

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

Decree-Law No. 6/2003
Of 3 April

THE HIGHWAY CODE

Prevention of road accident casualties is one of the priorities of the Government of Timor-Leste in the field of road safety. To accomplish this priority, the Government intends to increase road safety by ensuring the integrity of people and goods travelling on East Timorese roads.

Thus, under the terms of section 116 (d) of the Constitution, the Government enacts the following that shall have the force of law:

TITLE I

General provisions

CHAPTER I

General principles

Section 1

Legal definitions

For the purposes of the provisions of the present Code and supplementary legislation, the following terms shall have the meaning as attributed to them in this section:

- (a) Public road: means a road open to public traffic;
- (b) Road equivalent to a public road means a private road open to public traffic;
- (c) Motorway means a public road designed for fast traffic, with a physical separation between lanes, with no level crossings or access to marginal property, with restricted accesses and signalised as such;
- (d) Road reserved for vehicles and motorcycles means a public road that is regulated by rules disciplining traffic in a motorway and signalised as such;
- (e) Path: public road especially designed for local traffic in rural areas;
- (f) Roadway: A portion of a public road especially designed for the circulation of vehicles;
- (g) Centre line of the road means a longitudinal line, materialised or not, that

divides a roadway into two parts, with each one being allotted to traffic flowing in one direction;

h) Traffic lane means a longitudinal area of the roadway designed for the circulation of a single line of vehicles;

i) Reversible lane means a traffic lane alternately open, through signalisation, to traffic in one direction or the other;

j) Fast lane means a traffic lane resulting from the enlargement of the roadway and designed to allow vehicles entering a public road to gain the convenient speed in order that they can join the traffic flow;

l) Slow lane means a traffic lane resulting from the enlargement of the roadway and designed to allow vehicles leaving a public road to slow down upon getting out of the traffic flow;

m) Road edge means the surface of a public road not especially designed for the circulation of vehicles and situated on one or both sides of a roadway;

n) Pavement means the surface of a public road, in most cases a raised surface, especially designed for the circulation of pedestrians and situated on one or both sides of a roadway;

o) Traffic corridor means a traffic lane reserved for vehicles of a certain category or used for certain transport services;

p) Special track means a public road or traffic lane especially designed, in conformity with signalisation, for the circulation of pedestrians, of animals or of a certain category of vehicles;

q) Intersection means an intersection area between public roads at the same level;

r) Junction means an area of convergence or bifurcation of public roads;

s) Roundabout means a square formed by an intersection or junction where traffic flows in a rotary direction and signalised as such;

t) Parking lot means a place exclusively designed for the parking of vehicles;

u) Build-up area means an area with buildings and whose limits are signalised with the conventional signs;

v) Parking area means a place built or signalised on a public road, especially designed for the parking of vehicles;

x) Traffic island means a restricted area of the public road, closed to the

circulation of vehicles and delimited by a kerb or appropriate marking, designed to direct the traffic.

Section 2 Scope

1 – The provisions of the present Code are applicable to traffic on public roads owned by either the State or a local government.

2 – The provisions of the present legal instrument are also applicable to private roads, when open to public traffic, in all that is not specifically regulated by an agreement entered into with the owners thereof.

Section 3 Freedom of traffic

1 – On the roads referred to in the preceding section circulation is free, with the restrictions contained herein.

2 – People must refrain from acts that prevent or disrupt traffic or undermine the safety or comfort of road users.

3 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 3 to US\$ 15.

4 – A person who commits acts with the intent of preventing or disrupting the circulation of vehicles shall be punished with a fine of US\$ 30 to US\$ 150, where a more severe penalty is not applicable by virtue of another legal provision.

Section 4 Orders from authorities

1 – A road user must comply with lawful orders from the authorities with power to regulate and monitor traffic, or from their agents, provided the latter are duly identified as such.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 9 to US\$ 45, where a more severe penalty is not applicable by virtue of another legal provision.

Section 5 Signalisation

1 – At places that can pose danger to traffic or where this must be subject to special restrictions and also when it is necessary to give useful indications, the relevant traffic signs must be used.

2 – Potential obstacles must be signalled by the person who causes them, in a well visible fashion and at a distance that will allow other road users to take the required precautions to avoid accidents.

3 – Notice boards, placards, advertisements, posters, brilliant displays, inscriptions or any other means of publicity that may be confused with traffic signs or impair their visibility or recognition or visibility at curves, intersections or junctions, or that may also disturb a driver's attention, thus undermining safe driving, shall not be placed along public roads or in the vicinity thereof.

4 – A driver who fails to comply with the provision of subsection 5.2 shall be punished with a fine of US\$ 9 to US\$ 45.

5 – A driver who fails to comply with the provision of subsection 5.3 shall be punished with a fine of US\$ 30 to 150, and the competent entity may also order the removal of such means of publicity.

Section 6 Signs

1 – Traffic signs shall be established by directive where, in conformity with applicable international conventions, the shapes, colours, lettering, symbols and sizes, as well as the meaning and the placement systems thereof, are specified.

2 – Lettering on traffic signs shall be written in Tetun, except as provided for in international conventions.

Section 7 Hierarchy between prescriptions

1 – Prescriptions resulting from signs shall prevail over general traffic rules.

2 – The hierarchy between prescriptions resulting from signs is as follows:

1st Prescriptions resulting from temporary signs that alter the normal regime of use of a road;

2nd Prescriptions resulting from traffic light signals;

3rd Prescriptions resulting from vertical signs;

4th Prescriptions resulting from road markings.

3 – Orders from a traffic police officer shall prevail over prescriptions resulting from signs or markings and over traffic rules.

CHAPTER II

Traffic restrictions

Section 8

Works and the use of public roads for special purposes

1 – Works on public roads and the use thereof for carrying out activities of a sporting, festive or other nature that might affect normal traffic shall only be permitted if authorised by the competent entities.

2 – A driver who fails to comply with the conditions mentioned in an authorisation granted under the terms of the preceding subsection shall be equated with lack of authorisation.

3 – A driver who fails to comply with the provision of subsection 8.1 shall be punished with a fine of US\$ 30 to US\$ 150.

4 – The organisers of a sporting event involving motor vehicles or motorcycles in contravention of the provision of subsection 8.1 shall be punished with a fine of US\$ 90 to US\$ 450, accrued of US\$ 15 for each driver participating or competing in such event, up to a limit of US\$ 150.

5 – The organisers of a sporting event involving vehicles of a nature different from the one referred to in the preceding subsection in contravention of the provision of subsection 8.1 shall be punished with a fine of US\$ 45 to US\$ 225, accrued of US\$ 45 for each driver participating or competing in such event, up to a limit of US\$ 45.

6 – The organisers of a sporting event involving pedestrians or animals in contravention of the provision of subsection 8.1 shall be punished with a fine of US\$ 30 to US\$ 150, accrued of US\$ 3 for each participant or competitor, up to a limit of US\$ 30.

Section 9

Traffic suspension or restriction

1 – Traffic suspension or restriction shall only be ordered on grounds of safety, serious emergency or works or for the purpose of keeping the pavement, premises or artworks in good condition, and may cover only a portion of the road or vehicles of a certain category, weight or size.

2 – Traffic suspension or restriction may also be ordered whenever there is a good reason to do so, provided that communications between the places served by the same road are duly ensured.

3 – Except in cases of serious emergency or urgent works, traffic restriction or suspension shall be publicised not less than 24 hours prior to such suspension or

restriction.

Section 10
Temporary or permanent prohibition of circulation of certain vehicles

1 – Whenever abnormal traffic circumstances occur, the circulation of certain categories of vehicles or of vehicles carrying certain types of goods may be prohibited by administrative act, on a temporary basis.

2 – The circulation of certain categories of vehicles or of those used for carrying certain goods may also be restricted by administrative act, on temporary or permanent basis, on all or just some specific public roads.

3 – The prohibition and restriction referred to in the preceding subsections of this section shall be preceded by a notice publicised on the media or through fliers distributed in the affected areas, the posting of a notice on billboards or by any other appropriate means.

4 – A driver who fails to comply with the prohibition provided for in subsection 8.1 or the restriction provided for in subsection 8.2 shall be punished with a fine of US\$ 15 to US\$ 75, and vehicles shall be prevented from proceeding on their journey until the prohibition period lapses.

TITLE II
Circulation of vehicles and animals

CHAPTER I
Common provisions

PART I
General rules

Section 11
Driving vehicles and animals

1 – Every vehicle or animal travelling on a public road must have a driver, save the exceptions provided for in this Code.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 3 to US\$ 15.

Section 12
Starting off

1 – A driver must not start or restart off without signalling well in advance his or her intention to do so and without taking the required precautions to avoid any accident.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 6 to US\$ 30.

Section 13

Left-side driving

1 – Vehicles must proceed on the left side of the roadway and as near as practicable to the road edges or pavements, keeping a distance from the latter so as to avoid accidents.

2 – When necessary, the right side of the road may be used for overtaking or changing direction.

3 – A driver who fails to comply with the provision of subsection 13.1 shall be punished with a fine of US\$ 6 to US\$ 30.

4 – A driver travelling in a direction contrary to what is provided for herein shall be punished with a fine of US\$ 12 to US\$ 60.

Section 14

Plurality of traffic lanes

1 – Whenever two or more lines of traffic are allowed in the same direction, traffic shall proceed on the far left-hand lane, but another lane may be used in the absence of space in the former and, likewise, for overtaking and changing direction.

2 – When driving in built-up areas, drivers must use the most convenient lane depending on their destination, and they may only pull over into another lane once the required precautions about changing direction, overtaking, stopping or parking have been taken.

3 – A driver who fails to comply with the provisions of preceding subsections of this section shall be punished with a fine of US\$ 6 to US\$ 30.

Section 15

Traffic in parallel lines

1 – Whenever, on a road with more than one lane in the same direction, vehicles occupy the whole breadth of the roadway allotted for that direction, due to traffic intensity, and the speed of each of these vehicles is dependent on the pace of those in front of them, drivers must not pull over from the line they are in into a farther left-side one, except for changing direction, stopping or parking.

2 – A driver who fails to comply with the provision of subsection 15.1 shall be punished with a fine of US\$ 12 to US\$ 60.

Section 16

Intersections, junctions and roundabouts

1 – At intersections, junctions and roundabouts, traffic shall proceed in such a way as to keep to the right-hand side of the central part of the former or the signs, poles or similar devices thereon, provided these are on the centre line of the road from where vehicles proceed.

2 – Exceptions to the preceding subsection are as follows:

(a) Where otherwise signalised;

(b) Where the signposts located on the centre line of the road have a triangular shape.

3 – A driver who fails to comply with the provision of the subsection 16.1 and paragraph (b) of subsection 16.2 shall be punished with a fine of US\$ 6 to US\$ 30.

Section 17

Road edges and pavements

1 - Vehicles may move across road edges and pavements where their access to buildings so requires.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 3 to US\$ 15.

Section 18

Distance between vehicles

1 - The driver or rider of a moving vehicle must keep between his or her vehicle and the vehicle in front of it sufficient distance to avoid accidents in case of a sudden stop or slowdown of the latter.

2 – The driver or rider of a moving vehicle must keep sufficient lateral distance to avoid accidents between his or her vehicle and other vehicles travelling on the same roadway, in the same direction or in the opposite direction.

3 – A driver who fails to comply with the provisions of the subsections 18.1 and 18.2 shall be punished with a fine of US\$ 6 to US\$ 30.

Section 19

Collective transport passenger vehicles

1 – While in built-up areas, drivers must reduce the speed of their vehicles and, if need be, stop, whenever a collective transport passenger vehicle pulls off a stop point.

2 – Drivers of collective transport passenger vehicles must not, however, pull off without signalling their intention to do so right before they pull off and without taking the required precautions to avoid any accident.

3 – A driver who fails to comply with the provisions of subsection 19.1 and 19.2 shall be punished with a fine of US\$ 6 to US\$ 30.

PART II

Signals by drivers or riders

Section 20

Signalling a manoeuvre

1 – Where a driver wishes to reduce speed, stop, park, change direction or lane, overtake or make a u-turn, he or she must signal his or her intention to do so well in advance.

2 – A driver must keep signalling as he or she makes the manoeuvre and stop signalling when the manoeuvre has been completed.

3 – A driver who fails to comply with the provisions of the preceding subsections of this section shall be punished with a fine of US\$ 6 to US\$ 30.

Section 21

Sound signals

1 – Sound signals shall be short.

2 – The use of sound signals shall only be permitted:

a) In case of imminent danger;

b) Outside of built-up areas, to warn another driver of one's intention to overtake him or her and also at curves, intersections, junctions and bumps with reduced visibility.

3 – Excepted from the provisions of subsections 21.1 and 21.2 are signals by police vehicles or by those travelling with the aim of carrying out a rescue operation or urgent service.

4 – A driver who fails to comply with the provisions of subsections 21.1 and 21.2 shall be punished with a fine of US\$ 6 to US\$ 30.

Section 22 Light signals

1 – When travelling outside of built-up areas with their headlights on due to insufficient visibility, sound signals may be replaced by light signals, under the following circumstances:

- a) in well-lit places, by the intermittent use of the headlights;
- b) in any other cases, by switching the headlights between full beam and dipped beam, but never dazzling other drivers.

2 – Within built-up areas, at night, the use of light signals instead of sound signals is compulsory.

3 – Police vehicles, vehicles involved in rescue operations or urgent service that must proceed slowly because of the service they intended to provide may use special devices.

4 – The use of the devices referred to in the preceding subsection shall not be allowed on any other vehicles.

5 – A driver who fails to comply with the provision of subsection 22.2 shall be punished with a fine of US\$ 6 to US\$ 30.

6 – A driver who fails to comply with the provision of subsection 22.4 shall be punished with a fine of US\$ 24 to US\$ 120, including the confiscation of the items involved in the offence, and the monitoring officer shall remove or seize them forthwith; where this is not feasible, the monitoring officer shall seize the vehicle identification card until the actual removal or seizure of those items has occurred, and, in this case, subsection 168. 4 shall apply.

Section 23 Reduced or insufficient visibility

For the purposes of this Code, visibility is said to be reduced or insufficient where a driver cannot see the roadway in all its breadth within a distance of at least 50 m.

PART III Speed

Section 24 General principles

1 – A driver must adjust the speed in such a way that, taking into account the features and the condition of the road and the vehicle, the load being carried, weather or environmental conditions, traffic intensity or any other relevant circumstances, he or she may safely make manoeuvres the need of which can be anticipated and, especially, bring his or her vehicle to a standstill within the free and visible space ahead of him or her.

2 – Except in case of imminent danger, a driver shall not slow down his or her vehicle abruptly without first making sure this will not pose danger to other road users, namely those drivers following him or her.

3 – A driver who fails to comply with the provisions of subsections 24.1 and 24.2 shall be punished with a fine of US\$ 6 to US\$ 30.

Section 25 Moderate speed

1 – Speed must be especially moderate:

- a) When approaching passages marked on the roadway as pedestrian crossings;
- b) When approaching schools, hospitals, kindergartens or similar establishments, if duly signalised;
- c) In built-up areas or roads bordered by buildings;
- d) When approaching population clusters or animal herds or flocks;
- e) In steep downward slopes;
- f) At curves, intersections, junctions, roundabouts, bumps and other places with reduced visibility;
- g) At bridges, tunnels and level crossings;
- h) At road stretches in bad condition, wet, muddy or offering poor adherence conditions;
- i) At places signalised with danger signals.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 6 to US\$ 30.

Section 26

Slow-moving vehicles

1 – Drivers shall not drive their vehicles so slowly to the point of causing unjustified impediment to other road users.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 3 to US\$ 15.

Section 27 General speed limits

1 – Without prejudice to the provisions of sections 24 and 25 and lower speed limits as may be imposed on them, drivers shall not exceed the following instant speeds (in kilometres per hour):

	Within built-up areas	Motorways	Roads allotted to vehicles and motorcycles	All other public roads
Mopeds.....	40	–	–	45
Motorcycles:				
- engine size exceeding 50 cubic cm and without a decar	50	120	100	90
- with a sidecar or with an engine size bigger than 50 cubic cm, with three wheels or with a trailer...	50	100	80	70
- engine size smaller than 50 cubic cm.....	40	–	–	60
Mixed and light passenger vehicles:				
- without a trailer.....	50	120	100	90
- with a trailer	50	100	80	70
Light goods vehicles:				
- without a trailer.....	50	110	90	80
- with a trailer.....	50	90	80	70
Heavy passenger vehicles:				
- without a trailer.....	50	100	90	80
- with a trailer.....	50	90	90	70
Heavy goods vehicles:				
- without a trailer or with a semi-trailer.....	50	90	80	80
- with a trailer	40	80	70	70
Agricultural and forest tractors, tractor vehicles and industrial machines:				
Agricultural machines and motor cultivators:	20	–	–	20

2 – A driver who exceeds maximum speed limits shall be punished:

a) When driving a motorcycle or light vehicle, with the following fines:
1- From US\$ 6 to US\$ 30, if overspeeding is up to 30 km/h;
2- From US\$ 12 to US\$ 60, if overspeeding is beyond 30 km/h up to 60 km/h;
3- From US\$ 24 to US\$ 120, if overspeeding is beyond 60 km/h;

b) When driving a heavy vehicle, agricultural vehicle, industrial machine or moped, with the following fines:

1- From US\$ 6 to US\$ 30, if overspeeding is up to 20 km/h;
2- From US\$ 12 to US\$ 60, if overspeeding is beyond 20 km/h up to 40 km/h;
3- From US\$ 24 to US\$ 120, if overspeeding is beyond 40 km/h.
3 – The provision of the preceding subsection shall also be applicable to drivers exceeding the maximum speed limits as imposed on them.

4 – For the purposes of the preceding subsections of this section, a driver covering a certain distance at an average speed inconsistent with the observance of those limits shall also be considered as having violated the maximum limits of instant speed, and the offence shall be deemed as having been committed where the monitored itinerary has ended.

5 – Without prejudice to section 26, drivers shall not move at an instant speed lower than 40 km/h on motorways.

6 – A driver unjustifiably driving at a speed below the limit as prescribed in the preceding subsection shall be punished with a fine of US\$ 6 to US\$ 30.

Section 28

Special speed limits

1 – Whenever traffic intensity or the characteristics of a road render it advisable, the following limits applying to certain roads, stretches or portions may be established:

a) Minimum instant speed limits;

b) Maximum instant speed limits below or above those established in subsection 27.1 above.

2 – The limits set forth in the preceding subsection shall be signalled or, if temporary and the signalisation thereof is not feasible, publicised through the media, billboards or any other appropriate means.

3 – The circulation of motor vehicles on a public road may be restricted by the incorporation of speed-limiting devices, under the terms as established by regulation.

4 – To infringements of the maximum limits established under this section shall apply subsection 27.2.

5 – A driver who fails to comply with the minimum instant speed limits established

under the terms of this section shall be punished with a fine of US\$ 3 to US\$ 15.

PART IV
Giving way

SUBPART I
General principle

Section 29
General principle

1 – Where a driver is required to give way, he or she shall reduce speed and stop, if necessary, or, in case of passing of vehicles, reverse, so as to give way to another vehicle, without causing the latter to change either its speed or direction.

2 – A driver with the right of way must take the precautions required for traffic safety.

3 – A driver who fails to comply with the provisions of the preceding subsections of this section shall be punished with a fine of US\$ 12 to US\$ 60.

SUBPART II
Intersections, junctions and roundabouts

Section 30
General rule

1 – At an intersection or junction a driver must give way to vehicles proceeding from the left-side hand.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 12 to US\$ 60.

Section 31
Giving way to vehicles proceeding on certain roads or road stretches

1 – A driver must always give way where he or she:

- a) is getting out of a parking lot, fuel filling area or any building or private path;
- b) is entering a motorway or a road reserved for motor vehicles and motorcycles through a slip road, provided the motorway or road is duly signalised;
- c) is entering a roundabout.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 12 to US\$ 60, except as provided for in

paragraph (b) of subsection 31.1, in which case the fine shall be US\$ 24 to US\$ 120.

Section 32

Giving way to certain vehicles

1 - Without prejudice to the provision of subsection 31.1, a driver must give way to;

a) Military or militarised convoys;

b) Vehicles, duly identified, carrying national or foreign personalities, and the escorts thereof;

2 – The convoys and vehicles referred to in subsection 32.1 shall take the required precautions so as not to disrupt the traffic and to avoid accidents.

3 – A person riding a bicycle or driving an animal-drawn vehicle or cattle must give way to motor vehicles, except where the latter are getting out of any of the places referred to in paragraph (a) of subsection 31.1.

4 – A driver who fails to comply with the provisions of the preceding subsections of this section shall be punished with a fine of US\$ 12 to US\$ 60.

SUBPART III

Passing of vehicles

Section 33

Impossibility of passing

1 – Where it is not possible for two vehicles proceeding in opposite directions to pass each other, the following must be observed:

a) Where a roadway is partially obstructed, the driver that has to use the right-hand side of the roadway to get around the obstacle is the one who must give way;

b) Where a roadway is either too narrow or obstructed on both sides, the driver of the last vehicle to get to such road stretch must give way or, in case of a road with a steep slope, the driver of the descending vehicle.

2 – In case a reverse manoeuvre is required, the driver of the vehicle that is closer to the place where the two vehicles can pass each other must give way or, if the two vehicles are at the same distance, the driver:

a) Of a light vehicle, vis-à-vis a heavy vehicle;

b) Of a heavy goods vehicle, vis-à-vis a heavy passenger vehicle;

- c) Of any vehicle, vis-à-vis a set of vehicles;
- d) Vis-à-vis vehicles of the same category, the climbing vehicle, except where it is clearly easier for the descending vehicle to manoeuvre.

3 – A driver who fails to comply with the provisions of the preceding subsections of this section shall be punished with a fine of US\$ 6 to US\$ 30.

Section 34 **Large-sized vehicles**

1 – Whenever the free breadth of the roadway, the cross-section profile or the state of the road does not allow vehicles to pass each other with the required safety, the drivers of vehicles or of a set of vehicles with a breadth exceeding 2 m or the length of which, including the load thereon, exceeds 8 m must reduce speed and stop, if need be, in order to allow other vehicles to pass.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 3 to US\$ 15.

PART V **Some specific manoeuvres**

SUBPART I **General principle**

Section 35 **General principle**

1 – A driver may only make manoeuvres intended to overtake, change direction, make a u-turn or reverse where and in a manner in which such manoeuvring will not result in danger to or disruption of traffic.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 12 to US\$ 60.

SUBPART II **Overtaking**

Section 36 **General rule**

1 – Overtaking shall be made on the right-hand side.

2 – A driver who fails to comply with the provision of the preceding subsection

shall be punished with a fine of US\$ 12 to US\$ 60.

Section 37 Exceptions

1 – A vehicle or animal whose driver or rider, properly signalling his or her intention, wishes to change direction to the right or, in a one-way road, stop or park on the right-hand side shall be overtaken on the left-hand side, provided that, in either case, the driver or rider has left the far left-hand side of the roadway free.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 12 to US\$ 60.

Section 38 Manoeuvring

1 – The driver of a vehicle must not begin an overtaking move without making sure it can be done without the danger of colliding with another vehicle proceeding in the same or opposite direction.

2 – A driver must, especially, make sure:

- a) The roadway is free in the length and breadth required for manoeuvring safely;
- b) He or she may pull over back to the left without posing a danger to those drivers proceeding therein;
- c) No driver proceeding in the same lane or the next one on the right has begun a move to overtake him or her;
- d) A driver proceeding in front of him or her in the same lane has not signalled his or her intention of overtaking a third vehicle or getting around an obstacle.

3 – A driver must pull over back to the left as soon as the manoeuvre is completed and his or her pulling over back to the left can be done without posing any danger.

4 – A driver who fails to comply with the provisions of the preceding subsections of this section shall be punished with a fine of US\$ 12 to US\$ 60.

Section 39 Obligation to allow overtaking

1 – Every driver must, where there is no obstacle preventing him or her from doing so, pull over as much as practicable to the left or, in the cases provided for in subsection 37.1, to the right, and must not speed up as long as he or she is not overtaken.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 6 to US\$ 30.

Section 40 **Slow-moving vehicles**

1 – Outside of built-up areas, along roads with only one lane in each direction, drivers of heavy vehicles, agricultural vehicles, industrial machines, animal-drawn vehicles and other slow-moving vehicles must keep a distance of at least 50 m to allow being overtaken safely.

2 – The preceding subsection shall not apply where drivers of the vehicles referred to therein are preparing to do an overtaking move and have properly signalled their intention to do so.

3 – Whenever the free breadth of the roadway, the profile or the state of the road does not allow that an overtaking move be carried out safely under the normal terms, drivers of the vehicles referred to in subsection 40.1 must reduce speed and stop, if necessary, so as to facilitate being overtaken.

4 – A driver who fails to comply with the provisions of subsections 40.1 and 40.3 shall be punished with a fine of US\$ 6 to US\$ 30.

Section 41 **Prohibited overtaking**

1 – Overtaking is prohibited:

- a) At bumps;
- b) Right before and at an intersection or junction;
- c) Right before and at a signalised pedestrian crossing;
- d) At curves with reduced visibility;
- e) At all places with insufficient visibility.

2 – Overtaking of a vehicle that is overtaking a third vehicle is prohibited.

3 – The provisions of paragraphs (a) (b) and (d) of subsection 41.1 and of subsection 41.2 shall not apply where two or more lines of traffic in the same direction are possible in a roadway, provided that overtaking is not done on the side of the roadway allotted for traffic proceeding in the opposite direction.

4 – Likewise, the provision of paragraph (b) of subsection 41.1 shall not apply where:

- a) A driver proceeding in a road that concedes him or her the right of way at intersections and junctions and such right of way is properly signalised;
- b) Overtaking is done to the left under the terms of subsection 37.1.

5 – A driver who fails to comply with the provisions of subsections 41.1 and 41.2 shall be punished with a fine of US\$ 12 to US\$ 60.

Section 42
Plurality of lanes and traffic in parallel lines

In the cases provided for in subsection 14.2 and section 15, the fact that vehicles in one line may be travelling faster than the ones in another line shall not be deemed overtaking, for the purposes provided for in the present Code.

SUBPART III
Change of direction

Section 43
Change of direction to the left

1 - A driver wishing to change direction to the left must approach the left-hand edge of the roadway as soon as possible and as much as practicable, and make the manoeuvre within the shortest span of space.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 6 to US\$ 30.

Section 44
Change of direction to the right

1 – A driver wishing to change direction to the right must approach the right-hand edge of the roadway or the centre line thereof as soon as possible and as much as practicable, depending on whether such roadway is allotted for traffic proceeding in one or both directions, and do the manoeuvre to enter the road he or she wishes to take on the side assigned to traffic in the direction in which he or she is proceeding.

2 – If traffic proceeds in the two directions both in the road a driver is leaving and in that he or she is entering, the driver must do the manoeuvre in such a way as to keep to the right-hand side of the point of intersection of both roads.

3 – A driver who fails to comply with the provisions of the preceding subsections of this section shall be punished with a fine of US\$ 6 to US\$ 30.

SUBPART IV
Making U-turns

Section 45
Places where U-turn is prohibited

1 – A U-turn is prohibited:

- a) At bumps;
- b) At bumps, intersections and junctions with reduced visibility;
- c) At bridges and tunnels;
- d) Wherever visibility is insufficient or the road, given its breadth or other characteristics, is inappropriate for doing such a manoeuvre;
- e) Whenever there is great traffic intensity.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 12 to US\$ 60.

SUBPART V
Reversing

Section 46

Making a reversing manoeuvre

1 – Reversing shall only be permitted as an auxiliary or last-resort manoeuvre and must be done slowly and within the shortest span of space possible.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 3 to US\$ 15.

Section 47
Places where reversing is prohibited

1 - Without prejudice to the provision of subsection 33.2 relating to the passing of vehicles, reversing is prohibited:

- a) At bumps;
- b) At curves, roundabouts, intersections or junctions with reduced visibility;
- c) At bridges and tunnels;
- d) Wherever visibility is insufficient or the road, given its breadth or other characteristics, is inappropriate for doing such a manoeuvre;
- e) Whenever there is great traffic intensity.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 12 to US\$ 60.

SUBPART VI

Stopping and parking

Section 48

How to stop or park a vehicle

1 – Stopping means immobilising a vehicle for the time strictly required for taking or dropping off passengers or for brief loading or off-loading operations, provided the driver is ready to restart off and do so whenever his or her vehicle is preventing other vehicles from passing.

2 – Parking means immobilising a vehicle rather than stopping because of traffic-related circumstances.

3 – Outside of built-up areas, stopping and parking must be done outside of the roadway or, where such is not feasible, as near as practicable to the respective left edge, alongside it and in the same traffic direction.

4 – Inside of built-up areas, stopping and parking must be done at places especially allotted for that purpose and in the signalised fashion or on the roadway, as near as practicable to the respective left edge, alongside it and in the same traffic direction.

5 – In parking a vehicle, the driver must leave intervals indispensable to the exit of other vehicles, the occupation of vacant spaces and the easy access to buildings, as well as take the indispensable precautions in order to prevent the vehicle from moving off.

6 – A driver who fails to comply with the provisions of subsections 48.3 through 48.5 shall be punished with a fine of US\$ 3 to US\$ 15.

Section 49

Prohibited stopping and parking

1 – Stopping or parking is prohibited:

- a) At bridges, tunnels, underpasses or overpasses and at all places with insufficient visibility;
- b) Within less than 5 m on either side of an intersection or junction, without prejudice to the provision of paragraph (a) of subsection 49.2;
- c) Within less than 3 m or 15 m on either side of stop signs for collective transport passenger vehicles, depending on whether or not these move on railroad tracks;
- d) Within less than 5 m before and at signalised pedestrian or bicycle crossings;
- e) Within less than 20 m before light signs placed at the entry of an intersection or junction;
- f) Within less than 20 m before vertical or light signs, where the height of a vehicle, including the load thereon, hide them;

- g) At traffic islands, at central poles of a roundabout, on pavements and other areas designed for the circulation of pedestrians;
- h) On the roadway whenever this is marked with a continued longitudinal line and the distance between the latter and the vehicle is less than 3 m.

2 – Outside of built-up areas, stopping or parking is also prohibited:

- a) In less than 50 m on either side of an intersection, junction, curve or bump with reduced visibility;
- b) On a roadway, when stopping or parking can be done outside it.

3 – A driver who fails to comply with the provision of the preceding subsections of this section shall be punished with a fine of US\$ 3 to US\$ 15.

Section 50 Prohibited parking

1 – Parking is prohibited:

- a) On a road impeding the formation of one or more line of traffics, depending on whether the traffic proceeds in just one or both directions;
- b) On a roadway, in a second line, and at all other places where the access to, and the exit from, properly parked vehicles or the occupation of vacant places would be obstructed;
- c) At places whereby people or vehicles have access to properties, parking lots or places;
- d) Within less than 5 m on either side of fuel stations;
- e) At places reserved, by way of signalisation, for the parking of certain vehicles;
- f) For agricultural vehicles, industrial machines, trailers and semi-trailers when these are not coupled to a tractor vehicle, except in parking lots especially designed for that purpose;
- g) In parking areas of limited duration when the regulation thereof is not complied with.

2 – Outside of built-up areas, parking is also prohibited:

- a) At night, on a roadway;
- b) On a roadway signalised with the «right of way» sign.

3 – A driver who fails to comply with the provisions of the preceding subsections of this section shall be punished with a fine of US\$ 3 to US\$ 15, except as provided in paragraphs (c) and (e) of subsection 50.1 and in paragraph (b) of subsection 50.2, in which cases the driver shall be punished with a fine of US\$ 6 to US\$ 30, or in paragraph (a) of subsection 50.2, in which case the fine shall be US\$ 24 to US\$ 120.

Section 51 Counting distances

The distances referred to in paragraph (b) of subsection 49.1 and paragraph (a) of subsection 49.2 shall be counted:

- a) From the beginning or end of a curve or bump;
- b) From the extension of the nearest edge of the transversal roadway, in all other cases.

Section 52

Stopping of collective transport passenger vehicles

- 1 – On roadways, the driver of a vehicle used in the collective transport of passengers may only stop to take or drop off passengers at places especially designed for that purpose.
- 2 – Where there is no place referred to in the preceding subsection, a collective transport vehicle must stop as near as practicable to the left edge of the roadway.
- 3 – A driver who fails to comply with the provisions of the preceding subsections of this section shall be punished with a fine of US\$ 12 to US\$ 60.

PART VI

Transport of people and goods

Section 53

General rules

- 1 – Entering or exiting a vehicle, loading or unloading it or opening one of its doors is prohibited, unless the vehicle has come to a complete stop.
- 2 – People must be picked up or dropped off and loading or offloading operations conducted as quickly as possible, unless the vehicle is properly parked and people do not exit the vehicle onto the roadway and always in such a way as not to cause danger or impediment to other road users.
- 3 – A driver who fails to comply with the provisions of the preceding subsections of this section shall be punished with a fine of US\$ 3 to US\$ 15.

Section 54

Transport of people

- 1 – People shall enter or exit a vehicle on the right or left side of the vehicle, depending on whether the vehicle is stationary or parked on the right or left side of the roadway.
- 2 – Excepted from this section are:
 - a) The entry or exit of the driver, where the steering wheel is located on the side opposite to that of stopping or parking;

b) The entry or exit of passengers occupying the front seat, where the steering wheel of the vehicle is located on the side of stopping or parking;

c) Cases specifically provided for in local regulations, in relation to collective passenger transport vehicles.

3 – Carrying a number of people in excess of the vehicle seating capacity or that may undermine their safety or a safe driving is prohibited.

4 - Carrying passengers outside their seats is also prohibited.

5 – A driver who fails to comply with the provisions of subsections 54.1, 54.3 and 54.4 shall be punished with a fine of US\$ 3 to US\$ 15.

Section 55 Transport of children

1 – Carrying children under the age of 12 in the front seat is prohibited, unless:

- a) the vehicle does not have a back seat;
- b) such transportation is carried out by using a child restraint device duly approved and adapted to the size and weight of the child.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US 3 to US\$ 15 for each passenger being carried improperly.

Section 56 Transport of loads

1 – Loading and offloading shall be done at the back of the vehicle or on the side of the edge of the roadway next to which the vehicle is stationary or parked.

2 - The circulation of vehicles or animals loaded in such a way that may cause danger or impediment to other road users or damage to pavements, premises, artworks or marginal buildings is prohibited.

3 – Load must be arranged in a manner that:

- a) the balance of a stationary or moving vehicle is properly secured;
- b) it may not fall off or sway in a manner that the carrying of such load becomes either dangerous or uncomfortable or causes litter to be thrown out onto on the public road;
- c) it does not impair the driver's visibility;
- d) it does not drag along the road surface;
- e) it does not exceed an animal's carrying capacity;
- f) it does not exceed the height of 4 m measured from the ground;
- g) In case of passenger transport vehicles or mixed use vehicles, it does not

overhang the involving contours of the vehicle, ensuring the correct identification of the signalisation and lighting devices and of the number plate;

h) In case of goods transport vehicles, it is contained in length and breadth within the limits of the vehicle body

i) In case of carrying bulk goods, it does not exceed the height as defined by the upper edge of the sidewalls or similar devices.

4 – Involving contours of a vehicle means the vertical planes that extend across the extreme points of such vehicle.

5 – A driver who fails to comply with the provisions of subsections 56.1 through 56.3 shall be punished with a fine of US\$ 24 to US\$ 120.

PART VII

Vehicle weight and size limits

Section 57

Prohibited circulation

1 – Vehicles with a gross weight or size in excess of the limits as established by directive shall not travel on public roads.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 600 to US\$ 3,000.

Section 58

Special authorisation

1 – Under special circumstances as established in the directive provided for in subsection 57.1, the competent authority may authorise the circulation of vehicles with a weight or size above the ones established by law or carrying indivisible items exceeding the limits of the vehicle body.

2 – An indivisible item means any item that cannot be split up without a loss of its economic value or function.

3 – The owner of a vehicle may be required to give a pledge or insurance for the purpose of ensuring the rendering of civil accountability for damage that can be imputed to him or her, as well as other necessary or convenient guarantees related to traffic security.

4 – A driver who fails to comply with the conditions set out in an authorisation granted under the terms of subsections 58.1, 58.2 and 58.4 shall be equated with a breach thereof.

5 – A driver who, upon monitoring, does not present the written authorisation

referred to in subsection 58.1 shall be punished with a fine of US\$ 60 to US\$ 300 if such written authorisation is produced within eight (8) days, or with a fine of US\$ 600 to US\$ 3,000 if he or she fails to do so or does not have the authorisation.

PART VIII Lighting

Section 59 General rules

1 – The use of light signalisation and lighting devices in a vehicle shall be compulsory when travelling from dusk to dawn and also, at daytime, at tunnels and whenever there exist weather or environmental conditions that cause visibility to become insufficient, notably in case of fog, intense rain, clouds of smoke or dust.

2 – The use of light signalisation and lighting devices shall also be compulsory, under the circumstances provided for in the preceding subsection, when a vehicle is stationary or parked, except:

- a) At places with lighting that allows the easy recognition of a vehicle at a distance of 100 m;
- b) Outside of the roadways;
- c) On roads located within built-up areas.

3 – In a vehicle travelling in a reversible lane, the use of light signalisation and lighting devices shall be compulsory under any circumstance.

4 – A driver who fails to comply with the provisions of subsections 59.1, 59.2 and 59.3 shall be punished with a fine of US\$ 12 to US\$ 60, where a more severe penalty is not applicable by virtue of a special provision.

Section 60 Sorts of lights

1 – A driver shall use the following sorts of lights:

- a) Road headlights (full beam), meant to illuminate the road ahead of the vehicle within a distance of at least 100 m;
- b) Passing headlights (dipped beam), meant to illuminate the road ahead of the vehicle within a distance of up to 30 m;
- c) Sidelights, meant to signal the presence and breadth of the vehicle, when seen from the front or back, with the front sidelights being referred to as «dim-dipped beam »;
- d) Indicator lights, meant to indicate to other road users the intention of changing direction;

- e) Hazard warning lights, meant to signal that a vehicle represents a special danger to other road users and these consist in the simultaneous functioning of all indicator lights;
- f) Brake lights, meant to indicate to other road users that the service brakes have been engaged;
- g) Reversing lights, meant to illuminate the road at the back of the vehicle and warn other road users that the vehicle is making or will be making a reversing manoeuvre;
- h) Number plate light, meant to illuminate the rear number plate;
- i) Fog lights, meant to cause a vehicle to be more visible in case of intense fog or under other conditions of seriously reduced visibility.

2 – A red light or reflective device directed toward the front of the vehicle or a white light or reflective device directed toward the back of the vehicle, except the reversing light and the number plate light, may be used under no circumstance.

4 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 6 to US\$ 30.

Section 61 Use of lights

1 – Whenever, under the terms of section 59, the use of light signalisation and lighting devices is compulsory, a driver shall use the following lights:

- a) Sidelights, while parked outside of build-up areas;
- b) Passing headlights, at places where public lighting allows the driver a visibility of at least 10 m, in passing other vehicles, people or animals, when the vehicle is travelling at a distance of less than 100 m from the one that is in front of it, while stopping or detaining the movement of the vehicle;
- c) Road headlights, in all other cases;
- d) Rear fog lights, whenever weather or environmental conditions so require, in vehicles that are required to be equipped with such lights.

2 – The use of fog lights is prohibited whenever weather or environmental conditions do not justify doing so.

3 - Without prejudice to the provision of subsection 61.1, drivers of vehicles used in the transport of hazardous goods shall travel with their passing headlights on.

4 – A driver who fails to comply with the provisions of subsections 61.1, 61.2 and 61.3 shall be punished with a fine of US\$ 12 to US\$ 60, except as otherwise provided in the subsection below.

5 – A driver travelling with his or her headlights on full beam while passing other vehicles, people or animals or when the vehicle is travelling at a distance of less than 100 m from the one in front of it or also while stopping or detaining the

movement of the vehicle shall be punished with a fine of US\$ 24 to US\$ 120.

Section 62 Breakdowns

1 – Where, under the terms of section 59, the use of light signalisation and lighting devices is compulsory, the driving of a vehicle with such devices out of service shall only be permitted when the vehicle has at least:

- a) Two dipped headlights, or the right-hand dipped headlight and the two dim-dipped headlights, the right-hand sidelight and one of the rear brake lights, where compulsory; or
- b) Hazard warning lights, in which case the vehicle may only travel for the time strictly required to get to a stopping or parking place.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 24 to US\$ 120.

Section 63

Hazard-warning lights

1 - Where a vehicle is travelling under the terms of paragraph (b) of subsection 62.1 or represents a special danger to other road users, the vehicle must use hazard-warning lights.

2 – A driver must also use the lights referred to in the preceding subsection in case of a sudden reduction in speed caused by an unexpected obstacle or by special weather or environmental conditions.

3 – A driver must also use the lights referred to in subsection 63.1, provided these are in working order:

- a) In case of forced stopping caused by an accident or breakdown, whenever the vehicle represents a danger to other road users;
- b) When a vehicle is being towed.

4 – In the cases provided for in the preceding subsection, sidelights must be used where the use of hazard-warning lights is not feasible.

5 – A driver who fails to comply with the provisions of subsections 63.2, 63.3 and 63.4 shall be punished with a fine of US\$ 12 to US\$ 60.

PART IX Circulation of emergency service or special transport vehicles

Section 64

Circulation of emergency service vehicles

1 - Drivers of vehicles travelling on an emergency rescue or police mission and adequately signalling their circulation may, where their mission so requires, fail to comply with traffic and rules and signs, but must adhere to orders given by traffic police officers.

2 – However, such drivers may not, under any circumstance, pose danger to other road users, and they must stop, namely:

- a) At a red traffic light signal, though they may proceed on without waiting the traffic light signal to change, once they have taken the required precautions;
- b) At the stop sign at an intersection or junction.

3 – The use of signs identifying the circulation of the vehicles referred to in subsection 64.1 is prohibited where such vehicles are not travelling on an emergency mission.

4 – A driver who fails to comply with the provisions of subsections 64.1, 64.2 and 64.3 shall be punished with a fine of US\$ 24 to US\$ 120.

Section 65

Giving way

1 - Without prejudice to the provisions of paragraph (b) of subsection 64.1 and subsection 31.2, any driver must give way to drivers of the vehicles referred to in section 64.

2 – Whenever the roads such vehicles are travelling on, leaving or entering are congested, the other drivers must pull over as much as practicable to the left and occupy the edge, if necessary.

3 – Excepted from the preceding subsection are:

- a) Public roads with traffic corridors;
- b) Motorways, in which case drivers must keep clear of the edge.

4 – A driver who fails to comply with the provisions of subsections 65.1 and 65.2 shall be punished with a fine of US\$ 6 to US\$ 30.

Section 66

Circulation of special transport vehicles

The circulation, stopping or parking of vehicles on public roads carrying loads may be restricted by conditions as established by the directive provided for in subsection 57.1, if the nature, size or other characteristics of such loads so

justify.

PART X
Traffic on certain roads or stretches

SUBPART I
Traffic at an intersection or junction

Section 67
Crossing

1 – A driver must not enter an intersection or junction, even though the right of way rules or traffic light signals allow him or her to do so, if, due to traffic intensity, he or she might be trapped therein, disrupting transversal traffic.

2 – A driver trapped at an intersection or junction where traffic is regulated by traffic light signals may leave it without waiting the traffic to be opened in the direction he or she is travelling, provided such driver does not disturb other road users.

3 – A driver who fails to comply with the provision of subsection 67.1 shall be punished with a fine of US\$ 3 to US\$ 15.

SUBPART II
Parking lots and areas

Section 68
General rules

1 – At places of a public road specifically designed for parking, when properly signalised, drivers may not travel on or cross over the demarcation lines existing thereon for purposes other than parking.

2 – Parking lots and areas may be allotted to vehicles of a certain category and be subject to a time-bound use, as well as liable to the payment of a fee.

3 – A driver who fails to comply with the provision of subsection 68.1 shall be punished with a fine of US\$ 3 to US\$ 15.

Section 69
Prohibited parking

1 – At parking lots and areas, the parking of the following vehicles is prohibited:
a) Vehicles used in the sale of any items or in publicity of any nature;

- b) Public transport vehicles, when unrented;
- c) Vehicles of a category other than one of those to which the parking lot or area has been exclusively allotted under the terms of subsection 68.2;
- d) Beyond the set time or without payment of the fee established under subsection 68.2.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 3 to US\$ 15.

SUBPART III

Reserved lanes, traffic corridors and special tracks

Section 70

Reserved lanes

1 – The lanes of a road may, through markings, be reserved for the circulation of vehicles of certain categories or vehicles designed for certain transport services, and the use thereof by drivers of any other vehicles shall be prohibited.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 12 to US\$ 60.

Section 71

Traffic corridors

1 – Traffic corridors designed for the circulation of vehicles of certain categories or vehicles used in certain transport services may be established on public roads, and the use thereof by drivers of any other vehicles shall be prohibited.

2 – The use of the traffic corridors referred to in the preceding subsection shall, however, be permitted to access garages, properties and parking places or, where markings so allow, to make a change of direction manoeuvre at the nearest intersection or junction.

3 – A driver who fails to comply with the provision of subsection 71.1 shall be punished with a fine of US\$ 12 to US\$ 60.

Section 72

Special tracks

1 – Where tracks specifically designed for animals or vehicles of certain categories are available, these animal or vehicles shall travel on such tracks.

2 – The use of the tracks referred to in the preceding subsection by other vehicles shall be prohibited, except when accessing a garage, property or parking place, or, where markings so allow, when making a change of direction manoeuvre at the nearest intersection or junction.

3 – On tracks allotted to bicycles, those with more than two wheels not in the same line or towing a trailer shall be prohibited from travelling thereon.

4 – Pedestrians may only use the tracks referred to in the preceding subsection where places specifically designed for them are not available.

5 – A driver who fails to comply with the provisions of subsections 72.1 through 72.3 shall be punished with a fine of US\$ 3 to US\$ 15.

6 – A driver who fails to comply with the provision of subsection 72.4 shall be punished with a fine of US\$ 1 to US\$ 3.

PART XI Pollution

Section 73 Soil and air pollution

1 - The circulation of motor vehicles producing abnormal emissions of fumes or gases or spilling oil or any other substances is prohibited.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 24 to US\$ 120.

Section 74 Sound pollution

1 – The driving of vehicles and loading and unloading operations shall be done in such a way as to avoid disturbing noises.

2 – The circulation of motor vehicles emitting noises higher than the socially tolerable ones is prohibited.

3 – When using radio or stereo sets installed in a vehicle, the volume thereof shall not exceed the socially tolerable sound limits.

4 – A driver who fails to comply with the provision of subsection 74.1 shall be punished with a fine of US\$ 6 to US\$ 30.

5 – A driver who fails to comply with the provisions of subsections 74.2 and 74.3

shall be punished with a fine of US\$ 24 to US\$ 120, where a more severe penalty is not applicable by virtue of another legal instrument.

PART XII

Special security rules

Section 75

Driving under the influence of alcohol or substances considered by law as narcotics or psychotropic drugs

1 – Driving under the influence of alcohol or substances considered by law as narcotics or psychotropic drugs is prohibited.

2 – Under the influence of alcohol to refers to a driver having a blood alcohol concentration above 0.5 g/l or who, upon examination carried out under the terms provided for in the present Code, is so considered in a medical report.

3 – For the purposes of implementing the provisions of the present Code, blood/breath alcohol concentration (BAC) shall be computed on the basis of the principle that 1 mg of alcohol per litre of exhaled air is equivalent to 2.3 g of alcohol per litre of blood.

4 – Under the influence of substances considered by law as narcotics or psychotropic drugs refers to a driver who, upon examination carried out under the terms of the present Code, is so considered in a medical or expert report.

5 – A driver who fails to comply with the provision of subsection 75.1 shall be punished with a fine of:

- a) US\$ 12 to US\$ 60, if the blood alcohol concentration is above 0.5 g/l and below 0.8 g/l or, where the measurement of that concentration is not feasible, is considered as influenced by alcohol, in a police or medical report;
- b) US\$ 24 to US\$ 120, where that concentration is equal to or above 0.8 g/l and below 1.2 g/l;
- c) US\$ 36 to US\$ 180, if the concentration is equal to or above 1.2 g/l or if he or she drives under the influence of substances considered by law as narcotics or psychotropic drugs.

Section 76

Use of safety accessories

1 – A driver and passenger(s) travelling in a motorcar are required to fasten their seat belts at the back and front of the vehicle.

2 – A rider and passenger on a motorcycle, with or without a sidecar, or on a moped shall protect their heads by wearing a helmet of an officially approved type, properly adjusted and fastened.

3 – Excepted from the preceding subsection are drivers and passengers of vehicles made up of a hard body and of vehicles that have, at the same time, a hard protection structure and seat belts

4 – A driver who fails to comply with the provision of subsection 76.1 shall be punished with a fine of US\$ 12 to US\$ 60.

5 – A driver who fails to comply with the provision of subsection 76.2 shall be punished with a fine of US\$ 6 to US\$ 30.

Section 77 Professional driving of transport vehicles

For security reasons, driving and rest time may be prescribed for professional drivers of transport vehicles and, likewise, the presence of more than one person eligible to drive the same vehicle may be required.

Section 78 Prohibited use of certain devices

1 – A driver shall be prohibited from using, in a moving vehicle, any type of headphones or radiotelephones, namely mobile phones or VHF mobile terminals.

2 – Excepted from the preceding subsection are:

- a) Devices equipped with an auricular or a high-pitch microphone, the use of which does not imply continued handling;
- b) Devices used in driving lessons or tests thereof.

3 – The installation and use of any apparatuses, devices or products that are likely to reveal the presence or disrupt the functioning of tools designed to detect or record infringements.

4 – A driver who fails to comply with the provision of subsection 78.1 shall be punished with a fine of US\$ 12 to US\$ 60.

5 – A driver who fails to comply with the provision of subsection 78.3 shall be punished with a fine of US\$ 240 to US\$ 1,200, including the forfeiture of items, and the monitoring officer shall forthwith remove and seize them or, if such is not feasible, shall seize the vehicle identification card until the actual removal or seizure of those items, in which case subsection 162.4 shall apply.

PART XIII Documents

Section 79

Documents that a driver must have in possession

1 – Whenever a motor vehicle proceeds on a public road its driver must have the following documents in possession:

- a) A valid ID card;
- b) A driving license;
- c) An insurance certificate.

2 – In case of a motor vehicle, motorcycle, moped, agricultural or forest tractor, or trailer, the driver or rider must also have the following documents in possession:

- a) The vehicle registration card or an equivalent document;
- b) The vehicle identification card or a document replacing it;
- c) The periodic vehicle inspection form, when required by law.

3 – In case of a moped or animal-drawn vehicle, the rider or driver thereof must have a valid ID card in possession.

4 – A driver who fails to have one or more of the documents referred to in subsection 79.1 and 79.2 shall be punished with a fine of US\$ 6 to US\$ 30, except where he or she presents them within 8 (eight) days to the authority indicated by the monitoring officer, in which case the driver shall be punished with a fine of US\$ 3 to US\$ 15.

5 – A driver who fails to comply with the provision of subsection 79.3 shall be punished with a fine of US\$ 3 to US\$ 15.

Section 80

Special prescriptions

1 – A driver in whose driving licence the use of lenses, prostheses or other apparatuses is indicated shall use them while driving.

2 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 6 to US\$ 30.

PART XIV

Behaviour in case of breakdown or accident

Section 81

Forced stopping due to breakdown or accident

1 – In case of forced stopping as a result of breakdown or accident, the driver shall immediately park the vehicle as provided for by law or, where such is not feasible, shall remove the vehicle from the roadway or pull it as much as practicable to the left edge thereof and provide for a rapid removal of the vehicle

from the public road.

2 – As long as a vehicle is not properly parked or removed, the driver shall adopt the necessary measures to make other road users aware of his or her vehicle's presence, by using to that effect the signalisation devices provided for in the present Code.

3 – The repair of a vehicle on a public road is prohibited, except where such repair is required for the removal of the vehicle or, in case of a breakdown that can be easily repaired, for the vehicle to proceed on.

4 – A driver who fails to comply with the provisions of subsections 81.1, 81.2 and 81.3 shall be punished with a fine of US\$ 3 to US\$ 15, where another penalty is not especially applicable.

Section 82

Warning triangle

1 – All motor vehicles in circulation, except those having only two or three wheels and motor cultivators, shall be equipped with the warning triangle.

2 – The use of the warning triangle shall be compulsory:

a) in daytime, when the vehicle is fully or partially stationary on the roadway or a load fallen out onto the road surface is not visible from a distance of at least 10 m;

b) From dusk to dawn, whatever the circumstances under which the vehicle has been immobilised or a load has fallen out onto the roadway or the edge thereof, except at places where lighting conditions allow for an easy view from a distance of 10 m, without prejudice to the provisions of the present Code concerning vehicle lights.

3 – The sign shall be placed vertically in relation to the road surface and the centre line of the roadway, at a distance that shall never be less than 3 m from the vehicle rear or the load to be signalised and in such a way as to be visible enough from a distance of at least 100 m.

4 – The warning triangle consists of a 50 cm equal-sided triangle with a highly reflective red surface.

5 – A driver who fails to comply with the provision of subsection 82.1 shall be punished with a fine of US\$ 6 to US\$ 30.

6 – A driver who fails to comply with the provisions of subsections 82.2 and 82.3 shall be punished with a fine of US\$ 12 to US\$ 60.

Section 83
Identification in case of accident

1 – A driver involved in an accident shall provide to other drivers involved his or her identification, that of the vehicle's owner and of the insurance company, including the insurance policy number, producing, when required to do so, the supporting documents thereof.

2 – Where an accident results in deaths or injuries, the driver shall wait, at the accident site, for the arrival of a law-enforcement officer.

3 – A driver who fails to comply with the provision of subsection 83.1 shall be punished with a fine of US\$ 24 to US\$ 120.

4 – A driver who fails to comply with the provision of subsection 83.2 shall be punished with a fine of US\$ 90 to US\$ 450, where a more severe penalty is not applicable by virtue of another legal provision.

CHAPTER II
Special provisions for motorcycles, mopeds and bicycles

PART I
Special rules

Section 84
Driving rules

1 – Riders of motorcycles, mopeds and bicycles must not:

- a) Ride with their hands out of the handle bar, except while signalling any manoeuvre;
- b) Travel with their feet out of the pedals or footholds;
- c) Be towed;
- d) Take the front or the rear wheel off the ground whilst moving off or in circulation;
- e) Travel in pairs, except when proceeding on a special track without posing any danger to or disrupting traffic.

2 – Riders of bicycles must travel as close to the edges or pavements as practicable, even where, in the same traffic direction, two or more lines are allowed.

3 – A driver who fails to comply with the provisions of subsections 84.1 and 84.2 shall be punished with a fine of US\$ 6 to US\$ 30.

PART II
Transport of passengers and goods

Section 85
Transport of passengers

1 – The transport of passengers aged less than seven years on motorcycles and mopeds is prohibited, except in case of vehicles having a hard body that is not designed to carry goods only.

2 – The transport of passengers on bicycles is prohibited.

3 – A driver who fails to comply with the provisions of subsections 85.1 and 85.2 shall be punished with a fine of US\$ 6 to US\$ 12.

Section 86
Transport of goods

1 – The transport of goods on a motorcycle, moped or bicycle shall only be allowed in a trailer or cargo box.

2 – Riders and passengers of the vehicles referred to in the preceding subsection are prohibited from carrying items that are likely to impair driving or pose a danger to the safety of people or goods or to disrupt traffic.

3 – A driver who fails to comply with the provisions of subsections 86.1 and 86.2 shall be punished with a fine of US\$ 12 to US\$ 60.

PART III
Lights

Section 87
Use of lights

1 – The use of light signalisation and lighting devices in motorcycles and mopeds is compulsory under any circumstance.

2 - Without prejudice to the provision of subsection 61.1, riders of motorcycles and mopeds shall travel with the passing light on.

3 – Whenever, under the terms of section 59, the use of a lighting device is compulsory, bicycles may only travel using appropriate lighting devices.

4 – The provisions of subsections 61.4 and 61.5 shall be applicable, mutatis mutandis.

Section 88

Lights out of service

1 – In case the lights of a motorcycle or moped are out of service, section 62 shall be applicable, mutatis mutandis.

2 – In case the light of a bicycle is out of service, such bicycle shall be hand-ridden.

3 – A rider who fails to comply with the provision of subsection 88.2 shall be punished with a fine of US\$ 6 to US\$ 30.

Section 89

Hazard warning

To motorcycles and mopeds, when equipped with indicators, section 63 shall apply, mutatis mutandis.

PART IV

Penalties applicable to riders of bicycles

Section 90

Remission

The fines provided for in the present Code shall be halved within their minimum and maximum limits when applicable to riders of bicycles.

CHAPTER III

Special provisions for animal-drawn vehicles and animals

Section 91

Special rules

1 – Drivers of animal-drawn vehicles and animals shall drive them in such a way as to maintain the dominion over its movement and avoid posing impediments or danger to traffic.

2 – At bridges and tunnels, drivers of animals, harnessed or not, shall have them walk.

3 – The entry of cattle onto a public road shall be properly signalled by the

herdsman thereof and done through paths or tracks designed for that purpose.

4 – Whenever the use of light signalisation devices is compulsory, under the terms of section 59, drivers of animal-drawn vehicles or of group of animals shall use a white light lantern, visible from both traffic directions.

5 –A driver who fails to comply with the provisions of the preceding subsections of this section shall be punished with a fine of US\$ 3 to US\$ 15.

6 – The owner of an animal, who lets it roam on a public road, disrupting or posing danger to traffic, shall be punished with a fine of US\$ 3 to US\$ 15.

Section 92 Local regulations

In all that is not provided for in the present Code, the circulation of animal-drawn vehicles and animals shall be the subject of local regulation.

TITLE III Circulation of pedestrians

Section 93 Places where the circulation of pedestrians is allowed

1 – Pedestrians shall move on pavements, tracks or passages designed therefor or, in the absence thereof, on the road edges.

2 – Pedestrians may, however, move on the roadway, with prudence and in such a way as not to disrupt the circulation of vehicles, in the following cases:

- a) while crossing a road;
- b) In the absence of the places referred to in subsection 93.1 or where the use thereof is not possible;
- c) While carrying items that, given their size or nature, may constitute a danger to the circulation of other pedestrians;
- d) On public roads where the circulation of vehicles is prohibited;
- e) While moving in an organised formation under the guidance of a monitor or in procession.

3 – In the cases provided for in paragraphs (b), (c) and (e) of the preceding subsection, pedestrians may move on the tracks referred to in section 72, as long as traffic intensity so allows and they do not disrupt the circulation of the vehicles or animals that are meant to use such tracks.

4 – Whenever moving on a roadway, from dusk to dawn, and whenever visibility conditions or traffic intensity so advises, pedestrians shall move in a single line, except when moving in a procession or organised formation under the terms

provided for in section 96.

5 – A pedestrian who fails to comply with the provisions of the preceding subsections of this section shall be punished with a fine of US\$ 1 to US\$ 6.

6 – A person who, in breach of the duty of care and protection, fails to prevent minors aged less than 12 years who, by any reason, are in his or her custody from playing on a roadway shall be punished with a fine of US\$ 3 to US\$ 15.

Section 94 Walking

1 – Pedestrians shall walk on the left-hand side of the places designed for that purpose, save in the cases provided for in paragraph (d) of subsection 93.2.

2 – In the cases provided for in paragraphs (b) and (c) of subsection 93.2, pedestrians shall walk on the right-hand side of the road, unless in so doing they would undermine their safety.

3 – In the cases provided for in paragraphs (b), (c) and (e) of subsection 93.2, pedestrians shall walk as near as practicable to the edge of the road.

4 – A pedestrian who fails to comply with the provisions of the preceding subsections of this section shall be punished with a fine of US\$ 1 to US\$ 6.

Section 95 Crossing a road

1 – Pedestrians must not cross a road without previously making sure that, taking into account the distance between them and the vehicles proceeding on the road and the speed thereof, they can do it without danger of accident.

2 – The crossing of a road shall be done as quickly as possible.

3 – Pedestrians may only cross a road in passages especially signalled or marked to that effect or, when no passage is available within a distance of less than 50 m, do it perpendicularly across the centre line of the road.

4 – Pedestrians must not stop on the road or use pavements in such a way as to disrupt or disturb traffic.

5 – A pedestrian who fails to comply with the provisions of the preceding subsections of this section shall be punished with a fine of US\$ 1 to US\$ 6.

Section 96

Lighting of processions and organised formations

1 – Whenever they move on the road from dusk to dawn and whenever visibility conditions so advise, processions and organised formations shall signal their presence with at least a white light directed toward the front and a red light directed toward the back, both on the right-hand side of the procession or formation.

2 – A person who fails to comply with the preceding subsection shall be punished with a fine of US\$ 3 to US\$ 15.

Section 97

Precautions to be observed by drivers or riders

1 – When approaching a marked or signalised pedestrian crossing, a driver shall, even if signalisation allows him or her to move on, give way to pedestrians who have already started crossing the road.

2 – When changing direction, a driver, even if in the absence of a marked or signalised pedestrian crossing, shall reduce speed and, if need be, stop in order to give way to pedestrians crossing the road where he or she is going to enter.

3 – A driver who fails to comply with the provisions of subsections 97.1 and 97.2 shall be punished with a fine of US\$ 12 to US\$ 60.

Section 98

Equivalent category

It shall be equated with the circulation of pedestrians:

- a) The driving of hand carts;
- b) The hand riding of two-wheeled bicycles without a trailer and pushchairs for children or disabled people;
- c) The circulation of people on skates, scooters or other similar means of circulation;
- d) The circulation of wheelchairs equipped with an electric engine.

TITLE IV

On vehicles

CHAPTER I

Classification of vehicles

Section 99

Motorcars

Motorcar is a vehicle with a propulsion engine having at least four wheels, with a tare above 550 kg, manufactured to move at a maximum speed exceeding 25 km/h and meant, given its function, to travel on the public road without being subject to rail tracks.

Section 100

Classes and types of motorcars

1 – Motorcars are classified as:

- a) Light vehicles: those with a gross weight up to 3,500 kg and a seating capacity not exceeding nine seats, including that of the driver;
- b) Heavy vehicles: those with a gross weight above 3,500 kg or a seating capacity above nine seats, including that of the driver, and tractor vehicles.

2 – Light or heavy vehicles fall, depending on their use, under the following types:

- a) Passenger vehicles: those which are designed to transport people;
- b) Goods vehicles: those which are designed to transport goods;
- c) Mixed vehicles: those which are designed to transport, alternately or simultaneously, people and goods;
- d) Tractor vehicles: those built to develop traction power, without including useful load;
- e) Special vehicles: those designed to perform a specific function other than the normal transport of passengers or goods.

Section 101

Motorcycles, mopeds and quadricycles

1 – A motorcycle is a propulsion engine vehicle having two or three wheels, with an engine size above 50 cubic cm, or manufactured to exceed the speed of 45 km/h in a stretch of a horizontal road.

2 – A moped is a vehicle that has two or three wheels equipped with an engine with a size not exceeding 50 cubic cm, in case of an internal combustion engine, and manufactured to travel at a maximum speed not exceeding 45 km/h in a stretch of a horizontal road.

3 – Four-wheeled vehicles whose tare does not exceed 550 kg fall under the category of motorcycles or mopeds in accordance with their manufacturing features, namely engine size and maximum speed in a stretch of a horizontal road, under the terms as stipulated by regulation.

Section 102

Agricultural vehicles

1 – An agricultural or forest tractor is a propulsion engine vehicle, with one or more axes, built to develop traction power, occasionally equipped with ploughs or other machines and designed predominantly for agricultural work.

2 – An agricultural or forest machine is a propulsion engine vehicle, with one or two axes, manufactured to do agricultural or forest work, and is considered to be a light or heavy vehicle depending on whether or not its tare or gross weight exceeds 3500 kg.

3 – A motor cultivator is a propulsion engine vehicle, with a single axis, designed to do light agricultural work, which can be driven by a driver on foot or in a semi-trailer or rear-car coupled to such vehicle.

4 – A tractor car is an engine propulsion vehicle, with two or more axes, which has a cargo box designed to transport agricultural or forest products and whose gross weight does not exceed 3,500 kg.

Section 103 Other motor vehicles

1 – A rail vehicle is one that, regardless of its propulsion system, moves on rail tracks.

2 – An industrial machine is a propulsion engine vehicle, with two or more axes, designed to do industrial work and only occasionally moves on a public road, and is considered to be a heavy or light vehicle depending on whether or not its tare exceeds 3,500 kg.

Section 104 Trailers

1 – A trailer is a vehicle designed to move coupled to a motor vehicle.

2 – A semi-trailer is a vehicle designed to move coupled to a motor vehicle, leaning its front part on, and conveying its weight to, the latter.

3 – The vehicles referred to in subsections 104.1 and 104.2 are named as an agricultural or forest trailer or semi-trailer when they are designed to be coupled to an agricultural tractor or motor cultivator.

4 – A couplable agricultural or forest machine is a machine designed for agricultural or forest work that can only move on a public road when towed.

5 – A couplable industrial machine is a machine designed for industrial work that can only move on a public road when towed.

6 – To each motor vehicle shall not be coupled more than one trailer.

7 – The use of trailers in the public transport of passengers is prohibited.

8 – A driver who fails to comply with subsections 104.6 and 104.7 shall be punished with a fine of US\$ 12 to US\$ 60.

Section 105

Single vehicles and sets of vehicles

1 – A single vehicle means a heavy motorcar comprised of two rigid segments permanently coupled together by an articulated section that allows communication between both;

2 – A set of vehicles is a group comprised of a tractor vehicle and its trailer or semi-trailer.

3 – For the purposes of circulation, a set of vehicles is equated with a single vehicle.

Section 106

Bicycles

A bicycle is a vehicle with two or more wheels activated by the effort made by the rider himself or herself through pedals or similar devices.

Section 107

Trailer of two-wheeled vehicles and sidecar

1- A one-axed trailer designed to transport goods may be coupled to the rear of motorcycles, mopeds and bicycles.

2 – A sidecar designed to transport one passenger may be coupled to motorcycles with an engine size above 125 cubic cm.

CHAPTER II

Vehicle features

Section 108

Features of vehicles

1 – Features of vehicles and the systems, components and accessories thereof shall be determined by regulation.

2 – Every system, component and accessory of a vehicle is deemed to be an integral part thereof and, with the exception of occasional or unpredictable breakdowns, duly justified, their A driver who fails to operate is equated with the absence thereof.

3 – Models of motorcars, motorcycles, mopeds, agricultural tractors, tractor cars, trailers and semi-trailers, including the systems, components, and accessories thereof, are subject to approval in conformity with the rules as determined by regulation.

4 – A manufacturer or vendor who places vehicles, systems, components or accessories in the market without the approval referred to in the preceding subsection or in breach of the norms that govern the manufacturing and marketing thereof shall be punished with a fine of US\$ 600 to US\$ 3,000, in case of a natural person, or US\$ 1,200 to US\$ 6,000, in case of a corporate entity, including the forfeiture of such items, which shall be seized upon verification of the offence.

Section 109 Transformation of vehicles

The transformation of motor vehicles and the trailers thereof shall be permitted under the terms as determined by technical directive.

CHAPTER III Inspections

Section 110 Inspections

1 – Motor vehicles and the trailers thereof are subject to inspection, for the purposes of;

- b) Being granted a registration number;
- c) Changing manufacturing or functional features;
- d) Verifying their features and roadworthiness on a regular basis.

2 – The inspection of the vehicles referred to in the preceding subsection may also be required when, as a result of changes to manufacturing or functional features of the vehicle, of accident or other causes, there exist substantiated suspicion over the safety conditions or doubts about the identification thereof.

3 – Apart from cases of abusive use, the conduction of inspections depends on the prior fulfilment of the monetary penalties for offences committed while using such vehicle.

4- A tax as established by the entity in charge of vehicle inspection shall be payable for such inspections.

CHAPTER IV Registration

Section 111 Compulsory registration

1 – Motor vehicles and the trailers thereof shall only be admitted into circulation provided they have been subjected to a registration containing the features that will allow their identification.

2 – Excepted from the preceding subsection are vehicles that move on rail tracks and trailers whose gross weight does not exceed 300 kg.

3 – The instances where agricultural and industrial machines, motor cultivators, and tractor cars are subject to registration shall be determined by regulation.

4 – The registration of a vehicle shall be applied for with the competent authority by the person, whether natural or corporate, who brings in, imports or introduces the vehicle into the market within the national territory.

5 – Motor vehicles and trailers that are required to be submitted to the consideration of the customs service by the entities engaged in their admission into the country, importation, assembly or manufacturing may be exempted by the customs service from registration, under the conditions as determined by a separate legal instrument.

6 – A person who puts into circulation a vehicle that has not been registered under the terms of the preceding subsections of this section shall be punished with a fine of US\$ 60 to US\$ 300, except in case of a moped, tractor car, agricultural or forest tractor or trailer, in which case the fine shall be US\$ 30 to US\$ 150.

Section 112 Identification of vehicles

1 – Each registered vehicle shall be issued a card meant to certify the respective registration.

2 – The bearer of the vehicle identification card shall be person, natural or corporate, who owns, acquires with reservation of ownership, usufructs, rents under the regime of financial lease or for a period exceeding one year, or who, by

virtue of any fact subject to registration, holds the vehicle, thereby being responsible for the circulation thereof.

3 – The acquirer or the person to whom is granted the right of ownership over the vehicle identification card shall, within 30 days from the acquisition or granting of the right of ownership, report such fact to the competent authority for registration.

4 – The vendor or the person who, by any legal title, transfers to another person the right of ownership over the vehicle shall report such fact to the competent authority for registration, under the terms and within the time limit set forth in the preceding subsection, by identifying the acquirer or the person to whom the right of ownership is granted.

5 – In case of change of residence or business address, the bearer of the vehicle identification card shall report such change to the relevant authority, applying for the entry thereof.

6 – Where the vehicle identification card has been lost or is in bad condition, thus rendering any remark or entry illegible, the bearer thereof shall, as the case may be, apply for a duplicate or a replacement card.

7 – Only the authority in charge of issuing the vehicle identification card may enter any particulars therein or affix a stamp thereto.

8 – Each registered vehicle shall be provided with plates containing the respective registration number, under the terms as determined by regulation.

9 – A person who fails to comply with the provisions of subsections 112.3 through 112.5, 112.7 and 112.8 or a person who puts into circulation a vehicle whose features do not match the ones mentioned in the vehicle identification card shall be punished with a fine of US\$ 12 to US\$ 60, where a more severe penalty is not applicable by virtue of another legal provision.

10 – A person who fails to comply with the provision of subsection 112.6 shall be punished with a fine of US\$ 3 to US\$ 15.

Section 113

Cancellation of registration

1 – The owner of a vehicle shall apply for the cancellation of registration within 30 days where the vehicle has been damaged beyond repair or lost, without prejudice to an unofficial cancellation in such cases.

2 – A vehicle damaged beyond repair means a vehicle that has sustained damage that renders its circulation impossible forever or that badly affects its

safety conditions.

3 – A lost vehicle means a vehicle whose whereabouts is not known for more than three years.

4 – An owner who intends to stop driving his or her vehicle on the public road may apply for the cancellation of registration, provided that no unexpired encumbrances or charges, to be verified unofficially, fall on him or her.

5 – Where the owner is not the bearer of the vehicle identification card, the cancellation shall be applied for, jointly, by the owner and the bearer of such card.

6 – Whenever they are to intervene in an act in connection with a vehicle damaged beyond repair or lost, insurance companies shall be obligated to report such fact and to refer the vehicle identification card and the vehicle registration card to the relevant authorities.

7 - Without prejudice to the provision of subsection 113.1, the courts, traffic monitoring authorities or other public entities shall report to the relevant authorities cases of vehicles damaged beyond repair that come to their knowledge in the exercise of their functions.

8 – The relevant authority may authorise that cancelled registration numbers be reused or, in exceptional cases as determined by regulation, that new registration numbers be issued to vehicles that have been previously registered within the national territory.

9 – A person who fails to comply with the provisions of subsections 113.1, 113.5 and 113.6 shall be punished with a fine of US\$ 6 to US\$ 30, where a more severe penalty is not applicable by virtue of another legal provision.

CHAPTER V Special regime

Section 114 Special regime

The provisions of the present title are not applicable to vehicles owned by the defence or security forces.

TITLE V On the legal aptitude to drive

Section 115

General principles

1 – A motor vehicle shall only be driven in a public road by a person who is legally eligible to do so.

2 – Driving learners and examinees shall be allowed to drive motor vehicles, under the terms of applicable legal provisions.

Section 116

Driving titles

1 – The document that attests to one's aptitude to drive motorcars or ride motorcycles is referred to as a driving licence.

2 – The documents that attest to one's aptitude to drive motorcycles with an engine size not exceeding 50 cubic cm and other motor vehicles not mentioned in the preceding subsection are referred to as driving permits.

3 – The documents provided for in the preceding subsections of this section shall be issued by the competent entities and shall be valid for the categories of vehicles and lengths of time stated therein, without prejudice to the provisions of the subsections below.

4 – A driving title issued to a person who is no longer legally eligible to drive any of the categories of vehicles provided therein is of a provisional nature and shall only become definitive if, during the first two years of its validity period, no proceedings have been initiated against the respective bearer for committing a crime or offence that carries driving prohibition or inhibition.

5 – In the event that, during the period referred to in the preceding subsection, a proceeding has been initiated against the bearer for committing a crime or offence that carries driving prohibition or inhibition, the driving title maintains its provisional nature until the decision thereon becomes final or definitive.

6 – The provisions of subsections 116.4 and 116.5 shall not apply to driving permits for agricultural vehicles.

7 – Only the authority in charge of issuing driving titles may enter any particulars

therein or affix a stamp thereto

8 – The entities in charge of issuing driving titles shall, under the terms as established by regulation, organise files of the titles issued, containing the identity and the residence address of the respective bearers.

9 – Whenever a change of residence occurs, drivers shall, within 30 days, give notice thereof to the entity in charge of issuing driving titles.

10 – A driver or rider who fails to comply with the provisions of subsections 116.7 and 116.9 shall be punished with a fine of US\$ to US\$ 30, where a more severe penalty is not applicable by virtue of another legal provision.

Section 117 Driving licence

1 – A driving licence renders a person eligible to drive one or more of the following categories of vehicles:

A – motorcycles with an engine size above 50 cubic cm, with or without a sidecar;

B – Light motorcars or sets of vehicles comprised of a light motorcar and a trailer with a gross weight of up to 750 kg or, where the latter exceeds that figure, with the gross weight of the set not exceeding 3,500 kg, and, in this case, the gross weight of the trailer may not exceed the tare of the tractor vehicle;

B + E – sets of vehicles comprised of a light motorcar and a trailer whose figures do not exceed those determined for category B;

C – heavy goods motorcars, to which a trailer with a gross weight of up to 750 kg may be coupled;

C + E – sets of vehicles comprised of a tractor vehicle of category C and a trailer with a gross weight in excess of 750 kg;

D – heavy passenger motorcars, to which a trailer with a gross weight of up to 750 kg may be coupled;

D + E – sets of vehicles comprised of a tractor vehicle of category D and a trailer with a gross weight in excess of 750 kg.

2 – A driving licence valid for category A may be restricted to driving vehicles of subcategory A1, which corresponds with motorcycles with an engine size not exceeding 125 cubic cm or a maximum potency of up to 11 kW.

3 – The bearer of a driving licence valid for vehicles of category A is considered to be eligible to ride mopeds or motorcycles with an engine size not exceeding 50 cubic cm.

4 – The bearer of a driving licence valid for vehicles of category B is also

considered to be eligible to drive:

- a) Agricultural or forest tractors, simple or with mounted equipment, provided the gross weight thereof does not exceed 6,000 kg;
- b) Light agricultural or forest machines, motor cultivators, tractor cars and light industrial machines;
- c) Motorcycles and mopeds, three-wheeled in either case, as well as vehicles that fall under these categories, pursuant to subsection 107.3.

5 – The bearer of a driving licence valid for vehicles of category C is also considered to be eligible to drive:

- a) Vehicles of category B;
- b) Vehicles referred to in the preceding subsection;
- c) Other agricultural or forest tractors with or without a trailer, agricultural or forest and industrial machines.

6 – The bearer of a driving licence for vehicles of category B + E is also considered to be eligible to drive agricultural or forest tractors with a trailer or an agricultural or forest machine coupled together, provided the gross weight of the set does not exceed 6,000 kg.

7 – The bearer of a driving licence valid for sets of vehicles of categories C + E or D + E is also considered to be eligible to drive sets of vehicles of category B + E.

8 – The bearer of a driving licence valid, simultaneously, for vehicles of category D and for sets of vehicles of category C + E is also considered to be eligible to drive vehicles of category D + E.

9 – Whoever drives a vehicle of any of the categories referred to in subsection 117.1 for which his or her driving licence does not render him or her eligible shall be punished with a fine of US\$ 24 to US\$ 120.

10 – Whoever, being the bearer of a driving licence valid for the categories B or B + E, drives an agricultural or forest vehicle or machine for which the category indicated therein does not render him or her eligible shall be punished with a fine of US\$ 12 to US\$ 60.

Section 118 Driving permit

1 – The driving permits referred to in subsection 122.2 are as follows:

- a) For mopeds and motorcycles with an engine size not exceeding 50 cubic cm;
- b) For agricultural vehicles.

2 – The driving permit referred to in paragraph (a) of the preceding subsection renders the bearer thereof eligible to drive one or both of the categories indicated therein.

3 – A driving permit for driving agricultural vehicles renders the bearer thereof eligible to drive one or more of the following categories of vehicles:

I - Motor cultivators with a semi-trailer or retro train whose gross weight does not exceed 2,500 kg;

II:

a) Agricultural or forest tractors, simple or with mounted equipment, provided the maximum weight thereof does not exceed 3,500 kg;

b) Agricultural or forest tractors with a trailer or with an agricultural or forest machine coupled together, provided the gross weight of the set does not exceed 6,000 kg;

c) Light agricultural or forest machines and tractor cars with a gross weight exceeding 2,500 kg;

III – Agricultural or forest tractors with or without a trailer and heavy agricultural machines.

4 – The bearer of a driving permit valid for motorcycles with an engine size not exceeding 50 cubic cm is considered to be eligible to ride mopeds.

5 – The bearer of a driving permit for agricultural vehicles valid for vehicles of category I is considered to be eligible to drive industrial machines with a gross weight not exceeding 2,500 kg.

6 – The bearer of a driving permit for agricultural vehicles valid for vehicles of category II is considered to be eligible to drive vehicles of category I.

7 – The bearer of a driving permit for agricultural vehicles valid for vehicles of category III is considered to be eligible to drive vehicles of categories I and II.

8 – Whoever, being the bearer of a permit valid for driving mopeds only, drives a motorcycle with an engine size not exceeding 50 cubic cm or, being the bearer of a driving permit for agricultural vehicles, drives an agricultural or forest vehicle of a category for which the same permit does not render him or her eligible to drive shall be punished with a fine of US\$ 120 to US\$ 600.

Section 119 Other titles

Apart from the titles referred to in sections 117 and 118, the following titles shall also render a person eligible to drive motor vehicles:

a) Special driving permits;

b) Driving permits issued by foreign States;

c) International driving permits.

Section 120 Requirements for the obtention of driving titles

1 – A person who cumulatively meets the following requirements may obtain a driving title:

- a) Have the minimum age required for the category he or she intends to become eligible for;
- b) Have the required physical, mental and psychological fitness;
- c) Meet the required literacy qualifications;
- d) Be a resident of Timor-Leste;
- e) Have not been issued with, at the moment, any order of driving prohibition or inhibition or of interdiction of obtaining a driving licence for safety reasons;
- f) Have passed the driving exam.

2 – For the purposes of obtaining a driving licence, the following minimum ages are required, depending on the intended eligibility:

- a) Subcategory A1: 16 years;
- b) Categories A, B e B + E: 18 years;
- c) Categories C e C + E: 21 years;
- d) Categories D e D + E: 21 years.

3 – For the purposes of obtaining a driving permit, the following minimum ages are required, depending on the intended eligibility:

- a) Mopeds: 16 years;
- b) Motorcycles with an engine size not exceeding 50 cubic cm: 16 years;
- c) Agricultural vehicles of categories I e II: 16 years;
- d) Agricultural vehicles of category III: 18 years.

4 – Only a person eligible to drive vehicles of category B may become eligible to drive vehicles of categories C and D.

5 – Only a person eligible to drive vehicles of categories B, C and D, respectively, may become eligible to drive vehicles of categories B + E, C + E and D + E.

6 – The obtention of a driving permit by a person aged less than 18 years shall also depend on a written authorisation from the person exercising paternal power over him or her.

7 – The following shall be established by regulation:

- a) The minimum physical, mental and psychological requirements for driving fitness and the modes of proof thereof;
- b) Material evidence of the driving exams;
- c) Validity periods of the driving titles in accordance with the age of their bearers and how to renew them.

Section 121

Driving restrictions

1 – Motorcars of categories D and D + E, including those of category C + E, whose gross weight exceeds 20,000 kg shall only be driven by drivers aged not more than 65 years.

2 – As a result of a medical or psychological exam, driving restrictions, special renewal periods for driving titles or specific adaptations to the vehicle, which shall always be mentioned in the respective title, may be imposed on drivers.

3 – Whoever drives a vehicle without observing the restrictions that may have been imposed on him or her shall be punished with a fine of US\$ 6 to US\$ 30, where a more severe penalty is not provided for the offence committed.

4 – Whoever drives a vehicle without the specific adaptations that may have been imposed under subsection 121.3 shall be punished with a fine of US\$ 6 to US\$ 30.

5 – A driver who fails to comply with the provision of subsection 121.1 shall be punished with a fine of US\$ 15 to US\$ 75.

Section 122 Change of driving titles

The bearer of a driving permit referred to in paragraphs (b) and (c) of subsection 119.1 may also obtain a driving title upon presentation of the valid title he or she holds and the verification of the requirements established in paragraphs (a) and (d) of subsection 120.1, without having to take the driving exam;

Section 123 Further exams

1 – Should substantiated doubts arise as to the physical, mental or psychological fitness or about the ability of a driver or driver candidate to drive safely, the competent authority shall determine that the former be subjected, singularly or cumulatively, as the cases may be, to medical inspection, psychological exam and a further driving exam or to any of its tests.

2 – The commission, within a 3-year period, of three offences punishable with driving inhibition, or two in case of very serious offences, is a good cause to doubt about, namely, the psychological fitness or ability of a driver to drive safely.

3 – Where the court is aware of an offence that carries driving prohibition or inhibition and there exist well-grounded reasons for presuming that such offence has resulted from inaptitude or unfitness hazardous to the safety of people and assets, the court shall determine that the driver be subjected to medical inspection and the exams referred to in subsection 123.1.

Section 124

Expiry of a driving title

1 – A driving title expires when:

- a) Being provisional under subsections 116.4 and 116.5, a penalty of driving prohibition or an actual driving inhibition penalty is imposed on the bearer thereof;
- b) It is not renewed under the terms as established by regulation, only in respect of the category or categories that are required to be renewed;
- c) The bearer thereof does not subject himself or herself to or fails any of the exams referred to in subsections 123.1 and 123.3.

2 – The renewal, change or replacement of a driving title shall depend on the fulfilment of previous pecuniary penalties imposed on the driver.

3 – Upon having successfully sat for an exam, the admission thereto is subject to the regime in force for those ineligible to drive, the bearer of an expired driving title may only obtain a similar new title:

- a) Under the terms of paragraph (a) of subsection 124.1;
- b) Under the terms of paragraph (b) of subsection 124.1, when the expiry of eligibility has occurred at least two years ago, except if the bearer demonstrates that he or she has been the bearer of a similar and valid document during that period;
- c) Under the terms of paragraph (c) of subsection 124.1, on grounds of having failed or missed the driving exam or for having failed or missed a medical or psychological exam, where the expiry of the title has occurred at least two years ago.

4 – In case of a title issued under the preceding subsection, the regime provided for in subsections 116.4 and 116.5 shall apply.

5 – The bearer of an expired driving title is, for all legal purposes, considered to be ineligible to drive the vehicles that title has been issued for.

6 – Whoever drives a vehicle with an expired title under the terms of paragraph (b) of subsection 124.1, before the two years provided for in paragraph (b) of subsection 124.3 have elapsed, shall be punished with a fine of US\$ 12 to US\$ 60.

TITLE VI

On liability

CHAPTER I

Guarantee of civil liability

Section 125

Compulsory insurance

1 – Motor vehicles and the trailers thereof shall only travel on a public road provided insurance against civil liability that may result from the use thereof has been taken out under the terms of special legislation.

2 – A person who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 30 to US\$ 150, in case the vehicle is a motorcycle or a motorcar, or of US\$ 18 to US\$ 90, in case of other motor vehicles.

Section 126

Insurance against accidents in sport competitions

Authorisation to stage, in a public road, sport competitions involving motor vehicles, and the respective official practice tests, depends on the organiser's taking out an insurance that covers his or her civil liability, as well as that of owners or holders of the vehicles and of participants, for damage resulting from accidents caused by those vehicles.

CHAPTER II

Liability for breaching the prescriptions of the Code

PART I

General provisions

Section 127

Applicable legislation

1 - A breach of the provisions of the present Code and subsidiary legislation shall have the nature of an offence, except if such breach constitutes a crime, which shall then be punishable and prosecuted under the general terms of the criminal law.

2 – Offenders shall be punished and prosecuted under the terms of the respective general law, with the adaptations set forth in the present Code.

Section 128

People liable for breaches

1 - Without prejudice to the provisions of the subsections below, liability for the offences provided for in the present Code and subsidiary legislation relating to driving shall rest with the agent of the material fact of the offence.

2 – A person who owns, acquires with reservation of ownership, usufructs, and rents under the regime of financial lease or for a period exceeding one year, or who, by virtue of any fact subject to registration, holds a vehicle, shall be liable for

breaches relating to the provisions that restrict the admission of the vehicle to traffic in public roads.

3 – If the persons referred to in the preceding subsection prove that the driver of the vehicle has used it in an abusive manner and breached the orders, instructions or the terms of the authorisation granted, the liability thereof shall cease, in which case the driver shall be liable.

4 – Examinees are liable for breaches committed during the exam.

5 – Also liable for the offences provided for in the present Code and subsidiary legislation is:

- a) An employer who demands from a driver an effort that is inappropriate for safe driving or that subjects the driver to a timetable that is inconsistent with his or her need for rest, where the offence is a consequence of the burnout state of such driver;
- b) A parent or tutor who is aware of the inability or imprudence of his or her minor child or of a child in his or her custody and, even though within his or her power to do so, does not prevent that child from driving;
- c) A person who makes a vehicle available to someone else who is not duly eligible to drive, who is under the influence of alcohol or substances considered by law as narcotics or psychotropic drugs, or who has otherwise impaired the physical or mental faculties required for driving;
- d) The driver of a vehicle carrying minors, or other passengers immune from legal culpability, who allows the latter to use the compulsory safety accessories.

6 – An instructor is liable for an offence committed by a learner, provided that such offence is not caused by disobedience to instructions given.

Section 129

Negligence

Negligence shall always be penalised in connection with the offences provided for in the present Code and subsidiary legislation.

Section 130

Cumulation of offences

1 – If the same fact constitutes, simultaneously, a crime and offence, the agent shall always be punished as having committed a crime, without prejudice to the imposition of the accessory penalty for that offence as provided for by law.

2 – Penalties imposed in respect of cumulative offences shall always be materially cumulated.

Section 131

Classification of offences

1 – The offences provided for in the present Code and subsidiary legislation are classified as minor, serious and very serious.

2 – Minor offences are the ones that are not classified as serious or very serious.

Section 132

Fines

Fines imposed under the present Code and subsidiary legislation shall not be subject to any added amount and no percentage from the proceeds thereof may be assigned to reporting agents.

Section 133

Driving inhibition

1 – Serious and very serious offences shall be penalised with a fine and with an accessory penalty of driving inhibition.

2 – A penalty of driving inhibition shall have a duration of at least one month up to a maximum of one year, or a minimum of two months and a maximum of two years, depending on whether the penalty applies to serious or very serious offences, respectively.

3 – A penalty of driving inhibition shall be served on consecutive days and shall apply to all motor vehicles.

Section 134

Determination of the extent of the penalty

The extent of the penalty shall be determined depending on the seriousness of the offence and of guilt, on the special duties of care that fall on the driver, notably where the latter drives a rescue or emergency service vehicle, a school transport vehicle, a light rented vehicle for public transport, a heavy passenger or goods vehicle, or a vehicle for the transport of hazardous goods, and on the offender's economic situation, taking also into account his or her record as to the compliance with traffic laws and regulations.

Section 135

Special exoneration from or mitigation of driving inhibition

1 – The penalty of driving inhibition as provided for serious offences may not be imposed, taking into account the circumstances of the offence, where a driver has not committed any serious or very serious offence over the last five years.

2 – The minimum and maximum limits of the penalty of driving inhibition provided for very serious offences may be halved, under the conditions provided for in the preceding subsection.

Section 136

Suspension of the execution of the penalty of driving inhibition

1 – The execution of the penalty of driving inhibition may be suspended in the event the prerequisites set forth by the general criminal law for the suspension of the execution of penalties have been fulfilled.

2 – The suspension of the penalty of driving inhibition may be conditional, singularly or cumulatively, upon the fulfilment of the following duties:

- a) Giving a pledge of good conduct;
- b) Undergoing training;
- c) Collaborating in road traffic prevention campaigns.

3 – The suspension period shall range from six months to two years.

4 – The pledge of good conduct shall vary from US\$ 30 to US\$ 300, taking into account the duration of the driving inhibition and the economic situation of the driver.

5 – Expenses arising from his or her undergoing training shall be borne by the offender.

6 – The application of the duties provided for in paragraphs (b) and (c) of subsection 136. 2 shall take into account the personality and the professional skills of the offender, and may not prejudice the normal exercise of his or her professional activity or represent obligations the fulfilment of which cannot be reasonably required.

Section 137

Cessation of the suspension of the execution of a penalty

1 – The suspension of the execution of the penalty of driving inhibition shall always be ceased if, over that period, the offender commits a serious or very serious offence, or performs any act punishable with driving prohibition or inhibition or revocation of his or her driving title.

2 – Revocation shall determine the fulfilment of the penalty whose execution was

suspended and the breach of the pledge, which shall accrue to the entity that has determined the suspension.

Section 138 Recidivism

1 – A driver who commits a serious or very serious offence after having been punished for another serious or very serious offence, committed less than three (3) years ago, shall be punished as a recidivist.

2 – The time during which the offender has served a penalty of driving inhibition or prohibition, or has been subjected to the interdiction of obtaining a driving title, shall not be credited in the period of time provided for in the preceding subsection.

3 – In case of recidivism, the minimum limits provided for in subsection 133.2 shall be twice as much.

Section 139 Recording of offences committed by a driver

1 – Pursuant to a separate legal instrument, a record shall be organised for each driver, containing:

- a) Crimes committed while driving motor vehicles and the respective penalties and security measures;
- b) Serious and very serious offences committed while driving motor vehicles and the respective penalties.

2 – A copy of the records concerning any driver shall always be attached to the files in which his or her liability is to be considered.

3 – A driver shall have access to his or her record, when he or she so requests in accordance with the law.

PART II Serious and very serious offences in special

Section 140 Serious offences

Serious offences include:

- a) Circulation of vehicles in a direction opposite to that established by law;
- b) Excessive speed above 30 km/h over that imposed by law, when committed by the rider of a motorcycle or by the driver of a light motorcar, or above 20 km/h, when committed by the driver of another motor vehicle;

- c) Excessive speed above 20 km/h over the speed limits established for a driver;
- d) Circulation of vehicles at a speed that is excessive for the features of the vehicle or of the road, for weather or traffic conditions or where speed must be especially moderate;
- e) Disregard of rules and signs related to giving way, overtaking, change of direction, U-turn, reverse and level crossing;
- f) Stopping or parking at the edge of a motorway or equivalent road;
- g) Disregard of traffic rules for heavy motorcars and sets of motorcars, on a highly or equivalent road;
- h) A driver who fails to give way to pedestrians by a driver who has changed direction within a built-up area, as well as the disregard of the crossing of pedestrians on passages marked to that effect;
- i) Disregard of the obligation to stop imposed by a traffic monitoring officer or by a traffic police officer, by the red traffic light signal or by the stop sign at an intersection, junction or roundabout;
- j) Overstepping or circulation in disregard of a continued longitudinal line delimitating traffic directions or of a mixed line signifying the same thing;
- l) Circulation of vehicles without the lighting devices on, when required;
- m) Driving under the influence of alcohol, when the blood alcohol concentration is equal to or higher than 0.8 g/l;
- n) A driver who fails to use the warning triangle, when required, outside of a built-up area.

Section 141

Very serious offences

Very serious offences include:

- a) Stopping or parking on a roadway, outside of a built-up area, at a distance of less of 50 m from an intersection or junction, curve or bump with insufficient visibility and, also, stopping or parking on a traffic lane of a motorway or equivalent road;
- b) Parking, at night, on a roadway, outside of a built-up area;
- c) A driver who fails to use the warning triangle, when required, on a motorway or equivalent road;
- d) The use of the full beam in such a way as to cause dazzling;
- e) The entry into and exit from a motorway or equivalent road from a place other than a slip road designed for that effect;
- f) The use, on a motorway or equivalent road, of traffic separators or open spaces that may exist therein;
- g) The offences provided for in paragraphs (a), (e) and (l) of the preceding section when committed on a motorway or equivalent road;
- h) The offence provided for in paragraph b) of the preceding section, when excessive speed is higher than 60 km/h or 40 km/h, respectively, as well as the offence provided for in paragraph (c) of the same section, when excessive speed is higher than 40 km/h;
- i) The offence provided for in paragraph (m) of the preceding section, when the blood alcohol concentration is equal to or higher than 1.2 g/l;

j) Driving under the influence of substances considered by law as narcotics or psychotropic drugs.

PART III
Revocation of a driving title for a motor vehicle

Section 142
Revocation of a driving title

1 – The court may order the revocation of a driving title when:

- a) In the face of the seriousness of the offence committed and the personality of the driver, the latter should be deemed unfit to drive motor vehicles;
- b) A driver is deemed an addict or he or she has a propensity to abuse alcoholic beverages or substances considered by law as narcotics or psychotropic drugs.

2 – A driver is likely to reveal unfitness to drive motor vehicles if he or she commits, over a period of five years:

- a) Three very serious offences;
- b) Five serious or very serious offences.

3 – The state of addiction to alcohol or substances considered by law as narcotics or psychotropic drugs shall be determined by expert exam, which may be ordered in case of driving under the influence of any of those beverages or substances.

4 – A driver is likely to reveal a propensity to abuse alcoholic beverages or substances considered by law as narcotics or psychotropic drugs if he or she commits, over a period of five years, three (3) crimes or offences related to driving under the influence of any of those beverages or substances.

5 - For the purposes of subsection 142.1, the competent entity shall prepare a report, stating the causes for revocation, which shall be submitted to the Public Prosecution Service, accompanied by any other documents deemed necessary.

6 – The Public Prosecution Service may determine the initiation of an enquiry, or proceed with the referral of the report for trial, following the terms of a very expedited proceeding.

Section 143
Interdicting the granting of a driving title

1 – When the revocation of a driving title is ordered, the court shall determine that a new driving title for motor vehicles, of any category, shall not be granted to its bearer for a period ranging from one to five years.

2 – When the revocation of a driving title is ordered under paragraph (b) of subsection 142.1, the interdiction period for granting a driving title may be extended for another period ranging from one to three years if, upon expiry of the time limit established in the sentence, the court believes that the situation that had caused the revocation has not changed.

3 – A driver whose driving title has been revoked may obtain a new title only upon passing a special exam under the terms as stipulated by regulation.

CHAPTER III Procedural provisions

PART I Procedure

Section 144 Applicable legislation

1 – To the offences provided for in the present Code and subsidiary legislation shall apply the general norms that regulate the procedure for offences, with the adaptations set forth in the sections below.

2 – If the same fact constitutes simultaneously a crime and offence, the application of an accessory penalty, under section 130.1, shall be incumbent upon the court with competence to judge the crime.

Section 145 Reporting and denunciation

1 – When any authority or law enforcement officer, in the exercise of his or her monitoring functions, sees an offence being committed, he or she prepares a report or has it prepared, which shall mention the facts that constitute the offence, day, time, site and the circumstances in which the offence has been committed, the name and the capacity of the authority or law enforcement officer who saw the offence being committed and all that he or she may inquire about the identity of the persons who have committed the offence and, when feasible, of at least one witness that can depose to the facts.

2 – The report shall be signed by the authority or law enforcement officer who has either issued it or had it issued and, where feasible, by the witnesses.

3 – A report issued under the preceding subsection attests to the facts seen by the reporting officer, until proof to the contrary.

4 – The preceding subsection shall apply to means of proof obtained through apparatuses or tools approved by law or regulation.

5 – An authority or law enforcement officer who becomes aware, either by denunciation or personal knowledge, of an offence that he or she is required to report on, prepares a report, to which subsections 145.1 and 145.2 shall be correspondingly applicable, *mutatis mutandis*.

Section 146 Liability

1 – Where a law enforcement officer cannot identify the perpetrator of the offence, the liability shall fall on the person who owns, acquires with reservation of ownership, usufructs, rents under the regime of financial lease or for a period exceeding one year or who, by virtue of any fact subject to registration, holds the vehicle, and the corresponding proceeding shall be initiated against him or her.

2 - If, within the time limit given to the defence, the person who has been duly identified as the perpetrator of the offence is distinct from those mentioned in the preceding subsection, such proceeding shall be suspended, and a new proceeding shall be initiated against the person who has been identified as the offender.

3 – The proceeding referred to in subsection 146.1 shall be dismissed if the abusive use of the vehicle is proved or if it is determined, under the preceding subsection, that the offence was committed by another person.

4 – If liability is imputed to a natural person who does not hold a driving title or to a corporate entity, the penalty of driving inhibition shall be replaced with seizure of the vehicle, for the same period of time as the former would entail.

5 – The persons referred to in subsection 146.1 shall be subsidiarily liable for the payment of the fines and the cost of proceedings owed by the author of the offence, without prejudice to a third party proceeding against the latter.

6 – Subsections 146.4 and 146.5 shall not apply in case of abusive use of a vehicle.

7 – If the owner is not the holder of the vehicle, or if he or she has leased it, shall proceed with the identification of the holder or lessee, within 20 days after receipt of the notice to this effect.

8 – A driver who fails to comply with the provision of the preceding subsection shall be punished with a fine of US\$ 36 to US\$ 180.

Section 147

Voluntary compliance

1 – The voluntary payment of the minimum fine shall be accepted under the terms of, and with the effects established in, the subsections below.

2 – The option to pay the minimum fine without accrued expenses shall be made within 20 days from receipt of the notice to this effect.

3 – The exemption from the expenses provided for in the preceding subsection shall not cover expenses resulting from medical exams and toxicological tests provided for by law for determining states of being influenced by alcohol or by substances considered by law as narcotics or psychotropic drugs.

4 – In any phase of the proceeding, but always before the ruling is handed down, the offender may still opt for the voluntary payment of the fine, in which case the minimum shall be paid off, without prejudice to the expenses that may be owed.

5 – The voluntary payment of a fine under the preceding subsections shall determine the dismissal of the proceeding, except in case of a serious or very serious offence, in which case the proceeding shall culminate with the application of the penalty of driving inhibition.

Section 148

Offenders not domiciled in Timor-Leste or with outstanding fines

1 – If the offender is not domiciled in Timor-Leste or, if domiciled therein, has not fulfilled the pecuniary penalties that have been previously imposed on him or her and is not willing to make the immediate voluntary payment, shall proceed with the deposit of a sum equal to the amount of the maximum fine provided for the offence committed.

2 – An offender who has failed to fulfil any pecuniary penalties that have been previously imposed on him or her shall still proceed immediately with the payment thereof.

3 – The deposit referred to in subsection 148.1 is meant to ensure the payment of the fine the offender may be punished with, as well as the court expenses incurred.

4 – If the offender expresses his or her intention to pay the fine that corresponds with the offence committed and those outstanding or to make the respective deposit and cannot make it upon verification of the offence, the driving title, the vehicle identification card and the vehicle registration card shall be seized until the respective payment or deposit is made.

5 – In the case provided for in the preceding subsection certificates of

replacement of the seized documents shall be issued to be valid until the 1st working day following the date on which the offence was committed.

6 – Failure to pay or make the deposit under the preceding subsections of this section shall imply seizure of the vehicle, which shall last until the payment or deposit or an acquitting decision is made.

7 – A seized vehicle shall be subject to the same terms as the deposit for the payment of amounts due.

Section 149 Reporting an offence

1 – Once the report has been prepared, the offender shall be notified of:

- a) The facts that constitute the offence;
- b) The legislation breached;
- c) The applicable penalties;
- d) The time limit given and the venue for the presentation of the defence;
- e) The possibility of making a voluntary payment of the minimum fine, as well as the time limit and place where the payment thereof can be made and the consequences in case of A driver who fails to pay.

2 – The offender may, within 20 days of receipt of the notice, present his or her defence, in writing, designating witnesses, up to a limit of three, and other means of proof, or proceed with the voluntary payment, under the terms of, and with the effects established in, section 147

3 – An offender who proceeds with the voluntary payment of the fine shall not be prevented from presenting his or her defence, restricted to the seriousness of the offence and the applicable penalty of driving inhibition.

Section 150 Notices

1 – Notices shall be served:

- a) Through personal contact with the person to be notified at the place where he or she is found;
- b) Through a letter sent to the residence or business address of the person to be notified;

2 – Notification through personal contact shall be made, whenever feasible, upon reporting of the offence, and may also be used when the person to be notified is found by the relevant authority.

3 – Where this is not feasible upon the reporting of the offence, the notice shall be served in accordance with the preceding subsection or if any other act is at

issue the notice may be served through a simple letter sent out to the residence or business address of the person to be notified.

4 – For the purposes of subsections 150.3 and 150.4, the residence address of the person to be notified means:

a) That mentioned in the file referred to in subsection 116.8, in the case provided for in subsection 128.1;

b) That of the person who owns, acquires with reservation of ownership, usufructs, rents under the regime of financial lease or for a period exceeding one year, or who, by virtue of any fact subject to registration, holds the vehicle, in the case provided for in subsections 128.2 and 146.1.

5 – A notice issued pursuant to subsection 150.3 shall be deemed as having been served on the 3rd working day following the date it has been sent out, and the applicable penalty shall be mentioned in the notice.

6 – When liability for an offence lies with the person who owns, acquires with reservation of ownership, usufructs, rents under the regime of financial lease or for a period exceeding one year, or who, by virtue of any fact subject to registration, holds the vehicle, the notice, upon the reporting of the offence, may be served on the driver.

7 – If the person to be notified refuses to receive or sign the notice, the officer effecting service of the notice certifies the refusal, and the notice shall be deemed as having been delivered.

Section 151 Complying with a decision

1 – The fine shall be paid within 20 days from the date on which the decision becomes definitive, and the payment thereof shall be made in accordance with the modalities as established by regulation.

2 – Where actual driving inhibition is applied, the driving title shall be delivered to the relevant authority within the time limit referred to in the preceding subsection.

3 – The preceding subsection is applicable, with equal penalty, to seizure of a vehicle provided for in subsection 146.4, and the vehicle, the identification card and the registration card shall be delivered at the specified place.

PART II Procedure to monitor driving under the influence of alcohol or substances considered by law as narcotics or psychotropic drugs.

Section 152 General principles

1 – Subject to the tests intended to detect the states of being influenced by alcohol or substances considered by law as narcotics or psychotropic drugs are:

- a) Drivers;
- b) Pedestrians, whenever they are involved in a road traffic accident;
- c) People who intend to begin driving.

2 – A person who practises acts likely to falsify the results of the exams to which he or she is subject may not make such results prevail for purposes of proof.

3 – People referred to in paragraphs (a) and (b) of subsection 152. 1 who refuse to subject themselves to the tests intended to detect the state of being influenced by alcohol or substances considered by law as narcotics or psychotropic drugs shall be punished for disobedience.

4 – People referred to in paragraph (c) of subsection 152.1 who refuse to subject themselves to the tests intended to detect the state of being influenced by alcohol or substances considered by law as narcotics or psychotropic drugs shall be prevented from beginning driving.

5 – A medical doctor or paramedic who, without a just cause, refuses to take action as provided by law to diagnose the state of being influenced by alcohol or substances considered by law as narcotics or psychotropic drugs shall be punished for disobedience.

Section 153

Monitoring driving under the influence of alcohol

1 – The breath alcohol concentration exam shall be conducted by a law enforcement officer by using an apparatus to that effect.

2 – If the exam provided for in the preceding subsection is positive, the law enforcement officer shall notify the examinee, in writing, or, in case such is not feasible, verbally, of the result, of the legal penalties arising therefrom, of his or her right to immediately apply for a counterproof, and of his or her obligation to pay for all expenses originated by such counterproof in case of a positive result.

3 – The counterproof referred to in the preceding subsection shall be conducted by using one of the following means, in accordance with the examinee's will:

- a) A new exam, to be done by way of an apparatus;
- b) Blood test.

4 – In case the new exam provided for in paragraph (a) of the preceding subsection is opted for, the examinee shall immediately be subjected to it and, if need be, taken to a place where such exam can be conducted.

5 – If the examinee prefers a test blood, he or she shall be taken as quickly as possible to an official health establishment where the quantity of blood required

for the test shall be collected from him or her.

6 – If the breath alcohol concentration exam is not feasible, the examinee shall be subjected to blood collection for test purposes.

Section 154 Driving ban

1 – A person who shows a positive result in the exam provided for in subsection 153.1 or refuses or cannot subject himself or herself to such exam, shall be banned from driving for a period of twelve (12) hours, unless he or she proves, before that period has elapsed, that he or she is not under the influence of alcohol, through an exam applied for by himself or herself.

2 – The law enforcement officer shall notify the driver, rider, pedestrian or person who intends to begin driving under the circumstances provided for in subsection 154.1 that he or she shall be banned from driving during the period stipulated in the same subsection, under pain of incurring the penalty of qualified disobedience.

3 – Expenses originated by the exam referred to in the last part of subsection 154.1 shall be borne by the examinee, unless such expenses result from a counterproof required under subsection 153.2, showing a negative result.

Section 155 Immobilisation of vehicles

1 – To ensure compliance with subsection 154.1 a vehicle shall be either immobilised or removed into an appropriate park or place, providing, whenever this proves indispensable, for the referral of the occupants of the vehicle.

2 – All expenses originated by the procedures provided for in the preceding subsection shall be borne by the driver.

3 – There shall be no immobilisation or removal of the vehicle if another driver, with the consent of the banned driver, or of the owner of the vehicle, intends to drive the vehicle and shows a negative result in a breath alcohol concentration exam.

4 – In the case provided for in the preceding subsection, the substitute driver shall be notified that he or she shall be responsible for the observance of the ban referred to in the preceding section, under pain of incurring the penalty of qualified disobedience.

Section 156
Exams in case of accident

1 – Drivers and pedestrians involved in a road traffic accident shall, whenever their state of health so allows, be subjected to a breath alcohol concentration exam, under the terms of section 153.

2 – When the conduction of the exam referred to in the preceding subsection has not been possible, the medical doctor from the official health establishment to which the persons involved in the accident have been taken shall proceed with the collection of blood samples for a subsequent exam to diagnose the state of being under the influence of alcohol.

Section 157
Monitoring driving under the influence of substances considered by law
as narcotics or psychotropic drugs

1 – Drivers and persons who intend to begin driving shall be subjected to the exams established by law to detect substances considered by law as narcotics or psychotropic drugs, when there are indications that they are under the influence of such substances.

2 – Drivers and pedestrians involved in a road traffic accident that results in deaths or serious injured shall be subjected to the exams referred to in the preceding subsection.

3 – The law enforcement officer shall notify:

- a) Drivers and pedestrians that they must subject themselves to the required exams, under pain of incurring the penalty of disobedience, and that they shall be banned from driving for a period of forty-eight (48) hours, except if, before that period has elapsed, the laboratory tracking test shows a negative result;
- b) People who intend to begin driving under the circumstances provided for in subsection 157.1 that they shall be banned from driving for the 48-hour period, except if, before that period has elapsed, they subject themselves to a laboratory tracking test that shows a negative result.

4 – The law enforcement officer shall provide for the transportation of the examinees to an official health establishment.

5 – When a laboratory tracking test of a driver or pedestrian under the terms of paragraph (a) of subsection 157. 3 shows a positive result, he or she shall subject himself or herself to the necessary complementary tests, under pain of

incurring the penalty of disobedience.

6 – For the purposes provided for in the preceding subsections of this section, subsection 156.2 shall apply, mutatis mutandis

Section 158 Other provisions

1 – Without prejudice to the immediate applicability of the rules provided for in the sections above, the Minister of Transport and Communications may establish by Instruction:

- a) The type of materials to be used in monitoring and laboratory tests for determining the states of being under the influence of alcohol or substances considered by law as narcotics or psychotropic drugs;
- b) The methods to be used in determining the concentration of alcohol or substances considered by law as narcotics or psychotropic drugs in the blood;
- c) The medical exams to determine the states of being under the influence of alcohol or substances considered by law as narcotics or psychotropic drugs;
- d) The laboratories where urine and blood tests shall be done;
- e) The price tariff for the tests to be done and the transportation fees for examinees and for the immobilisation and removal of vehicles.

2 – The payment of expenses originated by the exams provided for by law to determine the state of being under the influence of alcohol or substances considered by law as narcotics or psychotropic drugs, as well as those originated by the immobilisation or removal of vehicles referred to in section 155, shall be made by the entity in charge of the coordination of traffic monitoring.

3 – When the aforementioned exams have a positive result, the expenses shall be the responsibility of the examinee, and shall be added to the account of costs related to the ongoing criminal or offence case, which shall accrue to the entity referred to in the preceding subsection.

PART III Seizure of documents

Section 159 Preventive seizure of driving titles

1 – Driving titles shall be preventively seized by the criminal investigation or monitoring authorities or their officers when:

- a) suspecting that they have been counterfeited or fraudulently doctored;
- b) Their validity period has expired;
- c) They are in bad condition, thereby making any observation or entry illegible.

2 – In the cases provided for in paragraphs (a) and (c) of the preceding subsection, a driving authorisation valid for the period of time deemed necessary

and renewable when a justified motive occurs shall be issued in the stead of the driving title.

Section 160 **Other cases of seizure of driving titles**

1 – A driving title shall be seized in the fulfilment of the revocation of a driving title or driving prohibition or inhibition.

2 – The competent entity shall also determine the seizure of a driving title when:

- a) Any of the exams done pursuant to subsections 123.1 and 123.3 reveals technical inability or physical, mental or psychological inaptitude of the examinee to drive safely;
- b) A driver does not turn up for any of the exams referred to in the preceding paragraph or in subsection 142.3, unless he or she justifies his or her A driver who fails to turn up within 5 (five) days;
- c) It has expired under subsection 122.1.

3 – In the cases provided for in the preceding subsections of this section, the driver shall be notified, within 20 days, to hand the driving title in at the office of the relevant authority, under pain of incurring punishment for disobedience.

4 – Without prejudice to punishment for disobedience, if a driver fails to hand his or her driving title in pursuant to the preceding subsection, the relevant authority may determine its seizure, through the monitoring authority or its agents.

Section 161 **Seizure of the vehicle identification card**

1 – The vehicle identification card shall be seized by the criminal investigation or monitoring authorities or by their agents when:

- a) Suspecting that it has been counterfeited or fraudulently doctored;
- b) The features of the vehicle to which it relates do not match the ones mentioned therein, except in case of replacement engines, duly registered, or tyres of a size in excess of that indicated and adaptable to the wheels;
- c) It is in such a bad condition that makes any observation or entry illegible;
- d) The vehicle, as a result of an accident, proves to have been damaged beyond repair;
- e) The vehicle is seized;
- f) The vehicle is found travelling without a roadworthiness clearance;
- g) It is realised, in the course of an inspection, that the vehicle is not roadworthy or also, being assigned to public transport, is not sufficiently comfortable;
- h) The seizure of the vehicle is determined under subsection 152.4.

2 – With the seizure of the vehicle identification card comes the seizure of all other documents related to the circulation of the vehicle, which shall be returned

along with the former.

3 – In the cases provided for in paragraphs (a), (c) and (g) of subsection 161.1, an authorisation valid for the period and under the conditions stated therein shall be issued in the stead of the vehicle identification card.

4 – In the cases provided for in paragraphs (b) and (e) of subsection 161. 1, an authorization valid just for the itinerary until the place of destination of the vehicle shall be issued.

5 – An authorisation valid for the itineraries required for the repairs to be done in order to regularise the situation of the vehicle, as well as for its presentation at the inspection, shall also be issued in the stead of the vehicle identification card.

6 - Without prejudice to subsections 161. 3 through 161.5, a person who drives a vehicle whose identification card has been seized shall be punished with a fine of US\$ 30 to US\$ 150, in case of a motorcar, motorcycle or trailer, and of US\$ 18 to US\$ 90, in case of another motor vehicle.

PART IV Seizure of vehicles

Section 162 Seizure of vehicles

1 – A vehicle shall be seized by the criminal investigation or monitoring authorities or by their agents when:

- a) Travelling with a registration number that does not belong to it or that has not been legally assigned to it;
- b) Travelling without a registration number or unregistered;
- c) Travelling with a registration number that is not valid for circulation within the national territory;
- d) Travelling with the respective identification card seized, except in case the latter has been replaced by an authorisation issued under the preceding section;
- e) The respective registration or the ownership of the identification card has not been regularised within the time limit as stipulated by law.;
- f) An insurance has not been taken out against civil liability as prescribed by law.

2 – In the cases provided in the preceding subsection, the vehicle may not remain seized for over 90 days due to the negligence of the owner to proceed with the regularisation of the situation of the vehicle, under pain of forfeiting it to the State.

3 – In the cases provided for in paragraphs (a) and (b) of subsection 162.1, the vehicle shall be placed at the disposal of the competent judicial authority, whenever criminal proceeding has been initiated.

4 – In the cases provided for in paragraphs (c) through (f) of subsection 162.1, the owner may be designated as the faithful custodian of the vehicle.

5 – In case of accident, the seizure referred to in paragraph f) of subsection 162.1 shall last until the compensations arising therefrom are proved to have been met or, if the respective amount has not been determined, until a pledge has been given for a sum equivalent to the minimum amount of the compulsory insurance.

6 – A person who owns, acquires with reservation of ownership, usufructs, and rents under a regime of financial lease or for a period exceeding one year, or who, by virtue of any fact subject to registration, holds the vehicle, shall be liable for the payment of the expenses caused by the seizure of the vehicle.

PART V

Abandonment, blocking and removal of vehicles

Section 163

Improper or abusive parking

Improper or abusive parking means:

- a) That of a vehicle, for 30 uninterrupted days, at a place of a public road or in a parking lot or area that is exempt from the payment of any fee;
- b) That of a vehicle, in a parking lot, when the fees corresponding with five (5) days of use have not been paid;
- c) That of a vehicle, in a parking area restricted by the payment of a fee, when such fee has not been paid or two hours have been elapsed beyond the period of time that has been paid for;
- d) That of a vehicle that remains in a restricted parking area for over two hours beyond the period of time allowed;
- e) That of an agricultural vehicle, industrial machine, trailer or semi-trailer not coupled to a tractor vehicle and that of a publicity vehicle that remains at the same place for over forty eight (48) hours, or thirty (30) days, if parked at places designed for that purpose;
- f) One that takes more than forty eight (48) hours, in case of vehicles that show clear external signs of abandonment or of impossibility of safely moving on their own.

Section 164

Blocking and removal

1 – A vehicle may be removed if found:

- a) Improperly or abusively parked, pursuant to section 163;
- b) Parked or immobilised in a way that poses evident danger or serious disruption to traffic;
- c) With external signs that the vehicle has been damaged beyond repair, under the terms as established by regulation;

d) Parked or immobilised at places where, for security reasons, of public order, of emergency, of rescue or other similar motives, the removal thereof is justified.

2 – For the purposes of paragraph (b) of the preceding subsection, the following cases of parking or immobilisation, among others, are also considered to pose evident danger or serious disruption to traffic:

- a) On a road or traffic corridor reserved for public transport vehicles;
- b) At a stop point for collective passenger transport vehicles;
- c) On a marked pedestrian crossing;
- d) On a pavement or in an area reserved exclusively for the circulation of pedestrians;
- e) On the roadway, except by the road edge or pavement;
- f) At a place designed for the access of vehicles or pedestrians to properties, garages or parking areas;
- g) At a place designed to park vehicles of certain categories or assigned to the parking of vehicles in the service of determined entities, or, also, designed for vehicles to stop for loading and unloading operations or to pick up or drop off passengers;
- h) Impeding the formation of one or two traffic lines, depending on whether traffic proceeds in one or two directions;
- i) On the roadway, in a second line;
- j) At a place impeding the access to other duly parked vehicles or the exit thereof;
- l) At night, on the roadway, outside of a built-up area, except in case of immobilisation due to a duly signalised breakdown;

3 – Should any of the situations provided for in paragraphs (a), (b) and (c) of subsection 164.1 occur, the competent monitoring authorities may block the vehicle by using an appropriate device, thereby preventing it from moving until the removal thereof becomes feasible.

4 – The unblocking of a vehicle may only be carried out by the competent authorities, and if carried out by any other person, the latter shall be punished with a fine of US\$ 24 to US\$ 120.

5 – A person who owns, acquires with reservation of ownership, usufructs, rents under a regime of financial lease or for a period exceeding one year, or who, by virtue of any fact subject to registration, holds the vehicle, shall be liable for all expenses occasioned by the removable of such vehicle, without prejudice to the applicable legal penalties, save a third party proceeding against the driver.

6 – The conditions and fees in relation to the blocking, removal and deposit of vehicles shall be established by Instruction of the Minister of Transport and Communications.

7 – Fees shall not be due when it becomes clear that there has been an erroneous application of legal provisions.

Section 165 Presumption of abandonment

1 – Once a vehicle has been removed pursuant to section 164, the owner shall be notified, at the residence address mentioned in the respective file, to collect it within 45 days.

2 – If, bearing in mind the overall condition of the vehicle, the risk of deterioration may raise fears that the price of the vehicle sold at public auction does not cover the expenses arising from the removal and deposit of the vehicle, the time limit provided for in the preceding subsection shall be reduced to 30 days.

3 – The time limits referred to in subsections 165.1 and 165.2 shall count from the date the notice has been sent out or posted pursuant to the section below.

4 – If the vehicle is not claimed within the time limit provided for in the preceding subsections of this section, it shall be deemed abandoned and acquired by occupancy by the State or by the local government.

5 – A vehicle shall immediately be deemed abandoned when its owner has expressly manifested such will.

Section 166 Claim of vehicles

1 – A notice shall mention the place to where the vehicle has been removed and also that the owner must collect it within the time limits referred to in section 165, upon payment of the expenses pertaining to the removal and deposit of the vehicle, otherwise the vehicle shall be deemed abandoned.

2 – Where notification is not feasible due to the lack of details of the identity or the residence address of the owner of the vehicle, a notice shall be posted at the city hall of the area where the vehicle has been found or at the last known residence address of the owner, respectively.

3 – The delivery of the vehicle to the claimant shall depend on his or her giving a pledge in an amount equivalent to the expenses pertaining to the removal and deposit of the vehicle.

Section 167 Mortgages

1 – When a vehicle is the subject of mortgage, the creditor shall also be notified, at the residence address mentioned in the respective file or pursuant to subsection 166.3

2- A notice to the creditor shall state the terms on which the notice has been served on the owner and the date on which the time limit referred to in section 166 expires.

3- The mortgagee may request that the vehicle be delivered to him or her as its faithful custodian, just in case, once the time limit has elapsed, the owner does not collect it.

4 – The request may be lodged within 20 days from the date the notice has been served or until the expiry of the time limit for the collection of the vehicle by the owner, if the latter expires after the former.

5 – The vehicle shall be delivered to the mortgagee as soon as all expenses occasioned by the removal and deposit are proved to have been paid, and the payment shall be made within eight days (8) following the expiry of the last of the time limits referred to in the preceding section.

6 – The mortgagee shall have the right to require of the owner the expenses referred to in the preceding subsection and those incurred by him or her in his or her capacity as the faithful custodian.

Section 168 Garnishment

1 – When a vehicle has been the subject of garnishment or an equivalent act, the authority that effected the removal shall inform the court of the circumstances that justified such removal.

2 – In the case provided for in the preceding subsection, the vehicle shall be delivered to the person to that effect designated by the court as the faithful custodian, and the prior payment of the expenses pertaining to the removal and deposit of the vehicle shall be waived.

3 – In the execution thereof, credits for the expenses pertaining to the removal and deposit of the vehicle shall enjoy a special chattel privilege.

Section 169 Persons to be notified

1 – Should there be a right of usufruct over the vehicle, the notice referred to in sections 165 and 166 shall be served on the usufructuror, and section 167 shall apply to the owner, mutatis mutandis.

2 – In case of financial lease or lease for a period exceeding one year, the notice

referred to in sections 165 and 166 shall be served on the lessee, and section 167 shall apply to the lessor, mutatis mutandis.

3 – Where a vehicle has been sold with reservation of ownership and such ownership is retained, the notice referred to in sections 165 and 166 shall be served on the acquirer, and section 167 shall apply to the owner, mutatis mutandis.

4 - Where, by virtue of any fact subject to registration, a person is in possession of the vehicle, the notice shall be served on the person who has the capacity as the holder, and section 167 shall apply to the owner, mutatis mutandis.

TITLE VII

Transitional and final provisions

Section 170

Regulatory arrangements

The Government shall regulate the present law, within one year from the date of its publication.

Section 171

Insurance

The application of the norms provided for in subsections 125.1 and 125.2 shall be temporarily suspended until the creation, by the State, of the legislative, administrative and technical conditions necessary for the application thereof.

Section 172

Revocatory clause

All norms established within the framework of the Indonesian legal order in the field covered by this legal instrument are hereby repealed.

Section 173

Entry into force

The present legal instrument shall enter into force 90 days after the date of its publication.

Approved by the Council of Ministers on 3 July 2002.

The Prime Minister, *Mari Alkatiri*
[Signed]

The Minister of Transport, Communications and Public Works, *Ovídio de Jesus Amaral*
[Signed]

Promulgated on 14 February 2003.

To be published.

The President of the Republic, *José Alexandre Gusmão, 'Kay Rala Xanana Gusmão'*
[Signed]