

# 100年特種考試交通事業鐵路人員考試試題

等 別：三等一般警察人員考試、高員三級鐵路人員考試

類 科：各類組別、各類科

科 目：法學知識與英文 (中華民國憲法、法學緒論、英文)

- (B) 1. 依據司法院釋字第 601 號解釋，有關大法官之敘述，下列何者錯誤？  
(A) 司法院大法官由總統提名，經立法院同意後任命，故亦為憲法第 80 條規定之法官  
(B) 為貫徹憲法第 80 條之規定，大法官與一般法官受相同的保障  
(C) 司法院院長由大法官擔任，故有關司法人員專業加給之保障，與大法官同  
(D) 大法官無論其就任前職務為何，均受憲法有關法官非依法律，不得減俸規定之保障
- (D) 2. 依據司法院釋字第 585 號解釋，對立法院調查權之見解，下列何者正確？  
(A) 立法院行使調查權如涉及行政首長的行政特權事項，立法院仍得逕行調查，不受干涉  
(B) 立法院必要時得經委員會決議，要求與調查事項相關之人民或政府人員，陳述證言或表示意見  
(C) 就特定事項之調查有委任非立法委員之人士協助調查之必要時，得經院會決議行之  
(D) 如就各項調查方法所規定之程序，有涉及限制人民權利者，必須符合憲法上比例原則、法律明確性原則及正當法律程序之要求
- (A) 3. 下列何者不是立法院之職權？  
(A) 審理總統、副總統之彈劾案 (B) 對行政院院長提出不信任案  
(C) 質詢權 (D) 文件調閱權
- (D) 4. 依據憲法增修條文之規定，有關總統解散立法院之敘述，下列何者正確？  
(A) 總統得隨時解散立法院  
(B) 總統於行政院院長呈請後，須即刻解散立法院  
(C) 總統在立法院休會期間不得解散立法院  
(D) 總統解散立法院後，新立法委員之任期重新起算
- (B) 5. 國家安全局隸屬何機關？  
(A) 國防部 (B) 國家安全會議 (C) 法務部 (D) 行政院
- (C) 6. 對於國民返國之權利，依司法院大法官解釋，下列敘述何者錯誤？  
(A) 為維護國家安全及社會秩序，人民入出境之權利，於符合憲法第 23 條比例原則下，得加以限制  
(B) 應就國民是否於臺灣地區設有住所而有不同區分，而非一律非經許可不得入境  
(C) 人民返國入境之權利絕對不得限制  
(D) 在臺灣地區無戶籍人民申請在臺灣地區長期居留得不予許可之規定，係對人民居住及遷徙自由之重大限制，屬法律保留之範疇
- (A) 7. 法律若規定申請稅捐稽徵之復查，必須繳納一定比例之稅款或提供相當擔保作為條件時，依司法院大法官解釋，下列敘述何者正確？  
(A) 該規定使未能繳納或提供相當擔保之人，喪失行政救濟之機會，係對人民訴願及訴訟權所為不必要之限制  
(B) 該規定使稅款能迅速獲清償或擔保，仍符合比例原則  
(C) 雖使部分有資力之人，得享行政救濟之利益，仍不違反平等原則  
(D) 以繳納一定比例之稅款或提供相當擔保為條件，係對人民財產權之違憲侵害
- (B) 8. 關於藥商刊播藥物廣告前，應於刊播前將所有文字、圖畫或言詞申請衛生主管機關核准之規定，依司法院大法官解釋，下列敘述何者正確？  
(A) 此為對言論內容之事前審查，已違反憲法第 11 條對言論自由之保障  
(B) 藥物廣告之商業言論，因與國民健康有重大關係，基於公共利益之維護，自應受較嚴格之規範  
(C) 此非關公意形成、真理發現或信仰表達之商業言論，非屬憲法第 11 條言論自由之保

護範疇

- (D)廣告係在提供資訊，而社會對商業訊息之自由流通有重大利益，故限制傳播業者不得刊播未經衛生主管機關核准之藥物廣告之規定，應屬違憲
- (D) 9. 下列關於「服兵役」的敘述，何者正確？  
(A)女性不用當兵，違反男女平等原則  
(B)採徵兵制才符合憲法規定  
(C)兵役體位判定如果發生錯誤，不得聲明不服  
(D)後備軍人居住所遷移，無故不依規定申報者，而處以刑事罰，係合憲的措施
- (A) 10. 某法律是否違憲的審查，只要其中有一種解釋結果可以避免宣告該法律違憲時，便不應採納其他可能導致違憲的憲法解釋。此種憲法解釋方法可稱為：  
(A)合憲性解釋 (B)目的性解釋 (C)體系解釋 (D)擴大解釋
- (D) 11. 國民請領新身分證，如果戶籍法規定申請者應先按指紋等措施始予以發給，此項措施可能侵犯人民何種權利？  
(A)財產權 (B)人身自由權 (C)身體權 (D)資訊隱私權
- (A) 12. 依據憲法增修條文之規定，自由地區與大陸地區間人民權利義務關係及其他事務之處理，得以何種規範加以特別之規定？  
(A)法律 (B)命令 (C)行政規則 (D)自治條例
- (C) 13. 國家欲限制人民的自由及權利，依憲法第 23 條之規定，除為防止妨礙他人自由、避免緊急危難、維持社會秩序或增進公共利益所必要者外，不得以法律限制之。此種規定即係法治國之：  
(A)信賴保護原則 (B)法律優位原則 (C)法律保留原則 (D)憲法優位原則
- (A) 14. 依據憲法前言，中華民國憲法係基於下列何者之付託而制定？  
(A)全體國民 (B)立法院 (C)行政院 (D)總統
- (A) 15. 依據司法院釋字第 499 號解釋，下列何者具有本質之重要性，屬於憲法整體之基本原則？  
(A)國民主權原則 (B)信賴保護原則 (C)司法優位原則 (D)公序良俗原則
- (C) 16. 下列何組人選，曾被清廷任命為「修訂法律大臣」，領導晚清中國進行繼受外國法的艱鉅工程？  
(A)梁啟超、康有為 (B)楊度、董康  
(C)沈家本、伍廷芳 (D)江庸、張之洞
- (D) 17. 有關法令位階之敘述，下列何者錯誤？  
(A)法律不得抵觸憲法增修條文 (B)法規命令不得抵觸憲法  
(C)施行細則不得抵觸其母法 (D)法律之施行法不得抵觸法規命令
- (D) 18. 消費者債務清理條例之施行，係由下列何者所公布？  
(A)行政院消費者保護委員會 (B)司法院  
(C)行政院公平交易委員會 (D)總統
- (B) 19. 有關法治國觀念的敘述，下列何者錯誤？  
(A)人民權利義務事項，應以法律定之，以落實主權在民的理想  
(B)行政行為違法不當，人民不得提起爭訟，以示對國家體制的尊重  
(C)國家機關基本組織與職權，均應由憲法或法律定之  
(D)行政機關的行政行為，應受法律及一般法律原則之拘束
- (B) 20. 憲法第 2 條國民主權之規定，與下列何項憲法基本原則關係最為密切？  
(A)文化國原則 (B)民主原則 (C)法治國家原則 (D)社會國家原則
- (C) 21. 有關遺囑之敘述，下列何者錯誤？  
(A)遺囑是單獨行為  
(B)遺囑是要式行為  
(C)限制行為能力人之遺囑須經法定代理人之允許  
(D)遺囑人死亡前得隨時撤回遺囑

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- (B) 22. 某甲誤某乙為某丙而射殺之，乙死亡，請問甲的刑責如何？  
(A)甲成立殺人未遂罪與過失致死罪，二罪想像競合  
(B)甲成立故意殺人既遂罪  
(C)甲成立過失致人於死罪  
(D)甲成立殺人既遂罪與殺人未遂罪，二罪想像競合
- (B) 23. 下列何者為行政程序法第 2 條第 2 項所定義之行政機關？  
(A)臺南市 (B)臺南市政府 (C)臺南市里辦公室 (D)臺南市政府主計處
- (A) 24. 若章程無特別規定，有限公司表決權如何計算？  
(A)每一股東有一表決權 (B)股東按其出資多寡，比例分配表決權  
(C)每一張股單有一表決權 (D)僅執行業務股東有表決權
- (B) 25. 民法第 1064 條規定：「非婚生子女，其生父與生母結婚者，視為婚生子女」，此即法律適用上所稱之下列何者？  
(A)推定 (B)擬制 (C)準用 (D)類推
- (B) 26. 甲擅自將向乙借用之自行車出賣給善意之丙，並交付之，則下列敘述，何者錯誤？  
(A)乙可對甲主張侵權行為損害賠償請求權  
(B)乙可依物上請求權之規定請求丙返還自行車  
(C)乙可依不當得利規定請求甲返還所獲利益  
(D)乙可主張享有甲不法管理所生之利益
- (D) 27. 若不願繼續忍受配偶精神上之虐待，家庭暴力防治法提供下列何種法律途徑自救？  
(A)到地檢署按鈴申告 (B)跟里長告狀  
(C)寫信到市長信箱 (D)到警察局報案
- (B) 28. 甲將其擁有之 A 車借乙使用後，再就 A 車與乙成立讓與合意，A 車之所有權人為何？  
(A)甲 (B)乙 (C)甲乙分別共有 (D)甲乙共同共有
- (B) 29. 夫妻離婚時，有關贍養費之給與，下列敘述何者錯誤？  
(A)以請求者無過失為限 (B)以被請求者有過失為限  
(C)請求者須陷於生活困難 (D)被請求者縱無過失，他方亦得請求
- (C) 30. 依據司法院釋字第 550 號解釋之意旨，下列那一項關於全民健康保險的敘述有錯誤？  
(A)國家推行全民健康保險的義務，係兼指中央與地方  
(B)地方自治團體得經由全民健康保險，實現照顧其居民生活之義務  
(C)執行全民健康保險制度的行政費用，應由中央與地方分攤  
(D)為維持全民健康保險的支出，可依據法律由地方分攤保險費之補助
- (B) 31. In 1983, researchers first \_\_\_\_\_ HIV, the virus responsible for AIDS.  
(A) generated (B) identified (C) minimized (D) validated
- (B) 32. The police cannot break the law in order to \_\_\_\_\_ it.  
(A) convene (B) enforce (C) entrust (D) promote
- (A) 33. The government official said, "I hereby request that the attached application \_\_\_\_\_ under 35 USC 122(b)."  
(A) not be published (B) cannot be published  
(C) may not be published (D) will not be published
- (B) 34. It is believed that chewing helps to \_\_\_\_\_ your facial muscles.  
(A) pile up (B) tone up (C) tune up (D) wrap up
- (B) 35. American presidents are not selected directly by the people. Instead, presidential candidates compete for Electoral \_\_\_\_\_ votes by winning the popular vote in each state.  
(A) Body (B) College (C) Committee (D) Apparatus
- (C) 36. Ignoring educational experts' professional advice last year, the government \_\_\_\_\_ facing a national embarrassment of educational reform failure.



- (A) called for (B) lasted for (C) ended up (D) made up
- (B) 37. We do have choice with our lives since we have got two lives—one we are given and the other one we make.
- (A) Whatever choice we make for our lives, we should try to give and make our lives at the same time.
- (B) Although we cannot choose where we come from in our lives, we can choose how to live.
- (C) We certainly have choice with our two lives—one for our own and the other one for our children' s.
- (D) We can choose our lifestyles because we have two lives—one in our minds and the other one for real.
- (C) 38. As an experienced director, he knows how to bring all these risk management skills to bear in guiding a corporation to success.
- (A) As an experienced director, he learns to risk applying these skills to lead a company to success.
- (B) As an experienced director, he takes it as his own burden to lead a company to its success.
- (C) As an experienced director, he applies all these skills purposefully to lead a company to success.
- (D) As an experienced director, he endures risks to cultivate in himself these skills so that he may lead a company to success.
- (B) 39. Jack Lang, who is renowned for his protectionist views, despises American culture as "pure entertainment."
- (A) Jack Lang is very protective of American culture, which he regards as "pure entertainment."
- (B) Jack Lang, due to his protectionism, looks down upon American culture as "pure entertainment."
- (C) Jack Lang wants to protect American culture from "pure entertainment."
- (D) Jack Lang, despite his protectionist view on American culture, is known for his distaste toward "pure entertainment."
- (D) 40. Everyone is born with dual citizenship, in the kingdom of the well and in the kingdom of the sick; illness is the night-side of life, a more onerous citizenship.
- (A) All people live with the well and the sick throughout their lives, and living with the sick is the more depressing of the two.
- (B) All living people are bound to have their healthy days and sick days; people are in a gloomy and annoying mood at night.
- (C) All people born with dual citizenship, though sometimes lead a healthy life, see more of the dark side of life, feeling helpless.
- (D) All living people go through their lives by both living in health and suffering from illness, and being sick is the less desirable of the two.
- (B) 41. Oprah Winfrey' s father had concerns about his daughter making the best of her life, and would not accept anything less than what he thought was her best.
- (A) Oprah Winfrey' s father only accepted the things of best quality his daughter bought him.
- (B) Oprah Winfrey' s father believed in his daughter' s ability and demanded the best from her.

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- (C) Oprah Winfrey could make a successful career because her father always gave her the best.
- (D) Oprah Winfrey had best concerns for her father, who was the most valuable treasure in her life.
- (C) 42. Any public \_\_\_\_\_ of this scandal would do great damage to this movie star.  
(A) proposal (B) enclosure (C) disclosure (D) refusal
- (B) 43. Underemployment is \_\_\_\_\_ ; a physicist working in a customs house is a symbol of national stagnation, not advancement.  
(A) ambiguous (B) demoralizing (C) optimistic (D) invaluable
- (B) 44. Forgiveness seems its own form of revenge since it is like we have risen above what happened to us and above people who should be blamed.  
(A) Forgiveness and revenge share something in common since both involve what happened to us and people who should be blamed.  
(B) In a way forgiveness can be seen as revenge since it sends a message that we are somewhat superior.  
(C) Both forgiveness and revenge need us to show that we are able to rise above what happened to us and above people to be blamed.  
(D) Only by showing that what happened to us has had little influence on us can we claim that forgiveness is its own form of revenge.
- (A) 45. The idea of good character sounds old-fashioned and patronizing, but it may be the key to some of our most entrenched social problems.  
(A) To solve some of our deep-rooted social problems, we may need to resort to the traditional and somewhat condescending idea of good character.  
(B) To talk about the old but fashionable idea of good character may sound patriotic, but it is the only sure way to solve some of our most cumbersome social problems.  
(C) The concept of good character may have been there for a long time, but it may be the key to opening the Pandora's Box of our society.  
(D) Good character, though out-dated and rare, may be the only weapon to attack some of our most ingrained social problems.
- (B) 46. What is a weed? A plant whose virtue has not been discovered.  
(A) A weed will always be a weed, no matter how long it takes.  
(B) A weed is called a weed because we are blind to its virtues.  
(C) Once some virtues are discovered, a weed will change.  
(D) We should not call a weed a weed.

請回答第47.題至第50.題：

Male-female conversation is cross-cultural communication. 47. And women and men have different past experiences. From the time they are born, they are treated differently, talked to differently, and talk differently as a result. 48. And when they become adults, they travel in different worlds, reinforcing patterns established in childhood. These cultural differences include different expectations about the role of talk in relationships.

Everyone knows that as a relationship becomes long-term, its terms change. 49. Many women feel, "After all this time, you should know what I want without my telling you." Many men feel, "After all this time, we should be able to tell each other what we want."

These incongruent expectations capture one of the key differences between men and women. 50. Though everyone has both these needs, women often have a relatively

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greater need for involvement, and men a relatively greater need for independence. Being understood without saying what you mean gives a payoff in involvement, and that is why women value it so highly.

- (C) 47. (A) But women and men often differ in how they expect them to change.  
(B) Boys and girls grow up in different worlds, even if they grow up in the same house.  
(C) Culture is simply a network of habits and patterns gleaned from past experience.  
(D) Different habits have repercussions when men and women talk about their relationship.
- (B) 48. (A) Culture is simply a network of habits and patterns gleaned from past experience.  
(B) Boys and girls grow up in different worlds, even if they grow up in the same house.  
(C) Communication is always a matter of alancing conflicting needs for involvement and independence.  
(D) Different habits have repercussions when men and women talk about their relationship.
- (A) 49. (A) But women and men often differ in how they expect them to change.  
(B) Culture is simply a network of habits and patterns gleaned from past experience.  
(C) Boys and girls grow up in different worlds, even if they grow up in the same house.  
(D) It is difficult to straighten out such misunderstandings because each one feels convinced of his or her points.
- (B) 50. (A) Boys and girls grow up in different worlds, even if they grow up in the same house.  
(B) Communication is always a matter of balancing conflicting needs for involvement and independence.  
(C) Different habits have repercussions when the man and the woman are talking about their relationship.  
(D) It is difficult to straighten out such misunderstandings because each one feels convinced of his or her points