

105年公務人員特種考試警察人員、一般警察人員 考試及105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)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 依憲法增修條文第 6 條第 2 項規定，考試委員係由總統提名，經下列何機關同意後任命之？
(A)立法院 (B)行政院 (C)監察院 (D)司法院
- 2 下列何者非司法院違憲審查之客體？
(A)財政部之解釋函令
(B)最高法院之判例
(C)國軍志願役專業預備軍官預備士官班之考選簡章
(D)行政院之行政處分
- 3 下列有關監察院審計部之敘述，何者正確？
(A)屬於獨立之合議制機關 (B)審計長由總統逕行任命
(C)審計長須超然行使職權 (D)審計長由監察委員兼任
- 4 關於司法院大法官之敘述，下列何者錯誤？
(A)法定人數為 15 人 (B)司法院院長、副院長本身亦具大法官身分
(C)任期 8 年，個別計算，不得連任 (D)非為憲法上之法官
- 5 下列何者無須由行政院院長提請總統任命之？
(A)行政院副秘書長 (B)行政院副院長 (C)各部會首長 (D)政務委員
- 6 依憲法增修條文之規定，對於行政院院長提出不信任案，下列敘述何者錯誤？
(A)必須有三分之一以上立法委員連署提出
(B)立法院於不信任案提出 72 小時後，應於 48 小時內以記名投票表決之
(C)不信任案必須經由全體立法委員二分之一贊成，始得通過
(D)不信任案一旦通過後，行政院院長必須辭職且無任何對抗措施
- 7 總統為決定國家安全有關大政方針，依憲法增修條文之規定，得依法律設置何種組織？
(A)食品安全跨部會專責辦公室 (B)兩岸服務貿易協議談判小組
(C)自由經濟示範區推動委員會 (D)國家安全會議及所屬國家安全局
- 8 依現行規定，關於選舉權與被選舉權之年齡限制，下列何者正確？
(A)年滿 20 歲之人具有選舉權 (B)年滿 20 歲之人具有被選舉權
(C)年滿 18 歲之人具有選舉權 (D)年滿 23 歲之人具有選舉權
- 9 下列何者不屬於人民得行使複決權之標的？
(A)憲法修正案 (B)法律案 (C)領土變更案 (D)重大土地開發案
- 10 依憲法本文之規定，邊遠地區之教育文化經費如何籌措？
(A)由中央與地方共同協商負責 (B)由國庫補助
(C)由所屬地方政府單獨負責 (D)由使用者付費
- 11 關於工作權之敘述，下列何者錯誤？
(A)對於從事一定職業應具備之資格或其他要件，得於符合憲法第 23 條規定之限度內，以法律或法律明確授權之命令加以限制
(B)各種專門職業之執業範圍，法律得授權有關機關以命令為必要之劃分
(C)立法者為追求公共利益，關於從事工作之方法、時間、地點等執行職業自由，採行確屬必要之限制手段者，符合憲法第 23 條比例原則之要求
(D)限制公務員於離職後 3 年內，不得擔任與其離職前 5 年內之職務直接相關之工作，有違憲法第 23 條比例原則之要求
- 12 依司法院大法官之解釋，下列何者非屬憲法保障言論自由之功能？
(A)實現自我 (B)溝通意見 (C)追求真理 (D)保護隱私

- 13 關於集會、結社自由之敘述，下列何者合憲？
(A)人民團體經主管機關限期整理者，得依命令停止其理監事之職權
(B)人民團體應冠以所屬行政區域之名稱，始能申請許可立案
(C)屬偶發性、緊急性之集會遊行，不採事前許可或報備程序
(D)為保障中、小學生之受教權，教育事業技工不得組織工會
- 14 關於憲法保障之講學自由，下列敘述何者正確？
(A)基於學術自由之保障，不得修正大學法
(B)講學自由僅保障教授之教學自由，故大學課程應由教育部規定
(C)基於大學自治，不得以法律限制大學之講學自由
(D)大學課程之訂定，涉及教學自由與學生學習自由
- 15 有關憲法保障之遷徙自由，下列敘述何者錯誤？
(A)於臺灣地區設有住所而有戶籍之國民，除法律另有規定外，無待許可，得隨時返回本國
(B)對於恐怖份子出入臺灣地區，得以法律限制之
(C)法律得限制役男之出境
(D)具有雙重國籍之國民，不受憲法遷徙自由之保障
- 16 下列有關普通法系之敘述，何者錯誤？
(A)澳洲及紐西蘭屬於普通法系國家
(B)普通法系通常以法院判決為重心
(C)普通法系又稱海洋法系
(D)普通法系發源於美國
- 17 甲受僱於丙公司，公司之直屬主管乙對其經常性騷擾，因為申訴無門，憤而自行辭職，並向臺北市勞動局提出申訴，丙遭受處罰不服，下列敘述何者為正確？
(A)甲已離職，丙非其雇主，故無性騷擾防治義務
(B)甲在職期間，丙無從知悉乙有對甲性騷擾之事，故無防治義務
(C)縱使甲已離職，丙仍有採取必要措施之義務
(D)丙有使甲復職之義務
- 18 下列有關消費者保護團體之敘述，何者錯誤？
(A)消費者保護團體，以社團法人或財團法人為限
(B)消費者保護團體，得接受消費者申訴，但不得調解消費爭議
(C)消費者保護團體，得處理消費爭議，亦得提起消費訴訟
(D)消費者保護團體，得建議政府採取適當之消費者保護立法或行政措施
- 19 有關我國勞工保險條例對於老年給付之規定，下列敘述何者錯誤？
(A)年滿 60 歲，保險年資合計滿 15 年者，請領老年年金給付
(B)年滿 60 歲，保險年資合計未滿 15 年者，請領老年一次金給付
(C)請領老年給付者，不用辦理離職退保
(D)老年給付之請領年齡，將來預計提高至 65 歲
- 20 下列何種情形並不適用刑法第 134 條準瀆職罪？
(A)交通員警對於不服從其指揮交通者，予以毆傷
(B)員警離勤後偶遇情敵，持警用手槍予以殺害
(C)環保局人員於進行工廠污水設施稽核時，竊取該工廠內之物品
(D)法警於押解人犯時，對人犯佯稱可代為活動而減刑，進行詐騙
- 21 下列何者非刑法上作為犯的故意？
(A)不確定故意 (B)確定故意 (C)事後故意 (D)擇一故意
- 22 民法有關婚約的規定，下列敘述何者正確？
(A)訂定婚約後應至戶政機關登記
(B)訂定婚約後，如一方不履行時，得訴請法院強迫履行
(C)雙方當事人均有過失而解除婚約者，彼此就解除婚約所受財產上損害，得主張過失相抵
(D)因訂定婚約而為贈與者，當事人之一方縱使就婚約解除有過失，仍得請求他方返還贈與物
- 23 有關權利能力之敘述，下列敘述何者錯誤？
(A)人之權利能力，始於出生，終於死亡
(B)非法人之團體，設有代表人或管理人者，在實體法上無權利能力
(C)植物人雖然活著，但不具有權利能力
(D)胎兒以將來非死產者為限，關於其個人利益之保護，視為既已出生

- 24 關於請求減少金錢之給付，下列何者無須聲請法院為之？
 (A)乘他人之急迫，使其為財產上給付之約定，依當時情形顯失公平
 (B)契約成立後，情事變更，非當時所得預料，依原有效果顯失公平
 (C)出賣人應負物之瑕疵擔保責任，買受人請求出賣人減少買賣價金
 (D)不動產之不定期租賃，承租人因不動產價值下降，請求減少租金
- 25 為實現公益而限制人民權利，應盡可能採取侵害較小之手段，此為何種法律原則之要求？
 (A)比例原則 (B)信賴保護原則 (C)法律保留原則 (D)公益原則
- 26 依司法院解釋，下列何者屬於憲法保留之事項？
 (A)納稅義務 (B)對人民身體自由之逮捕拘禁程序
 (C)服兵役義務 (D)剝奪人民生命
- 27 下列何種考試，非屬憲法「應考試權」保障之範圍？
 (A)公務人員初等考試 (B)公務人員特種考試司法人員考試
 (C)專門職業及技術人員高等考試會計師考試 (D)大學碩士班入學考試
- 28 為避免法律條文重複而謀立法之便宜起見，明定某種事項應引用與其類似事項之規定，係屬下列何者？
 (A)類推 (B)準用 (C)推定 (D)視為
- 29 關於自治法規之位階與效力，下列敘述何者錯誤？
 (A)自治條例與中央機關發布之行政規則牴觸者，無效
 (B)自治規則與憲法、法律、基於法律授權之法規或上級自治團體自治條例牴觸者，無效
 (C)委辦規則與憲法、法律、中央法令牴觸者，無效
 (D)地方立法機關得訂定自律規則，自律規則與憲法、法律、中央法規或上級自治法規牴觸者，無效
- 30 下列何者為行政命令？
 (A)流域綜合治理特別條例 (B)多層次傳銷管理法
 (C)民法 (D)商品檢驗標識使用辦法
- 31 People with _____ dispositions recover quickly from disappointment.
 (A)effective (B)elastic (C)rigid (D)reluctant
- 32 Actor Pierce Brosnan may play the deadly super boy in the movies, but in real life he is a _____ father and a loving husband.
 (A)devastated (B)deserved (C)desperate (D)devoted
- 33 Given the lack of printing, stocking and shipping costs for ebooks, the prices for ebooks should be less expensive and more _____ to the readers.
 (A)entertaining (B)affordable (C)costly (D)amiable
- 34 After searching for his lost father for many years, Jeffery can _____ go to America to meet up with his father.
 (A)eventually (B)essentially (C)extremely (D)enormously
- 35 The Beatles were an _____ band. They created some of the most brilliant albums in music history.
 (A)amazing (B)envious (C)intimate (D)organic
- 36 _____ by the sun and the wind, the woman has lost the red from her cheeks and lips.
 (A)Weathered (B)Blessed (C)Harvested (D)Detected
- 37 A toddler was admitted to the emergency _____ with a wound in his chest.
 (A)ward (B)engagement (C)drain (D)isolation
- 38 The best currency exchange deals are given at the private bureaus around town, which don't charge _____.
 (A)bribery (B)commission (C)fraud (D)suspicion

請依下文回答第 39 題至第 41 題：

Leonardo da Vinci spent many unfruitful years, 39 his first stay in Milan and his second period in Florence, experimenting with a flying machine. The attempt to support and move the human body in the air 40 because, in the absence of an internal combustion engine, Leonardo could not create mechanisms of propulsion capable of providing the necessary upward lift. Nevertheless, based on this understanding of air currents pressure, and resistance, he 41 designs for machines that anticipated the modern glider, parachute, and helicopter. Related to these studies were notes concerning the cosmos, later developed by Galileo.

- 39 (A)up (B)during (C)for (D)due to
 40 (A)remained (B)paid off (C)fell (D)failed
 41 (A)came up with (B)bumped into (C)burst into (D)plugged in

請依下文回答第 42 題至第 45 題：

There are thousands of species of animals in the Amazon rainforest, each colored 42. Most rainforest animals use their colors for 43. Some animals use color to protect themselves from their predators. An example is the green iguana. Young iguanas are bright green and hide among the bright green lower leaves of the trees where they live. As they get older, their colors become duller. Older iguanas live higher in trees, where the colors all around are 44. Other animals are predators which use color to hide from their prey. The boa constrictor snake is a good 45. The emerald boa is green and white, so it can easily hide in the leaves. A boa hides in a tree and waits for a bird to fly by. When one does, the boa grabs the bird from the air and then squeezes it to death before eating it.

- | | | | | |
|----|----------------|----------------|------------------|-----------------|
| 42 | (A)similarly | (B)differently | (C)quickly | (D)negatively |
| 43 | (A)mating | (B)hunting | (C)survival | (D)reproduction |
| 44 | (A)less bright | (B)less dull | (C)even brighter | (D)even duller |
| 45 | (A)prey | (B)example | (C)character | (D)species |

請依下文回答第 46 題至第 50 題：

The feeling that clouds and rain seem more likely to occur on weekends may be more than just a myth. Weekend weather does differ from weekday weather in certain places, according to researchers who studied more than 40 years of daily temperature readings from 10,000 weather stations worldwide. In their study, the researchers focused on temperature differences between daytime highs and nighttime lows. This difference measurement is called the diurnal temperature range, or DTR.

Part of the study involved 660 weather stations in the continental United States. At more than 230 of these sites, the researchers found that the average DTR for Saturday, Sunday, and Monday was different from the average DTR for Wednesday, Thursday, and Friday. Although the difference was small—only several tenths of a Celsius degree, the pattern was striking enough to make the scientists take notice. That is, the DTR changes on a 7-day cycle.

This sort of weekly rise and fall doesn't line up with any natural cycles, the researchers say. Instead, it is the human activities—possibly air pollution caused by those activities—that are responsible for these weather effects. For example, tiny particles in the polluted air could effect the amount of cloud cover, which would in turn affect daily temperatures. Accordingly, tiny windborne particles from the western part of the United States, generated on weekdays, might first affect weather close to home in the southwest, and then later influence mid-western weather. So, stop feeling like the weekend weather is out to get us. It simply has a lot to do with which way the wind blows and where it comes from.

- 46 According to the passage, which of the following is true about weekend weather?
- (A)It has its own highs and lows.
 (B)The nights are cooler on weekends.
 (C)It gets warmer as the week progresses.
 (D)The conditions remain the same all week long.
- 47 How did the researchers conduct their research?
- (A)Visiting weather stations around the world.
 (B)Gathering weather forecasts from TV stations.
 (C)Studying the weather data recorded around the world.
 (D)Collecting the myths passed down through generations.
- 48 In what way can the finding of the research be considered important?
- (A)It helps us better understand what DTR means.
 (B)It provides evidence of human impact on climate.
 (C)It shows how mysterious natural cycles are.
 (D)It explains why temperature drops when night comes.
- 49 According to the passage, what would the weather be like on a normal Monday?
- (A)Similar to that of the following week.
 (B)Similar to that of the previous weekend.
 (C)Different from that of the following weekend.
 (D)Different from that of the previous weekend.
- 50 Which of the following is the best title for the passage?
- (A)Never Trust the Weather Forecast.
 (B)An Open Debate Over the Weekend Effect.
 (C)Climate Change and Global Warming.
 (D)Weekend Weather Is Really Different.