

103 年特種考試交通事業鐵路人員考試試題

等 別：高員三級鐵路人員考試

類 科：各類科

科 目：法學知識與英文 (中華民國憲法、法學緒論、英文)

- (A) 1. 依地方制度法，有關臺東縣地方自治團體居民權利之敘述，下列何者錯誤？
(A)選舉臺東縣立法委員 (B)使用臺東縣立文化中心
(C)提案進行地方性公民投票 (D)請求臺東縣政府公開政府資訊
- (D) 2. 依地方制度法，下列何者不屬於直轄市市長之人事權？
(A)任命市政府之秘書長 (B)任用直轄市內之區長
(C)免除各單位主管職務 (D)所屬公務人員之考選
- (D) 3. 有關地方自治法規之位階，下列敘述何者正確？
(A)自治規則之位階等同於中央法令
(B)自治條例與該自治團體自治規則抵觸者，無效
(C)中央法令與自治條例抵觸者，無效
(D)自治條例與法律抵觸者，無效
- (B) 4. 法律規定雇主對求職人或所僱用員工，不得以種族、階級、語言、思想、宗教、黨派為由，予以歧視，是為了落實何項基本權利？
(A)組織工會之權利 (B)就業機會平等
(C)言論自由 (D)生命權
- (A) 5. 依我國憲法第 8 條規定，人民因犯罪嫌疑被逮捕拘禁時，至遲應於多久內移送該管法院審問？
(A)1 天 (B)3 天 (C)5 天 (D) 7 天
- (B) 6. 中央選舉委員會在行政組織上隸屬於何機關？
(A)監察院 (B)行政院 (C)內政部 (D)司法院
- (B) 7. 依公職人員選舉罷免法規定，甲年齡甫滿 30 歲，依其年齡不得參選：
(A)立法委員選舉 (B)總統、副總統選舉
(C)縣(市)議會議員選舉 (D)縣(市)長選舉
- (D) 8. 經過行政院會議議決而向立法院提出之議案中，下列何者有時間上之規定？
(A)法律案 (B)條約案 (C)減刑案 (D)預算案
- (A) 9. 行政院院長辭職，在總統未任命新的行政院院長前，由何人暫行代理之？
(A)行政院副院長 (B)行政院秘書長
(C)行政院副秘書長 (D)內政部部長
- (D) 10. 我國與其他國家締結條約，應經何機關議決通過？
(A)考試院 (B)監察院 (C)司法院 (D)立法院
- (B) 11. 依政黨比例代表制產生之立法委員，若在任期中喪失其黨員資格時，應如何處理？
(A)不因此喪失立法委員的資格 (B)應喪失其立法委員的資格
(C)由所屬政黨自由決定 (D)由所屬政黨黨員罷免之
- (D) 12. 有關法官獨立審判之敘述，下列何者錯誤？
(A)法院不能隸屬行政院
(B)法官對行政機關解釋得不予適用
(C)法官審判時，認為所適用之法律違憲時，得停止審判聲請解釋？
(D)法官得依據法院院長指示為審判
- (D) 13. 下列何者不是考試院會議之成員？
(A)考試院副院長 (B)考選部部長 (C)考試委員 (D)考試院秘書長
- (C) 14. 依憲法增修條文之規定，總統對行政院請求覆議之案件有：
(A)提出權 (B)接受報備之義務
(C)核可權 (D)轉交立法之義務

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- (B) 15. 下列情況中，何者受到言論自由保障之程度最低，得受到最嚴格之限制？
(A)批評企業的學術論文 (B)促銷酒品的電視廣告
(C)鼓吹受僱者參與遊行 (D)對政治事件進行批判
- (A) 16. 勞動基準法基於保護勞工的需要，制定了許多強行規定來限制勞動契約的內容，下列關於勞動基準法保護童工、女工規定的敘述，何者正確？
(A)童工不得從事繁重及危險性之工作
(B)女工一旦懷孕超過3個月，雇主即不得要求該女工從事工作
(C)雇主絕對不可以僱用低於15歲以下的兒童進行工作
(D)經工會同意後，雇主仍可要求童工在晚上12點到凌晨3點之間工作
- (D) 17. 下列那一件事情不是警察在處理家庭暴力防治事項相關工作時，依據法律應盡的義務？
(A)於法院核發緊急保護令前，在被害人住居所守護或採取其他保護被害人或其家庭成員之必要安全措施
(B)保護被害人至被害人或相對人之住居所，確保其安全占有住居所、汽車、機車或其他個人生活上、職業上或教育上必需品
(C)保護被害人及其子女至庇護所或醫療機構
(D)核發暫時保護令或緊急保護令
- (D) 18. 關於各種法律分類的敘述，下列何者正確？
(A)「公民與政治權利國際公約及經濟社會文化權利國際公約施行法」是屬於國際法
(B)民法屬於程序法
(C)習慣法屬於成文法
(D)行政程序法屬於公法
- (D) 19. 甲與乙結婚，結婚時，雙方約定採用分別財產製作為夫妻財產制。下列敘述何者正確？
(A)甲跟乙的殘產必須區分開婚前財產與婚後財產
(B)甲對於乙在結婚期間所欠下的債務，負有用自己的財產加以償還的義務
(C)甲與乙必須把彼此在婚姻存續期間內所得之財產，存在共同之帳戶內，共同使用收益
(D)甲的財產即使在婚姻存續期間內，仍由甲自己來使用、收益與處分
- (B) 20. 依據民法規定，下列何者法律行為自始無效？
(A)16歲的高中生甲，未經父母同意，與營業員簽訂買下電視遊樂器之契約
(B)乙因為年老失智，受法院監護宣告之後，與保險員簽訂保險契約
(C)丙受到輔助宣告後，與顧客簽訂房屋的買賣契約
(D)丁受到輔助宣告後，接受他人未附任何條件之贈與
- (D) 21. 乙因為連續殺人，而被判處死刑。法警甲受上級命令，負責執行死刑犯乙之死刑。下列敘述何者正確？
(A)因為乙的惡行重大，所以他的生命權一開始就不值得保護，甲的行為自始不該當殺人罪的犯罪構成要件
(B)因為殺死乙可以降低犯罪率，所以甲的行為可以用正當防衛來阻卻違法
(C)因為殺死乙可以降低犯罪率，所以甲的行為可以用緊急避難來阻卻違法
(D)甲的行為因為是依法令之行為，所以可以阻卻違法
- (C) 22. 警察職權行使法第3條第1項：「警察行使職權，不得逾越所欲達成執行目的之必要限度，且應以對人民權益侵害最少之適當方法為之」，這條條文清楚地表示了警察在行使職權時，應該遵守下列何者重要的行政法原則？
(A)信賴保護原則 (B)平等原則 (C)比例原則 (D)法律明確性原則
- (A) 23. 依據我國刑法對於正犯與共犯之規定，下列敘述何者正確？
(A)公務員甲與公務員乙共同合作，收取賄賂，這兩人是刑法上所說的共同正犯
(B)丙幫助丁實行犯罪，只有當丁知道丙的幫助行為時，丙才是丁犯罪行為的幫助犯
(C)戊是公務員己的配偶，己想要收取賄賂，戊幫忙己代收，因為戊本身不是公務員，所以戊不會是己的從犯
(D)庚教唆辛實行犯罪，辛受教唆後實行犯罪行為。但是庚本身沒有實行犯罪行為，因此庚不需要受到任何刑罰

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- (B) 24. 關於定型化契約，依據消費者保護法的規定，下列敘述何者錯誤？
- (A) 消費者可以要求與企業簽訂由企業所擬定之定型化契約之前，有最多可達 30 日的閱覽契約時間
 - (B) 基於契約自由，只要消費者同意定型化契約的內容，企業可以任意規定定型化契約的條款
 - (C) 消費者可以主張他與企業個別磋商所約定的條款，效力高於定型化契約內的條款
 - (D) 企業可以經由消費者同意，把雖未載入定型化契約內，但是已經明示消費者得知之條款，當作契約內容的一部分
- (B) 25. 下列那一個雇主的行為，並沒有違反性別工作平等法之規定？
- (A) 甲因為發現僱用的水電工是同性戀者，所以將該位水電工人解聘
 - (B) 乙因為僱用的某女性員工上班屢屢遲到，所以加以扣薪，讓該女性員工的薪水低於跟她做同樣工作的男性員工
 - (C) 丙開醫院招聘醫院院長時，因為認識女性不適合擔任醫院院長，所以在公開的徵才廣告上，表示只限男性醫生來應徵醫院院長
 - (D) 某女性員工生下一女嬰，該女嬰出生未滿 1 歲，仍需要母親親自哺乳，丁拒絕讓該女性員工在休息時間外哺乳嬰兒
- (A) 26. 關於民法物權編規定的敘述，下列何者正確？
- (A) 我國民法已經承認，可以經由習慣創設物權
 - (B) 質權包含不動產質權與動產質權二種
 - (C) 因為所有權神聖原則，所有權人可以自由使用收益其所有權，無須在意是否會損害到鄰人的所有權
 - (D) 對於已經登記之土地，即使占有再久的時間，占有人不能主張時效取得任何物權上的權利
- (A) 27. 關於建築物區分所有權的敘述，下列何者正確？
- (A) 區分所有包含專有部分與共有部分
 - (B) 專有部分，指區分所有建築物專有部分以外之其他及不屬於專有部分之附屬物
 - (C) 共有部分，指區分所有建築物在構造上及使用上可獨立，且得單獨為所有權之標的者
 - (D) 專有部分與其所屬之共有部分及基地之權利，可以分離而為移轉或設定負擔
- (D) 28. 依據中央法規標準法，關於法律廢止的敘述，下列何者正確？
- (A) 甲法律內規定，甲法律於民國 103 年 5 月 10 日施行期滿，仍需經立法院通過廢止，總統公布後，該法律才會失去效力
 - (B) 甲法律內規定，甲法律於民國 103 年 5 月 10 日施行期滿，因此甲法律之失效不需要經過主管機關之公告
 - (C) 行政命令之廢止，需要由主管機關之上級機關公告
 - (D) 乙法律內，未定任何施行期限，被宣告廢止，其效力自公布廢止之日起算，至第 3 日失效
- (A) 29. 平均地權條例第 1 條規定：「平均地權之實施，依本條例之規定；本條例未規定者，適用土地法及其他有關法律之規定。」依據此條之規定，我們可以認為，就平均地權之實施相關法律問題來說，平均地權條例與土地法兩者之間是什麼樣的法律關係？
- (A) 特別法與普通法關係
 - (B) 公法與私法關係
 - (C) 後法與前法關係
 - (D) 上位法與下位法關係
- (A) 30. 甲文學才能卓越，雖受僱於乙公司擔任資訊工程師，日常生活仍以創作網路小說為樂。乙公司老闆丙發現甲的文學才能，因而願意出資聘請甲撰寫丙的傳記（契約中並未規定誰為著作人，也未約定甲所撰寫的丙傳記，著作財產權歸誰所有）。甲之後因為急需金錢，私下印刷銷售丙之傳記得利。依據我國之著作權法，下列敘述何者正確？
- (A) 因為丙傳記由甲所撰寫，該傳記的著作財產權仍屬於甲
 - (B) 因為丙傳記由甲所撰寫，而又因為甲是乙公司的受僱人，丙傳記的著作財產權，歸屬於乙公司所有
 - (C) 因為丙是出資者，丙才是甲所撰寫傳記的著作財產權擁有者

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(D)乙公司可以控告甲，因為甲私下銷售其所撰寫的傳記，係屬侵害乙公司著作財產權的行為

- (A) 31. A multiple murder on Friday night left two people dead. The police did not release the names of the victims out of _____ for their family members.
(A)consideration (B)disclosure (C)fulfillment (D)prudence
- (B) 32. Since first impressions are so important, it is necessary that we deliver a _____ and positive one every time we make a new professional or social acquaintance.
(A)deliberate (B)favorable (C)proficient (D)suggestive
- (D) 33. The residents finally stopped and caught the drunk man after he had _____ more than ten cars in the neighborhood.
(A)penalized (B)scandalized (C)tantalized (D)vandalized
- (B) 34. It is not until you become initiated into something and gain knowledge that your interest seriously awakens.
(A)Your interest will drive you to initiate yourself into something and gain knowledge.
(B)You will not truly realize your interest until you gain knowledge from what you have taken to.
(C)Whether you become initiated into something depends on whether you gain knowledge from it or not.
(D) You will never truly become initiated into something and gain knowledge until your interest seriously awakens.
- (B) 35. The antifraud tools of the time could not keep up with the crooks.
(A)The crooks are always at the mercy of the antifraud operations.
(B)The law against deception can hardly prevent swindlers.
(C)The swindlers fail to keep pace with the operations against fraud.
(D)With the antifraud tools, it is time to keep up with what the crooks are trying to do.
- (A) 36. In Taiwan, red flowers can be seen in many weddings and parties because red is considered the most _____ among all colors in Taiwanese culture.
(A)auspicious (B)congruent (C)impulsive (D)platonian
- (D) 37. Mr. Johnson is survived by his wife of 30 years, Ann, and two sons, David and Bill.
(A)Mr. Johnson is still alive; his wife, who was 30 years old, and sons are all dead.
(B)Mr. Johnson's wife has been dead for 30 years; he and his two sons are alive.
(C)Mr. Johnson has been dead for 30 years; his wife and two sons are all alive.
(D)Mr. Johnson is dead while his wife of 30 years and two sons remain alive.
- (C) 38. Steve Jobs was to technology like John Lennon was to music. They both revolutionized their respective fields and both were taken from the world far too soon.
(A)People consider Jobs and Lennon as the two greatest people of the century.
(B)Jobs and Lennon would be remembered for leaving their fields far too soon.
(C)With the time they had, both Jobs and Lennon took their professions to a new level.
(D) Technology and music are often revolutionized within a short period of time.
- (D) 39. It is one of those beautiful compensations of this life that no one can

sincerely try to help another without helping himself.

(A)When you sincerely help others, you are bound to receive a beautiful compensation in the future.

(B)No one can sincerely help others without feeling the beauty of getting compensations in return.

(C)Those who sincerely help others will for sure compensate themselves with kind help from others.

(D)The beautiful compensation for sincerely helping others is that you are helping yourself as well.

(D) 40. Chinese medicine offers a different vision of health and disease; it refuses to see the individual as an entity separate from his or her environment.

(A)A different system, Chinese medicine has its strengths and weaknesses.

(B)Chinese medicine does not produce side effects because it is balanced to reflect a patient's entire environment.

(C)Chinese medicine is often criticized for the absence of scientific research support.

(D)Chinese medicine seeks to locate illness within the context involving an individual and his or her environment.

(D) 41. The writer is looked after by a very competent secretary. The routines of life are lifted from him, thus accentuating his inwardness.

(A)Thanks to the effort of the secretary, the introverted writer can concentrate on his work and thus become highly praised.

(B)The inner life of the writer remains secret. Only his secretary knows why he focuses on his writing.

(C)The tedious routine life is too much for the writer to bear, so he needs a secretary to help him.

(D)The writer becomes even more concentrated because everything in life has been taken care of by his secretary.

請回答第 42 題至第 46 題：

In the summer of 1964, the well-known writer and editor Norman Cousins became very ill. He consulted his physician, who did many tests. Eventually he was diagnosed as having ankylosing spondylitis, a very serious and destructive form of arthritis. His doctor told him that he would become immobilized and eventually die of the disease.

Despite the diagnosis, Cousins was determined to overcome the disease and survive. He had always been interested in medicine and had read the work of the organic chemist Hans Selye, *The Stress of Life* (1956). This book discusses the idea of how body chemistry and health can be damaged by emotional stress and negative attitudes. Selye's book made Cousins think about the possible benefits of positive attitudes and emotions. He decided to concentrate on positive emotions as a remedy to heal some of the symptoms of his ailment. In addition to his conventional medical treatment, he tried to put himself in situations that would elicit positive emotions. "Laugh therapy" became part of his treatment. He scheduled time each day for watching comedy films, reading humorous books, and doing other activities that would bring about laughter and positive emotions. Within eight days of starting his "laugh therapy" program, his pain began to decrease and he was able to sleep more easily. His body chemistry even improved. Doctors were able to see an improvement in his condition. He was able to return to work in a few months' time and actually reached complete recovery after a few years.

- (B) 42. What is the main idea of this passage ?
(A) Doctors' diagnoses may not always be correct.
(B) Mind-body interaction may affect a person's health.
(C) Laugh therapy is very powerful and can cure all kinds of diseases.
(D) When diagnosed with a serious disease, one should seek alternative treatments.
- (A) 43. How did Norman Cousins react to the doctor's preliminary diagnosis ?
(A) He made up his mind to defeat the disease.
(B) He felt hopeless and refused to receive any medical treatment.
(C) He was skeptical about the diagnosis and asked for more tests.
(D) He tried to get more information about the disease by reading books.
- (A) 44. What was the result of Cousins' laugh therapy ?
(A) His health gradually returned to normal.
(B) His health first improved but deteriorated afterwards.
(C) His illness was completely cured under laugh therapy for eight days.
(D) The therapy was able to reduce his pain, but it was not able to cure his disease.
- (C) 45. What does the underlined word "conventional" in the second paragraph mean ?
(A) Alternative (B) Innovative (C) Traditional (D) Unusual
- (C) 46. According to the passage, which of the following statements is NOT correct ?
(A) Ankylosing spondylitis is a potentially fatal disease.
(B) Negative emotions produce negative changes in the body.
(C) Norman Cousins knew nothing about alternative treatments.
(D) Watching comedy films and reading humorous books may improve a person's body chemistry.

第 47 題至第 50 題為篇章結構，各題請依文意，從四個選項中選出最合適者，各題答案內容不重複

To be a tourist is one of the characteristics of the "modern" experience. Not to "go away" is like not possessing a car or a nice house. It is a marker of status in modern societies and is also thought to be necessary to health. 47 In Imperial Rome, for example, a fairly extensive pattern of travel for pleasure and culture existed for the elite.

In the thirteenth and fourteenth centuries, pilgrimages had become a widespread phenomenon practicable and systematized, served by a growing industry of networks of charitable hospices and mass-produced indulgence handbooks. Such pilgrimages often included a mixture of religious devotion and culture and pleasure. The Grand Tour had become firmly established by the end of the seventeenth century for the sons of the aristocracy and the gentry, and by the late eighteenth century for the sons of the professional middle class. 48 There was a visualization of the travel experience, or the development of the gaze, aided and assisted by the growth of guidebooks which promoted new ways of seeing.

The eighteenth century had also seen the development of a considerable tourist infrastructure in the form of spa towns throughout much of Europe. The whole apparatus of spa life was designed to provide a concentrated urban experience of frenetic socializing for a dispersed rural elite. 49 In the countryside work and play were particularly intertwined in the case of fairs. People would often travel considerable distances and the fairs always involved a mixture of business and pleasure normally centered around the tavern. But before the nineteenth century few people outside the upper classes traveled anywhere to see objects for reasons

unconnected with work or business. 50 Travel is now thought to occupy 40 percent of available "free time." It is a crucial element of modern life to feel that travel and holidays are necessary.

- (A) 47. (A) This is not to suggest that there was no organized travel in premodern societies, but it was very much the preserve of the elite.
(B) And it is this which is the central characteristic of mass tourism in modern societies.
(C) There have always been periods in which much of the mass of the population have engaged in play or recreation.
(D) But people in premodern societies already had the idea of traveling to demonstrate their power and wealth
- (C) 48. (A) And it is this which is the central characteristic of mass tourism in modern societies.
(B) There have always been periods in which much of the mass of the population have engaged in play or recreation.
(C) Over this period, treaties on travel shifted from a scholastic emphasis on touring as an opportunity for discourse, to travel as an eyewitness observation.
(D) Travel was considered an essential part of education, which led to the emergence of travel writing.
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- (B) 50. (A) Travel was considered an essential part of education, which led to the emergence of travel writing.
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