

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

GOVERNMENT

Decree-Law No. 8/2003

Of 18 May 2003

**Approving the Regulation on the Assignment and Use
of State-owned Vehicles**

Pursuant to paragraph (d) of section 116, of the Constitution of the Republic, the Government enacts the following that shall have the force of law:

Section 1

The “Regulation on the Assignment and Use of State-owned Vehicles”, attached to the present instrument as an integral part thereof, is hereby approved.

Section 2

The Present Decree-Law shall enter into force on the day subsequent to the date of its publication.

Seen and approved by the Council of Ministers on 27 November 2002.

The Prime Minister

[Signed]

(Mari Amude Alkatiri)

The Minister of Transport, Communications and Public Works

[Signed]

(Ovídio de Jesus Amaral)

Promulgated on 4 March 2003

To be published.

The President of the Republic

[Signed]

(José Alexandre Gusmão, Kay Rala Xanana Gusmão)

DEMOCRATIC REPUBLIC OF TIMOR-LESTE

REGULATION ON THE ASSIGNMENT AND USE OF STATE-OWNED VEHICLES

Section 1

Assignment of State-owned vehicles

1. State-owned vehicles shall be assigned to each of the Ministries by a well-grounded instruction of the Minister of Planning and Finance, who will take into account the appropriations provided for under the State Budget Law.
2. The instruction contemplated in the subsection above shall be preceded by a report from the Ministry concerned, proposing the respective in-house vehicle distribution criteria.
3. For the purposes of the present legal instrument, State-owned vehicles means all transport motor vehicles meant to carry State officials or people employed by the State, including namely motor vehicles, motorcycles, buses and minibuses.

Section 2

Assignment of State-owned vehicles in the custody of the Government

1. State-owned vehicles in the custody of the Government shall be assigned on a priority basis, depending on availability and exclusively for work-related purposes:
 - a) To Cabinet Members;
 - b) To Directors-General;
 - c) To District Administrators;
 - d) To Directors of Service.

2. State-owned vehicles may, on a temporary or permanent basis, be assigned to other officials or groups of officials holding categories other than those mentioned in the subsection above, for strictly work-related reasons, on the basis of a substantiated proposal by the respective head of service holding a level equal to or higher than that of Director of Service.
3. International officials posted as advisers to a Government service may be assigned State-owned vehicles, following a well-grounded instruction of the respective head of service holding a level equal to or higher than that of a Director of Service, for reasons strictly related to the good accomplishment of their professional obligations.

Section 3

Use of State-owned vehicles

1. State-owned vehicles shall be used exclusively for work-related purposes.
2. Normal period for use of vehicles means the period between 7 am and 7 pm, from Monday through Friday.
3. During hours excluded from the normal period for use of vehicles, State-owned vehicles shall be parked in the parking lot of the respective service, except as provided for in the subsections below.
4. International and national officials authorised to drive State-owned vehicles may be authorised to drive such vehicles outside the normal period for use of vehicles, or keep them in their custody during that period, provided that work-related or security reasons so justify, and upon authorisation, even though generic, from the respective head of service.
5. The definition of “normal period for use of vehicles”, as provided for in subsection 3.2, does not apply to Cabinet Members, Directors-General, Directors of Service and District Administrators.
6. Excluded from the regime of “normal period for use of vehicles” are vehicles assigned to State activities in the field of security, protection of people and assets, health and other State functions performed under a 24-hour regime, notably police vehicles, fire brigade vehicles and ambulances.

Section 4

Observance of the Motorway Code

1. All officials shall scrupulously abide by the rules set forth in the Motorway Code.
2. Only those State officials who, irrespective of their level, hold a valid driving licence, in accordance with the Motorway Code, may drive State-owned vehicles.
3. The rules set forth in the subsections above are also applicable to international officials authorised to drive State-owned vehicles.
4. The observance of the Motorway Code rules by national and international officials driving a State-owned vehicle shall be monitored by the Timor-Leste Police, under the same terms as those applied to all other drivers, who, for the purposes of applying the provisions of subsection 5.2 and subsection 9.2, shall inform the Cabinet Member supervising such official of the offences detected.

Section 5

Civil liability

1. The State assumes its agent's liability for any bodily injuries and/or material damage resulting from an accident or incident involving a State-owned vehicle, when the respective driver is using the vehicle in a lawful fashion, in accordance with section 3.
 2. Excluded from the subsection above are the cases in which the accident results, directly or indirectly, from a serious or very serious offence committed by the State agent involved, under the terms of sections 140 and 141 of the Motorway Code¹.
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Section 6

Procedures in case of accident or incident

1. An official who has been assigned a State-owned vehicle involved in a road traffic accident shall:
 - a) Stop the vehicle at the accident scene and signalise it properly;
 - b) Provide the necessary first aid to the injured;
 - c) Identify the drivers of the vehicles involved;
 - d) Report the accident to the nearest police station, asking for police presence at the accident scene, where police presence proves advisable.

2. An official who has been assigned a State-owned vehicle shall produce a report to be submitted to the service responsible for managing State-owned vehicles whenever:
 - a) Damage to the vehicle occurs, not as a result of a road traffic accident;
 - b) The vehicle has been involved in an accident resulting in bodily injuries and/or material damage, even though confined to the legal sphere of third parties;

¹ Sections 140 and 141 of the Motorway Code

Section 140 Serious offences

Serious offences include:

- a) Circulation of vehicles in a direction opposite to that established by law;
- b) Excessive speed above 30 km/h over that imposed by law, when committed by the rider of a motorcycle or by the driver of a light automobile, or above 20 km/h, when committed by the driver of another motor vehicle;
- c) Excessive speed above 20 km/h over the speed limits established for a driver;
- d) Circulation of vehicles at a speed that is excessive for the features of the vehicle or of the road, for weather or traffic conditions or where speed must be especially moderate;
- e) Disregard of rules and signs related to giving way, overtaking, change of direction, U-turn, reverse and level crossing;
- f) Stopping or parking at the edge of a motorway or equivalent road;
- g) Disregard of traffic rules for heavy automobiles and sets of automobiles, on a highly or equivalent road;
- h) Failure to give way to pedestrians by a driver who has changed direction within a built-up area, as well as the disregard of the crossing of pedestrians on passages marked to that effect;
- i) Disregard of the obligation to stop imposed by a traffic monitoring officer or by a traffic police officer, by the red traffic light signal or by the stop sign at an intersection, junction or roundabout;
- j) Overstepping or circulation in disregard of a continued longitudinal line delimitating traffic directions or of a mixed line signifying the same thing;
- l) Circulation of vehicles without the lighting devices on, when required;
- m) Driving under the influence of alcohol, when the blood alcohol concentration is equal to or higher than 0.8 g/l;
- n) Failure to use the warning triangle, when required, outside of a built-up area.

Section 141 Very serious offences

Very serious offences include:

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

- c) The vehicle or one of its components has been stolen.

3. The service responsible for managing State-owned vehicles may decide to initiate an investigation based on the report submitted by the official in pursuance with the subsection above, which may result in penalties proposed under section 9, without prejudice to the official's civil liability arising out of the application of subsection 5.2.

Section 7

Duties of the officials regarding maintenance

It is incumbent upon the officials to whom a vehicle has been assigned to ensure adequate maintenance, namely:

- a) To ensure, on a permanent basis, that the vehicle is in good mechanical condition, namely checking the level of engine oil and of the coolant and cleaning fluid, the brakes condition, and the pressure and state of the tyres;
- b) To take the vehicle, on a timely basis, for periodic maintenance, reporting the problems detected;
- c) To seek preventive inspection, where problems that might pose a potential danger to the vehicle safety are detected.

Section 8

Duties of the officials regarding documentation

It is incumbent upon the officials who have been assigned a vehicle to follow the procedures regarding documentation:

- a) Keep inside the vehicle, on a permanent basis, the documentation related to the vehicle, and produce it whenever asked for by law enforcement officers;
- b) Keep inside the vehicle a logbook on the trips and distances daily covered, which shall be submitted on a quarterly basis to the service responsible for managing State-owned vehicles.

Section 9

Penalties

1. An official who uses a State-owned vehicle in breach of section 3 shall be punished with the following penalties:

- a) For a first offence, an admonition;
 - b) For a second offence, disqualification from driving State-owned vehicles for a one-month period and a fine of US\$ 10;
 - c) For a third offence, disqualification from driving State-owned vehicles for a six-month period and a fine of US\$ 50;
 - d) For a fourth offence, permanent disqualification from driving State-owned vehicles.
2. An official who commits offences against the Motorway Code, in breach of the general duties contemplated in subsections 4.1 and 4.2, may be subject to a penalty of temporary ban on driving State-owned vehicles, which shall be imposed in addition to the penalties provided for in that Code.
3. An official who, repeatedly and after being admonished, fails to fulfil the duties binding upon him or her under Sections 7 and 8, shall be subject to a penalty of temporary disqualification from driving State-owned vehicles.
4. Without prejudice to the subsection above, especially serious cases of violation of duties regarding vehicle maintenance, as provided for in section 7, from which a serious accident or mechanical damage substantially reducing the market value of the vehicle has resulted, may be subject to a penalty of permanent disqualification from driving State-owned vehicles, without prejudice to other penalties provided for by law.
5. The imposition of the penalty of temporary or permanent disqualification from driving State-owned vehicles on an official who is serving mainly as a driver implies, as the case may be, forfeiture of the salary corresponding to the period covering the penalty or compulsory separation from the Public Administration.

6. The penalties provided for in the preceding subsections of this section shall be imposed by instruction of the Cabinet Member supervising the official, following a proposal by the head of service responsible for managing State-owned vehicles, upon a prior hearing of such official.

7. The proceeds from the fines provided for in subsection 9.1 shall accrue to the State Treasury.