

Order of the Head of the National Council for Peace and Order

No. 46/2558

Subject: Measures to resolve problems arising from driving vehicles

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In order to suppress, deter and resolve the troubles, dangers and damages caused by driving a vehicle more efficiently which will benefit reform and social order, by virtue of Section 44 of the Constitution of the Kingdom of Thailand (Interim), B.E. 2557 (2014), the Head of the National Council for Peace and Order with the consent of the National Council for Peace and Order, hereby issues the orders as follows:

Clause 1. In the event that a person performs the following acts:

(1) Gather or assemble, or arrange any gathering or assembling in any manner or any circumstance likely to lead to an offense in car and motorcycle racing on the road and shall be punishable under the law on land traffic or

(2) Drive a public passenger vehicle, car or motorcycle used to carry passengers or trucks with six or more wheels recklessly or with the alcohol content in the body exceeding the legal limit, causing the grievous bodily harm or death to any person.

The traffic officer, the competent official under the law on land traffic, the police officer or the government official under other laws related to such case shall have the following authorities:

(1) Seize the driving license of such driver temporarily for not exceeding thirty days

(2) Keep the car or motorcycle suspected to be used in the aforementioned acts temporarily for not less than seven days as necessary to protect or maintain public safety

(3) Arrest and detain such person for conduct training for a period of not less than seven days but not exceeding fifteen days without treating such person as an accused person.

Clause 2. Upon the expiration of the period of detention under clause 1, if there is a cause for prosecution against the person detained as an accused, such person shall be referred to the investigating officer under the Code of Criminal Procedure. However, detention under clause 1 is not considered detention under the Criminal Code and the Criminal Procedure Code.

Clause 3. In the case of the person who has performed the acts under clause 1 (2) is an officer or employee of a transport operation licensee under the law on land transport, the registrar under the law on land transport shall have the power to suspend the license or to

temporarily close the business for not exceeding fifteen days, unless the licensee can prove that he or she is not involved and has taken reasonable precautions to prevent the driver from doing so.

Clause 4. Government officials who act in good faith in accordance with their powers and duties under this order and not in excess of what is reasonable under the circumstances or not in excess of what is necessary shall be protected under Section 17 of the Emergency Decree on Public Administration in Emergency Situations, B.E. 2548 (2005).

Clause 5. This order shall come into force from the date of its publication in the Government Gazette.

Given on the date of 30 December B.E. 2558 (2015)

General Prayut Chan-o-cha

Head of the National Council for Peace and Order