

Chapter III

Road Infrastructure Facilities

Article 39. Road classifications

1. The road network consists of six systems, including national highways, provincial roads, district roads, communal roads, urban roads and special-use roads, which are **stipulated** as follows:

a) National highway is a road connecting Hanoi capital to provincial-level administrative centers; roads connecting provincial-level administrative centers of three or more localities; roads connecting international seaport or airport to international or national road border gates; road of special importance to local or regional socio-economic development;

b) Provincial road is a road connecting the provincial-level administrative center to administrative center of its district or adjacent province; road of great importance to provincial socio-economic development;

c) District road is a road connecting administrative center of district to administrative center of its commune cluster or adjacent district; road of great important to district socio-economic development;

d) Commune road is a road connecting administrative center of the commune to its village or equivalent unit or to adjacent commune; road of great importance to commune socio-economic development;

e) Urban road is a road within the administrative boundary of inner city or urban area.

f) Special-use road is a road exclusively used for the transportation and travel of one or more agencies, organizations or individuals.

2. The competence to classify and adjust road systems is **stipulated as follows**:

a) National highway system shall be decided by the Minister of Transport;

b) Systems of provincial roads and urban roads shall be decided by Chairman of People's Committee of the Provincial level after reaching agreement with the Ministry of Transport (for provincial roads) or the Ministry of Transport and the Ministry of Construction (for urban roads);

c) Systems of district roads and commune roads shall be decided by Chairman of People's Committee of the **district** level after obtaining approval of Chairman of People's Committee of the **provincial** level;

d) Systems of special-use roads shall be decided by agencies, organizations and individuals owning such special-use roads, after obtaining written consent of the Minister of Transport for such roads to connect to national highways; written consent of Chairman of People's Committee of the **provincial level** for such roads to connect to provincial roads, urban roads or **district roads**; or written consent of Chairman of People's Committee of the **district level** for such roads to connect to commune roads.

Article 40. Naming and numbering of roads

1. Roads shall be named or numbered as follows:

a) Roads may be named after well-known persons, persons with merits to the country or historical or cultural relics or events, and place-names or local customs; roads may be numbered using natural numbers added with a letter, when necessary; if the name of an urban road is identical to that of a national highway, both the name of the urban road and the name and number of the national highway can be used;

b) The name and number of road forming part of regional or international road network shall be given according to agreements between Viet Nam and concerned countries. For roads connected to regional or international road networks, both their domestic and regional or international names and numbers can be used.

2. Naming and numbering of roads shall be decided by authorities with road-classifying competence; particularly for urban and provincial roads, their naming shall be decided by People's Councils of the **provincial** level at the proposal of the People's Committees of the same level.

3. The Government shall stipulate specific regulations on the naming and numbering of roads.

Article 41. Road technical standards

1. Roads are classified by technical grades including expressways and roads of other technical grades.

2. Newly built roads must satisfy technical standards of each respective grade; roads currently in use but still below-grade must be rehabilitated and upgraded to reach technical standards of its respective grade; special-use roads must additionally apply their own special standards stipulated by law.

3. Responsibilities of Ministries are defined as follows:

a) The Ministry of Transport formulates and guides the implementation of technical standards for roads of all grades;

b) The Ministry of Science and Technology stipulates national technical standards for roads of all grades.

4. The application of foreign technical standards to roads is subject to acceptance of competent state management agencies.

Article 42. Land reserved for road infrastructure facilities

1. Land for road infrastructure facilities shall be defined in the road infrastructure planning. Provincial People's Committees shall determine and take responsibility for the management of land reserved for road infrastructure construction projects in accordance with the approved planning.

2. The proportion of urban transport land to urban construction land must be ensured to range from 16% to 26% inclusively. The Government shall stipulate specific land proportion for each respective urban grade.

Article 43. Land of road perimeter

1. Area for road's right of way includes area for the land of road and other area for its road safety corridors on both sides of the road.

2. Within such area for road's right of way, it is strictly forbidden to build other works, except for a number of essential projects which cannot be built outside such area, provided that permission of competent agencies is obtained. Those projects include defense and security works, road administrating and operation works, telecommunications and electricity works, water supply and drainage, petrol, oil and gas pipelines.

3. In addition to the Clause 2 of this Article, the land within the road's right of way may be temporarily used for agricultural and advertisement purposes without adversely affecting the safety of road works and traffic safety. The

installation of advertisement billboards within the road's right of way is subject to written approval of roadway administrating agencies.

4. The use of lawful land within the road's right of way by existing users may be continued for already identified purposes without impeding the safety protection of road works.

If such land use adversely affects the safety of road works, land users and road works owners shall take measures to overcome the problem; otherwise the State shall, by law, retrieve the land and pay compensation for such land.

5. The Government shall stipulate specific regulations on area for road's right of way, the use and exploitation of the land within area for road's right of way, and the construction of essential works within area for road's right of way.

Article 44. Assurance of technical and traffic-safety requirements of road works

1. New construction, upgraded or rehabilitated road works must meet technical standards and conditions of traffic safety for vehicles in traffic and road users, including pedestrians and disabled people. An urban road must have sidewalks, road-bed, over-passage and underground passage for pedestrian and disabled people to travel safely and conveniently.

2. Road works must be appraised in terms of traffic safety from the time of project formulation and throughout design, construction and operation. Investment decision-makers and investment owners shall take responsibility for incorporating results of traffic safety appraisals into the project.

3. Urban quarter, industrial park, economic zone, residential area, commercial and service quarter and other works must have systems of collector roads built outside the road's right of way; and ensure safe distance from national highways as stipulated by the Government.

4. Road's connectivity is stipulated as follows:

a) If a feeder road is available, a collector road must be connected to the feeder road;

b) If a feeder road or collector road is to be directly connected to a trunk road, the connection points must be approved by a roadway administrating agency at the stage of project formulation and design.

c) The connection of paths from urban quarter, industrial park, economic zone, residential area, commercial and service quarter and other works to roads must comply with regulations stipulated by the Minister of Transport.

5. Along with a highway segment running through a residential area, there must be collector road to serve people's daily needs.

Article 45. Road signage facilities

1. Road signage facilities include:

- a) Traffic light signals;
- b) Road signs;
- c) Marker posts, fences or protection walls;
- d) Road markings;
- e) Milestones;
- f) Other signage facilities.

2. Before being put into operation, a road must be fully installed with road signage facilities in compliance with the approved design.

3. It is prohibited to affix to road signage facilities any objects not related to the meanings and purposes of road signage.

Article 46. Investment in construction and operation of road infrastructure facilities

1. Investment in the construction of road infrastructure facilities includes investment to construct, upgrade and rehabilitate road infrastructure facilities.

2. Investment in the construction of road infrastructure facilities must be in line with **roadway transport** planning already approved by competent agencies; comply with the procedure of investment and construction management and other legal provisions; and ensure technical standards of the applicable grade of road, landscape and environmental protection.

3. Vietnamese and foreign organizations and individuals may invest in the construction and commercial operation of road infrastructure facilities as **stipulated** by law.

4. Competent People's Committees shall assume the prime responsibility for land acquisition and resettlement according to land recovery decisions by competent agencies and facilitate conditions for organizations and individuals to invest in the construction and commercial operation of road infrastructure facilities.

5. Road infrastructure facilities, once constructed, upgraded or rehabilitated must be checked and accepted by competent agencies before operation.

Article 47. Construction of works on roads while in operation

1. Construction of works on road during operation may be carried out only after permit of competent agencies are obtained; and must be in line with provisions of such permit and the law on construction.

2. During construction, **construction contractors** shall put up signs and temporary fences at construction sites and take measures to ensure uninterrupted and safe traffic.

3. Construction of works on urban roads must comply with provisions of Clause 1 and 2 of this Article and the following provisions:

a) Road digging is permitted only for repair works or new construction of technical tunnel along or across road and must be in accordance with the annual plan which has been agreed by the road administrating agency, except for emergency cases;

b) There must be a construction action plan and schedule suitable to the characteristics of each respective street to ensure no traffic congestion;

c) Upon the completion of construction, the road must be restored to its original condition; for underground works, as-built documentation for completed works must be prepared and handed over to the road administrating agency.

4. Construction units shall take responsibility before law for their failure to take measures to ensure uninterrupted and safe traffic as **stipulated**, in consequence, for any traffic accident, traffic congestion or serious environmental pollution.

Article 48. Road administrating and preservation

1. Road preservation means activities of maintaining and repairing roads in order to preserve technical standards of road while in operation.

2. Roads, after being put into operation, must be administrated and preserved as follows:

a) Monitoring the conditions of road works; organizing traffic; examining and inspecting the protection of road infrastructure facilities;

b) Routine maintenance and periodic and emergency repair.

3. Responsibility of road administrating and preservation is defined as follows:

a) The Ministry of Transport is responsible for the national highway system;

b) People's Committee of the provincial level is responsible for the systems of provincial road and urban road. The administrating and preservation of systems

of district and commune road shall be stipulated by People's Committee of the provincial level;

c) Special-use roads and roads not under state management and operation, and roads funded by non-state budget sources, shall be administrated and preserved by their investors as stipulated.

4. The Minister of Transport shall stipulate specific regulations on road administrating and preservation.

Article 49. Financial sources for road administrating and preservation

1. Funding for the administrating and preservation of special-use road and roads not under state management and operation and roads funded by non-state budget sources are covered by their management and operation organizations and individuals.

2. Road maintenance funds shall be formed from the following sources:

a) Annual state budget allocations;

b) Revenue sources related to road use and other revenue sources as stipulated by law.

3. The Government shall stipulate specific regulations on the setting up, management and operation of road maintenance funds at central and local levels.

Article 50. Construction of level crossing between road and railway

The construction of level crossing between road and railway is subject to permission by competent agencies; and must have designs which ensure technical standards, traffic safety conditions and be approved by competent agencies according to regulations of the Minister of Transport.

Article 51. Vehicle terminal, parking lot, roadside service station, vehicle weighing station and toll collection station

1. In urban areas, the construction of office buildings, schools, hospitals, commercial centers, cultural centers and residential areas must include the construction of sufficient parking lots suitable to the works' size.

2. Vehicle terminals, parking lots and roadside service stations must be built according to planning already approved by competent agencies, and must comply with technical standards.

3. Toll collection stations, where tolls for vehicles operating on the road are collected, shall be built according to the planning or investment project approved by competent agencies. The operation of toll collection stations must ensure uninterrupted and safe traffic.

4. Vehicle weighing stations, where road administrating agencies conduct information collection, analysis and impact assessment of vehicle weight and dimension limits on road safety and conduct inspection and handling of violations by overweight and oversize vehicles and caterpillar-tracked vehicles, shall be built according to the planning formulated by the Ministry of Transport and approved by the Prime Minister.

In case of necessity to protect road infrastructure facilities, the Minister of Transport shall decide on setting up temporary vehicle weighing station.

5. The Minister of Transport shall stipulate regulations on technical specifications of vehicle terminals, parking lots, roadside service stations, toll collection stations and vehicle weighing stations; and on the organization and operation of toll collection stations and vehicle weighing stations.

Article 52. Protection of road infrastructure facilities

1. Protection of road infrastructure facilities covers ensuring safety and durability of road works and taking measures to prevent, stop and handle acts of illegally trespassing on road infrastructure facilities.

The protected area of road infrastructure facilities covers land-of-road area, road's right of way, the space over and the subterranean and underwater area related to the safety of road works and traffic.

2. Organizations and individuals licensed to construct, rehabilitate, expand and maintain works and carry out other activities within the protected area of road infrastructure facilities shall conduct these activities as stipulated by law.

3. Roadway administrating agency shall be responsible for ensuring the technical safety of works and take joint responsibility for traffic accidents occurring due to the quality of works under their administrating and maintenance. If road works are detected damaged or at risk of endangering traffic, roadway administrating agency shall promptly handle and repair them, and take timely measures to prevent and remedy consequences caused to road works by natural disasters.

4. Responsibilities of road infrastructure facility protection are defined as follows:

a) The Ministry of Transport shall guide the implementation of road infrastructure facility protection; examine and inspect the implementation of provisions as stipulated by law on administrating and protection of road infrastructure facilities;

b) The Ministry of Public Security shall direct and guide the police force in examining and handling violations of provision as stipulated by law on protection of road infrastructure facilities under their jurisdiction;

c) The People's Committees at all levels shall undertake the protection of road infrastructure facilities in their respective localities; and protect road's right of way as stipulated by law;

d) Ministries and ministerial-level agencies shall, within their jurisdiction, be responsible for joining in protecting road infrastructure facilities;

e) The Government shall stipulate the coordination mechanism among ministries, ministerial-level agencies and People's Committees in protecting road infrastructure facilities.

5. Those who detect that road works are damaged or illegally trespassed on or road's right of way are illegally encroached, shall promptly report such to the nearest People's Committee, road administrating agency or police office for handling; in case of necessity, they shall take measures to notify road users thereof. Upon receiving reports, the responsible agency shall quickly take remedial measures to ensure uninterrupted and safe traffic.

Chapter IV **Vehicles joining traffic**

Article 53. Conditions for motor vehicles to join traffic

1. Motor vehicles of proper types allowed to join traffic must satisfy the following criteria of quality, technical safety and environmental protection:

a) Be equipped with an effective brake system;

b) Be fitted with an effective steering system;

c) The steering wheel is to be on the left-hand side of the motor vehicle; for a foreigner's overseas-registered motor vehicle with a right-handed steering wheel,

to join traffic in Viet Nam, it must comply with the Government's specific regulations;

d) Be fully equipped with high and low beam driving lamp, registration plate lamp, stop lamp and signal lamp;

e) Have the wheels fitted with pneumatic tires of the proper size and technical standards for each respective type of motor vehicle;

f) Have sufficient rear-view mirrors and other equipment and devices to ensure the operator's visibility;

g) Have the windscreen and windows made of safety glass;

h) Have a horn of standard volume;

i) Be fully equipped with exhaust silencer, exhaust pipe and other equipment and devices to ensure exhaust gas and noise comply with environmental standards;

j) Be structurally durable enough to ensure stable operation.

2. Motorcycle, three-wheeled motor vehicle and moped of proper types allowed to join traffic must satisfy the standards of quality, technical safety and environmental protection, stipulated at Points a, b, d, e, f, h, i and j Clause 1 of this Article.

3. A motor vehicle must have a registration certificate and number plate, granted by competent agencies.

4. The Government shall stipulate the maximum working life of each respective motor vehicle.

5. The Minister of Transport shall stipulate standards of quality, technical safety and environmental protection for motor vehicles permitted to join traffic, except for army and police motor vehicles used for defense and security purposes.

Article 54. Grant and withdrawal of registration certificate and number plate for motor vehicle

1. Motor vehicles of lawful origin and satisfying the standards of quality, technical safety and environmental protection as stipulated by this Law will be granted registration certificate and number plate by competent agencies.

2. The Minister of Public Security shall stipulate and undertake the grant and withdrawal of registration certificate and number plate for motor vehicles of all kinds; the Minister of Defense shall stipulate and undertake the grant and withdrawal of registration certificate and number plate for army motor vehicles used for defense purposes.

Article 55. Ensuring standards of quality, technical safety and environmental protection for motor vehicles joining traffic

1. The manufacture, assembly, modification, repair, maintenance and import of motor vehicles to join traffic must comply with standards of quality, technical safety and environmental protection. It is forbidden to modify **motor vehicle** of other types into passenger **motor vehicle**.
2. Vehicle owner must not alter the structure, components or systems of their motor vehicle against the manufacturer's design or modify the design already approved by competent agencies.
3. **Motor vehicles** and trailers or semi-trailers pulled by **motor vehicles** joining in traffic must be periodically inspected in terms of technical safety and environmental protection (below referred to as inspection).
4. The head of inspection unit and persons who directly conduct inspection work shall take responsibility for the confirmation of inspection results.
5. Vehicle owners and drivers shall be responsible for maintaining the technical safety of their vehicles to join traffic in compliance with the **stipulated** standards between two inspections.
6. The Minister of Transport shall **stipulate** conditions, criteria for licensing of motor vehicle inspection units; and stipulate and undertake the inspection of motor vehicles. The Minister of Defense and the Minister of Public Security shall **stipulate** and undertake the inspection of army and police motor vehicles used for defense and security purposes.

Article 56. Conditions for non-motor vehicles to join traffic

1. When joining traffic, non-motor vehicles of all kinds must satisfy requirements for traffic safety.
2. People's Committees for the Provincial level shall specify the operation conditions and area of operation for non-motor vehicles in their respective localities.

Article 57. Conditions for special-use vehicles to join traffic

1. Satisfy the following criteria of quality, technical safety and environmental protection:

- a) Have an effective brake system;
- b) Have an effective steering system;
- c) Have lamps;
- d) Ensure the operator's visibility;
- e) Special-use parts must be fitted firmly at right positions, ensuring safety while traveling;
- f) Ensure exhaust gas and noise comply with environmental standards.

2. Have registration certificate and number plate granted by competent agencies.

3. Operate within the **stipulated area**, ensuring safety for people, vehicle and road works while traveling.

4. The manufacture, assembly, modification, repair and import of special-use vehicles must comply with standards on quality, technical safety and environmental protection.

5. The owners and operators of special-use vehicles shall be responsible for maintaining the technical safety conditions and having them inspected as **stipulated** for special-use vehicles in traffic.

6. The Minister of Transport shall **stipulate** specific standards on quality, technical safety and environmental protection, the grant and withdrawal of registration certificate and number plate; **stipulate** a list of special-use vehicles subject to inspection and undertake the inspection; the Minister of Defense and the Minister of Public Security shall **stipulate** and undertake the grant and withdrawal of registration certificate and number plate and the inspection of army and police special-use vehicles used for defense and security purposes.

Chapter V **Operators of Vehicles in Traffic**

Article 58. Conditions for driver of vehicle to join traffic

1. Driver of vehicle to join traffic must be of the age and in good health as **stipulated** in Article 60 of this Law. The driver shall have valid driving license issued by a competent agency, for the respective type of vehicle he/she is permitted to operate.

When driving, learner drivers shall be trained on driving-practice vehicles and be supported by a driving instructor.

2. When operating a vehicle, the driver shall carry the following papers:
 - a) Vehicle registration certificate;
 - b) Driving license for motor vehicle operators **stipulated** in Article 59 of this Law;
 - c) Technical safety and Environmental protection inspection certificate, for motor vehicles **stipulated** in Article 55 of this Law;
 - d) Vehicle owner liability insurance certificate.

Article 59. Driving licenses

1. Depending on types, engine capacity, weight and purpose of motor vehicles, driving licenses are classified into driving licenses with unlimited validity and driving licenses with limited validity.

2. Driving licenses with unlimited validity are of the following categories:

- a) Category A1, granted to drivers of motorcycles with a cylinder capacity of between 50 cm³ and under 175 cm³;
- b) Category A2, granted to drivers of motorcycles with a cylinder capacity of 175 cm³ or higher and those **stipulated** for Category A1 driving licenses;
- c) Category A3, granted to drivers of three-wheeled motor vehicles and those stipulated for Category A1 driving licenses and similar vehicles.

3. Disabled people operating three-wheeled motor vehicles designed for them shall be granted Category A1 driving licenses.

4. Driving licenses with limited validity are of the following categories:

- a) Category A4, granted to drivers of tractors of weight up to 1.000 kg;
- b) Category B1, granted to non-professional drivers of **motor vehicle** of up to 9 seats, trucks and tractors of weight under 3.500 kg;
- c) Category B2, granted to professional drivers of **motor vehicle** of up to 9 seats, trucks and tractors of weight under 3.500 kg;
- d) Category C, granted to drivers of trucks and tractors of weight of 3.500 kg or higher and vehicle types **stipulated** for Category B1 and B2 driving licenses;
- e) Category D, granted to drivers of passenger **motor vehicle** of between 10 and 30 seats and vehicle types **stipulated** for Category B1, B2 and C driving licenses;
- f) Category E, granted to drivers of **passenger motor vehicle** of over 30 seats and vehicle types **stipulated** for Category B1, B2, C and D driving licenses;
- g) Driving licenses of Categories FB2, FD and FE, granted to drivers who already possess driving licenses of Category B2, D or E to drive vehicles **stipulated** for these categories, when pulling trailers or articulated passenger **motor vehicle**; driving licenses of Category FC granted to drivers who already

possess driving licenses of Category C to drive vehicles stipulated for this category, when pulling trailers or tractors pulling semi-trailers.

5. Driving licenses are valid nationwide and in the countries and territories, which Viet Nam has signed mutual recognition of driving licenses.

Article 60. Age and health of driver

1. The driver's age is stipulated as follows:

a) Persons aged full 16 years or older may drive mopeds with cylinder capacity of less than 50 cm³;

b) Persons aged full 18 years or older may drive motorcycles, three-wheeled motor vehicles with cylinder capacity of 50 cm³ or higher and vehicles with similar structure; trucks, tractors with weight of under 3,500 kg; motor vehicle of up to 9 seats;

c) Persons aged full 21 years or older may drive trucks, tractors with weight of 3,500 kg or higher; Category B2 vehicles pulling trailer (FB2);

d) Persons aged full 24 years or older may drive passenger motor vehicle of between 10 and 30 seats; Category C vehicles pulling trailer or semi-trailer (FC);

e) Persons aged full 27 years or older may drive passenger motor vehicle of over 30 seats; Category D vehicles pulling trailer (FD);

f) The maximum age of driver of passenger motor vehicle of over 30 seats is 50 for women and 55 for men.

2. Driver must be physically fit for the type and utilities of vehicle he/she drives. The Minister of Health shall assume the prime responsibility for, and coordinate with the Minister of Transport in stipulating health criteria for drivers, periodical health examination for vehicle drivers and medical establishments for driver's health examination.

Article 61. Driver training, testing to grant driving licenses

1. Driver training establishments are categorized as vocational training establishments and must meet all adequate conditions on classrooms, practice-driving grounds and vehicles, driver instructors, teaching materials and possess an operating license as stipulated by law.

2. Driver training establishments must comply with the contents and programs stipulated for each respective type and category of driving license.

3. Persons who wish to have driving licenses of categories A1, A2, A3, A4 and B1 must obtain training. Persons who wish to have driving licenses of categories

B2, C, D, E and driving licenses of category F must obtain full-time training at training establishments.

4. Training for upgrading of driving license shall be conducted for the following cases:

- a) Upgrading of driving license from category B1 to B2;
- b) Upgrading of driving license from category B2 to C or D;
- c) Upgrading of driving license from category C to D or E;
- d) Upgrading of driving license from category D to E;
- e) Upgrading of driving licenses from category B2, C, D or E to categories of driving licenses for corresponding vehicles pulling trailers or semi-trailers.

5. Persons who wish to attend training for upgrading their driving licenses, in addition to satisfying the conditions stipulated in Clause 4 of this Article, must have a sufficient driving duration and number of safe driving kilometers stipulated for each respective category of driving license; persons who wish to attend training for upgrading their driving licenses to category D or E must have at least completed junior secondary education.

6. The training of drivers of passenger motor vehicles of 10 seats or more and drivers of vehicles pulling trailers may only be conducted in the form of training for upgrading of license's category under the conditions stipulated in Clauses 4 and 5 of this Article.

7. Testing to grant driving licenses must be held at driver testing centers. Driver testing centers must be built according to planning, with adequate material and technical facilities meeting the requirements of driver testing as stipulated.

8. Driver tester must possess a tester card as stipulated and shall take responsibility for his/her testing results.

9. Persons who have been trained and passed driving test shall be granted driving licenses of the respective categories.

For driving licenses with limited validity, before their expiration, drivers shall have health examination and carry out the stipulated procedures for renewal of their driving licenses.

10. The Minister of Transport shall stipulate the conditions and criteria for granting permits to driver training establishments; stipulate the training forms, contents and programs; test, grant, renew and withdraw driving licenses; the Minister of Defense and the Minister of Public Security shall stipulate regulations on driver training establishments, undertake to train, test, grant and

renew driving license for army and police forces performing defense and security tasks.

Article 62. Conditions for operators of special-use vehicles to join traffic

1. Operators of special-use vehicles joining traffic must reach eligible age and physically fit for their occupation, and obtain certificate for training on roadway traffic law and regulations and obtain a certificate or license of operating special-use vehicle, granted by special-use vehicle operator training establishment.

2. Operators of special-use vehicles joining traffic must carry the following papers:

a) Vehicle registration certificate;

b) Certificate for training on roadway traffic law and regulations, certificate or license of operating special-use vehicle;

c) Technical safety and environmental protection inspection certificate, for special-use vehicles stipulated in Article 57 of this Law.

Article 63. Conditions for operators of non-motor vehicle to join traffic

1. Be physically fit for safe operation of vehicle.
2. Be knowledgeable about roadway traffic rules.

Chapter VI

Roadway Transportation

Section 1. Roadway Transportation Activities

Article 64. Roadway transportation activities

1. Road transportation activities include non-commercial transportation and commercial transportation. Commercial transportation is subject to business conditions as stipulated by law.

2. Commercial transportation includes commercial passenger transportation and commercial cargo transportation.

3. Road transportation activities must be in line with the road transportation planning and transportation network of routes.

Article 65. Working time of drivers

1. Working time of driver must not exceed 10 hours a day and must be not more than 4 hours continuously.
2. **Transportation service provider** and driver shall be responsible for implementing Clause 1 of this Article.

Article 66. Commercial transportation service by **motor vehicle**

1. Commercial passenger **transportation** service by **motor vehicle** includes:
 - a) Scheduled passenger transportation service with identified departure and destination terminals and specific schedules or itineraries;
 - b) Scheduled **passenger transportation** service by bus with specified stops for passenger embarkation and disembarkation, and buses traveling according to given itineraries with a specified distances and zones of operation;
 - c) Scheduled **passenger transportation** service by taxi according to schedules and itineraries requested by passengers, and charges calculated according to taxi meters;
 - d) Non-scheduled contractual passenger transportation service conducted through contracts;
 - e) Tourist **transportation** service according to tourism routes, programs and destinations.
2. Commercial cargo **transportation** service by **motor vehicle** includes:
 - a) Ordinary commercial cargo **transportation** service;
 - b) Commercial cargo **transportation** service by truck taxi;
 - c) Commercial **transportation** service of over-dimension and over-weight cargoes;
 - d) Commercial **transportation** service of dangerous cargoes.
3. The Government shall **stipulate** specific regulations on commercial **transportation** service by **motor vehicle**.

Article 67. Conditions for commercial **transportation service by **motor vehicle****

1. Enterprises, cooperatives and business households conducting commercial **transportation** service by **motor vehicle** must fully meet the following conditions:
 - a) Register for commercial **transportation** service by **motor vehicle** as **stipulated** by law;
 - b) Ensure the quantity, quality and valid working-life of vehicles suitable to the business form; fitting travel tracking devices on their vehicles according to the Government's regulations;

c) Ensure sufficient number of drivers and crew members suitable to the business plan and having written labor contracts; crew members working on-board must obtain training in **transportation** service skills and traffic safety; it is forbidden to employ drivers who are banned from driving as **stipulated** by law;

d) A person who directly manages **transportation** service activities of enterprise and cooperative must obtain **transportation** service qualifications;

e) Have a parking lot suitable to the size of enterprise, cooperative or business household, ensuring requirements of order, safety, fire and explosion prevention, and environmental sanitation.

2. Only enterprises and cooperatives may conduct scheduled commercial passenger **transportation** service, commercial passenger **transportation** service by bus or by taxi, and must fully meet the following conditions:

a) The conditions specified in Clause 1 of this Article;

b) Have a management section in charge of traffic safety;

c) Register **passenger transportation service's** quality standards with the competent agency and publicize them.

3. Only enterprises and cooperatives may conduct commercial cargo **transportation** service by container and must fully meet the conditions specified in Clause 1 and Point b, Clause 2, of this Article.

4. The Government shall **stipulate** specific regulations on conditions on and licensing of commercial **transportation** service by **motor vehicle**.

Article 68. Passenger **transportation service by **motor vehicle****

1. Passenger carrier and driver shall comply with the following provisions:

a) Embark and disembark passengers at **stipulated** places;

b) Do not to carry passenger on the **motor vehicle's roofs** or luggage compartments or let passengers cling to **motor vehicle** from the outside;

c) Do not carry dangerous goods, fetid goods, animals or other goods adversely affecting passenger health;

d) Do not carry passengers, luggage, cargo exceeding **stipulated** load and passenger number;

e) Do not load cargo in passenger cabins, and take measures to keep the **motor vehicle** clean.

2. The Minister of Transport shall **stipulate** regulations on organization and management of passenger **transportation** service by **motor vehicle**.

Article 69. Rights and obligations of **passenger transportation service provider**

1. The passenger **transportation** service provider has the following rights:

- a) To collect **transportation** fares and freights;
- b) To refuse to transport, before the vehicles leave the terminal or stops for passenger embarkation and disembarkation under **transportation** contracts, persons who possess tickets, or are named in the contracts, but commit acts those disturbing public order, obstructing **the carrier's** activities, adversely affecting the health and property of others or cheating in tickets, or passengers suffering from dangerous disease.

2. The passenger **transportation service provider** has the following obligations:

- a) To fully realize the commitments on **transportation** service quality and commitments in **transportation** contract;
- b) To buy insurance for passengers, with insurance premiums included in passenger tickets;
- c) To hand tickets and freight receipts to passengers;
- d) To pay compensation for damage caused by their employees or representatives when performing jobs assigned by them;
- e) To take responsibility for consequences caused by their employees or representatives in complying with their requests in contravention of this Law.

3. The Minister of Finance shall assume the **prime responsibility** for, and coordinate with the Minister of Transport on, **stipulating** passenger tickets and freight receipts.

Article 70. Responsibilities of drivers and crew members on passenger motor vehicles

1. To confirm **motor vehicle's** safety conditions before setting off.
2. To show civilized and polite behavior and guide passengers to their right seats.
3. To confirm well-arranged loading and tying up luggage and cargo to ensure safety.
4. To take measures to protect passengers' lives, health and property, and maintain order and sanitation in their **motor vehicles**;
5. To keep the doors shut before and during the time the **motor vehicle** move.

Article 71. Rights and obligations of passengers

1. Passengers have the following rights:

- a) To be transported according to the **transportation** contracts and carrier's **transportation** quality commitments;

b) To be exempt from paying freight for luggage not exceeding 20 kg and of a size suitable to the motor vehicle's design;

c) To refuse to transport before the motor vehicle sets off and be refunded ticket money according to regulations of the Minister of Transport.

2. Passengers have the following obligations:

a) To buy tickets and pay freights for carried luggage in excess of the stipulated limit;

b) To be present at the places of departure on time as agreed upon; to observe transportation regulations; to comply with the instructions of the driver and crew members to ensure traffic order and safety;

c) Not to carry luggage and goods banned by law from circulation.

Article 72. Cargo transportation by motor vehicles

1. The transportation of goods by motor vehicle must comply with the following provisions:

a) Cargo transported on motor vehicles must be tidily loaded and securely tied;

b) When transporting unpackaged cargo, to cover them and not to let them drop on the road.

2. The following acts are prohibited:

a) Transporting cargo beyond the designed mass or beyond the size limit permitted for the motor vehicle;

b) Carrying people in a motor vehicle's body, except for the case specified in Clause 1, Article 21 of this Law.

3. The Minister of Transport shall stipulate the organization and management of cargo transportation by motor vehicle.

Article 73. Rights and obligations of the cargo transportation service provider

1. The cargo transportation service provider has the following rights:

a) To request the transportation consigner to supply necessary information on the cargo for writing in transportation papers and examine the accuracy of the information;

b) To request the consigner to fully pay freights and arising expenses; to request the consigner to pay compensations for damage caused by breaches of contract;

c) To refuse transportation if the consigner fails to deliver cargoes as agreed upon in their contract;

d) To request cargo survey when necessary.

2. The cargo transportation service provider has the following obligations:

- a) To provide vehicles of proper type, at the time and place and deliver cargo to consignees as agreed upon in contracts;
 - b) To guide the loading and unloading of cargo on vehicles;
 - c) To pay compensation to the transportation consigner for cargo losses or damage in the course of transportation from the receipt to delivery of cargo, except for cases of exemption as stipulated by law;
 - d) To pay compensation for damage caused by his/her employees or representatives when performing jobs assigned by him/her;
 - e) To take responsibility for consequences caused by his/her employees or representatives in complying with his/her requests in contravention of this Law.
3. The Government shall stipulate liability limits of cargo transportation service provider.

Article 74. Rights and obligations of the cargo consigner

1. The cargo transportation consigner has the following rights:

- a) To refuse to load cargo on a vehicle which is not of a type as agreed upon in the contract;
- b) To request the transportation service provider to deliver cargo at the time and place as agreed upon in the contract;
- c) To request the transportation service provider to pay compensation for damage according to law.

2. The cargo transportation consigner has the following obligations:

- a) To prepare adequate lawful papers on the cargo before delivering it to the cargo transportation service provider: to package, the cargo according to specifications with sufficient and clear signals and codes: to deliver cargo to the cargo transportation service provider at the time and place according to other instructions stated in the cargo delivery document;
- b) To fully pay freights and arising expenses for the cargo transportation service provider;
- c) To appoint persons to escort the cargo in the course of transportation, for cargo requiring escorts.

Article 75. Rights and obligations of the cargo consignee

1. The cargo consignee has the following rights:

- a) To receive and check the received cargo against the transportation paper or equivalent document;
- b) To request the cargo transportation service provider to pay expenses for late delivery;
- c) To request or notify the cargo consigner to request the transportation service provider to pay compensations for cargo damage or loss;

d) To request cargo survey when necessary.

2. The cargo consignee has the following obligations:

a) To receive the cargo at the time and place as agreed upon: to produce the **transportation** paper and personal identity paper to the **transportation service provider** before receiving the cargo;

b) To pay expenses for late cargo receipt.

Article 76. Transportation of extra-long and extra-heavy cargo

1. Extra-long or extra-heavy cargo means goods of a size or weight exceeding the **stipulated** limits but impossible to disassemble.

2. Extra-long or extra-heavy cargo must be transported on trucks suitable to such type of cargo and require a road use permit granted by a competent state agency.

3. Extra-long or extra-heavy cargo transporting trucks must travel at a speed **stipulated** in their permits and have signals on the size of the cargo; when necessary, persons to conducting traffic must be deployed to ensure traffic safety.

4. The Minister of Transport shall **stipulate** specific regulations on the transportation of extra-long and extra-heavy cargo.

Article 77. Transportation of live animals

1. Depending on species of live animals, the **transportation service provider** may request the consigner to arrange an escort to take care of these animals in the course of transportation.

2. The consigner is responsible for loading and unloading live animals under the guidance of the **transportation service provider**; if unable to do so; the transportation charterer shall pay freights and loading and unloading charges to the **transportation service provider**.

3. The transportation of live animals **on roadway** must observe the laws on hygiene epidemic prevention and environmental protection.

Article 78. Transportation of dangerous cargo

1. **Motor vehicles** carrying dangerous cargo must acquire permits granted by competent state agencies.

2. **Motor vehicles** carrying dangerous cargo **must** not stand and park at crowded places or danger-prone places.
3. The Government shall **stipulate** specific regulations on the list of dangerous cargo, the transportation of dangerous cargo and permissions for transportation of dangerous cargo.

Article 79. Road transportation in urban areas

1. Buses must operate along **stipulated** routes, according to **stipulated** schedules and stand and park at **stipulated** places.
2. Drivers of passenger taxis or cargo taxis may embark and disembark passengers or load and unload cargo as agreed upon with passengers or cargo owners but shall comply with regulations on traffic safety.
3. Cargo trucks must operate along **stipulated** routes, within areas and according to schedules **stipulated** for each type of truck.
4. Rubbish vans and trucks carrying scraps or loose materials must be covered in order to prevent them from dropping on streets; if letting them drop, the **transportation service provider** shall promptly clean up the streets.
5. People's Committees of the **provincial** level shall **stipulate** specific regulations on **roadway transportation** in urban areas and the proportion of mass transit vehicles to meet the travel need of disabled persons.

Article 80. Passenger and cargo transportation by rudimentary vehicles, mopeds, motorcycles, three-wheeled motor vehicles and the like

1. The use of rudimentary vehicles, mopeds, motorcycles, three-wheeled motor vehicles and the like for carrying passengers and cargo must comply with regulations on traffic order and safety.
2. The Minister of Transport shall **stipulate** the regulations on implementation of Clause 1 of this Article.
3. Basing themselves on regulations of the Minister of Transport, provincial-level People's Committee shall detail the implementation thereof in localities.

Article 81. Multi-modal transportation

1. Multi-modal transportation referred to in this Law means transportation of cargo from the place of receipt to the place of delivery of cargoes to a consignee by at least two modes, including the mode of road transportation, on the basis of a multi-modal transportation contract.

2. The Government shall stipulate specific regulations on multi-modal transportation.

Section 2. Roadway Transportation support services

Article 82. Roadway transportation support services

1. Roadway transportation support services include services at vehicle terminals; parking lots and roadside service stations, and transportation agency, ticket sale agency, cargo collection, transshipment, warehousing and road transportation rescue services.

2. The Minister of Transport shall stipulate specific regulations on roadway transportation support services.

Article 83. Organization of operation of vehicle terminals, parking lots and roadside service stations

1. Operation of passenger vehicle terminals, cargo truck terminals, parking lots and roadside service stations must ensure order, safety environmental sanitation, and fire and explosion prevention and fighting and submit to the management of local competent authorities.

2. Enterprises and cooperatives operating passenger vehicle terminals have the right and obligation to arrange ticket sale offices or organize the sale of tickets to passengers under contracts with transport dealers; arrange vehicles fully meeting transportation business conditions to enter the terminals to take and discharge passengers according to proper routes.

3. Enterprises and cooperatives operating cargo truck terminals have the right and obligation to arrange trucks to enter the terminals to load and unload cargoes and cargo warehousing, consignment, packaging and preservation services.

4. Enterprises and cooperatives operating parking lots have the right and obligation to organize vehicle watch services.

5. Enterprises and cooperatives operating roadside service stations have the right and obligation to organize services for road users and vehicles in roadway traffic; and to perform jobs under service contracts with transportation service providers.

6. People's Committees of the provincial level shall stipulate charges of vehicle terminal services based on the types of vehicle terminals.

Chapter VII **State Management of Roadway Traffic**

Article 84. Contents of state management of roadway traffic

1. Formulating planning, plans and policies on roadway transport development; drawing up and directing the implementation of national program on roadway traffic safety.

2. Promulgating, and organizing the implementation of legal documents on roadway traffic; regulations and standards for roadway traffic.

3. Propagating, disseminating and educating about the roadway traffic law.

4. Organizing the administrating, maintenance and protection of road infrastructure facilities.

5. Registering, granting and withdrawing number plates of means of road transport: Granting, withdrawing, certificates of quality, technical safety and environmental protection of road vehicles.

6. Managing driver training and examination: Granting, renewing and withdrawing driver licenses and certificates of training in knowledge about the roadway traffic law.

7. Managing transportation activities and transportation support services: organizing roadway traffic rescue.

8. Organizing research and application of roadway traffic science and technologies: Training roadway traffic technicians and technical workers.

9. Examining, inspecting, and setting complaints and denunciations; handling violations of the roadway traffic law.

10. Undertaking international cooperation in roadway traffic.

Article 85. State management responsibilities for roadway traffic

1. The Government shall perform the unified state management of roadway traffic.

2. The Ministry of Transport shall take responsibility to the Government for performing the state management of roadway traffic.

3. The Ministry of Public Security shall perform the tasks of state management of roadway traffic under this Law and other relevant laws: take measures to ensure traffic order and safety: and coordinate with the Ministry of Transport in protecting road infrastructure facilities.

The Ministry of Public Security and the Ministry of Transport shall coordinate with each other in supplying data on registration of road vehicles, data on traffic accidents and in granting renewing and withdrawing driver license.

4. The Ministry of Defense shall perform the tasks of state management of roadway traffic under this Law and other relevant laws.

5. Ministries, ministerial-level agencies and government-attached agencies shall, within the scope of these tasks and powers, coordinate with the Ministry of Transport in performing the state management of roadway traffic.

6. The People's Committees at all levels shall, within the scope of their tasks and powers, organize the state management of roadway traffic under this Law and other relevant laws on localities.

Article 86. Roadway Inspectorate

1. The road inspectorate shall perform specialized inspection of roadway traffic.

2. The road inspectorate has the following tasks and powers:

a) To inspect, detect, stop and sanction administrative violations in the observance of legal provisions on protection of road infrastructure, assurance of technical standards of road works; in urgent cases, in order to prevent possible consequences on road works, to stop vehicles and ask their operators to take measures to protect works in accordance with law and take responsibility for such decisions;

b) To inspect, detect, stop and handle administrative violations in the observance of regulations on transportation activities and transportation support services at standing and parking points along roads, vehicle terminals, parking lots, roadside service stations, vehicle mass inspection stations, toll stations and at road transportation enterprises;

c) To inspect, detect, stop and sanction violations in driver training and examination, the grant, renewal and withdrawal of driver licenses, and the technical safety and environmental protection inspection of motor vehicles. The inspection and examination of army and police vehicle drivers, and the grant, renewal and withdrawal of their driver licenses shall be stipulated by the Minister of Defense and the Minister of Public Security;

d) To perform other tasks and exercise other powers according to the inspection law.

3. The organization and operation of the **roadway traffic** inspectorate shall comply with this Law and other relevant laws.

The Minister of Transport shall **stipulate** specific regulations on the tasks and powers of the **roadway** inspectorate.

Article 87. Patrol and Control of **Roadway traffic Police**

1. The **roadway traffic** police shall patrol and control road users and vehicles in traffic; handle their violations of **roadway traffic** law and take responsibility before law for their decisions; coordinate with the **roadway** administrating agency in detecting and stopping acts of violating regulations on protection of road works and road safety corridors.

2. The Minister of Public Security shall **stipulate** specific regulations on tasks, powers, forms and contents of patrol and control by **roadway traffic** police.

3. The Government shall stipulate the mobilization of other police forces and commune police to join the **roadway traffic** police in patrolling and controlling **roadway traffic** order and safety in necessary cases.

Chapter VIII **Implementation Provisions**

Article 88. Effect

1. This Law takes effect on 1 July 2009.
2. This Law replaces the Law on Roadway Traffic which was promulgated on 29 June 2001.

Article 89. Implementation detailing and guidance

The Government and competent agencies shall detail and guide the implementation of articles and clauses of this Law as assigned; and guide other necessary provisions of this Law to meet state management requirements.

This Law was passed on 13 November 2008, by the XIIth National Assembly of the Socialist Republic of Viet Nam at its 4th session.

**Chairman of the National Assembly
NGUYEN PHU TRONG**