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**THE VEHICLE AS A SUBJECT OF TRAFFIC RULES  
VIOLATIONS OR EXPLOITATION OF VEHICLES BY  
PERSONS WHO DRIVE VEHICLES**

The crime under the Article #286 of the Criminal Code of Ukraine (traffic rules violations or exploitation of vehicles by persons who drive vehicles) can only be committed during the driving of vehicles listed in the note to the Article#286 of the Criminal Code of Ukraine.

According to the note of the Article #286 of the Criminal Code of Ukraine under the vehicles in this Article and Articles ## 287, 289, 290 all kinds of cars, trams and trolley-buses, motorcycles and other motor vehicles should be understand.

The legislator has defined the term «vehicle» through the numbering of its specific types. Let us consider its characteristics referring to the current legislation.

According to the Section 1.10 of The traffic rules, approved by the Cabinet of Ministers of Ukraine on 10th of October 2001, the motor vehicle is defined as a vehicle that is driven using the engine. This term is applicable for tractors, self-propelled machines and mechanisms, trolley-buses and vehicles with electric power more than 3 kW as well (provision # 1306) [1].

To the types of vehicles, in particular, belong: all types of buses; all types of cars, including special and specialized (i.e., health, fire, sports and watering, auto-cranes, loaders); tractors - propelled vehicles (wheeled or tracked) assigned for goods carriage or performance of the agricultural, construction, forest and other works; propelled machines assigned to perform agricultural, road construction, land reclamation and forest work - harvesters, graders, bulldozers, excavators, cranes, etc .; urban electric vehicles - trams and trolley-buses, including passenger, cargo, repair, special purpose, track-layers; motorcycles, in particular, traffic, sports, special purpose motorcycle with side trailer or without it; motor, cycle- mechanical and other transport vehicles, the maximum authorized mass of which do not exceed 400 kg; other motor vehicles - off- roads, snowmobiles, amphibians, trailers etc.).

Underground rolling stock, funicular and other types of railways (passenger and freight trains, locomotives, trolleys etc.) are not the types of vehicles. [2].

The term «vehicle» is defined in the Article 1 of the Law of Ukraine «On Automobile Transport» dated 05.04.2001, which defines the term 'car' - as a wheeled vehicle that is propelled by means of energy source, has at least four wheels designed for movement cartage roads and is used to transport people and (or) cargoes, towing vehicles, special work performance [3].

All types of buses are also vehicles which by their design and

equipment assigned to carry passengers with sitting places in quantity more than nine, including the drivers'. [3]

Tractors are propelled wheeled or tracked machines assigned for goods carriage or performance of agricultural, construction, forest and other work [2].

Other self-propelled machines are also vehicles designed to perform agricultural, road construction, land reclamation and forest work (harvesters, graders, bulldozers, excavators, cranes, etc.) [2].

Tram is a road vehicle assigned to carry passengers, which is connected with an electric wire or reproduced in movement with a diesel engine and moves on tracks. Trolleybus is a road vehicle assigned to carry passengers, which is connected with an electric wire and is not moving on the tracks [4]. All of above mentioned types of vehicles belong to the public electric transport, the movement of which is committed due to the provisions of the traffic rules.

Motorcycle is a two-wheeled motor vehicle with or without side trailer powered by 50 cm<sup>3</sup> engine or even more.

Mopeds, motorized tricycles and other motor vehicles are defined as motorcycles with a maximum authorized mass not exceeding 400 kg [1].

Other motor vehicles are off-roads, snowmobiles, amphibian motorbikes, etc. [2].

We conclude that this list of specific types of vehicles (cars, buses, trolleybuses, trams, motorcycles, etc.) is not exhaustive.

The precise characteristics of the vehicle is essential for defining the subject and object of crime under the provisions of the Article #286 of the Criminal Code of Ukraine, the delimitation of traffic rules violation and exploitation of vehicles by persons who drive vehicles, correspondent qualifications of committed crime and assigned punishment.

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