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

This is to promulgate the Road Traffic Safety Law of the People’s Republic of China which has been adopted at the 5th Meeting of the Standing Committee of the National People’s Congress on October 28, 2003.

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Chapter I General Provisions

Article 1 This Law is formulated in order to safeguard road traffic system, make sure the safety on road traffic, and protect the legal rights of the relative natural persons, legal persons and other organizations.

Article 2 Vehicle drivers, pedestrians, passengers within the Chinese territory and units and individuals with relation to road traffic activities shall abide by this Law.

Article 3 Road traffic safety shall follow the principle of administration by law and making convenience for people, and ensure road traffic system operate orderly, safely and smoothly.

Article 4 People’s governments at various levels shall safeguard administration of road traffic safety adaptable to economic construction and social development. People’s governments at county level and above should draw up management system on road traffic safety and organize to conduct its implementation based on the development needs of road traffic in accordance with the laws and regulations and related State policies on road traffic safety.

Article 5 The public security department of the State Council shall be responsible
for nationwide administration of road traffic safety. Traffic administrative
departments of public security organ of people’s governments at county level and
above should be responsible for administration of road traffic safety within the
local administrative regions. Traffic & construction administrative departments of
people’s governments at county level and above shall be responsible for road
traffic safety based on their own respective duties.

**Article 6** People’s government at various levels shall frequently conduct
education on road traffic safety, in an aim to improve people’s awareness of
road traffic safety.

Traffic administrative departments of public security organ and their traffic
policemen shall make intensified efforts to publicize the laws and regulations on
road traffic safety when performing their duties, and shall strictly follow the laws
and regulations on road traffic safety. Government organizations, military units,
enterprises, social communities and other institutions shall conduct education on
road traffic safety for their respective personnel.

Education on road traffic safety shall be included in legal education subjects in
elementary and high schools.

Press, publication, broadcasting, TV stations and other related units are liable to
carry out education on road traffic safety.

**Article 7** Efforts shall be made to carry out scientific and technological researches
in administration of road traffic safety to promote the applications of advanced
management means, technologies and equipment.

Chapter II Vehicles and Drivers

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

**Article 8** The State implements registration system for motor vehicles. Motor
vehicles shall not be used on roads only after registration with traffic
administrative departments of public security organ. Before registration, motor
vehicles to be used temporarily on roads shall obtain temporary driving permits
and plates.

**Article 9** Owners of motor vehicles should submit the following certificates and
documents when applying for registration of motor vehicles:

1. Identification certificates of owners of motor vehicles
2. Certificates of origin of motor vehicles;
3. Qualification certificates of factory inspection report of motor vehicles or import
   vouchers of imported motor vehicles;
4. Tax payment receipts of motor vehicle purchase tax or tax exemption
   certificates
5. Other certificates and documents required by laws and administrative
   regulations to be submitted when applying for registration of motor vehicles;

Traffic administrative departments of public security organ shall finish works in
examination and registration of motor vehicles within 5 days upon receipt of
applications. If motor vehicles are qualified for the conditions prescribed above,
motor vehicle plates, driving permits, and registration certificates shall be
Except for traffic administrative departments of public security organ, any institutions or individuals can’t issue motor vehicle plates or request to hang other plates on motor vehicles, except otherwise provided in this Law.

The design patterns of registration certificates, plates and driving permits of motor vehicles shall be decided by and manufactured under the supervision of the public security department under the State Council.

**Article 10** Motor vehicles that are approved for the registration shall be qualified for the “National Safety Technical Standards on Motor Vehicle”. Motor vehicles should be tested by safety technology while its registration. But, for those types of motor vehicles that are approved by the State administration of motor vehicle products for the manufacture under the National Safety Technical Standards for Motor Vehicles, as their new manufactured vehicles have been tested and qualified in accordance with the National Safety Technical Standards on Motor Vehicles before they are delivered from the factory, these types of above-mentioned motor vehicles shall be exempted from safety technology inspection while their registration.

**Article 11** Motor vehicles driven on roads shall properly hang vehicle plates, put inspection qualification signs and insurance signs, and carry driving permits. Plates of motor vehicles shall be hung clearly and completely in conformity with provisions, and shall not be intentionally covered and defiled. No institutions or individuals shall be allowed to confiscate or suspend vehicle plates and driving permits.

**Article 12** If there are the following situations, corresponding registrations shall be made for the motor vehicles:
1. Ownership transfer of motor vehicles;
2. Changes of registration contents;
3. Motor vehicles are used as mortgage;
4. Disposal due to rejects of motor vehicles.

**Article 13** Motor vehicles that have been utilized on roads after registration shall, in conformity with laws and regulations, be inspected under safety technical standards on a regularly basis in accordance with various circumstances such as the purposes of motor vehicles, quantity of carried passengers and cargoes and service life. Motor vehicle safety technology inspection institutions shall make inspections on the motor vehicles if motor vehicle driving licenses and policies of compulsory third party liability insurance are submitted. No institutions shall demand for other additional conditions. Traffic administrative departments of public security organ shall issue inspection qualification signs to the motor vehicles, provided the motor vehicles meet with the State safety technical standards. Safety technology inspection of motor vehicles shall be done socially based on the detailed methods and procedures to be formulated by the State Council.

In places where inspection of motor vehicles is made socially, no institutions shall require motor vehicles to be checked at the designated venues. Traffic administrative departments of public security organ and motor vehicle safety technology inspection institutions shall not required motor vehicles to be
Motor vehicle safety technology inspection institutions shall collect service charges on the inspection of motor vehicles in strict conformity with the charge standards stipulated by Pricing Administration of the State Council.

**Article 14** The State shall force to implement motor vehicle reject and disposal system, and conduct the different disposal standards based on the different vehicle usage and safety technical status.

Cancellation registration for the rejected and disposed motor vehicles shall be made in time at traffic administrative departments of public security organ.

Motor vehicles meeting the disposal standards shall not be driven on roads. The rejected and disposed large-size passenger buses, trucks and other vehicles for business operation should be destroyed under the supervision of traffic administrative departments of public security organ.

**Article 15** Police vehicles, fire trucks, ambulance, and engineering wrecking trucks shall be painted in sign marks and installed with alarms & sign lighting. Other motor vehicles shall not be painted in or installed with such special or similar sign marks, alarms and sign lighting.

Police vehicles, fire trucks, ambulance, and engineering wrecking trucks shall be used for the purposes and conditions in conformity with provisions.

The uniform sign marks and alarm lights shall be installed on special patrol vehicles for road inspection in accordance with the Highway Law.

**Article 16** No institutions or individuals shall have the following behaviors:

1. Assemble or change the structure, body or features of the registered motor vehicles without authorization;
2. Alter motor number, serial/chassis number, and body number;
3. Falsify, falsely claim, alter, misappropriate or use the falsified, falsely claimed, altered, and misappropriated registration documents, vehicle plates, driving permits, qualification inspection signs or insurance signs of motor vehicles;
4. Use registration documents, vehicle plates, driving permits, qualification inspection signs or insurance signs of other motor vehicles.

**Article 17** The State shall force to implement the third party liability insurance system on motor vehicles, and set up social assistance funds for road traffic accidents. The detailed implementation methods will be formulated by the State Council.

**Article 18** Non-motor vehicles that are required for registration can be used on roads after the registration at traffic administrative departments of public security organ.

The types of non-motor vehicles that are needed for registration shall be stipulated based on the actual situations in the different provinces, autonomous regions and municipalities directly under the Central Government.

The maximum outer size, quality, brake, bell and night reflection equipment of non-motor vehicles shall meet the safety technical standards of non-motor vehicles.

Section 2 Motor Vehicle Drivers
Article 19  Before driving motor vehicles on roads, one shall obtain motor vehicle driving licenses in accordance with law. To apply for driving licenses of motor vehicle shall meet the driving permit conditions stipulated by the public security department of the State Council. After the qualification by examination, traffic administrative departments of public security organ shall issue driver licenses. Holders of overseas motor vehicle driving licenses shall conform to the driving permit conditions stipulated by the public security department of the State Council. After the qualification by examination, traffic administrative departments of public security organ shall issue China’s driving licenses. The driver shall drive motor vehicles based on the stipulated types of vehicles in his driving licenses and always carry driving licenses with him while driving. Except for traffic administrative departments of public security organ, no institutions or individuals shall be allowed to confiscate and suspend driver licenses.

Article 20  Driving seminar & training on motor vehicle should be socialized and the responsible traffic administrative departments of public security organ should strictly conduct driving qualification management in driving schools. Of those, departments in charge of agriculture (agricultural machinery) shall conduct driving qualification management to special tractor driving training schools, and driving training classes. Driving training schools and driving training seminars shall strictly follow related State provisions to offer trainees the training on laws and regulations of road traffic safety and driving skills, and ensure the quality of the training. No government organizations shall be involved in or participate in the establishment of driving schools and hosting driving training seminars.

Article 21  Before driving motor vehicles on roads, drivers shall carefully conduct the checks on safety technical features of motor vehicles. Drivers shall not drive motor vehicles having such hidden safety troubles like incomplete safety equipment or technically unqualified components.

Article 22  Motor vehicle drivers shall abide by laws and regulations on road traffic safety to drive motor vehicle safely in accordance with driving rules. People who take mental medicines or stupefacient controlled by the State, or suffer from diseases that impede safe driving of motor vehicles, or are too fatigue to drive in a secured way shall not be allowed to drive motor vehicles. No one shall be allowed to force, instigate or connive drivers to drive motor vehicles in the ways that may run against the provisions of laws and regulations on road traffic safety and the requirements for safe driving.

Article 23  Traffic administrative departments of public security organ shall regularly implement examinations and inspections on motor vehicle driving licenses in accordance with laws and administrative regulations.

Article 24  Traffic administrative departments of public security organ shall conduct and implement the accumulative penalty points system on those violating laws and regulations about road traffic safety besides giving administrative sanctions based on laws. Driving licenses of the drivers whose accumulative...
penalty points have reached points stipulated by traffic administrative departments of public security organ shall be suspended. After they are trained on road traffic safety law and pass the written examinations, their driving licenses shall be returned.

Duration of driving licenses can be extended for those road safety law-abiding drivers that have no accumulative points within a year. Specific methods will be formulated by the public security organ under the State Council.

Chapter III Road Traffic Conditions

**Article 25** Unified road traffic signals shall be practiced nationwide. Road traffic signals include traffic lights, traffic signs, traffic marks and instructions by traffic policeman.

Installation of traffic signs, traffic lights and traffic marks shall conform to the requirements for safe and smooth road traffic and the State standards, ensuring for clearness, markedness, preciseness and flawlessness.

Traffic signals shall be added, replaced and updated based on traffic needs. Any additions, replacements and updating of restrictive road traffic signals shall be announced to the public in advance.

**Article 26** Traffic lights shall be composed of red, green and yellow lights, with the red light meaning “Stop”, the green light “Permit” and the yellow light “Caution”.

**Article 27** Caution lights and signs or safety protection facilities shall be installed at the intersections between railways and roads. Caution signs shall be installed at certain distances to the unattended railway intersections.

**Article 28** No institutions and individuals shall be allowed to install, remove, occupy or destroy traffic lights, traffic signs and traffic marks.

Trees or other vegetables planted and advertisement posts, wires and pipelines installed along both sides of roads and isolation belts shall keep a certain distance to traffic facilities, and shall not shelter street lights, traffic lights and traffic signs, obstruct line of sight and impede road traffic.

**Article 29** Planning, design and construction of roads, parking lots and auxiliary road facilities shall conform to the requirements for safe and smooth road traffic. If finding there are serious hidden potential accidents existed in the current road traffic establishments, or parking lots or auxiliary road facilities, traffic administrative departments of public security organ must immediately report to local governments and provide the preventive suggestions on the hidden traffic accidents, and local governments shall take immediate actions and decisions in order to prevent occurrence of the hidden traffic accidents.

**Article 30** If damages are caused to roads such as road collapse, protruding places, holes, roads destroyed by flood, or damages and losses of traffic lights, traffic signs and traffic marks, efforts shall be made to set up warning signs and make repairs in time.

If finding the above circumstances which cause threats to traffic safety, traffic administrative departments of public security organ shall take safety measures in time to direct traffic, and inform departments for maintenance of road and traffic facilities or competent authorities.
Article 31 Without authorization and permit, no institutions or individuals shall occupy roads to undertake the illegal activities.

Article 32 In case of project construction, if it needs to occupy roads, excavate roads, or build bridges across roads, or put pipes and wires across roads, consents shall be obtained in advance from the road administrative departments, and if such actions cause threats to traffic safety, approvals shall be obtained from traffic administrative departments of public security organ. Construction companies shall conduct the construction works on the approved road sections within the said time and set up safety warning signs along road construction sections in order to make sure the safety on road traffic system. After the completion of road construction works, construction companies shall immediately clean up obstacles on the roads in order to avoid the hidden traffic accidents. After traffic administrative departments of public security organ carry out inspections on the constructed roads and accept for qualification, the roads can be resumed for the use for motor vehicles. During road construction period, if the roads are still used for motor vehicles, traffic administrative departments of public security organ shall strengthen safety supervisions on road traffic in order to safeguard road traffic orders.

Article 33 Parking lots shall be provided in newly constructed, renovated and expanded public buildings, commercial blocks, residential communities, and large (medium)-size buildings and so forth. If parking space is not enough therein, renovation or expansion shall be made in time. Parking lots that have been put into use shall not be stopped using or changed for other purposes. Related government authorities can encircle parking spaces along urban roads without obstructing the passage of pedestrians and vehicles. Relevant government departments can encircle parking spaces within the areas of city roads under the condition that there will be no influence on passage of pedestrians and vehicles.

Article 34 There must have zebra crossings and caution signs in front of nursery, elementary, high schools. Passages for the blind shall be constructed on the pavements along major roads of cities. The construction of such passages shall meet the State standards.

Chapter IV Provisions on Road Traffic

Section 1 General Provisions

Article 35 Motor vehicles and non-motor vehicles will pass through roads from the right side of the roads.

Article 36 Based on road conditions and traffic needs, roads can be classified into motor vehicle lane, non-motor vehicle lane and pavement. Motor vehicles, non-motor vehicles and pedestrians shall pass through the roads by their respective lanes. If there are no classified lanes for motor vehicles, non-motor vehicles and pedestrians on the roads, motor vehicles will pass through roads from the center of the roads, and non-motor vehicles and pedestrians will
Article 37 If there are special lanes for special vehicles on the road, only those said vehicles shall be allowed to use the lanes, and other vehicles shall not be allowed to enter the special lanes.

Article 38 Vehicles and pedestrians shall obey instructions of traffic signs, and shall follow the instructions of traffic policemen if any. The principle of safe and smooth traffic shall be followed on the roads where there are no traffic signs.

Article 39 Based on the actual traffic volumes and road conditions, traffic administrative departments of public security organ can adopt traffic limitation measures on motor vehicles, non-motor vehicles and pedestrians, such as one-way traffic, passing through within the limited time, or closed to traffic. When there are large-scale public activities, large-scale sports games, and large-scale construction project, if its is necessary to temporarily control and limit road traffic, traffic administrative departments of public security organ shall announce to the public in advance.

Article 40 If there are natural calamities, serious weather conditions or serious traffic accidents that cause serious impacts on the safety driving of motor vehicles, and if other measures are not enough to ensure traffic safety, traffic administrative departments of public security organ may practice traffic control.

Article 41 Other detailed regulations on road traffic shall be formulated by the State Council.

Section 2 Provisions on Motor Vehicle Traffic

Article 42 No motor vehicles shall be allowed to run at a speed higher than the maximum speed indicated on speed limit signs, and shall run at a safety speed on the road sections where there are speed limit signs. When driving at night or on accidents prone zones, or encountering with the poor visibility weather such as sand storm, hailstone, rain, snow, and fog, driving speed shall be reduced.

Article 43 Motor vehicles on the same lanes shall keep a distance enough to take emergency brake. Overtakes shall be forbidden in one of the following circumstances:
(1) when the front vehicles are making a left turn, turning round or overtaking;
(2) if it is possible to collide with the vehicles coming from the opposite direction;
(3) if the front vehicles are police vehicles, fire trucks, ambulances or engineering wrecking trucks that are executing emergency tasks;
(4) when driving through railway crosses, intersections, narrow bridges, steep slopes, tunnels, crosswalks and urban sections with big traffic volume where conditions are not allowed for overtakes.

Article 44 Motor vehicle shall pass through intersections in accordance with the instructions of traffic lights, traffic signs and traffic marks or the instructions of traffic policemen; and speed shall be reduced when passing through the intersections where there are no traffic lights, traffic signs and traffic marks and no instructions of traffic policemen, and shall give ways to pedestrians and vehicles with priority traffic permits.
Article 45 Motor vehicles shall not be allowed to overtake if the front vehicles are queuing up or drive slowly, and shall not be allowed to jump the queue. Motor vehicles shall run slowly and orderly at the sections or intersections where there are fewer lanes, or at the intersections where there no traffic lights, traffic signs and traffic marks or no instructions of traffic policemen, and where motor vehicles are queuing up or driving slowly.

Article 46 Motor vehicles shall pass through railway crosses in accordance with the instructions of traffic lights or the instructions of managerial personnel, and shall reduce speed or stop before making sure it is safe to get across at the crosses or intersections where there are no traffic lights or managerial personnel.

Article 47 Motor vehicles shall reduce speed when passing though crosswalks, and shall stop to give ways to pedestrians who are getting across the crosswalks. Motor vehicles shall stop or give ways to pedestrians who are getting across roads where there are no traffic signs.

Article 48 Maximum loads of motor vehicles shall conform to the rated passenger capacity and freight capacity. Overload shall be prohibited. The length, width and height of cargoes on motor vehicles shall not violate the loading requirements, and cargoes should not be missed and abandoned during its transportation period.

Motor vehicles carrying integrated substances beyond the limits on length, width and height that cause threats to traffic safety shall run at the time, routes and speed designated by traffic administrative departments of public security organ, and shall carry obvious signs. Carrying integrated substances beyond the limits on length, width and height shall apply to the provisions of the Highway Law. Motor vehicles carrying those inflammable and explosive chemical cargoes, or very poisonous and radioactive substances shall run at the time, routes and speed designated by traffic administrative departments of public security organ, carry caution signs and be prepared for any emergency.

Article 49 Passengers carried by motor vehicles shall not exceed the rated passenger capacity, and motor vehicles for business operation shall not violate regulations to carry freight.

Article 50 Freight motor vehicles shall be prohibited from carrying passengers. If it needs for freight motor vehicles to carry operating personnel, measures shall be taken to ensure safety of the operating personnel.

Article 51 When motor vehicles are running, drivers and passengers shall tighten safety belts in conformity with provisions, and motor drivers and passengers shall wear safety helmets in conformity with provisions.

Article 52 If there is something wrong with motor vehicles on roads, and it needs to stop to handle with the problems, drivers shall immediately switch on emergency lights and move vehicles to one place that will not affect road traffic. If it is difficult to move vehicles, drivers shall continuously switch on emergency lights, put warning signs at the back of vehicles in order to give warning signals to other vehicles coming from the back, and immediately report to the police if it is necessary.

Article 53 Police vehicles, fire trucks, ambulance, and engineering wrecking trucks
can use alarms and sign lighting when executing emergency tasks, and shall be free from the restrictions in driving routes, directions and speed and traffic lights, provided that safety is secured. In such case, other vehicles and pedestrians shall give ways to them.

Police vehicles, fire trucks, ambulance, and engineering wrecking trucks shall not be allowed to use alarms and sign lighting when executing non-emergency tasks, and shall not enjoy the priority right of way provided above.

**Article 54** When motor vehicles for roads maintenance and vehicles for project construction are used on roads, their driving routes and driving directions shall not be limited by traffic marks as long as they do not affect vehicular traffic on the roads. Other motor vehicles and pedestrians shall carefully give ways to them.

Those motor vehicles such as watering cars and cleaning car shall be utilized based on safety working standards. Without affecting vehicular traffic and pedestrian traffic, their driving direction shall not be limited by lanes and can be utilized in one-way traffic.

**Article 55** Tractors shall not be allowed on the roads of the central districts of medium (large)-size cities and on the expressways. The restricted roads for the tractors shall be decided by the different provinces, autonomous regions and municipalities directly under the Central Government based on the actual situations.

Tractors can carry cargoes on the roads where tractors are allowed, but shall not be allowed to carry passengers.

**Article 56** Motor vehicles shall stop at the designated places, and shall be prohibited from stopping on sidewalks, except stopping at the parking places encircled in accordance with Article 33 of this Law.

Temporary stopping on roads shall not impede traffic of other vehicles and pedestrians.

**Section 3 Provisions on Non-motor Vehicle Traffic**

**Article 57** People driving non-motor vehicles on roads shall follow provisions on traffic safety.

Non-motor vehicles shall run in the lanes for non-motor vehicles, and shall run at the right sides of the roads where there is no lane for non-motor vehicles.

**Article 58** Power-driven wheelchairs for disabled persons and power-driven bicycles shall not run at a speed higher than 15 kilometers on the lanes for non-motor vehicles.

**Article 59** Non-motor vehicles shall stop at the designated places. If there are no designated places, non-motor vehicles shall not stop at places that may influence traffic of other vehicles and pedestrians.

**Article 60** Animals used for animal-drive vehicle shall be the tamed. When animal-drive vehicles cross roads, drivers shall get down to guide the animals. When drivers leave animal-drive vehicles for a while, they shall properly tie the animals.
Section 4 Provisions on Pedestrians and Passengers Traffic

**Article 61** Pedestrians shall walk on sidewalks, and shall walk at sides of roads where there are no sidewalks.

**Article 62** Pedestrians shall take crosswalks or overhead underground pedestrian crossings when going through intersections or crossing roads, shall follow the instructions of traffic lights if provided when getting cross crosswalks, and shall get cross after making sure it is safe when getting cross the intersections where there are no traffic lights or crosswalks, or when crossing the roads where there are no overhead or underground pedestrian crossings.

**Article 63** Pedestrians shall not cross road fences, climb on to the running vehicles or force to stop the running motor vehicles and make other behaviors that affect traffic safety.

**Article 64** For preschool children, or mental patients who can’t identify or control their behaviors, or mental deficiency persons, they must be accompanied by their guardians or consignors by their guardians to walk on the roads.

Walking on road, blind persons shall utilize blind sticks or other guiding tools for blind persons.

Motor vehicles should carefully give ways to blind persons.

**Article 65** Pedestrians shall pass through railway crosses in accordance with the instructions of traffic lights or the instructions of managerial personnel, and shall quickly get across the crosses where there are no traffic lights and managerial personnel after making sure there is no trains coming on.

**Article 66** Passengers shall not carry inflammable and explosive articles that have harmful for public safety, shall not throw articles outside from running motor vehicles, and shall not commit any behaviors that affect safety driving of drivers.

Section 5 Special Provisions on Expressways

**Article 67** pedestrians, non-motor vehicles, tractors, special machinery vehicles with wheels, articulated buses, coupled trucks and other motor vehicles with the maximum design speed lower than 70 kilometers shall not be allowed on expressways. The maximum driving speed indicated on the speed limit signs on expressways shall not exceed 120 kilometers/hr. which maximum driving speed are less than 70 Km per hour, should not be allowed on expressway.

**Article 68** Motor vehicles malfunctioning on expressways shall be handled in accordance with the provisions set forth in Article 52 of this Law. But caution signs shall be put at a place with a distance of 150 meters from the back of vehicles, and drivers and passengers shall immediately move to right sides of roads and report to the police.

If motor vehicles encounter with engine problems or traffic accidents and can’t run normally on expressways, such motor vehicle shall be towed by rescue cars.

**Article 69** No units and individuals shall be allowed to stop and check the vehicles diving on expressways, except policemen who are performing
Chapter V Traffic Accidents Handling

Article 70 In case of traffic accidents on roads, motor vehicle drivers shall immediately stop the vehicles and protect the accident sites. The drivers shall immediately rescue the injured persons and report to on-duty traffic policeman or traffic administrative departments of public security organ. If changes are caused to the accident sites due to rescue of the injured, locations of the accident sites shall be properly marked. In such case, passengers, drivers of other motor vehicles and pedestrians shall provide assistance.

If traffic accidents on roads do cause no injuries, parties concerned may retreat immediately from the accident sites to restore traffic order if they have no disputes over the facts and causes of the accidents, and then discuss how to deal with the issue of damages and compensations by themselves. If they don’t retreat from the accident sites, they shall report to on-duty traffic policeman or traffic administrative departments of public security organ.

If traffic accidents on roads cause slight property losses, and if the basic facts of the accidents are very clear, the persons concerned shall leave the accident sites first and then to conduct discussions and negotiations.

Article 71 If drivers run away after traffic accidents, witnesses and other insiders shall immediately report to traffic administrative departments of public security organ or traffic policeman. If the reported facts are correct, traffic administrative departments of public security organ shall give awards to them.

Article 72 After receiving reports on traffic accidents, traffic administrative departments of public security organ shall immediately send traffic policemen to the accident sites, organize to rescue the injured persons, and take the effective measures to restore road traffic order.

Traffic policemen should conduct investigations and inspections on accident sites to collect evidences. Traffic policemen may temporarily detain the motor vehicles involved if it needs to collect evidences, but the detained vehicles causing accidents shall be well kept for examinations.

Traffic administrative departments of public security organ shall consign special institutions to conduct verifications on physiology and mental status of the persons concerned. The results of verifications shall be signed and confirmed by verifiers.

Article 73 Traffic administrative departments of public security organ shall make analysis on the causes of traffic accidents based on site investigations, inspections, evidences, relative information and verification results, and produce in time the final reports on accidents to serve as evidences for handling the traffic accidents. The final reports on accidents shall carry the basic facts and causes of traffic accidents, and the liabilities of persons concerned, and shall be sent to the persons concerned.

Article 74 Persons concerned may choose to submit their disputes over damages and compensations of traffic accidents to traffic administrative departments of public security organ for mediations, and may also choose to take civil actions.
with the People’s Court.
If persons concerned fail to reach agreements after mediations by public security & traffic administrative departments, or refuse to perform the mediation decisions the persons concerned may take civil actions with the People’s Court.

**Article 75** Medical establishments shall immediately rescue the injured persons due to traffic accidents. If the motor vehicles involved have been insured for third party liability, the insurance companies shall advance payments on rescue expenses. If there are no third party liability insurance or the hit-and-run driver run away from the accident sites after accidents, social assistance funds for traffic accidents shall advance payments on rescue expenses. The management bodies of the social assistance funds for traffic accidents have rights to claim repayment from the persons liable for the traffic accidents.

**Article 76** In case of individual injuries or property loss caused by traffic accidents, insurance companies shall make compensations within the liability limits of the compulsory third party liability insurance underwritten for the motor vehicles. For amount exceeding the insured amount, compensations shall be made in the following ways:

1. In case of accidents between motor vehicles, the faulty parties shall bear the liabilities. If both parties are faulty, the liabilities shall be borne by both parties in proportion to each fault.
2. Motor vehicles shall be blamed for the traffic accidents between motor vehicles and non-motor vehicles and pedestrian. But if there is evidence proving that non-motor vehicle drivers or pedestrians violate laws and regulations on road traffic safety, and that motor vehicle drivers have taken necessary measures to avoid the accidents, the responsibility of motor vehicle drivers shall be alleviated to some extent.

Motor vehicle drivers shall not be responsible for any loss incurred from the traffic accidents due to intentional negligence of non-motor vehicle drivers or pedestrians.

**Article 77** If traffic accidents occur outside roads, traffic administrative departments of public security organ shall handle with the cases in conformity with related provisions in this Law after receiving reports on the accidents.

**Chapter VI Supervision over Law Enforcement**

**Article 78** Traffic administrative departments of public security organ shall strengthen traffic police team construction and improve the qualifications and road traffic managerial level of traffic policemen.
Traffic administrative departments of public security organ shall conduct professional training and evaluation on traffic policemen with regards to the national legal systems and traffic safety administration. Those policemen who fail in examinations shall not be allowed to perform their duties.

**Article 79** Traffic administrative departments of public security organ and traffic policemen that are responsible for administration of road traffic safety shall make efforts to simplify working procedures in accordance with the legal functions and procedures, ensuring their works are performed in a fair, strict, civilized and
Article 80 When performing duties, traffic policemen shall dress in uniform, wear police logo, carry police I.D., keep good images, behave properly and command normally.

Article 81 The cost of production of motor vehicle plates and licenses collected in accordance with provisions of this Law shall meet the standards approved by the pricing administration of the State Council, and shall turned in to the national treasury.

Article 82 The fine penalty imposed on drivers by the traffic administrative departments of public security organ shall conform to the provisions of laws and regulations, and shall follow the system of separating penalty decisions from fine collection. All fines collected and illegal income confiscated in accordance with laws shall be turned in to the national treasury.

Article 83 When making investigations into behaviors violating laws and regulations on road traffic safety, and handling with traffic accidents, traffic policemen shall withdraw in any one of the following circumstances:

1. Traffic policemen are persons concerned or close relatives of the persons concerned in the cases;
2. Traffic policemen or their close relatives are interest parties in the cases;
3. Traffic policemen have other relations with persons concerned, and may affect fair treatment of the cases.

Article 84 Traffic administrative departments of public security organ and their traffic policemen shall be subject to supervisions by administrative supervision organs when they are conducting administrative enforcement of laws. Supervision departments of public security organ should conduct supervisions on the implementation of laws and regulations and the observation of disciplines by traffic administrative departments of public security organ and their traffic policemen. Traffic administrative departments of public security organ at higher level shall conduct on law enforcement by its subordinate departments.

Article 85 Traffic administrative departments of public security organ and their traffic policemen shall voluntarily accept the supervisions by the people and the public when performing their duties. Any institutions or individuals shall have rights to prosecute and reports on casual implementation of laws and illegal behaviors of traffic administrative departments of public security organ and their traffic policemen. After receiving prosecutions and reports, supervision departments concerned shall immediately conduct investigations into the cases in light of their functions.

Article 86 No institutions shall be allowed to set or cause to set specific fine tasks to the traffic administrative departments of public security organ, and the latter shall be allowed to take the amount of fine as the standards for evaluation of the performance of traffic policemen. Traffic administrative departments of public security organ and traffic policemen shall be entitled to refuse implementing any orders that fall under laws and regulations, and at the same time shall report the cases to the organs at higher level.
Chapter VII Legal Liabilities

Article 87 Traffic administrative departments of public security organ and their traffic policemen shall correct or cause to correct in time the behaviors violating laws on road traffic safety.

Traffic administrative departments of public security organ shall impose punishments on the behaviors violating laws on road traffic safety in light of the facts and in accordance with this Law. If the circumstances are not serious to affect road traffic, such behaviors shall be pointed out, and oral warning shall be given before letting go.

Article 88 Types of penalties imposed on behaviors violating laws on road traffic safety: warning, fine, temporary suspension or revoke of driving licenses and detention.

Article 89 Pedestrians, passengers and drivers of non-motor vehicles who violate laws and regulations on road traffic safety shall be punished by a warning or a fine of 5-50 yuan. If drivers of non-motor vehicles refuse to accept the fine penalty, traffic policemen have rights to temporarily detain their non-motor vehicles.

Article 90 Motor vehicle drivers who run against the provisions on road traffic set forth in laws and regulations on road traffic safety shall be punished by a warning or a fine of 20-200 yuan. If there is otherwise stipulated under this Law, punishments shall also be imposed in accordance with the provisions.

Article 91 Persons who drive after drinking wine shall be punished by a temporary suspension of driving licenses for a period of 1 - 3 months and a fine of 500 yuan and below. Persons who drive after getting drunk shall be retained by traffic administrative departments of public security organ until they recover from wine, and shall be punished by a detention of 15 days and below, a temporary suspension of driving licenses for a period of 3 – 6 months, and a fine of 500 – 2000 yuan.

Persons who drive motor vehicles for business operation shall be temporarily suspended driving licenses for 3 months, and shall be fined 500 yuan if they drive after drinking wine, and shall be retained by traffic administrative departments of public security organ until they recover from wine and given combined punishments of a 15-day detention, a temporary suspension of driving licenses for 6 months, and a fine of 2000 yuan if they drive after getting drunk.

If they are punished twice in 1 year because of driving after drinking wine, their driving licenses shall be revoked, and they shall not be allowed to drive motor vehicles for business operation within 5 years.

Article 92 If road passenger vehicles for business operation carry passengers more than the rated capacity, they shall be fined 200-500 yuan. If passenger vehicles carry more than 20 percent of the rated capacity or violate provisions to carry freights, they shall be fined 500-2000 yuan.

If freight vehicles carry more than the rated capacity, they shall be fined 200-500 yuan; if they carry freights more than 30 percent of the rated capacity or violate provisions to carry passengers, they shall be fined 500-2000 yuan.

Motor vehicles that have the above two circumstances shall be detained by the
traffic administrative departments of public security organ until the illegal status is removed.

If vehicles of transportation have the circumstances set forth above, and if the transportation units fail to make corrections to the circumstances after punishments, responsible people of the units shall be fined 2000-5000 yuan.

**Article 93** For those violations stipulated in laws and regulations on road traffic safety regarding parking rules of motor vehicles, the traffic administrative departments of public security organ shall point out their illegal behaviors and give them oral warnings, and order them to drive away.

If the drivers are not around or refuse to drive away their vehicles, resulting in blocked traffic of other vehicles and pedestrians, the traffic administrative departments of public security organ may inflicted on them a fine of 20-200 yuan, and can tow the motor vehicles to the places that will not block the traffic or to the parking places designated by traffic administrative departments of public security organ. Traffic administrative departments of public security organ shall not charge on persons concerned, and shall inform in time the persons concerned of the places where their vehicles are placed.

Any damages to motor vehicles caused by inappropriate towing methods shall be compensated in accordance with law.

**Article 94** Motor vehicle safety technology inspection institutions shall implement service charges on vehicle inspections in accordance with the charge standards approved by Pricing Administration of the State Council. Excess amount charged shall be refunded, and persons involved shall be given punishments in accordance with the related provisions in the Price Law of the People’s Republic of China.

If motor vehicle safety technology inspection institutions fail to conduct inspections in accordance with the National Safety Technical Standards for motor vehicles, and provide the fake inspection results, traffic administrative departments of public security organ shall punish them for a fine equal to 500-1000 percent of the inspection charges, and revoke their inspection qualifications in accordance with law. Moreover, the criminal liabilities of the persons directly responsible shall be investigated in accordance with law.

**Article 95** If there are no vehicle plates, driving permits, inspection qualification signs, and insurance signs indicated on the running motor vehicles on the roads, or the drivers doesn’t bring driving licenses, traffic administrative departments of public security organ shall detain the motor vehicles, notify the persons concerned to provide corresponding plates and signs or handling with corresponding procedures, and give them punishments in accordance with the provisions in Article 90 of this Law. After the persons concerned provide corresponding plates and signs or handle with corresponding procedures, the motor vehicles shall be handed back to them in time.

Persons who purposely cover or defile the plates of motor vehicles, or fail to install the plates of motor vehicles shall be punished in accordance with the provisions set forth in Article 90 of this Law.

**Article 96** In case of falsification or use of falsified motor vehicle plates, driving permits, inspection qualification signs, insurance signs, registration certificates of
motor vehicles, and driving licenses, or use of the motor vehicle plates, driving permits, inspection qualification signs, insurance signs, registration certificates of motor vehicles, and driving licenses of other motor vehicles, traffic administrative departments of public security organ shall confiscate them all, detain the motor vehicles, and imposed a fine of 200-2000 yuan on the persons concerned. Moreover, the criminal liabilities of the persons directly responsible shall be investigated in accordance with law.

If the persons concerned provide corresponding legal supporting documents or handle with corresponding procedures, the motor vehicles shall be handed back to them in time.

Article 97 Traffic administrative departments of public security organ shall compel to dismantle and take over those illegal installations of alarms and sign lighting, and shall impose a fine of 200-2000 yuan.

Article 98 If motor vehicles owners and custodians fail to buy compulsory third party liability policies motor vehicles, the traffic administrative departments of public security organ shall retain their motor vehicles until they have buy the policies, and shall impose a fine equal to 200 percent of the premium payable for minimum liability provided by law.

The fines paid in accordance with the above provision shall be charged to the social assistance fund for road traffic accidents. Detailed methods shall be formulated by the State Council.

Article 99 Traffic administrative departments of public security organ shall impose a fine of 200-2000 yuan on persons who commit any one of the following behaviors:

1. to drive motor vehicles before obtaining driving licenses or during the period when driving licenses are revoked or temporarily suspended;
2. to authorize persons who have no driver licenses or whose driving licenses have been revoked or temporarily suspended to drive motor vehicles;
3. to run away from accident sites after accidents, if such behavior doesn’t constitute a crime;
4. to drive motor vehicles at a speed higher than 50 percent of the speed limit;
5. to force drivers to drive motor vehicles in violations of laws and regulations on road traffic safety and requirements for safety driving, causing traffic accidents, if such behavior doesn’t constitute a crime;
6. to violate the stipulations on road traffic controls to pass through without authorizations;
7. to intentionally destroy, change, alter traffic facilities and cause serious traffic outcomes, if such behavior doesn’t constitute a crime;
8. to illegally stop and detain motor vehicles, turn deaf ears to advises, and cause serious traffic jam or big property losses.

Doers who commit one of the behaviors prescribed in the above Sub-clauses (2) and (4) shall be concurrently punished by revoke of motor vehicle driving licenses, while doers who commit one of the behaviors set forth in the above Sub-clauses (1), (3) and (5)-(8) shall be concurrently punished by a 15-day detention.

Article 100 If motor vehicles that have reached to the disposal standards or are
illegally assembled, traffic administrative departments of public security organ shall confiscate the vehicles or compel to make motor vehicles rejected. Drivers who drive the above-mentioned motor vehicles on roads shall be fined 200-2000 yuan, and their driving licenses shall be concurrently revoked. Illegal incomes from selling motor vehicles reaching to the disposal standards shall be confiscated, sellers shall be imposed a fine equal to the sales volume, and the motor vehicles shall be handled with in accordance with the provision of the Clause 1 of this Article.

**Article 101** If drivers violate laws and regulations on road traffic safety to cause serious traffic accidents, the criminal liabilities of the drivers shall be investigated in accordance with law, and their driving licenses shall be revoked by traffic administrative departments of public security organ. If drivers hit and run after accidents, their driving licenses shall be revoked by traffic administrative departments of public security organ, and they shall not be allowed to obtain driver licenses again.

**Article 102** If there are more than 2 serious traffic accidents made by professional transportation companies within 6 months, traffic administrative departments of public security organ shall order the companies to check their motor vehicles and remove all hidden safety troubles. Motor vehicles having hidden safety troubles shall be prohibited from being used on roads.

**Article 103** If the State administration of motor vehicle products fail to conduct strict inspections and examinations in light of the National Safety Technical Standards for Motor Vehicles and allow unqualified motor vehicles to put into manufacture, chiefs responsible and other persons indirectly responsible shall be given administrative sanctions such as demotion or removal from office. If motor vehicle manufacturers fail to follow the National Safety Technical Standards for Motor Vehicles to produce the motor vehicles that are approved and permitted by the State administration of motor vehicle products, or conduct the careful quality inspections on the finished motor vehicles, and if the nonqualified motor vehicles are sold from the factory and cause traffic accidents, the quality & technology supervision administration shall give them punishments in accordance with the relative stipulations of the Product Quality Law of the People’s Republic of China. If motor vehicle manufacturers produce or sell motor vehicles without authorization and permits by the State administration of motor vehicle products, the finished products that are illegally produced and sold and parts and accessories shall be confiscated. If they have owned business licenses, the industrial and commercial administration shall suspend their business license, and if they have not yet owned business licenses, the industrial and commercial administration shall close their factories. Manufacturers that produce and sell illegally assembled motor vehicles or that produce and sell illegally refit motor vehicles shall be punished in accordance with the provisions in Clause 3 of this Article. If Manufacturers have the illegal behaviors stated in Clause 2 and 3 of this Article to produce or sell motor vehicles that do not meet the National Safety Technical Standards, the criminal liabilities of the manufacturers shall be investigated in
accordance with law.

**Article 104** Without authorization to excavate roads and occupy roads or engaged in other activities that affect road traffic system, road administrative departments shall force them to stop the illegal behaviors and resume the roads to original status, and may concurrently impose fines in accordance with law. If there cause any losses on pedestrians, vehicles and other properties, the responsible persons concerned shall be liable for compensations in accordance with law.

For those above-mentioned activities that affect road traffic safety, traffic administrative departments of public security organ shall order them to stop the illegal behaviors and resume the road traffic to original status.

**Article 105** During road construction work or when road damages are caused, if damages are caused to pedestrians and vehicles and other properties due to no timely installation of warning signs and implementation of preventive measures, or due to unavailability of traffic lights, traffic signs and traffic marks which should have been available, or due to no changes made in time to the traffic lights, traffic signs and traffic marks which should have been made, institutions responsible shall be liable for compensations in accordance with law.

**Article 106** If the planted trees, green land, flowers, or established advertisement posts and wires across the roads shelter or cover street lights, traffic lights, traffic signs and affect on visible distance, traffic administrative departments of public security organ shall order the doers to clean up. If they refuse to do so, they shall be fined 200-2000 yuan, and traffic administrative departments of public security organ shall compel to clean up, with the costs incurred therein borne by the doers.

**Article 107** Persons who violate laws and regulations on road traffic shall be punished by a warning and a fine of 200 yuan and below. In such case, traffic policemen can make decisions on administrative sanctions on site, and issue the administrative sanction decisions to the persons concerned.

Administrative sanction decisions shall carry clearly the facts of violations of laws, basis of administrative sanctions, contents and time of sanctions, and names of the organs that imposes sanctions, and shall be signed by law enforcement officials or sealed with official stamps.

**Article 108** Persons concerned shall deposit fines in the designated banks within 15 days upon receipt of administrative sanction decisions.

Fines payable by pedestrians, passengers and non-motor vehicle drivers may be collected on site if persons concerned have no objections.

Uniform fine receipts printed by departments of finance of provinces, autonomous regions and municipalities shall be presented to persons concerned. If uniform fine receipts are not presented, persons concerned shall be entitled to refuse pay fines.

**Article 109** If persons concerned fail to perform administrative sanction decisions overdue, the administrative organs that make the decisions may take the following measures:

1. to impose a fine equal to 3% of the payable amount of fine overdue;
2. to apply the People’s Court for compulsory enforcement.


**Article 110** If on-duty traffic policemen consider they shall give such punishments as temporary suspension or revoke of the driving licenses of the persons violating laws and regulations on road traffic, they can detain the driving licenses first and then transfer the cases to traffic administrative departments of public security organ within 24 hours.

Persons violating laws and regulations on road traffic shall accept sanctions at traffic administrative departments of public security organ within 15 days. If they refuse to do so beyond the time limit without any reasons, their driving licenses shall be revoked.

When temporarily suspending or revoking motor vehicle driving licenses, traffic administrative departments of public security organ shall present administrative sanction decisions.

**Article 111** Decisions on administrative sanction by detention shall be made by public security bureaus or sub-stations at the levels of country and city or public security organ with the same authority of public security bureaus at country level.

**Article 112** When detaining motor vehicles and non-motor vehicles, traffic administrative departments of public security organ shall issue vouches on site, and shall tell persons concerned to accept sanctions at traffic administrative departments of public security organ within the said time limit.

Traffic administrative departments of public security organ shall keep the detained vehicles under well protection, and shall not use the vehicles.

If persons concerned fail to accept sanctions beyond the said time limit, and refuse to do so 3 months after issuing public announcements, their vehicles shall be treated at the disposal of traffic administrative departments of public security organ.

**Article 113** The duration for temporarily suspending motor vehicle driving licenses shall be counted from the date when sanction decisions are made. If driving licenses are suspended before sanction decisions take effect, each day prior to the effectiveness of the sanction decisions shall be counted as one day for temporary suspension.

The period for re-application for motor vehicle driving licenses after the driving licenses are revoked shall follow the regulations on administration of motor vehicle driving licenses.

**Article 114** Based on road video camera records, traffic administrative departments of public security organ may give sanctions on owners or custodians of motor vehicles that violate laws and regulations on road traffic in accordance with law. If the drivers can be identified from video camera records, traffic administrative departments of public security organ may impose sanctions on them in accordance with law.

**Article 115** Traffic policemen shall be given administrative sanctions if they commit one of the following illegal behaviors:

1. to release vehicle plates, driving permits, and qualification inspection signs for the unqualified motor vehicles;
2. to approve unqualified motor vehicles to install and use the alarms and traffic lighting of police vehicles, fire trucks, ambulances and engineering wrecking trucks, and to carry the special pained signs marks.
(3) to release driver licenses for those applicants who are not qualified for driving conditions, fail in the examinations or do no enter for examinations;
(4) to fail to implement the system of separation between fine decisions and fine collection, or turn in the received fines, charges and the confiscated illegal incomes totally to the national treasury;
(5) to engage in business activities such as opening or participating in holding driving schools or driving training seminars, motor vehicle repair shops or business parking lots;
(6) to utilize his duties or power to receive or cause to receive money or other valuable things from the other persons.
(七) to illegally detain motor vehicles, permits to drive and driver licenses;
(八) to use the detained motor vehicle;
(九) to receive fines without giving fine receipts or filling incorrect amount on fines receipts;
(十) to fail to handle with traffic accidents in fair;
(十一) to intentionally obstruct and delay on releasing motor vehicle plates and other certificates and permits;
(十二) to use alarms and sign lighting without performing the emergency tasks;
(十三) to violate legal rules to stop or check on the running motor vehicles on roads;
(十四) to intercept and take ride on motor vehicle without performing the emergency tasks;
(十五) to fail to perform his legal duties.If traffic administrative departments of public security organ commit any one of the above-mentioned behaviors, chiefs directly responsible and other persons directly responsible shall be given corresponding administrative sanctions.

**Article 116** Traffic policemen who are given administrative sanctions in accordance with Article 115 of this Law may be removed from their duties before giving them administrative sanctions, and may be locked in confinement if necessary.

Traffic policemen who are given administrative sanctions such demotion or removal from office in accordance with the provisions of Article 115 of this Law may be dismissed.

If traffic policemen have been discharged or dismissed, their police ranks should be cancelled, and if traffic policemen are given disciplinary sanction, their police ranks should be degraded.

**Article 117** If traffic policemen utilize and abuse their powers to illegally occupy public properties and ask for and take bribes, or neglect their duties, their criminal liabilities shall be investigated in accordance with law.

**Article 118** If traffic administrative departments of public security organ or their traffic policemen ave one of the illegal behaviors stated in Article 115 which cause damages to persons concerned, they shall be liable for compensations in accordance with law.

**Chapter VIII Supplementary Provisions**
Article 119 The words and terms used in this Law shall have the following meanings:

(一) “Roads” refer to highways, city streets and places used for motor vehicles within the premises of organizations and institutions, including squares, public parking lots and other places that are utilized for the public;

(二) “Vehicles” refer to motor vehicles and non-motor vehicles;

(三) “Motor vehicles” refer to wheeled vehicles that are driven by motors or engines, used on road to carry passengers or cargoes, and used to conduct special engineering operations;

(四) “Non-motor vehicles” refer to transportation tools drawn by men of animals on roads, and power-driven wheelchairs for the disabled persons, motor-driven bicycles and other transportation tools with the maximum design speed, weight of empty vehicle and size conforming to the related State standards regardless that they have power-driven equipment.

(五) “Road traffic accidents” refer to accidents caused by vehicles on roads due to fault, negligence or contingency, which cause injuries or property losses.

Article 120 For motor vehicles belonged to the Chinese People’s Liberation Army and the Chinese People’s Armed Police, competent departments of the Chinese People’s Liberation Army and the Chinese People’s Armed Police shall be responsible for conducting inspections on their owned motor vehicles and motor vehicle plates and permits, and evaluating the performance of their motor vehicle drivers.

Article 121 For tractors driven on roads, competent departments of agriculture (agricultural machinery) shall exercise the administrative functions of traffic administrative departments of public security organ provided in Article 8, 9, 13, 19 and 23 of this Law.

Competent departments of agriculture (agricultural machinery) shall abide by related provisions f this Law when exercising the prescribed functions, and shall be subject to supervisions of traffic administrative departments of public security organ. If there is any violation against the rovisions, legal responsibilities shall be investigated in accordance with related provisions of this law.

The motor vehicles plates and permits issued by competent departments of agriculture (agricultural machinery) before this Law goes into force shall continue to be valid after this Law goes into effect.

Article 122 The State shall practice unified traffic management over the foreign motor vehicles entering into Chinese territory.

Article 123 The standing committees of people’s congress at the levels of province, autonomous region and municipality may formulate detailed standards for implementation of fines within the range of fines set forth in this Law in light of the local actual conditions.

Article 124 This law shall come into effect as of May 1, 2004.