for drunk driving and again drives after consuming alcohol, the person shall be subject to administrative detention of not more than 10 days, a fine of not less than RMB 1,000 but not more than RMB 2,000, and the motor vehicle driving license shall be revoked.

Article 56 — Where a person drives a motor vehicle while intoxicated, the public security organ traffic management department shall restrain the person until sobriety is achieved, revoke the motor vehicle driving license, and pursue criminal liability in accordance with law. The person shall not reacquire a motor vehicle driving license within five years.

Article 57 — Where a person drives a commercial motor vehicle such as a passenger bus or freight truck exceeding the approved passenger capacity or load capacity, a fine of not less than RMB 200 but not more than RMB 500 shall be imposed. Where the excess exceeds 20%, a fine of not less than RMB 500 but not more than RMB 2,000 shall be imposed.

Article 58 — Where a person drives a motor vehicle exceeding the prescribed speed limit, a warning or a fine of not less than RMB 20 but not more than RMB 200 shall be imposed. Where the speed exceeds the limit by more than 50%, a fine of not less than RMB 200 but not more than RMB 2,000 shall be imposed, and the motor vehicle driving license may be revoked.

Article 59 — Where a motor vehicle driver violates the provisions on parking and temporary parking, the traffic police may point out the violation and give an oral warning, and order the driver to leave immediately. Where the driver is not present or refuses to leave despite being present, a fine of not less than RMB 20 but not more than RMB 200 shall be imposed.

Article 60 — Where a person deliberately obstructs, defaces, or fails to install a motor vehicle number plate as required, a warning or a fine of not less than RMB 20 but not more than RMB 200 shall be imposed. The traffic police may detain the motor vehicle until the violation is rectified.

Article 61 — Where a non-motor vehicle driver violates road traffic safety laws or regulations, a warning or a fine of not less than RMB 5 but not more than RMB 50 shall be imposed. Where the non-motor vehicle driver refuses to accept the fine, the non-motor vehicle may be detained.

Article 62 — Where a pedestrian or passenger violates road traffic safety laws or regulations, a warning or a fine of not less than RMB 5 but not more than RMB 50 shall be imposed.

Article 63 — Where any entity or individual produces or sells assembled motor vehicles without authorization, or produces or sells motor vehicles that have been refitted without authorization, the illegal products and illegal gains shall be confiscated, and a fine of not less than three times but not more than five times the value of the illegal products may be imposed.

Article 64 — Where a traffic accident occurs in violation of road traffic safety laws or regulations, criminal liability shall be pursued in accordance with law if a crime is constituted. Where a person flees after causing a traffic accident, the motor vehicle driving license shall be revoked by the public security organ traffic management department, and the person shall not reacquire a motor vehicle driving license for life.

Chapter VIII — Supplementary Provisions

Article 65 — The state shall implement a uniform management system for road traffic safety. The concrete measures for the implementation of this Law shall be formulated by the public security organ traffic management department of the State Council in conjunction with relevant departments.

Article 66 — The agricultural administrative department shall be responsible for the administration of road traffic safety of tractors and other agricultural vehicles driving on roads, and the specific measures shall be formulated by the State Council separately.

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Article 67 — The traffic management of military vehicle license plates and military vehicles on roads shall be separately prescribed by the Chinese People's Liberation Army and the Chinese People's Armed Police Force in accordance with this Law.

Article 68 — The traffic safety management of special roads such as expressways shall be separately prescribed by the State Council.

Article 69 — This Law shall come into force on May 1, 2004. The Regulations of the People's Republic of China on the Administration of Road Traffic promulgated by the State Council on March 9, 1988 shall be repealed simultaneously.

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