111 年特種考試交通事業鐵路人員考試試題

考試別:鐵路人員考試 等 別:員級考試 類科別: 各類科

科 目:法學知識與英文(包含中華民國憲法、法學緒論、英文)

(D) 1. 下列何者並非社會國原則中社會安全之內容?

(A)最低生存條件之保障

(B)社會救助

(C)社會保險

(D)累進稅率之實施

- (B) 2. 教育部對於國立大學自治之監督根據,下列敘述何者正確?
 - (A)限以法律為依據
 - (B)應有法律或法律授權之法規命令為依據
 - (C)應有法律或職權訂定之行政規則為依據
 - (D)國立大學為教育部之下級機關,監督無須法律依據
- (C) 3. 依司法院大法官解釋意旨,關於化妝品廣告之事前審查,下列敘述何者錯誤?
 - (A)係對言論自由之重大干預,原則上應為違憲
 - (B)必須係為防免人民生命、身體、健康遭受直接、立即及難以回復危害之特別重要之公共 利益目的
 - (C)其與目的之達成應有實質關聯
 - (D)須賦予人民獲立即司法救濟之機會
- (C) 4. 依據司法院釋字第 631 號解釋,下列何者不在憲法保障秘密通訊自由之範圍內?

 - (A)甲女與乙男兩人有無連絡 (B)甲女撥打電話之對象為誰
 - (C)甲女之手機型號為何
- (D)甲女寫信給丙男之書信內容為何
- (A) 5. 關於憲法第7條之平等權保障,依司法院大法官解釋,下列敘述何者錯誤?
 - (A)法律如不分性別,一體適用,即與憲法平等權保障性別平等之意旨無違
 - (B)憲法除了第7條以外,尚有其他規定也攸關平等權之保障
 - (C)頒布時合憲之法律,可能歷經長年適用後,而違反憲法平等權
 - (D)國家之不作為亦可構成對平等權之違反
- (B) 6. 依司法院釋字第721號解釋,下列敘述何者錯誤?
 - (A)修憲機關就選舉方式雖有衡情度勢、斟酌損益之空間,但不得變動選舉權、平等權之核 心內涵
 - (B)憲法增修條文有關不分區立法委員由獲得百分之五以上政黨選舉票之政黨依得票比率選 出之規定,影響國會議事運作之效率,因而違憲
 - (C)憲法增修條文就我國立法委員之選制採並立制,反映我國人民對民主政治之選擇,有意 兼顧選區代表性與政黨多元性,並未違背國民主權原則
 - (D)憲法增修條文就不分區立法委員採取政黨比例代表制,具有強化政黨政治運作之正當性
- (B) 7. 依司法院釋字第 603 號解釋,國民領取國民身分證時須捺指紋並錄存,否則不予發給之規 定,係對下列何種權利之限制?
 - (A)身體自由 (B)資訊隱私權 (C)一般行為自由 (D)平等權
- (A) 8. 依司法院釋字第631號解釋意旨,關於憲法對秘密通訊之保障,下列敘述何者錯誤?

共7頁 第1頁

全國最大公教職網站 https://www.public.com.tw

- (A)司法警察於偵查中聲請通訊監察,有違正當程序,應由檢察官依職權核發
- (B)秘密通訊自由包含通訊不受他人任意侵擾之權利
- (C)國家若以手段限制通訊自由,應有法律依據,且要件應具體明確
- (D)通訊監察之執行,較刑事訴訟上之搜索、扣押,對人民基本權利之侵害更甚
- (C) 9. 依司法院大法官解釋,有關總統機密特權,下列敘述何者錯誤?
 - (A)總統依其國家機密特權,就國家機密事項於刑事訴訟程序享有拒絕證言權
 - (B)總統於拒絕證言權範圍內,有拒絕提交相關證物之權
 - (C)總統對受訴法院駁回其拒絕證言之裁定如有不服,不得聲明抗告
 - (D)總統如以書面合理釋明,相關證言之陳述或證物之提交,有妨害國家利益之虞者,檢察官及法院應予以尊重
- (A) 10. 下列何者應經行政院院長之副署?
 - (A)總統依法公布法律
- (B)總統發布任命審計長之命令
- (C)總統發布任命考試委員之命令
- (D)總統發布解散立法院之命令



- (C) 11. 下列何者不屬於立法院現行職權?
 - (A)議決國家重要事項之權
 - (B)提議修改憲法之權
 - (C)移請行政院院長變更重要政策之權
 - (D)提議罷免正副總統之權
- (C) 12. 關於監察院之職權,下列敘述何者正確?
 - (A)行使人事同意權

- (B)總統、副總統之彈劾
- (C)審核行政院提交之決算
- (D)對司法人員之失職提出糾正
- (C) 13. 依憲法及增修條文規定,公務員之保障由下列何機關掌理?
 - (A)行政院
- (B)監察院
- (C)考試院
- (D)司法院

- (C) 14. 有關我國司法院大法官,下列敘述何者錯誤?
 - (A) 違憲政黨之解散,由司法院大法官組成憲法法庭審理
 - (B)司法院大法官曾宣告國民大會所通過之憲法增修條文因抵觸自由民主憲政秩序之修憲界 限而無效
 - (C)司法院大法官對於違憲之法律或命令,均採取「自始、當然、確定無效」之宣告失效方
 - (D)依憲法訴訟法規定,人民得對於牴觸憲法之法院終局裁判,聲請憲法法庭宣告其違憲
- (D) 15. 依司法院釋字第 527 號解釋,地方自治團體之權限,不包括下列何者?

(A)自主組織權 (B)自主立法權

(C)自主執行權 (D)自主審判權

(A) 16. 下列何者非屬間接法源?

(A)經批准後的條約

(B)大法庭裁定 (C)學說 (D)外國法

(B) 17. 現行台灣的法律規範體系是屬於學說上何種法系?

(A)傳統中國法系 (B)近代歐陸法系 (C)英美法系 (D)伊斯蘭法系

(B) 18. 訴願法第 14 條第 4 項規定:「訴願人誤向原行政處分機關或受理訴願機關外機關提起訴願 者,以該機關收受之日,視為提起訴願之日。此「視為」之規定,法律上稱為:

(A)推定

(B)擬制

(C) 準用

(D)類推適用

(A) 19. 依司法院大法官解釋之意旨,民法親屬編婚姻章,未使相同性別二人,得為經營共同生活 之目的,成立具有親密性及排他性之永久結合關,除違反憲法所保障的婚姻自由外,尚不 符下列何者憲法原則?

(A)平等原則 (B)誠實信用原則 (C)比例原則

(D)法律明確性原則

(B) 20. 土地權利人預知土地即將被徵收,搶行種植農作改良物並增建無用的建築改良物,以申請 鉅額補償費。此舉與下列何種法律原則有違?

(A)法律不溯及既往原則

(B)誠實信原則

(C)依法行政原則

(D)明確性原則



- (C) 21. 下列何種情形下,行為人不得主張阻卻違法事由?
 - (A)醫師甲依其診斷,為昏迷不醒且有死亡危險的病患實施緊急手術
 - (B)家人出遊,太太與小孩意外落水,先生乙僅能救得其一,另一人溺斃
 - (C)午後突然大雨,忘記帶傘的丙,在商店外隨手取走一把傘,以免淋雨
 - (D)習武多年的丁,在路上遭人攻擊,為保護自己對該人迎面痛擊一拳
- (D) 22. 依著作權法之規定,關於著作財產權存續期間,下列敘述何者錯誤?
 - (A)著作財產權,除本法另有規定外,存續於著作人之生存期間及其死亡後 50 年
 - (B)著作於著作人死亡後 40 年至 50 年首次公開發表者,著作財產權之期間,自公開發表時 起存續 10年
 - (C)共同著作之著作財產權,存續至最後死亡之著作人死亡後 50 年
 - (D)別名著作或不具名著作之著作財產權,存續至著作公開發表後 30 年
- (A) 23. 下列何種情況, 勞雇得約定勞動基準法第9條之定期勞動契約?
 - (A)每年夏季芒果收成季時之採收工人
 - (B)剛畢業的社會新鲜人應徵長期繼續性職位
 - (C)打算正式長期僱用之員工,於試用期間內先以定期契約履用
 - (D)企業有長期需求的庶務人員,例如清潔工
- (A) 24. 假設某法律規定:「本法自中華民國○○○年3月31日起施行之」:○○○年3月31日 適逢星期三,請問某法律應自○○○年何月何日起發生效力?

(A)3 月 31 日

(B)4月2日

(C)4月3日 (D)4月5日

(D) 25. 債務人怠於行使其權利時,債權人因保全債權,得以自己之名義,行使其權利。該權力稱 為:

(A)選擇權

(B)撤銷權

(C)代償權

(D)代位權

- (D) 26. 甲、乙及丙分別共有一筆土地,甲以自己的應有部分設定抵押權予丁。嗣後甲、乙、丙三 人未徵得丁之同意而協議分割,將土地分為A、B、C三部分,由甲取得土地A部分,乙取 得土地 B 部分, 丙取得土地 C 部分, 問丁之抵押權存在於何處?
 - (A)B 部分土地 (B)C 部分土地 (C) B、C 部分土地 (D)A、B、C 三部分土地
- (A) 27. 有關「保安處分」之敘述,下列何者正確?
 - (A)強制工作處分如有延長之必要,法院得許可延長之,但其長之期間不得逾1年6月,並 以一次為限
 - (B)為了避免過度侵害人權,強制工作之處分於執行後,如認無繼續執行之必要者,法院得 隨時免其處分之執行
 - (C)刑法第91條之1的強制治療,於刑之執行期滿後為之
 - (D)因刑法第19條第1項之原因而不罰者,即不得對之施以監護
- (D) 28. 下列何者非性别平等工作法之立法目的?

(A)消除性別歧視

(B)保障性別工作權之平等

(C)促進性別地位實質平等

- (D)建立性別平等之教育環境
- (A) 29. 甲與乙婚後育有三名子女丙、丁、戊,甲於乙病死後三年,偶遇與現年 18歲的戊同齡之孤 兒已,甲與己結婚,己卻於婚後兩年不幸意外身故。已知已婚前與婚後並無子女,且無親 屬在世,就己之遺產繼承,甲之應繼分比例為何?

(B)2 分之 1

(C)3 分之 1 (D)4 分之 1

(B) 30. 下列何種請求權之消滅時效期間為15年?

共7頁 第4頁

全國最大公教職網站 https://www.public.com.tw

(A)侵權行為損害賠償請求權

(B)借貸物返還請求權

(C)律師之報酬請求權

(D)娛樂場之住宿費請求權



(C)	01.	This theories on ce	onomic changes na	ve become so	that the government adopts many of	
		them.				
		(A) adjacent	(B) offensive	(C) influential	(D) extravagant	
(C)	32. Your argument is so general that you need to be			need to be more	about your points.	
		(A) special	(B) suitable	(C) specific	(D) scientific	
(D)	33.	It is often considered rude or even offensive to to get someone's attention.				
		(A) advise	(B) lecture	(C) reply	(D) whistle	
(C)	<i>34</i> .	You can yourself from the conflict by simply choosing to do something else.				
		(A) resume	(B) retain	(C) remove	(D) return	
(A)	<i>35</i> .	Although it is Octo	ober, the children alr	eady show an eager	for Christmas.	
		(A) anticipation	(B) confrontation	(C) dedication	(D) expiration	
(B)	<i>36</i> .	36. Brain cancer may require medical treatment such as surgery.				
		(A) aggressive	(B) destructive	(C) abusive	(D) depressive	
(B)	<i>37</i> .	The company is in discussions with several countries to a trial for the potential vaccine.				
		(A) conceal	(B) conduct	(C) confront	(D) condemn	
(B)	(B) 38. The financial crises the unstable economy of thi				e economy of this de	eveloping country.
		(A) advocate	(B) aggravate	(C) administer	(D) accommodate	
(D)	39. It issilly to believe that the number thirteen would bring bad luck to your life				oring bad luck to your life.	
		(A) appropriately	(B) commercially	(C) objectively	(D) ridiculously	



(C) 40. Mrs. Jonson enjoyed only _____relief from the aspirin since her headache came back within an hour.

(C) momentary

(A) continuous (B) endless

請依下文回答第 41 題至第 45 題: Shakespeare and Company is an English-language bookshop in Paris. It was opened in 1951 and has been

a meeting place for Anglophone writers and readers__41.___. Founded by American George Whitman, the bookstore was originally called Le Mistral. In 1964, Whitman renamed his store __42___ a bookseller he admired, Sylvia Beach, who'd founded the original Shakespeare and Company in 1919. Through his bookstore. Whitman endeavored to carry on the spirit of Beach's shop.

From the first day the store opened, writers, artists, and intellectuals were invited to sleep in the bookstore in various cots that are dotted around the place. These people, ____ as "tumbleweeds," have to promise to read a book a day, help at the shop for a few hours a day, and produce a one-page autobiography. American actor Ethan Hawke is among a(n) ____44.__ 30,000 people who have tumbleweeded at the store--he stayed there for six nights when he arrived in Paris at age 16.

Whitman passed away in 2011, two days before his 98th birthday. Now his daughter, Sylvia Whitman, is following in her father's footsteps and is dedicated to keeping the spirit of the bookstore ____45.__.

Under her direction, it should remain a center for Parisian literary life for many years to come.

(A) 41. (A) since

(B) before

(C)either

(D) instead

(B) 42. (A) as well as

(B) in honor of

(C)in contrast to

(D) as soon as

(D) permanent

(D) 43. (A) called for

(B) named after

(C) associated with (D) referred to

(C) 44. (A) formulated

(B) concluded

(C)estimated

(D) accelerated

(B) 45. (A) secret

(B) alive

(C)tense

(D) urgent

請依下文回答第46題至第50題:

Here are the facts: 65 million people displaced from their homes by violence and persecution last year. If it was a country, that would be the 21st largest country in the world. Most of those people, about 40 million, stay within their own home country, but 25 million are refugees. That means they cross a border into a neighboring state. Most of them are living in poor countries, relatively poor or lower-middle-income countries, like Lebanon. In Lebanon, one in four people is a refugee, a quarter of the whole population. And refugees stay for a long time. The average length of displacement is 10 years. I went to what was the world's largest refugee camp, in eastern Kenya. It's called Dadaab. It was built in 1991-92 as a "temporary camp" for Somalis fleeing the civil war. I met Silo. And naively I said to Silo, "Do you think you'll ever go home to Somalia?" And she said, "What do you mean, go home? I was born here." And then when I asked the camp management how many of the 330,000 people in that camp were born there, they gave me the answer: 100,000. That's what long-term displacement means.

- (A) 46. What is the best title for this passage?
 - (A) The Global Refugee Crisis
- (B) The Global Overpopulation Crisis
- (C) The 21st Largest Country in the World

- (D) The Crisis in the Middle East
- (A) 47. Which of the following is closest in meaning to "fleeing"?
 - (A)escaping
- (B) embracing
- (C) fighting
- (D) frightening
- (B) 48. How long is the average length of displacement for refugees?
 - (A)40 years.
- (B) 10 years.
- (C) 21 years.
- (D) 25 years.
- (C) 49. According to the passage, how many people were born in the world's largest refugee camp?
 - (A) 65 million.
- (B) 330,000.
- (C) 100,000.
- (D) 25 million.
- (B) 50. According to the passage, which of the following statements is NOT true?
 - (A) Refugees stay for a long time in a foreign state.
 - (B) In Lebanon, one in five people is a refugee.
 - (C) Most of the refugees are living in poor countries.
 - (D) Many people were born in the refugee camp.