



## Expat Counsel

By James Finch and Nilobon Tangprasit

# CRIMINAL LAW IN THAILAND

## Part XXXIII: Traffic crimes — vehicular death, parking, racing, etc

This time we'll conclude our discussion of traffic crimes you should know about. Last week we discussed the consequences in criminal law if a drink-driver kills someone.

But what about a situation in which you are not drunk, just careless, and somebody dies as a result?

Except for cases involving alcohol or drugs, there is no specific criminal law in Thailand that specifies criminal penalties for vehicular homicide.

Section 291 of the Criminal Code, however, states: "Whoever does an act so negligently that causes death to any person shall be liable to imprisonment for not exceeding 10 years and fine of not exceeding 20,000 baht."

What this means is that you would be subject to these penalties for any negligent act that resulted in the death of another, including those when you are driving too fast or recklessly.

Let's look at an example. Let's say you were driving at 160kph in a zone in which the posted speed limit was 80kph. Someone stepped off the curb when you came around the corner, still driving at 160kph. You didn't mean to, and were as sober as a judge at the time, but your reckless behaviour killed the pedestrian. You could be prosecuted under section 291 of the Criminal Code.

On another subject, the police can order a vehicle to stop if it's not properly maintained. For example, it could be stopped for having a non-functional headlight or rear light, or if the brakes don't work properly. If the police stop you for this, they can give you a verbal warning. They also have the discretion to impose a fine of 500 baht. Finally, they may also issue a written order specifying a date by which you have to present the vehicle, repaired, to the police, or face an additional fine.

If you refuse to pull over for the police when they try to stop you in connection with a vehicle maintenance issue, you are subject to a fine of up to 1,000 baht.

The police can order that an illegally parked vehicle be moved. They can also move such a vehicle by towing it or they can affix a wheel clamp. Anyone refusing to comply with or resisting a police order regarding an illegally parked vehicle is subject to up to a punishment of three months imprisonment and/or a fine of up to 5,000 baht.



Racing cars on public roads without police permission is a crime in Thailand. Conviction can lead to imprisonment of up to three months in jail and/or a fine. It can also result in the temporary suspension or loss of your driving licence.

Following our first article on traffic crimes last week, we received a number of inquiries about the traffic and vehicle laws of Thailand, not just those relating to the criminal law. In October, 2008, in this column we covered many of the legal issues relating to cars and driving, including licensing, registration, insurance, information and documentation you must keep in your car and what to do in case of an accident.

You will find these on our website, mentioned below, under publications. They cover a number of the questions we have been asked recently, particularly about how to handle accidents. ■

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