



Session 9

## Case Study: Discussion of Tortuous Act in Traffic Law (1)

Subject: Tort Law  
For English Language Based Bachelor of Law Program (ELBBL)  
Lecturer: Dr. Phalthy Hap

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## Outline

- Overview of Land Traffic Law
- Torts in taking over
- Torts in opening the car door
- Parking the car
- The driving car

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## Background of Land Traffic Law

### Law on Land Traffic of Cambodia:

1. 1<sup>st</sup> promulgation: August 31, 1991
2. 2<sup>nd</sup> promulgation: February 8, 2007
3. 3<sup>rd</sup> promulgation: January 6, 2015

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## Development Size of Roads from 1996-2009

Type of Roads	Total Width (m)			
	1996	1999	2004	2009
National roads No. 1, 4, 5	50	60	60	60
National roads No. 2, 3, 6, 7 & other one digit number roads	50	50	50	60
Two digit number roads, Ex. Road No. 11,22, 64, 78	50	50	50	50
Provincial roads	30	40	40	N/A
Commune roads	15	30	N/A	N/A

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## Priority Rank in Traffic

The ranks of the priority in land traffic are:

1. Traffic signs have the priority over traffic regulations.
2. Traffic lights have the priority over traffic signs.
3. The direction signs by traffic agents have the priority over traffic lights, traffic lanes on roads, traffic signs and other traffic regulations.

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## The 2015 Land Traffic Law

1. All legal regulations for implementing the 2007 Land Traffic Law have to be effective unless new regulations modify or repeal. (Art. 88)
2. Driving licenses arising from the 2007 Land Traffic Law have to be valid until their original validity ends. (Art. 89(1))
3. Those who hold the driving licenses which are not in accordance with the 2007 Land Traffic Law have to apply for the new one within one year period after this law comes into effect. (Art. 89(2))

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## Activity (1)

When the passengers are required to wear safety belts?

You can refer to Article 90 of the 2015 Land Traffic Law.

## ច្បាប់ស្តីពីចរាចរណ៍ដើមគោកឆ្នាំ២០១៥ Activity (1)

### មាត្រា ៩០..

នៅក្រៅទីប្រជុំជនអ្នកបើកបរ និងអ្នករួមដំណើរទាំងអស់តាមថយន្តដែលមានចំណុះលើសពី ៩ (ប្រាំបួន)នាក់ ដោយគិតទាំងអ្នកបើកបរត្រូវពាក់ខ្សែក្រវាត់សុវត្ថិភាព និងបទប្បញ្ញត្តិដែលមានចែងក្នុងកថាខណ្ឌទី ២ មាត្រា ៧ និងចំណុចទី ១១ និងទី ១២ មាត្រា ៨ នៃច្បាប់នេះ ត្រូវចាប់អនុវត្តក្នុងរយៈពេល ៥ (ប្រាំ) ឆ្នាំ បន្ទាប់ពីច្បាប់នេះចូលជាធរមាននៅទូទាំងប្រទេស។

### មាត្រា ៧..

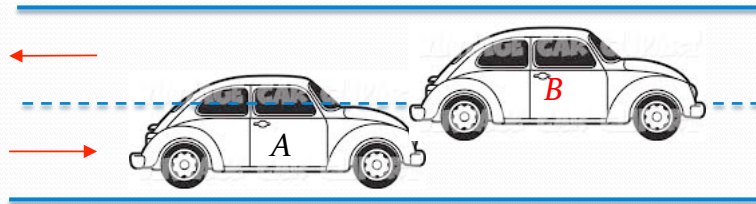
ក. ២ ថយន្តដឹកទំនិញដែលមានទម្ងន់សរុបលើសពី ១៦ (ដប់ប្រាំមួយ)តោន ឬថយន្តដឹកអ្នកដំណើរដែលផ្ទុកអ្នកដំណើរចាប់ពី ៣៥ (សាមសិបប្រាំ)នាក់ឡើង ត្រូវមានអ្នកបើកបរ ១ (មួយ)នាក់ និងជំនួយការបើកបរ ១ (មួយ)នាក់ ដែលកាន់បណ្ណបើកបរត្រឹមត្រូវតាមប្រភេទថយន្តអមជាមួយស្របតាមប្រភេទផ្លូវ ចម្ងាយផ្លូវ និងពេលវេលាធ្វើដំណើរ ។

មាត្រា ៨.. ១១-កុមារអាយុតិចជាង ១០ (ដប់) ខែ ត្រូវដាក់ក្នុងកៅស៊ូសម្រាប់កុមារដេក និងមានខ្សែក្រវាត់សុវត្ថិភាពចងផ្អែកកៅអីនេះឲ្យជាប់ទៅនឹងកៅអីក្រោយនៃថយន្ត ។

១២-កុមារមានអាយុចាប់ពី ១០ (ដប់) ខែ ទៅក្រោម ៥ (ប្រាំ)ឆ្នាំ ត្រូវអង្គុយក្នុងកៅស៊ូសម្រាប់កុមារដែលមានខ្សែក្រវាត់សុវត្ថិភាពចងផ្អែកកៅអីនេះឲ្យជាប់ទៅនឹងកៅអីក្រោយនៃថយន្ត ។

### Discussion (1)

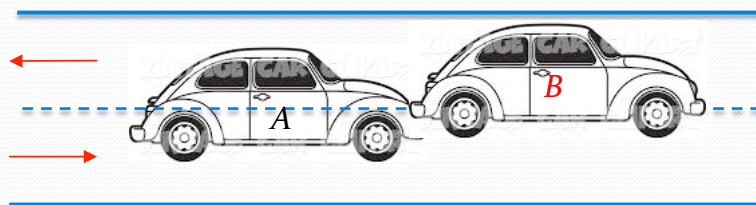
A drives properly in his lane. B takes over A's car and unfortunately hit A's car. Discuss the liability.



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### Discussion (2)

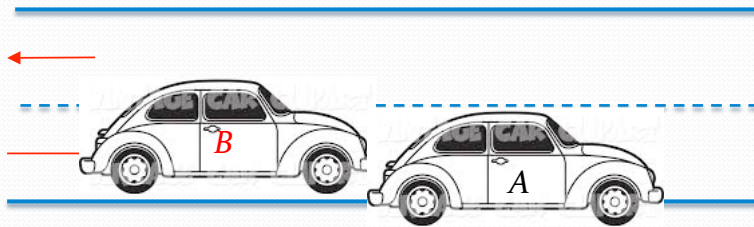
A drives on the center of road lane. B takes over A's car and unfortunately hit A's car. Discuss the liability.



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### Discussion (3)

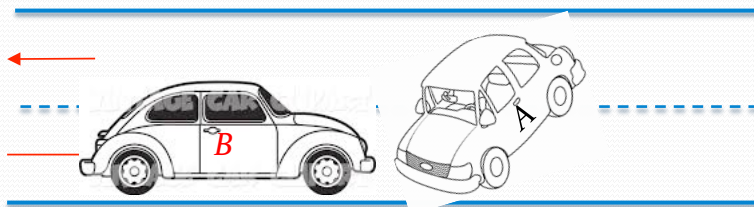
A stops his car on the right hand lane without giving a proper sign. B drives the same lane with A and unfortunately hit A's car. Discuss the liability.



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### Discussion (4)

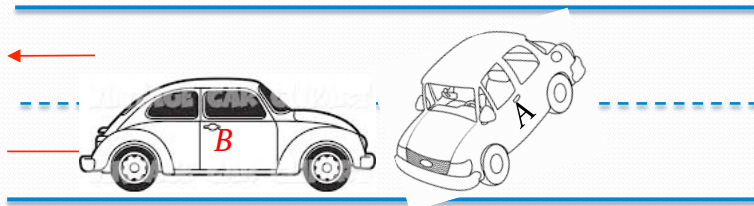
A drives a normal speed and then put the sign to turn left with a proper distance. B who drives behind accidentally hit A's car. Discuss the liability.



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### Discussion (5)

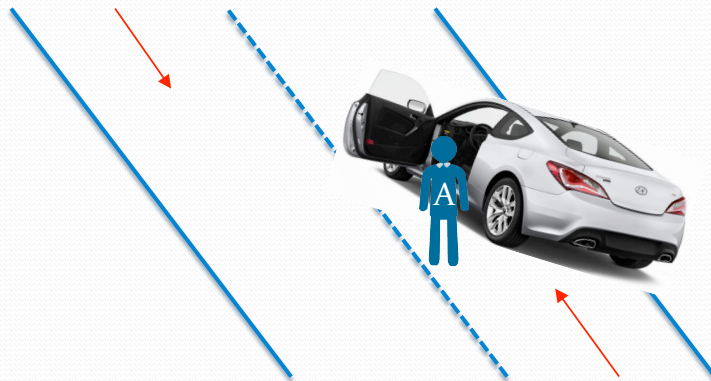
A drives a normal speed and then suddenly turns left with the sign. B who drives behind accidentally hit A's car. Discuss the liability.



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### Torts in Opening the Door Car (1)

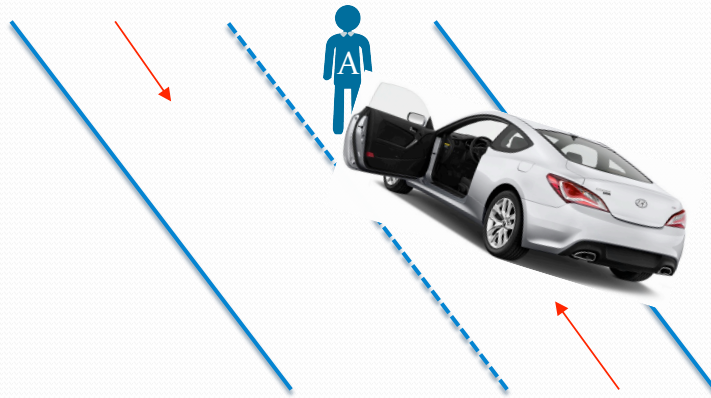
The car door is open on the road, A hit the door. Discuss the liability.



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## Torts in Opening the Door Car (2)

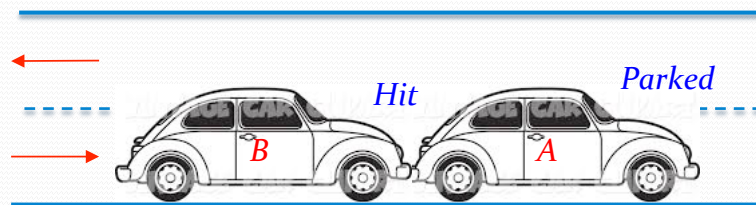
While opening the car door on the road, it hit  
*A*. Discuss the liability.



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## Parking the Car (1)

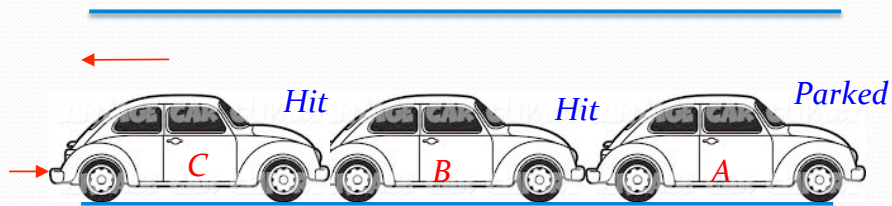
*A* parked the car on the road. *B* hit *A*'s car.  
 Discuss the liability.



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## Parking the Car (2)

*A* parked the car on the road. *B* hit *A*'s car then *C* hit *B*'s car. Discuss the liability.



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## The Driving Car (1)

*A* drove the car on the road in a normal speed. When seeing *P* across, *A* suddenly stopped. Then *B* hit *A*'s car. Discuss the liability.



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## The Driving Car (2)

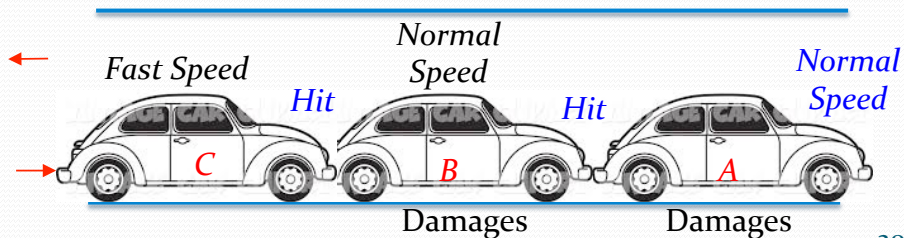
*A* drove the car on the road in the above limited speed. When seeing *P* across, *A* suddenly stopped. Then *B* hit *A*'s car. Discuss the liability.



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## The Driving Car (3)

*A* and *B* drive the cars on the road in a normal speed. Suddenly, *C*, driving a very fast speed hit *B*'s car making *B* hit *A*'s car. Discuss the liability.



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**Thank you!!!**

**Questions and Answers**

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