Highway Law of the People's Republic of China


Contents

Chapter I General Provisions

Chapter II Planning of Highways

Chapter III Construction of Highways

Chapter IV Maintenance of Highways

Chapter V Administration of Highways

Chapter VI Toll Roads

Chapter VII Supervision and Inspection

Chapter VIII Legal Responsibility
Chapter IX Supplementary Provisions

Chapter I

General Provisions

Article 1 This law is enacted with a view to improving the construction and administration of highways, promoting the development of highways, and accommodating the needs of the socialist modernization drive and the people’s everyday life.

Article 2 This law shall be applicable to planning, construction, maintenance, operation, use and administration of the highways within the territory of the People’s Republic of China.

"Highways" as used in this Law includes highway bridges, tunnels and ferries.

Article 3 The principles of overall planning, reasonable layout, guaranteed quality, mobility and accessibility, protection of environment, and equal stress on construction, improvement and maintenance shall be adhered to in the development of highways.

Article 4 The people’s governments at various levels shall take effective measures to assist and promote the construction of highways. Highway construction shall be included in the national economic and social development plans.

The State encourages economic organizations both at home and abroad to make investment in highway construction and engage in highway operation and gives them guidance in this regard.

Article 5 The State assists and supports the minority nationality areas, outlying areas and poverty-stricken areas in developing highways.
Article 6 Highways shall be classified into national highways, provincial highways, county roads and township roads in terms of their functions in the highway network and into expressways, Class I highways, Class II highways, Class III highways and Class IV highways in terms of technical grading. The specific standards for classification shall be formulated by the competent department for communications under the State Council.

All the highways to be built shall conform to the requirements for technical grading. Measures shall be taken to improve all the existing substandard highways that do not conform to the requirements even for the lowest technical grade and to gradually change them into highways conforming to requirements for technical grading.

Article 7 Highways shall be protected by the State. No units or individuals may undermine, damage or illegally occupy highways, highway land or auxiliary highway facilities.

All units and individuals shall have the duty to protect highways, highway land and auxiliary highway facilities and have the right to expose and accuse any act that undermines or damages highways, highway land, or auxiliary highway facilities or adversely affects highway safety.

Article 8 The competent department for communications under the State Council shall administer the highways throughout the country.

The competent departments for communications under the people’s governments at or above the county level shall administer the highways within their own administrative areas; however, the duties of the competent departments for communications under the people’s governments at or above the county level to administer and supervise national highways and provincial highways shall be determined by the people’s governments of the provinces, autonomous regions, or municipalities directly under the Central Government.

The people’s governments of townships, nationality townships and towns shall be responsible for construction and maintenance of the township roads within their own administrative areas.
The competent departments for communications under the people’s governments at or above the county level may decide that highway administration organs perform the function of administration of highways in accordance with the provisions of this Law.

Article 9 Any units or individuals shall be prohibited to illegally set up outposts, impose fees or fines, or stop vehicles along highways.

Article 10 The State encourages scientific and technological research in the field of highways and awards the units and individuals that have achieved outstanding successes in research and application of science and technology in this field.

Article 11 The provisions in this Law on accommodation roads shall be applicable to such roads.

Accommodation roads refer to the roads that are built, maintained and administered by enterprises or other units to provide transport services thereon specially or chiefly for the said enterprises or units.

Chapter II

Planning of Highways

Article 12 Planning of highways shall be based on the needs of national economic and social development and of national defence, consistent with urban development plans and plans for the development of transport modes.

Article 13 Plans for land to be used for highway construction shall be in conformity with the overall plan for land-use. The land to be used for the purpose in a given year shall be included in the annual plan for the land to be used for construction.

Article 14 Plans for national highways shall be made by the competent department for communications under the State Council in conjunction with the relevant departments under the State Council and in
consultation with the provinces, autonomous regions, and municipalities directly under the Central Government along the way where such highways are to be built and shall be submitted to the State Council for approval.

Plans for provincial highways shall be made by the competent departments for communications under the people’s governments of the provinces, autonomous regions, or municipalities directly under the Central Government in conjunction with the relevant departments at the same level and in consultation with the people’s governments at the next lower level along the way where such highways are to be built and shall be submitted to the people’s governments of the provinces, autonomous regions, or municipalities directly under the Central Government for approval and to the competent department for communications under the State Council for the record.

Plans for county roads shall be made by the competent departments for communications under the people’s governments at the county level in conjunction with the relevant departments at the same level and shall be submitted to the people’s governments at the next higher level for approval after examination and finalization by the people’s governments at the county level.

Plans for township roads shall be made by the people’s governments of townships, nationality townships or towns with the help of the competent departments for communications under the people’s governments at the county level and shall be submitted to the people’s governments at the county level for approval.

Plans for county roads or township roads that are approved in accordance with the provisions in the third or fourth paragraph shall be submitted to the competent departments for communications under the people’s governments at the next higher level for the record.

Plans for provincial highways shall be consistent with those for national highways. Plans for county roads shall be consistent with those for provincial highways. Plans for township roads shall be consistent with those for county roads.

Article 15 Plans for accommodation roads shall be made by the unit in charge of such roads and shall, after examination and finalization by the competent department in charge of the said unit at the next higher level, be submitted to the competent department for communications under the people’s government at or above the county level for examination and verification.
Plans for accommodation roads shall be consistent with those for highways. When the competent department for communications under the people’s government at or above the county level finds that plans for accommodation roads are not consistent with those for national highways, provincial highways, county roads or township roads, it shall make suggestions for revision, and the competent department and the unit in charge of the accommodation roads shall revise the plans accordingly.

Article 16 Partial readjustment of plans for national highways shall be decided on by the original authorities that made the plans. When major revision of such plans are needed, proposals therefor shall be put forward by the said authorities and submitted to the State Council for approval.

Where approved plans for provincial highways, county roads or township roads need be revised, proposals therefor shall be put forward by the original authorities that made the plans and submitted for approval to the original authorities that approved them.

Article 17 The name and code of a national highway shall be determined by the competent department for communications under the State Council, the name and code of a provincial highway, county road or township road shall be determined by the competent department for communications under the people’s government of the province, autonomous region, or municipality directly under the Central Government in accordance with the relevant regulations of the competent department for communications under the State Council.

Article 18 In planning or building new villages, towns or development zones, attention shall be paid to keeping them at specified distances from highways and preventing them from being built across the highways so as to avoid turning the highways into streets, only to adversely affect traffic safety and flow.

Article 19 The State encourages the use of an accommodation road by the public for transport. When an accommodation road is to be used by the public chiefly for transport, an application shall be submitted by the unit in charge of the accommodation road, or by the relevant quarters with the consent of the said unit. Subject to the approval of the competent department for communications under the people’s government of the province, autonomous region, or municipality directly under the Central Government, such a road may be turned into a provincial highway, county road or township road.
Chapter III

Construction of Highways

Article 20 The competent departments for communications under the people’s governments at or above the county level shall, in compliance with their functions and duties, maintain order of highway construction and exercise strict supervision over and administration of highway construction.

Article 21 In addition to appropriations made by the people’s governments at various levels, including government appropriations which are transformed from the special funds collected through taxation, in accordance with law, for highway construction, funds for highway construction may come from loans solicited from domestic and foreign financial institutions or from governments of other countries according to law.

The State encourages economic organizations at home and abroad to invest in highway construction. The companies that are engaged in developing and operating highways may raise funds by issuing stocks and bonds in accordance with laws and administrative regulations.

The proceeds from assignment of highway toll rights under this Law shall be used for highway construction.

Raising funds from enterprises and individuals for highway construction shall be based on need and possibility and on the principle of voluntariness and in conformity with the relevant regulations of the State Council, and no compulsory apportionment shall be permitted.

Funds for highway construction may also be raised through other means that conform to laws or the regulations of the State Council.

Article 22 Highways shall be built in accordance with the procedure for capital construction prescribed by the State and the relevant regulations.
Article 23 For highway construction projects, the systems of the legal person assuming responsibility, competitive bidding and engineering supervision shall be practised, as required by the relevant State regulations.

Article 24 The owner of a highway construction project shall select qualified units for survey and design, construction and engineering supervision according to the specific features and technical requirements of the project and shall sign a contract with each unit in accordance with the relevant laws, regulations and rules and the technical standards for highway engineering in order to define the rights and duties of both parties.

The units undertaking the feasibility study, survey and design, construction and engineering supervision for a highway construction project shall hold qualification certificates as required by the State.

Article 25 Construction of a highway project shall be subject to approval by the competent department for communications under the people’s government at or above the county level as required by the competent department for communications under the State Council.

Article 26 Highway construction shall conform to the technical standards for highway engineering.

The units undertaking the design, construction and engineering supervision for a highway construction project shall, as required by the relevant State regulations, establish a sound system to guarantee quality, put into effect the job responsibility system, and make design, conduct construction and exercise supervision in accordance with the relevant laws, regulations and rules, technical standards for highway engineering and the terms agreed in the contracts, for the purpose of ensuring the quality of highway engineering.

Article 27 Use of land for highway construction shall be governed by the relevant laws and administrative regulations.

Highways shall be constructed in adherence to the principles of effective protection of cultivated land and conservation of land.
Article 28 Where it is necessary to use State-owned barren hills or wasteland, or to dig sand, quarry or borrow earth from such barren hills, wasteland, flood land or shoals for highway construction, once the necessary formalities have been gone through in accordance with the relevant laws and administrative regulations, no units or individuals may obstruct it or illegally impose any charge for it.

Article 29 The local people’s governments at various levels shall provide support and assistance to lawful use of land and resettlement of residents for highway construction.

Article 30 Highway construction projects shall be designed and constructed in conformity with the legal requirements for environmental protection, protection of cultural relics and historic sites and prevention of water and soil erosion.

Highway construction projects required for national defence and included in plans for highways shall be constructed strictly in accordance with such plans in order to meet the transport needs of national defence.

Article 31 When highway construction will impede the normal use of the facilities of railways, water conservancy works, power supply, post and telecommunications or other facilities, the owner of the highway construction project shall contact the departments concerned in advance to obtain their consent, where highway construction causes any damage to the facilities, the owner of the project shall have the facilities rehabilitated to a technical standard not lower than the original or make appropriate economic compensation.

Article 32 When reconstructing a highway, the construction unit shall place conspicuous construction markers or safety signs at both ends of the section under reconstruction. Where it is necessary for vehicles to make a detour, proper signs shall be placed at the place where the detour should be made; where there is no detour available, temporary roads shall be constructed to ensure passage for both vehicles and pedestrians.

Article 33 When highway construction or rehabilitation projects are completed, they shall be checked for acceptance in accordance with the relevant State regulations; the ones that have not been checked for acceptance or have failed to pass the check shall not be open to traffic.
Along the completed highways there shall be conspicuous road signs and markings as required by the competent department for communications under the State Council.

Article 34 The local people’s governments at or above the county level shall determine as highway land an area not less than one metre from the outside edge of the side ditches (intercepting ditches, berms at the foot of cutting slopes, the same hereinafter) on both sides of the highways.

Chapter IV

Maintenance of Highways

Article 35 Highway administration organs shall maintain highways in accordance with the technical norms and operational specifications formulated by the competent department for communications under the State Council to ensure that highways are constantly in good repairs technically.

Article 36 The State shall raise funds for highway maintenance by means of taxation in accordance with law, and the specific measures and steps for implementation shall be formulated and taken by the State Council.

The highway maintenance funds raised through taxation in accordance with law shall be used specially for highway maintenance and reconstruction.

Article 37 The people’s governments at the county or township level shall give support and assistance where sand, stone, earth or water is needed for maintaining highways.

Article 38 The people’s governments at the county or township level shall, within the scope of voluntary work in rural areas and in accordance with the relevant regulations of the State, organize rural residents on both sides of highways to perform their duties of providing labor for construction and maintenance of highways.
Article 39 To ensure their personal safety, highway maintenance workers shall wear uniforms with safety signs while doing maintenance work on the road. When maintenance work is being done with the help of vehicles, conspicuous signs shall be displayed on the vehicles at work on the road.

When maintenance vehicles are at work, they shall not be restricted by the road signs or markings as to the routes or directions they may take, on condition that their doing so does not impede traffic; and the passing vehicles on their part shall take care to give way to the maintenance vehicles and workers.

When a maintenance project will impede traffic, the construction unit shall handle the matter in accordance with the provisions of Article 32 of this Law.

Article 40 In case traffic on a national or provincial highway is held up due to damage caused by a serious natural disaster, the highway administration organs shall take prompt action to have the highway rehabilitated. When it is difficult for the said organs to do so, the local people’s governments at or above the county level shall promptly ask the local government departments, organizations, enterprises, institutions or local residents to help with the rush repairs, and they may ask the troops stationed there for assistance, in order to resume traffic as soon as possible.

Article 41 The highway administration organs shall be responsible for water and soil conservation of the hill slopes and wasteland within the highway land area.

Article 42 The highway administration organs shall be responsible for the greening along both sides of highways in accordance with the technical standards for highway engineering.

No trees within highway land areas may be felled at will. Where it is necessary to fell trees in order to plant new ones, procedures for examination and approval shall be completed in accordance with the provisions of the Forestry Law of the People’s Republic of China, after consent is obtained from the competent department for communications under the local people’s government at or above the county level, and the task of planting new trees shall be fulfilled.

Chapter V
Administration of Highways

Article 43 The local people’s governments at various levels shall take measures to protect the highways.

The competent departments for communications under the local people’s governments at or above the county level shall conscientiously perform their duties and effectively protect the highways according to law and adopt scientific management methods and advanced technical means to improve highway administration, gradually provide well-equipped service facilities and to guarantee good road conditions and safe and unimpeded traffic.

Article 44 No units or individuals may occupy or break open highways without authorization.

Where it is necessary to occupy, break open or relocate highways in order to construct railways, airports, power stations, telecommunications facilities, water conservancy projects or other projects, the project owner shall obtain approval of the relevant competent department for communications in advance; if traffic safety is adversely affected, consent shall be obtained from the relevant public security organ. For highways that are occupied, broken open or relocated, the said project owner shall have the section of highway under question rehabilitated or reconstructed at the technical standards not lower than the original or make appropriate economic compensation.

Article 45 Where it is necessary to build bridges or aqueducts or erect or bury pipelines or other facilities across a highway or above or beneath a highway, or erect or bury pipelines or electric cables within the highway land areas, the matter shall be subject to prior consent of the relevant competent department for communications; if traffic safety is adversely affected, it shall also be subject to consent of the relevant public security organ. The facilities to be built, erected or buried shall be in conformity with the technical standards for highway engineering. If any damage is caused to the highway, compensation shall be made to the extent of the damage done.

Article 46 No units or individuals may set up stalls, pile things, dump garbage, put up obstructions, or dig irrigation ditches on highways or within highway land areas, or discharge pollutants into the side ditches of highways, or conduct other activities which may cause damage or pollution or impede highway traffic.
Article 47 No sand-digging, quarrying, earth-borrowing, garbage-dumping, blasting or other activities that may endanger the safety of highways or highway bridges, tunnels or ferries shall be allowed within the area of 200 metres around large and medium-sized highway bridges and ferries, 100 metres above and from the entrances of highway tunnels and at a certain distance from both sides of highways.

Where it is necessary to build embankments, narrow or widen river beds in order to deal with emergencies or control floods within the areas mentioned in the preceding paragraph, the matter shall be submitted in advance to the competent departments for communications under the people’s governments of provinces, autonomous regions, or municipalities directly under the Central Government, which shall consult the water administration authorities before granting approval, and effective measures shall be taken to ensure safety of the highways and the highway bridges, tunnels and ferries concerned.

Article 48 Except for agricultural machinery, used for local farm work, that has to operate along highways over a short distance, no iron-wheeled or caterpillar vehicles or other vehicular machinery that may cause damage to pavement shall be permitted to operate on highways. Where it is definitely necessary for the said vehicles or machinery to operate on highways, the matter shall be subject to consent of the competent departments for communications under the people’s governments at or above the county level; effective measures shall be taken to protect the highways, and the vehicles and machinery shall operate at the time and along the route as designated by the public security organ. Where any damage is caused to highways, compensation shall be made to the extent of the damage done.

Article 49 The axle load of vehicles operating on highways shall be in conformity with the technical standards for highway engineering.

Article 50 Vehicles that exceed the limits for tonnage and dimensions of length, width and height, fixed for the designated highways or highway bridges or tunnels or ferry boats shall not be permitted to operate on such highways, over such bridges, through such tunnels or to use such ferry boats. Where it is definitely necessary for overloaded vehicles to operate along the said highways or over highway bridges, approval shall be obtained from the competent departments for communications under the people’s governments at or above the county level, and effective and protective measures shall be taken, as required; where a vehicle carries an indivisible oversize or overload cargo, it shall operate at the time, along the route and at the speed as specified and bear conspicuous signs. Where the carrier cannot take the protective measures as mentioned in the preceding paragraph, the competent
department for communications shall help it to do so, and all the necessary costs thus incurred shall be born by the carrier.

Article 51 No motor vehicle manufacturers or other units may use highways as test grounds for testing the performance of the vehicle brake system.

Article 52 No units or individuals may damage, or move away road auxiliary facilities without authorization, or obliterate or alter signs or markings thereon without authorization.

The road auxiliary facilities mentioned in the preceding paragraph refer to facilities and equipment, special buildings and structures, etc. of safeguard, drainage, maintenance, management, service, safe traffic, ferry, monitor, telecommunications and toll collection that are set up for purposes of protection, maintenance and safe and unimpeded traffic of highways.

Article 53 Where any damage is caused to a highway, the persons who are responsible for the damage shall report without delay to the highway administration organ and accept on-the-spot investigation made by the said organ.

Article 54 No units or individuals may set up any signs other than the ones for highways within highway land areas, unless otherwise approved by the competent departments for communications under the people’s governments at or above the county level.

Article 55 To build additional at-grade intersections along highways, it is imperative to obtain approval in accordance with the relevant regulations of the State and conform to the technical standards set by the State.

Article 56 No buildings or surface structures may be built within building-control zones on both sides of a highway, except for the buildings that are needed for protection and maintenance of the highway. Where it is necessary to bury such facilities as pipelines and cables underneath the said zones, prior approval shall be obtained from the competent department for communications under the people’s government at or above the county level.
The area of a building-control zone mentioned in the preceding paragraph shall be determined by the local people’s government at or above the county level in adherence to the principles of safe traffic and conservation of land use and in accordance with the regulations of the State Council.

Once the area of a building-control zone is determined by the local people’s government at or above the county level in accordance with the provisions of the preceding paragraph, the competent department for communications under the local people’s government at or above the county level shall mark such a zone with sign posts and boundary posts. No units or individuals may damage, or move away the sign posts and boundary posts without authorization.

Article 57 Except for the provisions of the second paragraph of Article 47 of this Law, the duties of highway administration to be performed by the competent departments for communications as provided for in this Chapter may be performed by the highway administration organs in accordance with the provisions of the fourth paragraph of Article 8 of this Law.

Chapter VI

Toll Roads

Article 58 The State permits the building of toll roads and puts the numbers of such roads under control.

Except for the highways mentioned in Article 59 of this Law, no toll may be charged for any other highways.

Article 59 Toll may be charged according to law for the following highways that are in conformity with the technical grades and scales specified by the competent department for communications under the State Council:

(1) highways built by the competent departments for communications under the local people’s governments at or above the county level through the use of loans or funds raised from enterprises and individuals;
(2) highways mentioned in the preceding subparagraph, the toll rights of which have been assigned to domestic or foreign economic organizations in accordance with law; and

(3) highways built with investments of domestic and foreign economic organizations according to law.

Article 60 The tolling period of toll roads built by the competent departments for communications under the local people’s governments at or above the county level through the use of loans or funds raised shall be determined by the people’s governments of the provinces, autonomous regions or municipalities directly under the Central Government in adherence to the principle of repaying the loans and the funds through collection of tolls and in accordance with the regulations of the competent department for communications under the State Council.

With respect to highways, the toll rights of which are to be assigned with compensation, after the toll rights are assigned, the assignee shall collect the tolls and operate the highways. The term of assignment shall be specified in the agreement reached between the assignor and the assignee and shall be subject to examination and approval of the authorities in charge of such assignment, however, at most it shall not be longer than that as fixed by the State Council.

Economic organizations at home or abroad that invest to build highways shall go through the formalities of examination and approval in accordance with the relevant regulations of the State. Once construction of such highways is completed, the investors shall collect the tolls and operate the highways. The time period of toll collection and highway operation shall, in adherence to the principle of repayment of the money invested together with appropriate returns, be determined through agreement between the relevant competent departments for communications and the investors, who shall also go through the formalities of examination and approval in accordance with the relevant regulations of the State, however, at most it shall not be longer than that as fixed by the State Council.

Article 61 The assignment of the toll rights of national highways among the highways provided for in Subparagraph (1) under the first paragraph of Article 59 of this Law shall be subject to approval of the competent department for communications under the State Council; and the assignment of the toll rights of other highways shall be subject to approval of the people’s governments of the provinces, autonomous regions, or municipalities directly under the Central Government and shall be reported to the competent department for communications under the State Council for the record.
The minimum price for the assignment of highway toll rights mentioned in the preceding paragraph shall be determined on the basis of the value assessed by the State assets assessment authorities.

Article 62 The domestic and foreign economic organizations, either as assignees of highway toll rights or as investors for highway construction, shall set up highway development and operation enterprises (hereinafter referred to as highway operation enterprises in short).

Article 63 The toll rates for toll roads shall be proposed by the toll collection units to the competent departments for communications under the people’s governments of the provinces, autonomous regions, or municipalities directly under the Central Government, which shall, before granting approval, examine the proposals in conjunction with the competent departments for price control at the same level.

Article 64 Setting up of toll stations for toll roads shall be subject to examination and approval of the people’s governments of the provinces, autonomous regions, or municipalities directly under the Central Government. Setting up of toll stations for toll roads crossing provinces, autonomous regions, or municipalities directly under the Central Government shall be decided through consultation by the people’s governments of the provinces, autonomous regions, and municipalities directly under the Central Government concerned; where consultation fails, the matter shall be decided by the competent department for communications under the State Council. Toll stations for a toll road that is jointly built by different competent departments for communications or operated by different highway operation enterprises shall be set up rationally, according to overall planning and in adherence to the principle of “unified collection and proportionate share of the toll money”.

The distance between two toll stations shall be not less than that as determined by the competent department for communications under the State Council.

Article 65 With respect to highways, the toll rights of which are assigned with compensation, at the expiration of the period specified in the contract for the assignment of highway toll rights, the toll rights shall be returned to the assignor.
With respect to the toll roads built with the investment of and operated by domestic or foreign economic organizations in accordance with law, at the expiration of the agreed period of operation, the said roads shall be returned to the State without compensation and managed by the relevant competent department for communications.

Article 66 Highways, the toll rights of which are assigned or which are operated by domestic or foreign economic organizations, after being built with their investment according to the provisions of Article 59 of this Law, shall be maintained by the highway operation enterprises respectively. During the period of operation, these enterprises shall maintain the highways in accordance with the technical norms and operating specifications prescribed by the competent department for communications under the State Council. At the expiration of the period for the assignment of highway toll rights or the period for operation of the highways, the highways shall be in good technical conditions.

The said highway operation enterprises shall be responsible for the greening along the highways mentioned in the preceding paragraph and preventing water and soil erosion within the highway land areas.

The provisions of Chapter V of this Law shall be applicable to the administration of the highways mentioned in the first paragraph. The duties of administration of these highways shall be exercised by the agencies or officers dispatched by the competent departments for communications under the local people’s governments at or above the county level or the highway administration organs.

Article 67 Any units or individuals that conduct activities on toll roads, as mentioned in the second paragraph of Article 44 and in Articles 45, 48 and 50 of this Law, shall, in addition to fulfilling the procedures as provided for in these articles respectively, make appropriate compensation for any losses caused to the highway operation enterprises.

Article 68 Specific measures for administration of toll roads shall be formulated by the State Council in accordance with this Law.

Chapter VII

Supervision and Inspection
Article 69 The competent departments for communications and the highway administration organs shall, in accordance with law, supervise and inspect the implementation of the laws and regulations governing highways.

Article 70 The competent departments for communications and the highway administration organs shall have the responsibility of administering and protecting highways and have the power to check and stop any occupation of or damage to highways, highway land areas or auxiliary highway facilities or any other violations of this Law.

Article 71 When highway supervisors and inspectors exercise supervision over or conduct inspection of highways, building-control zones, parking lots, or units that own vehicles, etc. in accordance with law, no units or individuals may obstruct them.

Highway operation enterprises, highway users and other units and individuals concerned shall accept supervision and inspection carried out by highway supervisors and inspectors in accordance with law and make things convenient for them.

Highway supervisors and inspectors shall wear identity signs and have their identity papers with them when carrying out their duties.

Article 72 The competent departments for communications and the highway administration organs shall exercise strict administration of and conduct intensive education among their highway supervisors and inspectors, see that they are familiar with the relevant laws and regulations of the State, fair and honest, enthusiastic in service and impartial in enforcement of law, strictly supervise and inspect the enforcement of laws by supervisors and inspectors, immediately set right and deal with according to law any violations of law they might commit.

Article 73 The vehicles specially used for highway supervision and inspection shall be equipped with unified signs and warning lights.

Chapter VIII
Legal Responsibility

Article 74 Any units or individuals that, in violation of laws or the relevant regulations of the State Council, set up outposts or impose tolls without authorization, shall be ordered to stop their violations by the competent departments for communications, which shall confiscate their illegal gains and may impose on them a fine of not more than three times the illegal gains; in cases where there are no illegal gains, a fine of not more than RMB 20,000 yuan may be imposed; and the persons who are directly in charge and the other persons who are directly responsible for the violations shall be given administrative sanctions according to law.

Article 75 If any unit that, in violation of the provisions of Article 25 of this Law and without approval of the competent department for communications, starts construction of a highway project, the said department may order it to stop the construction and may also impose a fine of not more than 50,000 yuan.

Article 76 If any unit or individual commits any of the following acts in violation of laws, the competent department for communications shall order it or him to stop the act and may impose thereon a fine of not more than 30,000 yuan:

(1) occupying or breaking open a highway in violation of the provisions of the first paragraph of Article 44 of this Law;

(2) building a bridge or aqueduct, erecting or burying a pipeline, cable or any other facilities in violation of the provisions of Article 45 of this Law, without consent, or not in conformity with the technical standards for highway engineering;

(3) in violation of the provisions of Article 47 of this Law, engaging in operations that endanger highway safety;

(4) in violation of the provisions of Article 48 of this Law, operating an iron-wheeled or caterpillars vehicle or any other vehicular machinery along a highway, that may damage the pavement;
(5) in violation of the provisions of Article 50 of this Law, using a ferry boat by operating a vehicle exceeding the limits specified for the ferry boat or operating, without authorization, a vehicle exceeding the specified limits along a highway; or

(6) in violation of the provisions of Articles 52 and 56 of this Law, damaging or moving away any auxiliary highway facilities or obliterating or altering any signs or markings thereon, or damaging or moving away any sign posts or boundary posts for a building-control zone, that may endanger highway safety.

Article 77 If any unit or individual, in violation of the provisions of Article 46 of this Law, causes damages or pollution to the pavement of a highway or impedes highway traffic or, in violation of the provisions of Article 51 of this Law, uses a highway as test grounds for vehicles, the competent department for communications shall order it or him to stop the violation and may impose a fine of not more than 5,000 yuan.

Article 78 Whoever, in violation of the provisions of Article 53 of this Law, causes damages to a highway without reporting to the highway administration organ, the competent department for communications may impose a fine of not more than 1,000 yuan.

Article 79 Whoever, in violation of the provisions of Article 54 of this Law, sets up signs other than the ones for highways within highway land areas shall be ordered by the competent department for communications to remove them within a time limit and may be imposed a fine of not more than 20,000 yuan; if he fails to do so at the expiration of the time limit, the said department shall remove them instead, and all the costs thus incurred shall be born by him.

Article 80 Whoever, in violation of the provisions of Article 55 of this Law, builds without authorization any additional at-grade intersections along a highway shall be ordered by the competent department for communications to restore the highway to the original state and imposed a fine of not more than 50,000 yuan.

Article 81 Whoever, in violation of the provisions of Article 56 of this Law, puts up any buildings or surface structures, or buries any pipelines, cables or any other facilities without authorization within a building-control zone, the competent department for communications shall order him to remove them
within a time limit and may also impose a fine of not more than 50,000 yuan. If he fails to do so at the expiration of the time limit, the said department shall remove them instead, and all the costs thus incurred shall be born by the builder.

Article 82 Except for the provisions of Articles 74 and 75 of this Law, the powers to impose administrative penalties and to take administrative measures by the competent departments for communications according to the provisions of this Chapter may, instead, be exercised by the highway administration organs in accordance with the provisions of the forth paragraph of Article 8 of this Law.

Article 83 Whoever obstructs construction or rush repairs of a highway, thus impeding normal progress of the work, if no heavy losses are caused, shall be punished in accordance with the provisions of Article 19 of the Regulations on Administrative Penalties for Public Security.

Whoever damages a highway or moves away any road signs without authorization, which may adversely affect traffic safety but which is not serious enough to constitute a crime, shall be punished in accordance with the provisions of Article 20 of the Regulations on Administrative Penalties for Public Security.

Whoever refuses to be subjected to or obstructs the lawful supervision and inspection by highway supervisors and inspectors, if no violence or intimidation is resorted to, shall be punished in accordance with the provisions of Article 19 of the Regulations on Administrative Penalties for Public Security.

Article 84 Whoever violates the relevant provisions of this Law, which is serious enough to constitute a crime, shall be investigated for criminal responsibility in accordance with law.

Article 85 Whoever violates the relevant provisions of this Law and causes damages to a highway shall bear civil liability in accordance with law.

Where a vehicle causes relatively serious damages to a highway, the driver shall stop the vehicle immediately, protect the scene, inform the highway administration organ of the incident and be subjected to investigation and handling by the said organ before leaving the scene.
Article 86 Persons working in the competent departments for communications and highway administration organs who neglect their duties, conduct malpractices for selfish ends, or abuse their powers, if the case is serious enough to constitute a crime, shall be investigated for criminal responsibility in accordance with law; and if the case is not serious enough to constitute a crime, they shall be given administrative sanctions in accordance with law.

Chapter IX

Supplementary Provisions

Article 87 This Law shall go into effect as of January 1, 1998.