

**THE MINISTRY OF
TRANSPORT**

No. 06/2017/TT-BGTVT

**THE SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness**

Hanoi, February 28, 2017

CIRCULAR

PRESCRIBING THE PROCESS FOR USING TECHNICAL AND PROFESSIONAL EQUIPMENT AND INSTRUMENTS, AND USE RESULTS OBTAINED FROM TECHNICAL AND PROFESSIONAL EQUIPMENT AND INSTRUMENTS AS BASES FOR DETERMINATION OF ADMINISTRATIVE VIOLATIONS AND IMPOSITION OF ADMINISTRATIVE PENALTIES FOR VIOLATIONS ARISING FROM ROAD TRAFFIC ACTIVITIES

Pursuant to the 2008 Law on Road Traffic;

Pursuant to the 2012 Law on Handling of Administrative Violations;

Pursuant to the Government's Decree No. 12/2017/ND-CP dated February 10, 2017 defining the functions, tasks, powers and organizational structure of the Ministry of Transport;

Pursuant to the Government's Decree No. 165/2013/ND-CP dated November 12, 2013, prescribing management, use and listing of technical and professional equipment items and instruments used for detecting administrative traffic order and safety violations and environmental protection;

Pursuant to the Government's Decree No. 46/2016/ND-CP dated May 26, 2016 prescribing administrative penalties for road and rail traffic violations;

At the request of the Chief Inspector of the Ministry of Transport and the Director General of Directorate for Roads of Vietnam,

The Minister of Transport hereby introduces the Circular that deals with the process for using technical and professional equipment and instruments, and use of results obtained from technical and professional equipment and instruments as bases for determination of administrative violations and imposition of administrative penalties for violations arising from road traffic activities.

Chapter I

GENERAL PROVISIONS

Article 1. Scope of application

This Circular hereby provides for:

1. Process for using technical and professional equipment and instruments by entities or organizations authorized to manage, use, operate and maintain road infrastructure facilities.
2. Use of results obtained from technical and professional equipment and instruments which are provided by entities or organizations authorized to manage, use, operate and maintain road infrastructure facilities as bases for determination of administrative penalties for violations arising in road traffic activities.

Article 2. Subjects of application

This Circular shall be applied to:

1. Road regulatory authorities, including the Directorate for Roads of Vietnam, the Road Management Department, the Road Management Subdepartment and the Department of Transport.
2. Entities performing road inspection functions, including the Inspectorate of Ministry of Transport, the Inspectorate of Department of Transport and those authorized to perform specialized road inspection functions.
3. Organizations authorized to use, operate and maintain road traffic infrastructure facilities and other relevant organizations or individuals.

Article 3. Definition

For the purposes of this Circular, terms used herein shall be construed as follows:

1. Technical and professional equipment item and instrument is comprised of a weighing scale or set (hereinafter referred to as weighing equipment) used for monitoring the weight of motor vehicles and camera devices.
2. Weighing system used for checking the weight of vehicles refers to a system of weighing platform and other accessories that ensures vehicles are weighed in a proper manner.
3. Camera device is a unit used for taking photos and recording videos.
4. Weigh station refers to a checkpoint where a road authority or an authority performing the road inspection function collects, analyzes and assesses impacts of the weight and dimensional limit on bridge and road safety; examine and impose penalties on vehicles in violation of regulations on the allowed weight and dimensional size (including cargo-carrying vehicles exceeding the allowed weight specified in the certificate of technical safety and environmental protection inspection) and tracked vehicles which are running on the road.

5. Vehicle weighing division refers to a unit affiliated to an entity authorized to use, operate and maintain road infrastructure facilities which is assigned to manage and use a weighing system to inspect the weight of vehicles.
6. Law enforcement force refers to a group of persons vested with powers delegated under laws and regulations to check, inspect, detect violations, issue a notice of any administrative violations and impose administrative penalties for violations likely to arise from road traffic activities that fall within the scope of traffic and transportation sector.
7. User of technical and professional equipment items and instruments refers to a person tasked with directly managing and using these technical and professional equipment items and instruments.
8. Single-mode weighing system refers to a weighing set consisting of handheld scales, portable scales, high-speed and low-speed weigh-in-motion scales.
9. Dual-mode weighing system refers to a weighing set with synchronous design, including a primary weighing device and a secondary weighing device.

Chapter II

ENTITIES OR ORGANIZATIONS AUTHORIZED TO MANAGE AND USE TECHNICAL AND PROFESSIONAL EQUIPMENT ITEMS AND INSTRUMENTS

Article 4. Entities authorized to manage technical and professional equipment items and instruments, including:

1. The Directorate for Roads of Vietnam, the Road Management Department, and the Department of Transport and the Inspectorate of Department of Transport of a city or province.
2. Entities or organizations assigned to use, operate and maintain road traffic infrastructure facilities.

Article 5. Entities tasked with directly managing and using, and assignment of tasks in use of, technical and professional equipment items and instruments

1. Entities tasked with directly managing, using or operating technical and professional equipment items and instruments include:
 - a) Vehicle weigh stations;
 - b) The Work Group of the Inspectorate of Department of Transport, Road Inspection and Safety Group of the Road Management Department;
 - c) The weighing division assigned by an entity or organization to use, operate and maintain road infrastructure facilities.

2. Assignment of tasks in use of technical and professional equipment and instruments shall be subject to the following provisions:

a) Entities tasked with managing technical and professional equipment items and instruments as prescribed by Article 4 hereof shall send written authorization to entities directly managing, using and operating these items and instruments referred to in Clause 1 of this Article, which must clearly define entities directly managing and using these equipment and instruments; equipment and instrument type; useful period; scope of and responsibilities for management and use;

b) Authorized entities directly managing technical and professional equipment items and instruments shall be responsible for managing, using and operating technical and professional equipment and instruments in accordance with requirements of such written authorization and legislative regulations.

Article 6. Eligibility requirements and responsibilities of users of technical and professional equipment and instruments

1. Users of vehicle weighing systems must meet the following eligibility requirements:

a) Work as inspectors, inspection officers and officers for entities performing the road inspection functions; staff members of road management authorities and organizations authorized to use, operate and maintain road infrastructure facilities. If employees of road management authorities and organizations authorized to use, operate and maintain road infrastructure facilities are not working as public servants or public employees, they are required to hold indefinite-term employment contracts as prescribed by laws on labor;

b) Have good command of technical standards and regulations, legislation, procedures and practices regarding inspection of vehicular weight and laws on protection of road infrastructure facilities, traffic safety, administrative penalties for violations and procedures for operation and maintenance of technical and professional equipment and instruments; manipulate vehicle weighing systems;

c) Obtain the B-level computer certificate. This requirement shall be applied to people who use computer systems to control operation of vehicle weighing systems.

2. Users of camera devices

a) Meet the requirement referred to in Point a Clause 1 of this Article;

b) Have good command of legislative regulations on protection of road infrastructure facilities, road safety and administrative penalties for violations arising from road traffic activities.

3. Users of technical and professional equipment items and instruments must be trained in procedures and manuals for safe use and storage of these equipment items and instruments as

well as laws and regulations on administrative penalties for violations likely to arise from relevant road traffic activities.

4. While on duty, users of technical and professional equipment items and instruments must wear uniforms allowed by their host authorities or entities; wear name tags that display their names and titles assigned by authorities or entities tasked with managing these equipment items and instruments.

5. Users of technical and professional equipment and instruments shall assume the following responsibilities:

a) Manage and use technical and professional equipment and instruments in conformity with stipulated procedures, applicable laws and regulations;

b) Use results achieved from technical and professional equipment and instruments to serve the right purposes specified by laws and take legal responsibility for such results.

Article 7. Requirements concerning technical and professional equipment and instruments

1. Technical and professional equipment and instruments must meet requirements and be used according to the principles stipulated by Clause 2 and 3 Article 79 of the Government's Decree No. 46/2016/ND-CP dated May 26, 2016 on administrative penalties for violations likely to arise from road and rail traffic activities.

2. Vehicle weighing systems shall be required to:

a) conform to inspection requirements in accordance with laws and regulations; ensure conformance to technical standards and regulations during their useful life and inspection and calibration intervals;

b) successfully undergo the procedures for grant of investment decisions or acceptance testing procedures under which they are accredited by investors in accordance with laws and regulations before being put into operation;

c) stay connected to the software program for central monitoring and management of vehicle weight data of the Directorate for Roads of Vietnam.

3. Camera devices must meet the following requirements:

a) They must display date (day, month and year), time (hour, minute and second) and place when/where photos are taken on the scene;

b) They must display date (day, month and year), time (hour, minute and second) and place when/where moving pictures are taken or video clips are recorded on the scene;

c) Where camera devices do not have the positioning function, location where moving pictures and video clips are recorded must be clearly specified in the written confirmation of results achieved from camera devices.

4. Results achieved from technical and professional equipment items and instruments must be recorded in the vehicle weight inspection datasheet or the written confirmation of results achieved from camera devices.

5. Information or data collected from technical and professional equipment items and instruments must be stored by entities directly managing and using these items and instruments in accordance with laws on data and information storage.

Article 8. Vehicle weight inspection datasheet and written confirmation of results achieved from camera devices

1. Vehicle weight inspection datasheet (hereinafter referred to as weight slip)

a) A weight slip is used to keep a record of results achieved from vehicle weighing systems, include signature and full name of the user of weighing systems, seal of the entity assigned to directly managing and using the vehicle weighing device which is affixed to its top left hand corner;

b) A weight slip includes the following basic information: name of the driver, vehicle owner or shipping entity, name of the Department of Transport which issues vehicle registration stickers; information given in the certificate of technical safety and environmental protection inspection of the vehicle (vehicle registration plate number, vehicle type, number of axles, kerb weight, cargo weight, trailer weight, wheelbase, overall dimension, overall dimension, rearbody dimension); information about axle load, gross vehicle weight (gross vehicle mass); weight inspection result and conclusion.

2. Written confirmation of results achieved from camera systems

a) It must enclose a print copy of images or a copy of video clip with the signature and full name of the user of the camera system, seal of the entity assigned to directly managing and using the camera system which is affixed to its top left hand corner;

b) It consists of the following basic information, including name of the organization or individual that may commit any violation (in case of being established); name of the equipment item or instrument; description of violation; place and date of violation.

3. Vehicle weight slip and written confirmation of results achieved from camera systems shall be managed as follows:

a) The entity authorized to directly manage and use the technical and professional equipment item and instrument shall be responsible for creating the logbook used for monitoring use of the vehicle weight slip and written confirmation of results achieved from camera systems;

b) Vehicle weight slip and written confirmation of results achieved from camera systems, enclosing a print copy of images or a copy of video clip, must be filed in records of administrative penalties for violations;

c) The Directorate for Roads of Vietnam shall specify the template of the vehicle weight slip and template of the written confirmation of results achieved from camera systems and the template of the logbook used for monitoring use of such slip and written confirmation.

Chapter III

PROCESS FOR INSPECTION OF VEHICLE WEIGHT AND USE OF RESULTS ACHIEVED FROM TECHNICAL AND PROFESSIONAL EQUIPMENT ITEMS AND INSTRUMENTS

Article 9. Process for vehicle weighing and use of weighing results achieved from dual-mode weighing system available at vehicle weigh stations

1. Primary weighing process

a) When reaching a vehicle weigh station, a vehicle of which inspection of weight is required must comply with instructions given by road signs or employees in charge of traffic direction and control, and run along the right lane or road section intended for its use before weight and dimension inspection carried out by the weighing equipment item; if there are a number of vehicles in need of weight inspection, they are required to enter one after another into the weighing area in order to avoid the risk of falsifying the weighing result;

b) The weighing system will automatically detect the vehicle plate number, identify technical parameters of the vehicle, measure vehicle weight and dimension and finally give the weighing result. If it is established that there is no sign of violation, that vehicle is allowed to continue their journey as normal. If there is any sign of violation, the secondary weighing process will be required.

2. Secondary weighing process

a) When the primary weighing system detects and determines which vehicle is suspected of any violation, it will give an automatic alert and the user of that system will command the vehicle in question to change to a particular lane in order for the secondary weighing activity to happen to inspect its weight and dimension;

b) The law enforcement force will request the driver to present documents related to his/her driving license and vehicle registration, verify them and then transfer them to the user of weighing system to enter necessary information in the weight slip stored in the computer; provide the driver with instructions about driving speed, measuring position and give commands in order for the driver to drive his/her vehicle in position for secondary weighing activity; if there is any likely violation, the vehicle will follow instructions to run into the violation-handling position.

3. The user of weighing system shall print and sign his/her name in the vehicle weight slip and then give it to the law enforcement force to issue a penalty charge notice; delivery and receipt of the weight slip will be recorded in the logbook and validated by required signatures.

4. The law enforcement force receives the vehicle weight slip and imposes an administrative penalty for a violation that may arise in accordance with applicable laws and regulations.

5. After issuing an administrative penalty charge notice in accordance with applicable laws and regulations, the law enforcement force will order the driver or vehicle owner to reduce a portion of cargos in excess of statutory load limits or unload a portion of cargo in excess of statutory dimension limits; in case a vehicle carries an overmass or oversized freight, but it fails to meet regulations on allowed weight and dimension limits, the law enforcement force will command the driver or vehicle owner to replace another vehicle that conforms to the stipulated weight and dimension.

Article 10. Process for vehicle weighing and use of weighing results achieved from single-mode weighing system

1. Process for weighing and use of results achieved from high-speed and low-speed weigh-in-motion scale systems

a) When reaching a vehicle weigh station, a vehicle of which inspection of weight is required must comply with instructions given by road signs or employees in charge of traffic direction and control, and run along the right lane or road section intended for its use before weight and dimension inspection carried out by the weighing equipment item; if there are a number of vehicles in need of weight inspection, they are required to enter one after another into the weighing area in order to avoid the risk of falsifying the weighing result;

b) The weighing system will automatically detect the vehicle plate number, identify technical parameters of the vehicle, measure vehicle weight and dimension and finally give the weighing result. If it is established that there is no sign of violation, that vehicle is allowed to continue their journey as normal. If any violation is detected, the system will give an automatic alert or the user of the weighing system will instruct the driver to drive his/her vehicle to the violation-handling position;

c) The law enforcement force will request the driver to present documents related to his/her driving license and vehicle registration, verify them and proceed to implement provisions set forth in Clause 3, 4 and 5 Article 9 hereof.

2. Process for weighing and use of results achieved from handheld and portable scales for vehicle weight inspection.

a) The law enforcement force stops any vehicle that shows any sign of violation against regulations on allowed weight and dimension limits of roads or bridges in accordance with laws, and commands the vehicle to get the position for weight inspection activities;

b) The law enforcement force implement requirements set out in Point b Clause 2, 3, 4 and 5 Article 9 hereof. In case where the user of these scales is a member of the entity performing the road inspection function, requirements set out in Point b Clause 2, Clause 5 Article 9 hereof must be followed.

Article 11. Process for vehicle weighing performed at the weighing division as an affiliate of an organization assigned to use, operate and maintain road infrastructure facilities

1. Comply with regulations laid down in Point a Clause 1 Article 10 hereof.
2. The weighing system will automatically detect the vehicle plate number, identify technical parameters of the vehicle, measure vehicle weight and dimension and finally give the weighing result. If it is established that there is no sign of violation, that vehicle is allowed to continue their journey as normal. If there is any violation for which a penalty is required, the weighing system will give an automatic alert or the user of the weighing system will instruct the driver to drive his/her vehicle to the zone intended for implementation of weighing process in accordance with Article 9 and 10 hereof.
3. The user of weighing system shall print and sign his/her name in the vehicle weight slip and inform the driver or vehicle owner of such violation and then command reduction in a portion of cargo in excess of allowed load and elimination of a portion of cargo in excess of allowed dimension; the weighing division must promptly notify the law enforcement force to come to receive the vehicle weight slip for next actions in accordance with applicable laws and regulations.
4. Where the driver or vehicle owner is not present at the weigh station, the user of weighing system shall print and sign his/her name into the vehicle weight slip in accordance with applicable laws and regulations. Within the duration of 03 days after the weighing date, the weighing division must send it to the Inspectorate of the Department of Transport where the weighing system is installed to receive, verify and take any necessary actions against this case in accordance with applicable laws and regulations.

Article 12. Entity tasked with receiving and using results obtained from technical and professional equipment and instruments as bases for determination of administrative violations and imposition of administrative penalties for violations arising from road traffic activities

1. The Inspectorate of Department of Transport shall receive and use the results achieved from technical and professional equipment items and instruments which are in place on the local road system (including expressways, national highways, and provincial, district, commune-level, urban and special-purpose roads).
2. The Inspectorate of Ministry of Transport, the Directorate for Roads of Vietnam and the Road Management Department shall be entitled to receive and use results achieved from technical and professional equipment items and instruments in place on roads throughout the nation when

conducting any necessary examination and inspection as prescribed by applicable laws and regulations.

Article 13. Use of results achieved from technical and professional equipment items and instruments

1. After obtaining the results achieved from technical and professional equipment items and instruments which are in place at weigh stations, the law enforcement force receives the vehicle weight slip, determines administrative violations and imposes administrative penalties for any violation that may arise in accordance with applicable laws and regulations.

2. After obtaining the results achieved from handheld and portable scales, the law enforcement force uses these results as bases for determination of administrative violations and imposition of administrative penalties for violations that may arise in accordance with applicable laws and regulations.

3. After obtaining results achieved from weighing systems of the vehicle weighing division:

a) if either the driver or vehicle owner is present on the scene, the weighing division promptly informs the Inspectorate of Department of Transport where the weighing system is installed to send an authorized person to receive the vehicle weight slip, determine any administrative violation and impose any possible administrative penalty for violations in accordance with applicable laws and regulations;

b) if either the driver or vehicle owner is absent from the weight inspection scene, the weighing division sends the vehicle weight slip to the Inspectorate of Department of Transport where the weighing system is installed in accordance with provisions set forth in Clause 4 Article 11 hereof. After receiving the vehicle weight slip, the Inspectorate of Department of Transport determines any administrative violation, informs the driver or vehicle owner of such violation (if any) and imposes any possible administrative penalty for such violation in accordance with applicable laws and regulations.

4. Person receiving the vehicle weight slip is the person vested with authority to issue an administrative penalty charge notice under the provisions of the Government's Decree on administrative penalties for violations that may arise from road traffic activities.

5. Delivery and receipt of the vehicle weight slip must be documented in the logbook and validated by relevant signatures.

6. The weighing division and law enforcement force referred to in Clause 1 Article 12 hereof create and maintain regular operation of phone, fax number and email address for any timely report on violations that may arise.

Article 14. Process for use of results achieved from camera devices

1. If a violation against regulations on traffic and road safety and protection of traffic infrastructure facilities is filmed by camera devices of the organization tasked with managing and using camera systems, the video clip showing such violation will be sent to the law enforcement force that will then determine whether it is an administrative violation and impose an administrative penalty for any possible violation in accordance with applicable laws and regulations.

2. The user of camera system shall be responsible for printing images of such violation and enclosing the written confirmation of results achieved from the camera system as well as send all of them to the law enforcement force as the basis for determination of administrative violation and imposition of administrative penalty for such violation in accordance with applicable laws and regulations.

3. Sequence of delivery and receipt of images of violation along with the written confirmation of results hereto attached

a) Where the law enforcement force is present on the scene of violation, violation images along with the written confirmation of results hereto attached shall be delivered to the law enforcement force that will then determine any administrative violation and impose any administrative penalty for such violation in accordance with applicable laws and regulations;

b) Where the law enforcement force is not present on the scene and the violating organization or individual is still on the scene, the user of camera system must promptly notify that law enforcement force to send its authorized person to punctually receive images of violations along with the written confirmation of results hereto attached in order to determine any administrative violation and impose any administrative penalty for such violation in accordance with applicable laws and regulations;

c) Where the law enforcement force is not present on the scene and the violating organization or individual is no longer on the scene, within the permitted duration of 03 days from the date of detection and recording of images of violation, the user of camera system must send violation images along with the written confirmation of results hereto attached to the law enforcement force. Upon receipt of violation images and the written confirmation of results, the law enforcement force notifies the violating organization or individual of such violation, and requests that organization or individual to contact the competent authority to impose any administrative penalty for such violation in accordance with applicable laws and regulations;

d) Delivery and receipt of violation images along with the written confirmation of results hereto attached must be documented in the logbook and validated by relevant signatures.

4. Person receiving the written confirmation of results achieved from camera systems is the person vested with authority to issue an administrative penalty charge notice under the provisions of the Government's Decree on administrative penalties for violations that may arise from road traffic activities.

5. If that violation falls outside of the authority to impose penalties for violations vested in the traffic and transport inspection force, that inspection force shall be responsible for receiving and transferring case-related documents to the force authorized to impose penalties for violations in accordance with applicable laws and regulations.

Article 15. Complaints arising during the process of imposition of administrative penalties

1. Individuals or organizations subject to administrative penalties for violations shall be entitled to have access to information about their violations collected from technical and professional equipment items and instruments, and file their petition against such results in accordance with laws on complaints.

2. Filing any complaint or handling complaints shall be subject to laws and regulations on complaints.

Chapter IV

IMPLEMENTATION RESPONSIBILITIES AND PROCEDURES

Article 16. Responsibilities of the Directorate of Roads of Vietnam

1. Make any necessary arrangement for implementation of this Circular.

2. Set up the program, hold training in procedures and manuals for safe use and storage of these equipment items and instruments as well as laws and regulations on administrative penalties for violations likely to arise from relevant road traffic activities, and provisions laid down in this Circular.

3. Check and monitor use of technical and professional equipment items and instruments, and use of results achieved from these technical and professional equipment items and instruments.

4. Submit a consolidate report on management and use of technical and professional equipment items and instruments to the Ministry of Transport on a quarterly or ad-hoc basis.

5. Provide instructions for the Department of Transport, the Road Management Department and the entity assigned to manage, use, operate and maintain road infrastructure facilities on formats and contents of the report on management and use of technical and professional equipment items and instruments; take necessary steps in applying information technology to carry out information and reporting activities in accordance with this Circular.

Article 17. Responsibilities of the Department of Transport, the Road Management Department and the Inspectorate of Department of Transport

1. Designate the user of technical and professional equipment items and instruments that satisfies stipulated requirements.

2. Manage and use technical and professional equipment items and instruments which are assigned to detect violations against regulations on vehicle weight, traffic and road safety, protection of road infrastructure facilities, assurance of efficiency and compliance with laws.
3. Cooperate with the Directorate for Roads of Vietnam in training the user of technical and professional equipment items and instruments that fall within these authorities' jurisdiction.
4. Make necessary arrangement for receipt and use of results achieved from technical and professional equipment items and instruments in order to determine administrative violations and impose administrative penalties for such violations in accordance with provisions laid down in this Circular and laws on imposition of administrative penalties for violations that may arise.
5. Submit a review report on management and use of technical and professional equipment items and instruments to the Directorate for Roads of Vietnam on a quarterly or ad-hoc basis.

Article 18. Responsibilities of organizations assigned to use, operate and maintain road traffic infrastructure facilities

1. Clearly assign tasks and designate the user of technical and professional equipment items and instruments that conform to regulatory standards; cooperate with the Directorate for Roads of Vietnam in training the user of technical and professional equipment items and instruments that fall within these organizations' jurisdiction.
2. Connect these items and instruments to software programs for centralized monitoring and management of vehicle weight data of the Directorate for Roads of Vietnam; forward information collected from technical and professional equipment items and instruments to the law enforcement force in accordance with applicable laws and regulations.
3. Bear responsibility for accuracy of vehicle weighing results and images recorded by camera systems, all of which are provided for the law enforcement force as the bases for determination of administrative violations and imposition of administrative penalties for violations that may arise; assume responsibility for securing information relating to violating persons in accordance with applicable laws and regulations.
4. Cooperate with persons authorized to receive and impose administrative penalties for violations arising from road traffic activities in handling of complaints that may arise in the course of imposition of administrative penalties for violations in accordance with applicable laws and regulations.
5. Submit a review report on management and use of technical and professional equipment items and instruments to the Directorate for Roads of Vietnam on a quarterly or ad-hoc basis.

Article 19. Entry into force

This Circular shall enter into force from May 1, 2017.

Article 20. Implementation

The Chief of Office, Chief Inspector of the Ministry, Directors, General Director of the Directorate for Road, Directors of Departments of Transport and heads of related agencies, organizations or individuals, shall be responsible for enforcing this Circular./.

THE MINISTER

Truong Quang Nghia