

97年特種考試交通事業鐵路人員考試及 97年特種考試交通事業公路人員考試試題

資位別：員級

類科：鐵路—各類科、公路—各類科

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：(一)本測驗試題為單一選擇題，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。

- 1 憲法本文對領土的規定採：
(A)概括式 (B)列舉式 (C)除外式 (D)未規定
- 2 憲法本文關於基本權的規定，對下列何種權利保障方式最為周延？
(A)人民之居住自由 (B)人民之言論自由 (C)人民之身體自由 (D)人民之財產權
- 3 依憲法增修條文規定，下列何項停止適用？
(A)公務人員之選拔，應按省區分別規定名額，分區舉行考試
(B)立法委員之報酬及待遇，應以法律定之
(C)國家應保障僑居國外國民之政治參與
(D)國家應積極維護原住民族語言及文化
- 4 關於警察臨檢，下列何項與司法院大法官釋字第535號解釋之意旨不符？
(A)實施臨檢之要件與程序均應有法律之明確規範 (B)對私人居住之空間，應受與住宅相同之保障
(C)應遵守比例原則 (D)無須出示證件表明身分
- 5 依據憲法第8條第2項規定，人民因犯罪嫌疑被逮捕拘禁時，至遲應於二十四小時內移送至何機關審問？
(A)監察院 (B)法院
(C)最高法院檢察署特別偵查組 (D)各地方法院檢察署
- 6 憲法本文有關人身自由保障的規定，明白顯示罪刑法定主義原則。請問下列何者符合罪刑法定主義原則？
(A)刑法主要以不成文法為法源 (B)刑法不得類推解釋
(C)刑法可有不定期刑 (D)刑法適用原則上可溯及既往
- 7 下列那一項基本權利含有制度性保障？
(A)人身自由 (B)結社自由 (C)婚姻自由 (D)集會自由
- 8 任何人非經正當法定程序，不受逮捕、拘禁的權利稱為何種自由權？
(A)人身的自由權 (B)精神的自由權 (C)政治的自由權 (D)司法的自由權
- 9 在憲法本文及增修條文中，皆有婦女當選名額之規定，係下列何者之選舉？
(A)考試委員 (B)立法委員 (C)監察委員 (D)縣市議員
- 10 總統對於刑事犯罪之罪名與刑罰加以赦免，稱為：
(A)大赦 (B)褒揚 (C)假釋 (D)復權
- 11 依憲法增修條文，下列總統之官員任免權，何者不須經立法院同意？
(A)行政院院長 (B)司法院院長 (C)監察院院長 (D)考試院院長
- 12 依憲法增修條文規定，當立法院被解散後，國家適逢重大變故，有必要由總統發布緊急命令為必要之處置，試問此緊急命令應否被追認？由誰追認？
(A)情況特殊無需被追認 (B)由監察院代替立法院追認
(C)由司法院大法官代替立法院追認 (D)由原立法院自行集會開議追認
- 13 依憲法本文及增修條文規定，以下關於人事同意權的敘述，何者正確？
(A)立法院對於審計長有同意權 (B)監察院對於司法院大法官有同意權
(C)立法院對於行政院院長有同意權 (D)考試院對於監察委員有同意權

- 14 依憲法增修條文之規定，中央、地方公務人員及司法院、考試院人員之違法失職，由監察院彈劾之，監察院人員之違法失職如何處置？
(A)由立法院彈劾 (B)另送司法院大法官彈劾
(C)由立法院向司法院大法官提出彈劾 (D)由監察院彈劾
- 15 依憲法地方自治之精神，縣政府之施政應向何機關負責？
(A)省政府 (B)內政部 (C)縣議會 (D)行政院
- 16 下列法源，何者屬於不成文法？
(A)法律 (B)條約 (C)判例 (D)法規命令
- 17 大陸法系主要繼受自下列何者？
(A)希臘法 (B)羅馬法 (C)巴比倫法律 (D)漢摩拉比法典
- 18 下列何者不是立法院通過的法律？
(A)地方稅法通則 (B)家事事件處理辦法 (C)鄉鎮市調解條例 (D)財政收支劃分法
- 19 我國民法親屬編的修正，例如夫妻財產制或未成年子女親權之行使，逐漸朝何種方向發展？
(A)男尊女卑 (B)女尊男卑 (C)兩性平權 (D)以上皆非
- 20 法律與憲法牴觸者無效，就此有終局認定權限之機關為何？
(A)普通法院 (B)行政院 (C)立法院 (D)司法院
- 21 在法律解釋上，一般認為通常最優先適用的解釋方法是：
(A)文義解釋 (B)論理解釋 (C)歷史解釋 (D)目的解釋
- 22 下列有關解釋法律之敘述，何者錯誤？
(A)解釋法律應注意其專門性，專業用語未必依通俗意義解釋
(B)解釋法律應注意其固定性，尺度不可因人因事因地自由伸縮
(C)解釋法律應注意其進化性，文字涵義可能隨時代而變遷
(D)解釋法律應注意其靈活性，盡量多元，得因人而異
- 23 銀行未經顧客同意或沒有法律依據，而洩漏顧客存款及銀行往來資料，可能侵犯何種權利？
(A)工作權 (B)隱私權 (C)姓名權 (D)秘密通訊權
- 24 如果法律規定，凡竊盜者，處以死刑或剝手處罰，可能違反何種憲法原則？
(A)平等原則 (B)比例原則 (C)一行爲不二罰原則 (D)不當聯結禁止原則
- 25 下列何者非屬民事上之自力救濟？
(A)正當防衛 (B)緊急避難 (C)自助行爲 (D)拘提管收
- 26 繼承人欲拋棄其繼承權，應向下列何者爲之？
(A)親屬會議 (B)法院 (C)被繼承人 (D)家長
- 27 下列何者爲刑法規定的刑罰種類？
(A)強制治療 (B)強制工作 (C)保護管束 (D)罰金
- 28 發生消費爭議時，下列何者非消費者保護法所規定之申訴對象？
(A)企業經營者 (B)消費者保護團體 (C)民意代表 (D)消費者保護官
- 29 勞工保險之費率：
(A)由法律明訂 (B)在法律規定範圍內由行政院核定
(C)由立法院核定 (D)依實際之支出而彈性調整
- 30 依照家庭暴力防治法之規定，保護令爲下列何種性質？
(A)刑事 (B)民事 (C)行政 (D)兼具刑事與民事

- 31 I'm planning to _____ the attic into a bedroom to accommodate more guests.
(A) convert (B) elaborate (C) justify (D) penetrate
- 32 When I turned on the heater, hot air _____ throughout the room and I felt warm immediately.
(A) calculated (B) illuminated (C) circulated (D) illustrated
- 33 Climbing up to the mountain top has _____. I am out of breath now.
(A) turned me on (B) cheered me up (C) worn me out (D) cut me off
- 34 When a complete stranger came over and intended to give me the ticket to the concert, my _____ reaction was to decline the offer because his friendliness seemed weird to me.
(A) internal (B) immediate (C) triumphant (D) spectacular
- 35 My brother, Carlson, loves music very much and knows how to play several musical _____, such as the piano, the guitar, the trumpet, and the oboe.
(A) notes (B) scores (C) instruments (D) compositions
- 36 In some Asian cultures, people are not supposed to make direct eye contact when talking to their superiors because the behavior is considered bold or _____.
(A) aggressive (B) appropriate (C) amicable (D) affluent
- 37 Wearing shorts and sandals to work is considered very _____ in many companies.
(A) incomplete (B) informative (C) improper (D) impatient
- 38 The accident was not all your _____. The other driver was responsible for its happening as well.
(A) concept (B) response (C) blame (D) fault
- 39 The new engineer seemed to be _____ by the workload in the Research and Development Division. He stayed for merely a week and quit for health reasons.
(A) fascinated (B) interfered (C) acculturated (D) overwhelmed
- 40 If you are so easily discouraged by any _____, how can you ever achieve anything? Hardships are there to make us braver and wiser.
(A) capacity (B) monument (C) obstacle (D) tolerance
- 41 Mary won't forgive George for his rudeness _____ he apologizes first.
(A) but (B) unless (C) if (D) lest
- 42 Man: Did you see this tomato, Maggie?
Woman: Yes, I did. Isn't it big?
Man: It's huge! _____
Woman: I think I'll cut it up for our salad tonight.
(A) Where did you buy it?
(B) How much did it cost?
(C) What are you going to do with it?
(D) When did you buy it?
- 43 Alice: Hey, Allen, why didn't you have lunch with us? _____
Allen: No. I had a late breakfast.
(A) What was the matter?
(B) Weren't you hungry?
(C) Would you care for a cup of coffee?
(D) Have you had your breakfast?

If there is one thing I dislike, it is dogs that bark late at night. An example is my neighbor's dog across the street from me. My neighbor lets her dog out for about a half hour every night around midnight. 44 her dog hits the night air, his automatic response is to howl and bark, which he does for a full half hour. He does not seem to bark at anything in particular. 45, barking seems to be his form of nightly exercise. I want to be a good neighbor, so I try not to 46 too much, but I'm getting very tired of that midnight serenade.

- 44 (A) As soon as (B) Because (C) As a result (D) Even though
45 (A) Consequently (B) Instead (C) Regardless (D) Gradually
46 (A) defend (B) complain (C) intrude (D) threaten

A century ago, distance and extreme cold meant that Antarctica was only a place for explorers. Modern technology has changed all that. Now cruise liners with up to a thousand passengers travel through the Antarctic waters. Only in the last decade has the Antarctic tourist trade taken off. In the early 90s about 5,000 tourists a year travelled to Antarctica. Last year, there were more than 28,000 visitors, and if the growth continues at the same rate it could be up to 80,000 by 2010.

Tourists that set foot on Antarctica are concentrated in biologically rich sites, and historic or current sites of human activity. Tourism is focused on sites known for fantastic wildlife and stunning scenery. The impact of these routine tourism operations is not yet well known, though industry claims that there has been no impact from several decades of tourism.

Achieving a balance between tourism and managing the pristine wilderness is worrying environmentalists. They are concerned not just by the rising number of tourists but by the changing nature of Antarctic tourism. Large cruise liners run by global companies are now entering the Antarctic tourist trade, marking the beginning of mass tourism in Antarctica. They also carry huge quantities of heavy oil, one of the worst marine pollutants. "The effects of one liner sinking or running aground would be disastrous," says an environmentalist. While the environmental impact of fifty tourists turning up at a penguin colony or historic hut may be minimal, 800 to 1,000 is a different story.

- 47 What is this passage mainly about?
(A) Antarctic tourism and its possible effects on the environment.
(B) The influence of modern technology on historic sites.
(C) A cool trip to the Antarctic wilderness.
(D) Cruise liners and marine pollutants.
- 48 Which is NOT mentioned as a negative impact that Antarctic tourism has brought to the environment?
(A) The possibility of ships sinking.
(B) Heavy oil and pollutants.
(C) Disturbed wild animals.
(D) Mass construction of huts and hotels.
- 49 What is the author's attitude toward the impact of Antarctic tourism?
(A) Optimistic.
(B) Apprehensive.
(C) Furious.
(D) Indifferent.
- 50 According to the passage, which of the following statements is true?
(A) Large cruise liners run by global companies are now forbidden to enter the Antarctic areas.
(B) Scientists have proven that there has been no impact from several decades of Antarctic tourism.
(C) By the end of 2010, the number of tourists will be sixteen times of that in the early 90s.
(D) The fact that tourists have been on the increase does not worry environmentalists.