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## CHARACTERISTIC FEATURES OF THE SUBJECT OF MOTOR TRANSPORT ADMINISTRATIVE OFFENCES

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### SUMMARY

The article is dedicated to determination of issues as for legal and regulatory definition and establishment of characteristic features of the subject of motor transport administrative offences when identifying their qualification. Having grounded on the analysis of the legislation, the classification of characteristic features of the subject of motor transport administrative offences was carried out, as well as the review of their legal status, and their defining features were revealed.

The wide range of practical issues for qualification of motor transport administrative offences was outlined. It was concluded that the majority of the problematic aspects of determination as for the subject of motor transport administrative offences were related to the analysis of its characteristic features. During the period of their investigation, the authorized subjects of the qualification faced a large number of errors, which had extremely negative impact on the course of administrative proceedings, lead to the adoption of groundless decisions and a great number of complaints about decisions on such administrative offences.

The inconsistency of court decisions in cases of motor transport administrative offences in terms of determining or identifying the offender of misdemeanor was established. It is emphasized that the adoption of opposing decisions in identical cases is peculiar both to the courts of primary jurisdiction (first instance) and to the highest judicial bodies.

In order to solve the above-mentioned problems wide range of legislative proposals and methodological recommendations aimed at the minimizing mistakes of the subjects of qualification during the determination of characteristic features of the subject of motor transport administrative offences were formulated.

**Key words:** administrative responsibility, administrative misdemeanor, qualification of administrative misdemeanor, subject of administrative misdemeanor.

### СПЕЦІАЛЬНІ ОЗНАКИ СУБ'ЄКТА АДМІНІСТРАТИВНИХ ПРОСТУПКІВ НА АВТОМОБІЛЬНОМУ ТРАНСПОРТІ

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### АНОТАЦІЯ

Стаття висвітлює питання встановлення спеціальних ознак суб'єкта адміністративних проступків на автомобільному транспорті в ході їх кваліфікації. Обов'язковою умовою правильної кваліфікації адміністративного проступку є точне встановлення його суб'єкта, тобто конкретної особи, дії чи бездіяльності якої спричинили небезпеку суспільним відносинам, охоронюваним санкціями адміністративно-деліктних норм. Відсутність суб'єкта означає відсутність складу правопорушення загалом. Більш того, без достовірної інформації про суб'єкта адміністративного проступку, навіть попри очевидний факт вчиненого протиправного діяння, адміністративна справа взагалі не порушується. Чинне законодавство про адміністративну відповідальність допускає можливість здійснення спеціальних заходів, спрямованих на встановлення особи порушника, але тільки в тих випадках, коли таке встановлення не вимагає проведення складного комплексу слідчих дій і, відповідно, не передбачає значних часових і матеріальних затрат. Зазвичай це відбувається лише за фізичної можливості затримати порушника на місці порушення або ж за наявності певних ідентифікаційних даних (наприклад, реєстраційного номера транспортного засобу), достатніх для оперативного і точного встановлення особи.

Таким чином, з'ясування особи порушника є не тільки обов'язковим елементом кваліфікації, а й необхідною умовою відкриття провадження у справі. Аналіз правозастосовної практики свідчить про те, що більшість проблемних аспектів встановлення суб'єкта адміністративного проступку на автомобільному транспорті пов'язані з аналізом його спеціальних ознак. В ході їх вивчення уповноважені суб'єкти кваліфікації допускають велику кількість помилок, які вкрай негативно відбиваються на перебігу адміністративного провадження, призводять до прийняття необґрунтованих рішень і великої кількості скарг на рішення в справах про адміністративні проступки.

**Ключові слова:** адміністративна відповідальність, адміністративний проступок, кваліфікація адміністративних проступків, суб'єкт адміністративного проступку.

**Statement of the problem.** An important element of the structuring of the legislation of Ukraine on administrative liability and the qualification of administrative misconduct is the determination of their object. It is the object of administrative misconduct that characterizes its antisocial orientation and social danger. In many cases, it is it that allows you to distinguish a specific administrative offense from other, simi-

lar offenses. And, after all, it is the criterion for structuring the Code of Administrative Offenses as the pivotal act of administrative and tort legislation.

**The relevance of the research topic** is confirmed by the degree of non-disclosure of the topic establishment of special signs of the subcontract of administrative violations of motor vehicles in the course of quarterly.

**Status of research.** Taking into account the relevance on the issue of the subject of administrative misdemeanor on the road transport, the attention is attracted by many researchers in this sphere. For this very aspect the particular theoretical and applied interest is reflected in scientific works of such scholars like A.V. Gurzhiy, T.O. Gurzhiy, V.V. Donenko, V.K. Kolpakov and some others [1–6]. At the same time, rapid development of administrative and delicta legislation on one hand, and the widespread introduction of digital means for fixation of administrative offenses on transport on the other, has actualized wide range of new problems on revealing special features of the subject of administrative misdemeanor on the road transport.

**The object and purpose of the article** is to formulate a set of legislative proposals and methodological recommendations aimed at minimizing mistakes on the subjects of qualification when establishing special features of the subject of administrative misdemeanors on the road transport.

**Presentation of the main material.** It is well-known that the subject of administrative misdemeanor is not an abstract phenomenon. There is really existing individual or legal entity whose actions (inactions) were to violate specific rules of law, and there was created real danger for public relations. But at the same time, as it has been righteously stated in the literature on the topic under study, the *corpus delicti* does not contain general description of the real person or individual, but covers a number of certain features that allow following social and legal estimation of the culprit [7, p. 109; 8, p. 32–33].

In its turn, special features are the indicators included into the *corpus delicti* of some particular offenses, the committing of which is inextricably linked to specific legal, professional, physical, behavioral or other status of a person. They are mandatory to be in the content of legislation on criminal or administrative liability for specific offenses, and they are obligatory for establishment of their qualification. Entities characterized by such features are called special entities in the domestic theory of administrative law.

The analysis of the current legislation makes it possible to distinguish the following categories of special subjects of administrative offenses on the road transport:

1) *the driver of a motor vehicle*, i. e. a person who drives a motor vehicle and has a driver's license (driver's license, temporary license to drive, temporary vehicle license) on the appropriate category. Driver is also considered to be a person who teaches driving while being inside the vehicle [9].

Much of the so-called "driver" violations can be committed by drivers of any category. But in many cases, the driver of a certain category is a special subject of administrative misdemeanor on the road transport. At the same time, for qualification of some administrative misdemeanors it is necessary to reveal not only the right (license) to drive of a person, but also a certain driving experience should be estimated. For example, the subjects of transportation of dangerous (insecure) products, and therefore the subjects of violation of the relevant rules (i. e., administrative offenses provided by the Part 3 of Article 123-3 and Article 132-1 of the Administrative Code) may be only: a) persons, who have been operating vehicles of the relevant category for the last three years; b) military servicemen, members of the ordinary and junior commanders staff of the civil protection service, who have undergone special training and learning through the period of six months;

2) *the owner (proper user) of the vehicle*. According to the current legislation, the subjects of violations of the Traffic Rules, recorded by the automatic device or by the video shooting mode can be: the individual on whom the vehicle is registered; - the head of the legal entity under which the vehicle is registered on or the person exercising its authority; the proper user of the vehicle.

It should be noted that in cases of automatic, photo or video recording of violations of the Traffic Rules the subject of responsibility for his committing certain misdemeanor is identified by means of the relevant state registers: the Unified State Register of the Ministry of Internal Affairs of Ukraine (in KUPAP – "Unified State Register of Vehicles"), and the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations.

If during the qualification there was found out that the Unified State Register of the Ministry of Internal Affairs of Ukraine contains information about both the owner of the vehicle and its direct (proper) user, the latter is recognized as the subject of liability for the corresponding violation. If the vehicle is registered on for the legal entity, and the Unified State Register of Legal Entities, Individual Entrepreneurs and Public Organizations contains no information about the head of such an entity, the administrative charge is imposed on the person who runs this entity or performs his functions;

3) *the person who imported the vehicle onto the territory of Ukraine*. According to Art. 122 of the Code of Administrative Offenses, if the vehicle was registered abroad (and therefore it is not subject to state registration in Ukraine and there is no data on it in the Unified State Register of the Ministry of Internal Affairs of Ukraine), to administrative responsibility for violations of the Traffic Rules, recorded by automatic mode or in photo mode (video) is imposed onto the person who has brought this very vehicle onto the territory of Ukraine [10]. Information about those persons is contained in the database of "The Information on persons crossing the state border of Ukraine", which is administered by the Administration of the State Border Service of Ukraine and is an integral part of the interagency information and telecommunication system for control of persons, vehicles and goods crossing the state border, "the Arkan" [11].

4) *the official responsible for the technical condition, equipment and operation of vehicles*. According to Art. 10 and 11 of the Law of Ukraine "On Traffic", positions for experts on road safety are obligatory provided: a) on motor transport enterprises with no less than 15 and more units of transport (on condition that those motor vehicles are located in one settlement); b) in central executive bodies, associations, enterprises and organizations where the number of persons engaged into the operation of motor vehicles exceeds 50 employees [12].

The occupation of a road safety specialist is assigned a wide range of responsibilities, including: "to ensure the proper technical condition of the vehicles and their compliance with the environmental protection requirements of their operation; to suspend from operation of vehicles persons who do not have the license to drive of relevant category, or those who have not passed medical examination within the prescribed period of time, as well as drivers who are in a drunken state of alcohol, narcotic or other intoxication drug, including under the influence of medicines that reduce attention and reaction rate of a human; no letting out vehicles, the technical condition of which does not meet the requirements of state standards, traffic rules, and also if they are not registered in the prescribed order, converted with violation of the requirements of the law or have not passed the obligatory technical control [12]. Failure to perform or improperly perform of these duties entails administrative liabilities according to Art. 128, 129 and 132-1 of the Unified State Register of the Ministry of Internal Affairs of Ukraine.

5) *the official responsible for the maintenance of roads, streets and other objects of infrastructure on the road* is the subject of administrative offences provided by the Art. 128-1, 139 and 140 KUPAP. It should be noted that the identification of a specific official guilty of the offenses in the above-mentioned issues depends to a large extent upon the type and location of the highway on which the offense was committed.

According to the Law of Ukraine “On the motor roads” (Article 5), all highways are divided into four types: 1) public roads; 2) streets and roads in settlements; 3) departmental (technological) roads; 4) roadways in private areas [12]. Balance sheet holders are responsible for the condition of each type of roads.

For public roads the following are responsible: The State Motor Roads Agency of Ukraine (Ukravtodor) and its regional subdivisions (Road services in regions and in Kyiv).

Roads and streets of cities and other settlements are managed by local governments and belong to communal property. Due to this, city, village and town councils are responsible for their maintenance.

The departmental (technological) roadways include in-house technological roads owned by legal entities or individuals. Accordingly, the owners are responsible for the quality of their design, construction, reconstruction, repair and safety of the roads.

Finally, the responsibility for the state of roads on private territories rests on the owners of those areas (individuals or legal entities of the private law), but in case of imparting these roads to state or communal property according to the basis of Art. 25 of the Law of Ukraine “On the motor roads”, responsibility is laid upon the relevant regional unit of Ukravtodor or local (city, village, settlement) council [13].

It should be added that in cases of violation of the rules, norms and standards of road safety while maintaining railway crossings (Part 1 of Article 140 of the Code of Administrative Offenses), their subjects are officials of JSC – Ukrainian Railways – “Ukrzaliznytsia” (as a balance holder of the main railway tracks) or officials, institutions, organizations that own the railways [14].

In resolving this issue, the courts of all instances, including the Supreme Court of Ukraine, do not manifest clear, consistent position. In particular, the Supreme Court of Ukraine, having considered the case № 760/8191/15-c dated 07.11.2016 (the story of the case concerned a road accident due to the vehicle being hit by an unattached sewer cover), agreed with the Court of Appeal that responsibility for the done should be laid upon the balance holder of the street – Communal Enterprise “Road Maintenance Department for repair and maintenance of highways and structures on them of Solomyanskiy district of Kyiv city”.

Although both of these decisions deal with civil claims for pecuniary damage, they illustrate very clearly the problem of identification an official responsible for violating the rules of roads and streets maintenance being the subject of administrative misconduct. It is only possible to identify such a person by determining which body (enterprise, organization) is directly responsible for safe traffic conditions on a particular section of the road (street).

6) *other officials*. It often happens that special subject of administrative offenses on the road transport, the legislator defines the official (i. e. without specifying its organizational affiliation or the nature of the powers exercised). However, it is unambiguous from the context of the relevant provisions of the Code of Administrative Offenses that the subject of the relevant offenses may be not the official of the entity (body, enterprise) specializing in transport activity.

In particular, the subjects of violation of the order for issuing the document on the technical serviceability of the vehicle (Part 1, 2 Article 127-1 of the Code of Administrative Offenses) are the officials of the enterprises, the information of which is put into the Register of subjects of carrying out obligatory technical control of vehicles and which possess all the necessary equipment to check the technical condition of the vehicle as for compliance with the requirements of road safety and environmental protection.

The subject of violation of the procedure for concluding a contract of compulsory insurance of civil liability of the own-

ers of land vehicles is the official of the insurer, i. e. financial institution (company), which is licensed to carry out insurance activities.

The subjects of violations of the rules for the provision of passenger transportation services (Part 1, 2 and 5 of Article 133-1 of the Code of Administrative Offenses) are to be recognized as officials of enterprises conducting business activity and engaged into domestic and/or international bus and coach passenger transportation, as well as the officials of enterprises certified as the owners of bus stations.

And only in the case of violation of rules, norms and standards during the manufacture and repair of vehicles and their parts (Part 1 of Art. 128-1 of the Code of Administrative Offenses) officials of any enterprises, institutions and organizations can act as administratively responsible authorities, regardless to any form of ownership or activity profile (after the cancellation of the compulsory licensing of car and bus production in 2010, such an activity may be carried out by any business entity).

7) *land users of areas adjacent to motorways*. Unified rules for repair and maintenance of roads, streets, railroad crossings, the use and protection of them, approved by the Resolution of the Cabinet of Ministers of Ukraine dated 30.03.1994. № 198, are imposed on landowners and users of areas adjacent to suburban highways or red lines on roads and streets of settlements, they are to do the following: to maintain ways out onto these roads in a proper condition; to prevent grounds, stones and other materials or litter from tossing them onto the road objects; to install and maintain fences, etc. [15]. The failure of the proper fulfillment of these obligations entails responsibility for Art. 142 of the Code of Administrative Offenses “Violation of the rules of maintenance of areas adjacent to motorways by the land users”.

In terms of the legal definition and identification of the subject of administrative misdemeanor provided by the Art. 142 of the Code of Administrative Offenses (KUPAP) it is necessary to pay attention to such a problem. Despite the fact that the current legislation establishes obligations for the maintenance of the road areas and objects of different entities categories (land owners and land users), land users only may be brought to liability, i. e. “Legal entities and individuals (residents and non-residents) who have been granted land plots of state and communal property, including on lease terms, in accordance with the law” [16].

Moreover, under the sanction of Art. 142 it is quite obvious as from the Code of Administrative Offenses that not all the users of such sections may be the subjects of violation of the rules of keeping the areas adjacent to the roads. Having introduced the responsibility of citizens and officials of the authorities (enterprises, organizations), the legislator failed to envisage it for individuals, i. e. entrepreneurs. Meanwhile, today a considerable part of the land adjacent to the roads (especially in settlements) is used by this category of business entities.

8) *consultants (authorized officials) on the issues of safety for dangerous cargo transportation*. In accordance with item 1.8.3.1 of Annex A for the European Agreement on the international transportation of dangerous cargo through the motor roads (see: the Law of Ukraine of March 2, 2000 № 1511-III “On Ukraine’s accession to the European Agreement on the international transportation of dangerous cargo through the motor roads”) every enterprise where its activity includes transportation of dangerous cargo through the motor roads or related operations for packaging, loading, filling up or unloading, appoints one or more consultants on the safety of the transportation of dangerous cargo, whose task is to contribute to the prevention of danger to people, property and the environment inherent to this kind of activity. [17]

Failure to perform or improper execution of the consultant’s functions is the grounding for bringing a consultant on

the transportation of dangerous cargo to responsibility for committing administrative offense provided by the Art. 132-1 of the Code of Administrative Offenses. Along with it the subject of qualification must make sure that the reason for violation regarded has been the non-performance (improper execution) of the duties of the consultant (no other official of the institution, enterprise or organization) on the safety of transportation of dangerous cargo. After all, in the jurisprudence there are numerous cases where persons responsible for letting out the vehicle on the way were brought to responsibility for committing violations instead of the consultants on the safety of dangerous cargo transportation, and vice versa [1, p. 116].

9) *parking inspectors*. In the late 2017 a large-scale vehicle parking reform was brought into implementation in Ukraine. In addition to requirements approved for parking facilities and putting into order mechanisms for payment of parking services, this reform provided establishment of inspection units for parking issues within executive bodies in villages, towns and city councils. Employees in those units – parking inspectors – were given broad jurisdictional powers, in particular, for fixing violations of parking rules, as well as rules for stopping/parking vehicles within area of a settlement, filling up draft forms of appropriate administrative protocols, implementing administrative security measures (temporary evacuation of transport vehicles) and the imposition of administrative penalties for administrative offenses under the Part. 1.3 Art. 122 and h. 1, 2 Art. 152-1 of the Code of Administrative Offenses.

At the same time, in order to prevent possible abuse by inspectors, the legislator supplemented the current Code of Administrative Offenses by the Article 127-2, which established their responsibility for accepting cash as payment for parking services and/or payment of penalties imposed at the scene of the offense (Part 2), as well as for the repeated (within a year) commission of this violation (Part 3) [18].

Currently, the practice of jurisdictional activity, and even moreover the practice of bringing parking inspectors to administrative responsibility has not yet been established in Ukraine. However, already at this stage we have to talk about the obvious shortcomings of the current edition of Part 2 of Art. 127-2 of the Code of Administrative Offenses. After all, neither the current legislation nor the provisions on parking inspectors adopted by local councils impose on inspectors the function of charging for parking services. Accordingly, accepting cash as a payment for parking cannot be considered as a violation of the established procedure of cash payments, but is a case of acceptance of undue benefit by an official is considered as committing crime under the Part 1 of Art. 368 of the Criminal Code of Ukraine. In these circumstances the administrative delicta actions of the mentioned above is devoid of applied meaning. Since the competition between the rules of administrative-delictual and criminal law the latter one always “wins”, and the relevant provision of the Code of Administrative Offenses cannot be applied into practice. Taking the above into account, it seems appropriate to remove it from the content of Part 2 of Art. 127-2 of the Code of Administrative Offenses;

10) *the head of the business entity* is the subject of violation of the order of temporary detention of vehicles and their storage (Part 1 of Article 127-2 of the Code of Administrative Offenses). According to the current legislation, the temporary detention of a vehicle is carried out by the police or parking inspector by delivering it to the special site or parking place of the National Police of Ukraine, as well as its territorial bodies, enterprises, institutions and organizations with which the territorial bodies of the National Police have concluded contracts [19; 20]. Direct transportation of the vehicle to a special site or parking place is carried out by means of spe-

cial evacuation vehicles executed by economic entities (enterprises, institutions, organizations, individual entrepreneurs) specializing in transportation of vehicles, and with which territorial police authority/local self-government bodies have come together into an appropriate contract.

Especially these entities (owners of tow trucks, sites and parking lots) are liable for the damage caused to the vehicle during its transportation or storage. And especially them (more precisely, their managers) are responsible for violating the established procedure for transportation/storage vehicles, including for carrying out such activities without a proper civil liability insurance policy;

11) *individual entrepreneurs (citizens – subjects of economic (entrepreneurial) activity)* can act as subjects of administrative misdemeanors, provided for by Art. 127-2, 128, 129, 132-1, 133-1, 133-2, 139 and 140 of the Code of Administrative Offenses. The analysis of these articles leads to a certain terminological discrepancy. If the subjects of administrative misconduct under Art. 128, 129, 132-1, 139 and 140 of the Code of Administrative Offenses are defined as “citizens-subjects of economic activity”, so in Art. 133-1 and 133-2 of the Code of Administrative Offenses they are referred to as “business entities”. In order to streamline the conceptual apparatus of the Code of Administrative Offenses, this discrepancy must be eliminated.

**Conclusions.** Summarizing the above-presented material, we can state that the identification of the subject of administrative misdemeanors in road transport in practice is accompanied by many problems that lead to errors in their qualification, misapplication of administrative and delict rules, as well as to the emergency for legal conflicts. This includes, in particular, the lack of professional qualifications of the subjects of qualification, the lack of methodological support, and the poor technical/software equipment (especially, in regards to inter-departmental data exchange between electronic registers), and many others. But, of course, the main problem lies in the field of legislation.

The shortcomings of legislative regulation significantly complicate the qualification of offenses, “fragmenting” the protection of industry relations, reduce the overall effectiveness of the institution of administrative responsibility. Security guarantee depends not only upon immediate elimination of relevant public relations, but also on the actual state of transport safety. Highlighting the mentioned above, at present day it is necessary to improve a number of provisions of the Code of Administrative Offenses as for the description of subjects of administrative offenses on the road transport. For this very purpose it is necessary to:

- to exclude part 2 from the content of Art. 127-2 of the Code of Administrative Offenses;
- in the text of the Code of Administrative Offenses (in particular in Articles 128, 129, 132-1, 133-1, 133-2, 139 and 140) the words “citizen-subject of economic activity” and “citizen-subject of entrepreneurial activities” in all cases are to be replaced by the words “individual entrepreneur”;
- article 142 of the Code of Administrative Offenses “Violation of rules for maintenance of areas adjacent to motorways by the land users” shall be read in the following edition:

Violation of the rules for maintenance of the areas adjacent to the lane of the highways of national, republican and local importance, duties to clean the sidewalks, pedestrian paths within the areas assigned to them, equip and repair the crossing bridges and clean them, entrances to public roads entails the prevention or imposition of a fine on citizens from one to three non-taxable minimums of citizens’ incomes and the prevention or imposition of fine from three to seven non-taxable minimums of citizens’ incomes on officials and individual entrepreneurs.

### References:

1. Гуржій А.В. Проблеми встановлення суб'єкта порушень правил перевезення небезпечних, великогазових і великогабаритних вантажів у процесі адміністративно-правової кваліфікації. *Вісник Запорізького національного університету. Серія: Юридичні науки*. 2012. № 1. Ч. 2. С. 111–117.
2. Гуржій Т.О. Адміністративно-правові проблеми забезпечення безпеки дорожнього руху в Україні : монографія. Харків : Тимченко, 2010. 480 с.
3. Гуржій Т.О. Встановлення ознак суб'єкта адміністративного делікту в процесі адміністративно-правової кваліфікації. *Право України*. 2003. № 5. С. 75–79.
4. Гуржій Т. Актуальні проблеми законодавчого регулювання адміністративно-деліктних відносин у сфері безпеки дорожнього руху. *Право країни*. 2009. № 3. С. 90–94.
5. Доненко В.В., Колпаков В.К. Керування транспортом у стані сп'яніння: адміністративно-деліктні проблеми : монографія. Дніпропетровськ : Юридична академія, 2003, 196 с.
6. Колпаков В.К., Черновський О.В., Гордєєв В.В. Порушення правил дорожнього руху: колізійність новел і правове регулювання : монографія. Чернівці : Чернівецький нац. ун-т, 2010. 328 с.
7. Гуржій Т.О. До питання про суб'єкта адміністративного делікту. *Вісник Прокуратури*. 2007. № 10. С. 109–112.
8. Шестак Л. До питання про ознаки суб'єкта адміністративного правопорушення. *Підприємництво, господарство і право*. 2013. № 9. С. 32–34.
9. Про Правила дорожнього руху: Постанова Кабінету Міністрів України від 10 жовтня 2001 р. № 1306. *Офіційний вісник України*. 2001. № 1. Ст. 1852.
10. Кодекс України про адміністративні правопорушення. *Відомості Верховної Ради Української РСР*. 1984. Дод. до № 51. Ст. 1122.
11. Про затвердження Положення про базу даних «Відомості про осіб, які перетнули державний кордон України» : Наказ Адміністрації державної прикордонної служби України від 25 червня 2007р. № 472. *Офіційний вісник України*. 2007. № 50. Ст. 2047.
12. Закон України «Про дорожній рух». *Відомості Верховної Ради України*. 1993. № 31. Ст. 338.
13. Про автомобільні дороги : Закон України від 8 вересня 2005 р. № 2862-IV. *Офіційний вісник України*. 2005. № 40. Ст. 2534.
14. Про залізничний транспорт : Закон України від 04 липня 1996 р. № 3/96-ВР. *Відомості Верховної Ради України*. 1996. № 40. Ст. 183.
15. Про затвердження Єдиних правил ремонту і утримання автомобільних доріг, вулиць, залізничних переїздів, користування ними та охорони: Постанова Кабінету Міністрів України від 30 березня 1994 р. № 198. *Офіційний сайт Верховної Ради України*. URL: <https://zakon.rada.gov.ua/laws/show/198-94-%D0%BF>.
16. Податковий Кодекс України від 2 грудня 2010 р. № 2755-VI. *Офіційний вісник України*. 2010. № 92. Т.1. Ст. 3248.
17. European Agreement Concerning the International Carriage of Dangerous Goods by Road. Vol. 1. United Nations: New York and Geneva, 2016. 614 p.
18. Про внесення змін до деяких законодавчих актів України щодо реформування сфери паркування транспортних засобів : Закон України від 21 грудня 2017р. № 2262-VIII. *Офіційний вісник України*. 2018. № 28. Ст. 995.
19. Про затвердження Порядку тимчасового затримання працівниками уповноважених підрозділів Національної поліції транспортних засобів та їх зберігання : Постанова Кабінету Міністрів України від 17 грудня 2008 р. № 1102. *Офіційний вісник України*. 2008. № 98. Ст. 3240.
20. Про затвердження Порядку тимчасового затримання інспекторами з паркування транспортних засобів та їх зберігання : Постанова Кабінету Міністрів України від 14 листопада 2018 р. № 990. *Офіційний вісник України*. 2018. № 95. Ст. 3134.

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