

J. Y. Interpretation No.284 (September 13, 1991) *

ISSUE: Is the provision of the Act Governing the Punishment for Violation of Road Traffic Regulations, prescribing to the effect that license of a car driver who flees from the scene after causing an accident resulting in death or injury will be revoked, unconstitutional?

RELEVANT LAWS:

Article 23 of the Constitution (憲法第二十三條) ; Article 62, Paragraph 2, of the Act Governing the Punishment for Violation of Road Traffic Regulations (道路交通管理處罰條例第六十二條第二項) .

KEYWORDS:

automobile accident (道路交通事故) , immediate assistance (及時救護) , mitigate damages (防止損害範圍之擴大) , hit and run (肇事逃逸) , the liability of the accident (肇事責任) , revoke the driver's license (吊銷駕駛執照) .**

HOLDING: Article 62, Paragraph 2, of the Act Governing the Punishment for Violation of Road Traffic Regulations provides that if an automobile driver causes an automobile accident re-

解釋文：道路交通管理處罰條例第六十二條第二項規定：「汽車駕駛人如肇事致人受傷或死亡，應即採取救護或其他必要措施，並向警察機關報告，不得逃逸，違者吊銷其駕駛執

* Translated by Li-Chih Lin, Esq., J.D.

** Contents within frame, not part of the original text, are added for reference purpose only.

sulting in injury or death, the automobile driver shall offer immediate assistance or other necessary measures to the victims and shall notify the police about the accident. In addition, the driver's license of a hit-and-run automobile driver will be revoked. The purpose of the above-stated regulations is to improve traffic safety, protect the rights and interests of the people and to maintain the social order. The duties and sanctions imposed upon the automobile driver under Article 62, Paragraph 2, of the Act Governing the Punishment for Violation of Road Traffic Regulations are permissible under Article 23 of the Constitution and are consistent with the legislative intent of the Constitution.

REASONING: After the occurrence of an automobile accident resulting in injury or death, the person who causes the accident shall offer immediate assistance or other necessary measures to the victims to mitigate damages. It is necessary to impose strict sanctions on the automobile driver who hits and runs because if the automobile driver who causes

照。」旨在增進行車安全，保護他人權益，以維持社會秩序，為憲法第二十三條之所許，與憲法尚無牴觸。

解釋理由書：道路交通事故發生後，有受傷或死亡之情形者，應即時救護或採必要之措施，以防損害範圍之擴大。如駕駛人於肇事後，隨即駕車逃離現場，不僅使肇事責任認定困難，更可能使受傷之人喪失生命，自有從嚴處理之必要。道路交通管理處罰條例第六十二條第二項規定：「汽車駕駛人如肇事致人受傷或死亡，應即採取救護或其

the accident flees from the scene of the accident, it will be difficult to determine the liability of the accident and the opportunity to save lives may be lost. Article 62, Paragraph 2, of the Act Governing the Punishment for Violation of Road Traffic Regulations provides that if an automobile driver causes an automobile accident resulting in injury or death, the automobile driver shall offer immediate assistance or other necessary measures to the victims and shall notify the police about the accident. In addition, the driver's license of a hit-and-run automobile driver will be revoked. The purpose of the above-stated regulations is to improve traffic safety, protect the rights and interests of the people and to maintain the social order. The duties and sanctions imposed upon the automobile driver under Article 62, Paragraph 2, of the Act Governing the Punishment for Violation of Road Traffic Regulations are permissible under Article 23 of the Constitution and are consistent with the legislative intent of the Constitution. However, if an automobile driver leaves the scene of an accident without realizing that an accident has occurred,

他必要措施，並向警察機關報告，不得逃逸，違者吊銷其駕駛執照。」旨在增進行車安全，保護他人權益，以維持社會秩序，為憲法第二十三條之所許，與憲法尚無牴觸。至汽車駕駛人於交通事故發生時，是否因不知其已肇事而離開現場，乃個別案件之事實認定及法律適用問題，不在本案解釋範圍，併予指明。

234 J. Y. Interpretation No.284

his/her liability shall be determined based on the established facts and other applicable laws. Such situation falls outside the scope of this interpretation and thus shall be clarified accordingly.