代號:2101 100年交通事業鐵路、公路、港務人員升資考試試題 頁次:4-1

- 笲 別:員級晉高員級
- 別:鐵路、公路、港務各類別 類
- 科 目:法學知識與英文(包括中華民國憲法、法學緒論、英文)

考試時間:1小時

座號:

- ※注意: (-)本試題為單一選擇題,請選出一個正確或最適當的答案,複選作答者,該題不予計分。 (二)本科目共50題,每題2分,須用2B鉛筆在試卡上依題號清楚劃記,於本試題上作答者,不予計分。 (三)禁止使用電子計算器。
- 下列有關中央與地方財政之規定,何者不符合憲法規定? 1 (A) 國稅與省稅、縣稅之劃分,由中央立法並執行之,或交由省縣執行之 (B)中央財政與國稅,由中央立法並執行之 (C)縣財政及縣稅,由縣立法並執行之 (D)中央對於貧瘠之省,省對於貧瘠之縣,應酌予補助
- 依地方制度法第26條規定,自治條例經各該地方立法機關議決後,如規定有罰則時,應進行下列何種作為? 2 (B)報經中央主管機關備查 (A)報經行政院核備

(D)應報中央各該主管機關轉行政院備查 (C)分別報經行政院、中央各該主管機關核定後發布 3 命令與憲法或法律牴觸發生疑義時,下列何者可直接予以廢止或修正?

- (A)立法院 (B)最高法院 (D)命令訂定之機關 (C)行政法院 依司法院大法官解釋,下列有關「思想自由」之敘述,何者錯誤? 4 (A)思想自由保障人民內在精神活動,是人類文明之根源與言論自由之基礎
- (B)思想自由爲憲法所欲保障最基本之人性尊嚴 (C)國家機關得因緊急事態之因應而限制思想自由 (D)思想自由之保障為不容侵犯之最低限度人權保障
- 下列有關憲法第16條訴訟權保障之敘述,何者錯誤? 5 (A)近年司法院大法官解釋已漸肯定公務員、學生、軍人等因免職或退學事項得提起權利救濟 (B)司法院大法官釋字第 295 號解釋,認為財政部會計師懲戒覆審委員會為憲法上所稱之法院 (C)司法院大法官釋字第 378 號解釋,認為律師懲戒委員會相當於高等法院所設之職業懲戒庭 (D)應提供人民有實效之權利救濟途徑
- 我國憲法第17條保障人民之選舉權,有關選舉權之敘述,下列何者錯誤? 6 (A) 選舉權為人民參政權之一種,故不包含有關人民團體內部之選舉事項在內 (B)人民之選舉權受到國家公權力之侵害時,有請求司法救濟之可能 CC憲法上所保障之選舉權,在無相關法律進一步具體形成前,人民仍得直接依據憲法實際行使之 (D)憲法上所保障之選舉權,既含人民參與選舉之自由,亦含人民不參與選舉之自由
- 7 有審判職務之公務員,因執行職務侵害人民自由或權利,是否適用國家賠償法之規定? (A)就其參與審判犯職務上之罪,經判決有罪確定者,即適用之 (B)就其參與審判犯職務上之罪,經檢察官起訴者,即適用之 CD就其參與審判犯職務上之罪,經一審法院判決有罪者,即適用之 (D)就其參與審判犯職務上之罪,經事實審法院判決有罪者,即適用之
- 有關總統、副總統選舉結果之敘述,下列何者正確? 8 (A)選舉結果得票最多之二組得票相同時,以抽籤決定由那一組當選 (B)候選人僅有一組時,其得票數須達選舉人總數百分之二十以上,始爲當選 CN總統或副總統當選人之一在就職前死亡者,應重新選舉投票 (D)選舉結果以得票數超過有效票二分之一之一組,爲當選
- 有關憲法「行政院院長欲提出於立法院之某些議案須經行政院會議議決」之規定,下列敘述何者正確? 9 (A)我國係採總統制的國家 (B)各部會首長與行政院院長負連帶責任
- (C)行政院會議是行政院院長作成決策的諮詢機關 (D)行政院會議是合議制機關 10 依司法院大法官釋字第 543 號解釋之意旨,立法院如經制定相關因應措施之法律以取代緊急命令之規範內 容時,緊急命令在此範圍內之效力為何? (A) 當然失效

(C) 隨緊急命令有效期限屆滿而失其效力

- (B)不影響其效力
- (D)暫時失效 依司法院大法官釋字第329號解釋對條約之見解,下列敘述何者錯誤?
- 11 (A)憲法所稱之條約係指中華民國與其他國家或國際組織所締結之國際書面協定 (B)附有批准條款的條約或公約,須送立法院審議 CO不論國際書面協定的內容是否與國內法律相同,只要涉及人民權利義務,均須送立法院審議 DI國際書面協定若經法律授權或事先經立法院同意簽訂者,即無須送立法院審議

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12	依司法院大法官釋字第 599 號解釋之意旨,司法院; 保其解釋或裁判結果實效性,得採取何種保全制度?		憲法解釋及憲法審判權,為確
	(A)假扣押 (B)假執行	(C)假處分	(D)暫時處分
13	法官於個案審判時,若認為其所適用立法院議決之條 (A)得宣告該條約無效 (B)得拒絕適用該條約		
14	依現行憲法之規定,下列敘述何者正確?		
	(A)監察委員在院內所爲之表決與言論,對院外不負責	任	
	B監察委員,除現行犯外,非經監察院同意,不得逮	胡或拘禁	
	(C)監察委員不得兼任民營公司董事		
	(D)監察院對於公務人員之彈劾案,須經監察委員1人		
15	依據公務人員考績法之規定,行政院所屬公務人員受		
	(A)行政院人事行政局 (C)行政院訴願審議委員會	(B)司法院公務員懲戒委員 (D)考試院公務人員保障暨	
16	依中央法規標準法之規定,法律生效日期有三種,下		卫坦则女具首
10	(A)法律公布常日生效	/1/11 E CILITI 1 :	
	B法律規定特定施行日期		
	(C)法律授權以行政命令規定施行日期		
	(D)法律自公布日施行者,自公布日之日起算第三日起	已發生效力	
17	下列何者的相關條文,不屬於普通法與特別法之適用		
	(A)勞動基準法與大量解僱勞工保護法	(B)勞動基準法與企業併開	
10	(C)勞動基準法與性別工作平等法 有關憲法 經經, 下別敘述 回去雜詞 2	(D)勞動基準法與勞工保險	即条例
18	有關憲法解釋,下列敘述何者錯誤? (A)憲法解釋是憲法變遷的途徑之一		
	B機關適用法令有疑義時,應立即聲請憲法解釋		
	©人民聲請釋憲屬違憲審查之一環		
	(D)各級法院於審判時,有合理確信法律有違憲者,得	 聲請釋憲	
19	依司法院大法官解釋,有關憲法所保障的言論自由,	下列敘述何者錯誤?	
	(A)國家應予最大限度的維護		
	(B)言論自由權具有實現自我、溝通意見、追求真理及		
	(C)刑法對誹謗罪的規定,過度限制了憲法所保障的言		的规道仪支展大博业、即大
	(D)記者從事新聞報導時,依其所提證據資料具有相當 能以誹謗罪相絕	理田唯宿共有關公共事份	的報學術具員有據名,即小
20	依據憲法本文以及增修條文中之相關規定,有關副網	統缺位時之敘述,下列何	者正確?
	(A)執政黨於3個月內提名,再由人民直接選舉之		
	(B)總統應於3個月內提名候選人,再由人民直接選舉	之	
	(C)如任期已過半,則不需補選		
01	(D)總統應於3個月內提名候選人,由立法院選舉之		
21	下列何者不屬於家庭暴力防治法適用的對象? (A)有同居關係之同性戀人間	(B)離婚之後公公與媳婦之	7月月
	(C)不同住在一起的六親等遠房親戚	(D)四親等以內之表兄弟如	_, ,
22	依據中央法規標準法之規定,下列何者非屬立法機關		
	(A)律 (B)通則	(C)辦法	(D)條例
23	下列敘述何者錯誤?		
	(A)限制行爲能力人變造其身分證年齡,使相對人信其		
	(B)滿 18 歲之人未經其法定代理人允許,即受已成年人		
	(C)滿 20 歲之成年人,在無意識或精神錯亂中將其所 賣契約無效	有價值 1000 萬元之土地以	、300 萬元出賈予他人,該買
	D) 滿 18 歲之人未經其法定代理人之允許自書遺囑,	其自書遺囑無效	
24	下列何者不屬於不動產物權消滅之事由?		
~ -		(C)與動產附合	(D)標的物滅失
25	下列關於刑法上加重結果犯之敘述,何者為正確?	mm手续田加工胆仁总。	1 体田明之中田朋友
	(A)加重結果犯之處罰,較該結果之故意犯重 (C)加重結果犯之處罰規定為我國所特有	 (B)加重結果犯不問行為與 (D)加重結果犯之處罰, 	
	~//川主加不但と她剖师儿上两张图[11]177日	「川田王和不心と「処司」、ト	

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受僱人於職務上完成之著作,下列敘述何者正確? 26 (A)著作人原則上為僱用人,但得以契約約定為受僱人 (B)如契約約定僱用人為著作人,其著作財產權歸受僱人享有 (C)當事人得以契約約定著作財產權歸僱用人享有 (D)受僱人為公務員時,著作財產權一律歸屬僱用人 27 甲乙兩人為 A 無限公司股東, A 公司從事進出口貿易業務, 今丙因貨物買賣而對 A 公司有新臺幣(下同) 100 萬元之債權。請問,丙應如何主張其債權? (A)由於 A 公司為無限公司,故丙得以 A 公司以及甲乙為連帶債務人,主張其 100 萬元之債權 (B) A 公司為該買賣之契約當事人,甲乙則否,故丙自僅得向 A 公司主張其 100 萬元之債權 CO甲乙對於 A 公司之債務負有補充責任,故倘丙依強制執行程序向 A 公司主張債權仍無法獲得完全之滿足 時,丙始得請求甲乙對於不足之部分負連帶清償責任 1D) 尚 A 公司章程特定甲爲代表公司之股東,並負責業務之執行,則由於乙對外無代表權且對於公司之業務 並未涉入,故丙僅得以 A 公司與甲為連帶債務人 勞動基準法有關職業災害補償之規定,下列敘述何者錯誤? 28 (A) 雇主所為之職業災害補償,性質為無過失責任,不得主張抵充就同一事故所生損害之損害賠償金額 (B)雇主之職業災害補償責任,如就同一事故已依勞工保險條例支付費用補償者,雇主得抵充之 ©勞工醫療期間屆滿2年仍未能痊癒,經指定之醫院診斷審定為喪失原有工作能力且不合勞動基準法殘廢 給付標準者,雇主得一次給付40個月之平均工資,免除醫療期間之工資補償責任 (D)職業災害補償請求權之消滅時效為2年 29 下列關於著作權授權之敘述,何者錯誤? (A)非專屬授權之被授權人須得著作財產權人之同意,始得授權第三人利用 (B)授權範圍依當事人約定,如約定不明時,推定為未授權 (C)專屬授權時,著作財產權人就同一範圍不得再爲授權 (D)無論專屬或非專屬授權,皆僅著作財產權人得以自己名義進行訴訟 春嬌懷孕分娩生下小孩,為了照顧年幼的小孩而經常無法準時上下班,公司表示,工作規則中規定,員工 30 如因懷孕、分娩、育兒而影響到工作,應自行離職,因此要求春嬌自行請辭。但是春嬌表示,從不曉得公 司有此工作規則,也沒有簽署遵守該工作規則的同意書。依據性別工作平等法,春嬌應如何處理? (A)春嬌必須自行請辭,因爲受僱於該公司時即同意遵守該工作規則,當然有效 (B)春嬌必須自行請辭,因爲該工作規則有附加影響工作表現之條件,仍爲有效 CD春嬌無需自行請辭,因爲該工作規則違反性別工作平等法的規定,應爲無效 D)春嬌無需自行請辭,因爲春嬌未曾簽署遵守該工作規則之同意書,應爲無效 31 Academic achievement certainly isn't the only to reading. If one has developed a habit of reading, one will find the pure joy of reading itself. (A) gratitude (C) implement (D) manual (B) incentive My doctor suggested I stop eating junk food but eat foods full of vitamins, minerals, and other 32 (A) detriments (B) ingredients (C) merriments (D) nutrients The city government is determined to on soliciting. Those who are involved in exchanging money for sex 33 will be arrested and prosecuted. (A) crack down (B) get a move (C) put stress (D) take up 34 for the child who lost both parents in this accident. I have (B) antipathy (A) apology (C) solitude (D) sympathy There is a debate in Turkey _____ 35 whether or not to allow Muslim women to wear head scarves in public buildings. (A) with (B) for (C) against (D) over 請依下文回答第36~40題 Few things play as central a role in our everyday lives as language. It is our most important tool in communicating

our thoughts and feelings to each other. Infants cry and laugh, and their facial expressions surely give their parents some notion of the kinds of emotions they are experiencing, but it is 36 children are able to articulate speech that we gain much understanding of their private thoughts.

As we grow, language comes to serve other functions as well. Most young people develop <u>37</u> that is more meaningful to those of the same age than to older or younger individuals. Such specialized language serves to bind us more closely with our peers while <u>38</u> excluding those who are not our peers. Language becomes a badge of sorts, a means of identifying whether a person is within a social group.

Over time, for many of us language becomes not merely a means to an end but an end <u>39</u> itself. We come to love words and word play. So we turn to writing poetry or short stories, or to playing word games. A tool that is <u>40</u> for communicating our basic needs and wants has also become a source of leisurely pleasure.

36	(A) in fact	(B) not until	(C) as if	(D) no doubt
37	(A) potential	(B) opinion	(C) jargon	(D) character
38	(A) in a word	(B) at the same time	(C) on the one hand	(D) for the same reason
39	(A) by	(B) with	(C) for	(D) in
40	(A) visible	(B) virtual	(C) vital	(D) visual



- 41 Great leaps in scientific understanding are mostly driven by refutation, not confirmation.
 - (A) Important progresses in science often result from confrontation rather than support of opinions.
 - (B) Scientific knowledge that makes great leaps in human history is frequently opposed, not confirmed.

(C) Debate breeds scientific truth and agreement leads to social harmony.

(D) Great discoveries in science are often made by renowned scientists, not obscure ones.

請依下文回答第 42~46 題

Author Michael Crichton's follow-up to his best-selling novel was less a continuation of the original than a rewrite. It provided just two notions that excited Spielberg: the existence of a secret island where the DNA dinos had been created, and a set piece where a T. Rex tries pushing a trailer off a cliff after its babies are threatened by scientists. So Spielberg and David Koepp, a screenwriter on *Jurassic Park*, fashioned a new story. The novelist was never consulted about the sequel, nor was he sent a script until he held back approval of certain merchandising rights. But Crichton now sounds <u>sanguine</u>. "When I write," he says, "I have to have the book be exactly the way I want it to be, and that's that. The film will be exactly the way the director wants it to be. And that's that."

Spielberg came up with the theme of *The Lost World* at the end of a meeting with Koepp. Spielberg said, "I've got it! This movie is about hunters vs. gatherers." Out of that epiphany unfolded the story's central conflict about rogue businessmen who are breeding dinosaurs for their San Diego theme park—a most dangerous game that backfires. Spielberg suggested that Koepp watch the 1925 film of Sir Arthur Conan Doyle's *The Lost World*, which tells of an expedition to a South American jungle habitat where dinosaurs still roam, and Howard Hawks' *Hatari!*, starring John Wayne as a safari hunter on a game preserve. Says Koepp "*Hatari!* probably influenced us more than any dinosaur movie did."

42	According to the passage, w	who is the director of The Lost	World ?							
	(A) Michael Crichton	(B) Steven Spielberg	(C) David Koepp	(D) Sir Arthur Conan Doyle						
43	According to the passage, w	who is the screenwriter on Jure	assic Park?							
	(A) Michael Crichton	(B) Steven Spielberg	(C) David Koepp	(D) Sir Arthur Conan Doyle						
44	What is the theme of <i>The L</i>	ost World?								
	(A) Dinosaurs vs. human be	ings	(B) Hunters vs. gatherers							
	(C) Science vs. archeology		(D) Nature vs. human beings							
45	Which of the following mo	vies is NOT about dinosaurs?								
	(A) <i>Dinosaurs</i>	(B) The Lost World	(C) Hatari!	(D) Jurassic Park						
46	The word "sanguine" is clo	osest in meaning to								
	(A) fond of bloodshed	(B) healthy in mind	(C) optimistic	(D) reasonable						
請依	下文回答第 47~50 題,名	各題答案內容不重複								

That so many bacteria have become drug-resistant is testimony to the microbes' toughness. However, here is tougher: some bacteria actually eat antibiotics for breakfast. <u>47</u>

To study bacteria with varying degrees of prior exposure to artificial antibiotics, a research team sampled dirt from eleven disparate locations. <u>48</u> All eleven soil types sheltered bacteria that could grow on antibiotics—including commonly prescribed ones—as their only source of carbon. <u>49</u>

To be able to eat antibiotics, those bacteria must obviously have a high degree of resistance. Indeed, they tolerate antibiotics at an extremely concentrated level. The poison-munching bacteria are not harmful to people. <u>50</u> Because bacteria swap genes freely, scientists warn that the soil dwellers might be able to transfer the genes for super-resistance to their infective cousins.

- 47 (A) Others can be easily destroyed by antibiotics.
 - (B) Fortunately, not many can be found in the soil.
 - (C) Nevertheless, some of them have close relatives that are harmful to people.
 - (D) Moreover, such super-tough bacteria are naturally widespread in the soil.
- 48 (A) Others can be easily destroyed by antibiotics.
 - (B) Surprisingly, not all the bacteria are drug-resistant.
 - (C) Then they exposed the samples to eighteen antibiotics.
 - (D) What is more, all but one of the antibiotics became food for bacteria in most soil types.
- 49 (A) Fortunately, not many can be found in the soil.
 - (B) Then they exposed the samples to eighteen antibiotics.
 - (C) Also, the antibiotics can be natural ones like penicillin.
 - (D) What is more, all but one of the antibiotics became food for bacteria in most soil types.
 - (A) They can even be used for medical purposes.

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- (B) Surprisingly, not all the bacteria are drug-resistant.
- (C) Nevertheless, some of them have close relatives that are harmful to people.
- (D) Moreover, such super-tough bacteria are naturally widespread in the soil.

測驗式試題標準答案

考試名稱:100年交通事業鐵路、公路、港務人員升資考試

類科名稱: 各類科

科目名稱:法學知識與英文(包括中華民國憲法、法學緒論、英文)(試題代號:2101)

題 數:50題

標準答案:

題別	も 01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
答案	R A	C	D	C	В	С	A	В	В	А	С	D	D	С	D	A	D	В	С	D

題號	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
答案	С	С	D	С	D	С	С	А	D	С	В	D	А	D	D	В	С	В	D	С

題號	41	42	43	44	45	46	47	48	49	50						
答案	A	В	С	В	С	С	D	С	D	С						



題號												
答案												

備 註: