Road Traffic Safety Law of the PRC

Dan Young Business Consultancy — www.danyoungcpa.com

Unofficial English translation prepared for reference only. The official Chinese text prevails.

Contents

Table of Contents 1

Chapter I — General Provisions 1

Chapter II — Vehicles and Drivers 2

Chapter III — Conditions for Road Traffic 2

Chapter IV — Provisions on Road Traffic 3

Chapter V — Handling of Traffic Accidents 3

Chapter VI — Law Enforcement Supervision 3

Chapter VII — Legal Liability 4

Chapter VIII — Supplementary Provisions 4

Adopted at the 5th Session of the Standing Committee of the 10th National People's Congress on October 28, 2003

Amended in accordance with the Decision on Amending the Law of the People's Republic of China on Road Traffic Safety adopted at the 20th Session of the Standing Committee of the 10th National People's Congress on December 29, 2007

Further amended on April 22, 2011

Effective: May 1, 2004

Table of Contents

- Chapter I — General Provisions
- Chapter II — Vehicles and Drivers
- Chapter III — Conditions for Road Traffic
- Chapter IV — Provisions on Road Traffic
- Chapter V — Handling of Traffic Accidents
- Chapter VI — Law Enforcement Supervision
- Chapter VII — Legal Liability
- Chapter VIII — Supplementary Provisions

Chapter I — General Provisions

Article 1 — This Law is enacted in accordance with the Constitution for the purposes of maintaining road traffic order, preventing and reducing traffic accidents, protecting personal safety, safeguarding the property safety and other lawful rights and interests of citizens, legal persons, and other organizations, and improving traffic efficiency.

Article 2 — This Law applies to vehicle drivers, pedestrians, passengers, road traffic participants, and entities and individuals engaged in road traffic-related activities within the territory of the People's Republic of China.

Article 3 — Road traffic safety work shall be conducted in accordance with the principles of management in accordance with the law and convenience for the public, and shall ensure orderly, safe, and smooth road traffic.

Article 4 — People's governments at all levels shall ensure that road traffic safety administration is in line with economic construction and social development. Local people's governments at or above the county level shall meet the needs of road traffic development and, in accordance with the laws, regulations, and national policies on road traffic safety, formulate road traffic safety administration plans and organize their implementation.

Article 5 — The public security authority under the State Council shall be responsible for the nationwide administration of road traffic safety. The traffic administrative departments of the public security authorities 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 transportation and construction administrative departments of people's governments at or above the county level shall, in accordance with their respective duties, be responsible for the relevant road traffic work.

Chapter II — Vehicles and Drivers

Article 6 — Motor vehicles shall be registered before they may be driven on roads. For a motor vehicle that has not yet been registered and needs to be temporarily driven on roads, a temporary vehicle license plate shall be obtained. The public security authority's traffic administrative department shall, within five working days of accepting the application, complete the examination and registration of the motor vehicle. For those that meet the conditions, a motor vehicle registration certificate, a license plate, and a driving permit shall be issued.

Article 7 — A motor vehicle registered with the public security authority's traffic administrative department shall undergo regular technical inspections in accordance with the law. Motor vehicles that meet the safety technical standards for motor vehicle operation shall be issued a certificate of technical inspection.

Article 8 — The State shall implement a compulsory scrapping system for motor vehicles. Motor vehicles that shall be compulsorily scrapped in accordance with the provisions shall be deregistered in a timely manner. Motor vehicles that have reached the scrapping standard shall not be driven on roads.

Article 9 — To drive a motor vehicle, a person shall obtain a motor vehicle driving license in accordance with the law. An applicant for a motor vehicle driving license shall meet the driving license requirements stipulated by the public security authority under the State Council. After passing the examination, the public security authority's traffic administrative department shall issue a motor vehicle driving license of the corresponding category.

Article 10 — A driver driving a motor vehicle shall carry the motor vehicle driving license with him or her. The public security authority's traffic administrative department shall not detain a motor vehicle driving license except when any entity or individual may do so in accordance with the provisions of laws and administrative regulations.

Chapter III — Conditions for Road Traffic

Article 11 — Road traffic signals include traffic signal lights, traffic signs, traffic line markings, and the direction of traffic police officers. Road traffic signals shall be in accordance with the national standards and shall be conspicuous, clear, accurate, and intact.

Article 12 — No entity or individual may occupy roads for non-traffic activities without authorization. Where construction, maintenance, or other operations on roads require occupying or excavating roads, the approval of the relevant authority shall be obtained in advance, and safety protection measures shall be taken. Upon completion of the operations, the original condition of the roads shall be promptly restored, and any debris shall be removed.

Chapter IV — Provisions on Road Traffic

Article 13 — Motor vehicles shall keep to the right side of the road. Where road traffic signals indicate otherwise, they shall be followed. On roads without separate lanes for motor vehicles, non-motor vehicles, and pedestrians, motor vehicles shall travel in the middle, non-motor vehicles and pedestrians shall travel on the sides of the road.

Article 14 — Drivers, passengers, and pedestrians shall comply with road traffic signals. When encountering a direction given by a traffic police officer on the spot, they shall follow the officer's direction. Where there is no traffic signal, they shall follow the principles of safe and unobstructed traffic.

Article 15 — When driving a motor vehicle, a driver shall not commit any of the following acts: (1) driving with the doors or tailgate of the vehicle not properly closed; (2) hanging or placing objects within the driver's front and rear window viewing area that obstruct the driver's vision; (3) making or receiving handheld telephone calls, watching television, or engaging in other acts that impede safe driving; or (4) other acts that impede safe driving as prescribed by laws and regulations.

Chapter V — Handling of Traffic Accidents

Article 16 — Where a traffic accident occurs on the road, the driver of the vehicle shall immediately stop the vehicle and protect the scene. Where personal injury or death results, the driver shall immediately rescue the injured persons and promptly report to the traffic police on duty or the public security authority's traffic administrative department. Where the scene is altered due to the rescue of injured persons, the location shall be marked.

Article 17 — Where a traffic accident occurs on the road and no personal injury or death results, and the parties concerned have no dispute over the facts and causes, they may immediately withdraw from the scene, resume traffic, and negotiate on their own to handle the matter of compensation for damage. Where they do not withdraw from the scene immediately, they shall promptly report to the traffic police on duty or the public security authority's traffic administrative department.

Article 18 — The public security authority's traffic administrative department shall, after receiving a report of a traffic accident, immediately dispatch traffic police officers to the scene, first organizing the rescue of injured persons, and taking measures to restore traffic as soon as possible. Traffic police officers shall conduct an inquest and inspection of the scene of the traffic accident and collect evidence. Where necessary, they may detain the vehicle involved in the accident for the purpose of collecting evidence.

Chapter VI — Law Enforcement Supervision

Article 19 — The public security authority's traffic administrative department shall strengthen the management of its traffic police officers and enhance the quality of traffic police officers and the level of road traffic management. The public security authority's traffic administrative department shall conduct training and assessment of its traffic police officers in legal knowledge and traffic safety management knowledge. Traffic police officers who fail to pass the assessment shall not be assigned to perform their duties.

Source: https://www.danyoungcpa.com/china-road-traffic-safety-law-2011/

Article 20 — The public security authority's traffic administrative department and its traffic police officers shall enforce the law impartially and strictly in accordance with the statutory authority and procedures, simplify the handling procedures, and ensure fairness, strictness, civility, and efficiency in law enforcement.

Chapter VII — Legal Liability

Article 21 — The public security authority's traffic administrative department and its traffic police officers shall promptly correct illegal acts of road traffic safety. The public security authority's traffic administrative department and its traffic police officers shall, in accordance with the facts and the provisions of this Law, impose penalties for illegal acts of road traffic safety. Where the circumstances are minor and do not affect road traffic, a verbal warning shall be given before the offender is released.

Article 22 — The types of penalties for illegal acts of road traffic safety include: warning, fine, temporary suspension or revocation of the motor vehicle driving license, and detention.

Article 23 — Where a pedestrian, passenger, or non-motor vehicle driver violates the provisions of laws and regulations on road traffic safety, a warning shall be given or a fine of not less than RMB 5 yuan but not more than RMB 50 yuan shall be imposed. Where a non-motor vehicle driver refuses to accept the fine, the non-motor vehicle may be detained.

Article 24 — Where a motor vehicle driver violates the provisions of laws and regulations on road traffic safety, a warning shall be given or a fine of not less than RMB 20 yuan but not more than RMB 200 yuan shall be imposed. Where this Law provides otherwise, such provisions shall prevail.

Chapter VIII — Supplementary Provisions

Article 25 — This Law shall enter into force on May 1, 2004. The Regulations of the People's Republic of China on Road Traffic Administration promulgated by the State Council on March 9, 1988 shall be repealed simultaneously.

Disclaimer: This English translation is provided for reference purposes only. While every effort has been made to ensure accuracy, this is not an official translation. The official Chinese text of the law as published by the National People's Congress of the People's Republic of China shall prevail. Readers should consult qualified legal professionals for advice on specific legal matters. Dan Young Business Consultancy makes no warranty as to the accuracy or completeness of this translation and accepts no liability for any loss arising from reliance on it.