

National Conference on Street and Highway Safety

Honorable ROBERT P. LAMONT

Secretary of Commerce, *Chairman*

ACT III—UNIFORM MOTOR VEHICLE OPERATORS' AND CHAUFFEURS' LICENSE ACT

This Act is part of a
UNIFORM VEHICLE CODE

Consisting of

- (a) "A Uniform Motor Vehicle Registration Act"
- (b) "A Uniform Motor Vehicle Anti-Theft Act"
- (c) "A Uniform Motor Vehicle Operators' and Chauffeurs' License Act"
- (d) "A Uniform Act Regulating Traffic on Highways"

As revised and approved by the Third National Conference on Street and Highway Safety May 27-29, 1930; the National Conference of Commissioners on Uniform State Laws August 11-16, 1930; and the American Bar Association August 20-22, 1930.

WASHINGTON, D. C.

October 24, 1930

**Associations cooperating with the Department of Commerce
in organizing and financing the National Conference
on Street and Highway Safety**

AMERICAN AUTOMOBILE ASSOCIATION
AMERICAN ELECTRIC RAILWAY ASSOCIATION
AMERICAN MUTUAL ALLIANCE
AMERICAN RAILWAY ASSOCIATION
CHAMBER OF COMMERCE OF THE UNITED STATES
MOTOR AND EQUIPMENT ASSOCIATION
NATIONAL ASSOCIATION OF TAXICAB OWNERS
NATIONAL AUTOMOBILE CHAMBER OF COMMERCE
NATIONAL BUREAU OF CASUALTY & SURETY UNDER-
WRITERS
NATIONAL SAFETY COUNCIL
RUBBER MANUFACTURERS ASSOCIATION

The Automobile Club of Southern California made substantial contributions to the staff work on the Uniform Vehicle Code and Model Municipal Traffic Ordinance (1925-30). The National Research Council contributed substantially to financing the work of the Committee on Causes of Accidents (1925-26). The American Engineering Council conducted and financed the development of the Report on Street Traffic Signs, Signals and Markings (1927-30).

FOREWORD

The foundation of uniform traffic regulation is the state law. The proposed Act here presented is one of four Acts which constitute the Uniform Vehicle Code proposed for state enactment.

The Code was originally prepared in 1925-26 by the Committee on Uniformity of Laws and Regulations of the National Conference on Street and Highway Safety in cooperation with a committee of the National Conference of Commissioners on Uniform State Laws. It adopted many provisions of existing state laws, a thorough study of which had previously been made.

The proposed Code was considered in detail and certain revisions were made by the Second National Conference on Street and Highway Safety held in March, 1926. It was subsequently endorsed by the Commissioners on Uniform State Laws and the American Bar Association.

President Hoover, as Chairman of the National Conference on Street and Highway Safety when the Code was originally drafted in 1926, said:

"This proposed Code was formulated with the widest cooperation of those having understanding and experience in these matters, with a view to advancing uniformity in our traffic laws and regulations. The urgency of such action requires no emphasis from me. It has been demanded from every state in the Union. Without uniformity in essential laws and regulations, reduction in loss of life, personal injury and property damage upon our streets and highways is virtually impossible."

The Code has been adopted in whole or substantial part, or has been used as the basis for revision of existing motor vehicle laws, by approximately half of the states.

Subsequent to the issuance of the Code and in response to widespread demand for further uniform standards for municipalities in matters not covered by the Code, there were developed a Model Municipal Traffic Ordinance and a Manual of Street Traffic Signs, Signals and Markings. The former, prepared by a Committee of the Conference in 1927-28, has been adopted in a substantial number of cities and towns, while three states, New Jersey, New York and Wisconsin, have incorporated most of it in their state laws. The latter, prepared for the Conference in 1927-30 by the American Engineering Council in harmony with the Manual of Standard Road Markers and Signs adopted for use on rural highways by the American Association of State Highway Officials and

the U. S. Bureau of Public Roads, has also been followed in numerous municipalities.

There has thus been developed considerable experience in the actual operation of the Code, Ordinance and Standard Signs, Signals and Markings. During 1929 and 1930 the Committee on Uniform Traffic Regulation of the Conference reviewed them in the light of this experience and of changed traffic conditions. The Committee found that they have been distinctly successful, but recommended certain changes to meet present conditions more fully.

The important changes are not numerous. Among them are the inclusion in the Code for state adoption of numerous provisions heretofore carried only in the Model Ordinance, improvement of the rules governing right of way and turns at intersections, modernization of the operating rules for wide roadways, broadening of the vehicle licensing reciprocity provisions to include commercial vehicles, simplified classification of permissible wheel and axle loads, and revision of the speed regulations to place more definitely upon the driver responsibility for operation at speed safe under the conditions.

Revised drafts of the Code, Ordinance and Manual were given widespread distribution for the purpose of securing criticism and suggestion prior to the Third National Conference on Street and Highway Safety held on May 27-28-29, 1930. That Conference, which was participated in by delegates from nearly every State in the Union, including official representatives appointed by the Governors of forty-two states, considered in detail the revised drafts and, after making certain further changes, unanimously approved and recommended them to the states and municipalities.

In August, 1930, the National Conference of Commissioners on Uniform State Laws and the American Bar Association at their annual meetings endorsed the revised drafts of the four Acts with certain minor changes in legal phraseology which have been incorporated in this printing of the Code.

The amended Act III of the Code (Uniform Motor Vehicle Operators' and Chauffeurs' License Act) is here presented. Explanatory notes setting forth the purpose of each provision follow the text of the Act.

ROBERT P. LAMONT,

Secretary of Commerce, *Chairman.*

Washington, D. C., October 24, 1930.

UNIFORM MOTOR VEHICLE OPERATORS' AND CHAUFFEURS' LICENSE ACT

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UNIFORM MOTOR VEHICLE OPERATORS' AND CHAUFFEURS' LICENSE ACT

TITLE OF ACT

An Act relating to the licensing of motor vehicle operators and chauffeurs and to the liability of certain persons for negligence in the operation of motor vehicles on the public highways and to make uniform the law relating thereto.

Be it Enacted . . .

ARTICLE I

DEFINITION OF TERMS

SECTION 1. [*Definitions.*]

The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

(a) "*Vehicle.*" Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "*Motor Vehicle.*" Every vehicle, as herein defined, which is self-propelled.

(c) "*Farm Tractor.*" Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(d) "*Person.*" Every natural person, firm, copartnership, association or corporation.

(e) "*Owner.*" A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

(f) "*Operator.*" Every person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.

(g) "*Chauffeur.*" Every person who is employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

(h) "*Non-resident.*" Every person who is not a resident of this state.

(i) "*Highway.*" Every way or place of whatever nature open as a matter of right to the use of the public for purposes of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities or other institutions.

(j) "*Department.*" The vehicle department of this state acting directly or through its duly authorized officers and agents.

(k) "*Commissioner.*" The Vehicle Commissioner of this state.

ARTICLE II

OPERATORS' AND CHAUFFEURS' LICENSES

SECTION 2. [*Operators and Chauffeurs Must Be Licensed.*]

No person except those expressly exempted under sections 3, 4, 7 and 13 (d) of this Act shall drive any motor vehicle upon a highway in this state unless such person upon application has been licensed as an operator or chauffeur by the Department under the provisions of this Act.

SECTION 3. [*What Persons Are Exempt from License.*]

(a) No person shall be required to obtain an operator's or chauffeur's license for the purpose of driving or operating a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved or propelled on the highways.

(b) Every person in the service of the Army, Navy, or Marine Corps of the United States and when furnished with a driver's permit and when operating an official motor vehicle in such service shall be exempt from license under this Act.

SECTION 4. [*Non-residents, When Exempt from License.*]

(a) A non-resident over the age of sixteen years who has been duly licensed either as an operator or chauffeur under a law requiring the licensing of operators or chauffeurs in his home state or country and who has in his immediate possession either a valid operator's or chauffeur's license issued to him in his home state or country shall be permitted without examination or license under this act to drive a motor vehicle upon the highways of this state.

(b) It shall be unlawful for any non-resident whose home state or country does not require the licensing of operators or chauffeurs, and who has not been licensed either as an operator or chauffeur in his home state or country, to operate any motor vehicle upon any highway in this state without first making application for and obtaining a license as an operator or chauffeur as required under this act, except that any said unlicensed non-resident who is over the age of sixteen years and who is a resident of a state not requiring operators' licenses may operate any motor vehicle which has been duly registered for the current calendar year in the state or country of which the owner is a resident upon the highways of this state for a period of not more than thirty (30) days in any one year without making application for or obtaining an operator's or chauffeur's license under this act, upon condition that such non-resident may be required at any time or place to prove lawful possession or the right to operate such motor vehicle and establish his proper identity.

(c) Any non-resident or other person whose operator's or chauffeur's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this act shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction, or otherwise operate a motor vehicle in this state during the period of such suspension, or within one year after the date of such revocation. Any person operating a motor vehicle in violation of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 32 of this act.

SECTION 5. [*What Persons Shall Not Be Licensed.*]

(a) An operator's license shall not be issued to any person under the age of sixteen years, and no chauffeur's license shall be issued to any person under the age of eighteen years.

(b) The Department shall not issue an operator's or chauffeur's license to any person whose license, either as operator or chauffeur, has been suspended during the period for which such license was suspended; nor to any person whose license, either as operator or chauffeur, has been revoked under the provisions of this act until the expiration of one year after such license was revoked.

(c) The Department shall not issue an operator's or chauffeur's license to any person who it has determined is an habitual drunkard or is addicted to the use of narcotic drugs.

(d) No operator's or chauffeur's license shall be issued to any applicant who has previously been adjudged insane or an idiot, imbecile, epileptic, or feeble-minded, and who has not at the time of such application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent, nor then unless the Department is satisfied that such person is competent to operate a motor vehicle with safety to persons and property.

(e) The Department shall not issue an operator's or chauffeur's license to any person when in the opinion of the Department such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to understand highway warning or direction signs in the English language.

SECTION 6. [*Age Limits for Drivers of School Busses and Public Passenger-Carrying Motor Vehicles.*]

It shall be unlawful for any person, whether licensed under this act or not, who is under the age of eighteen years to drive a motor

vehicle while in use as a school bus for the transportation of pupils to or from school or for any person, whether licensed under this act or not, who is under the age of twenty-one years to drive a motor vehicle while in use as a public passenger-carrying vehicle.

SECTION 7. [*Instruction Permits.*]

The Department upon receiving from any person over the age of sixteen years an application for a temporary instruction permit may in its discretion issue such a permit entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of sixty days when accompanied by a licensed operator or chauffeur who is actually occupying a seat beside the driver and there is no other person in the vehicle.

SECTION 8. [*Application for Operator's or Chauffeur's License.*]

(a) Every application for an operator's or chauffeur's license shall be made upon the approved form furnished by the Department and shall be verified by the applicant before a person authorized to administer oaths.

(b) Every application shall state the name, age, sex and residence address of the applicant, and whether or not the applicant has heretofore been licensed as an operator or chauffeur and if so when and by what state, and whether or not such license has ever been suspended or revoked and if so the date of and reason for such suspension or revocation.

SECTION 9. [*Application of Minors.*]

The Department shall not grant the application of any minor under the age of eighteen years for an operator's license unless such application is signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of 18 years has no father, mother or guardian, then an operator's license shall not be granted to the minor unless his application therefor is signed by his employer.

SECTION 10. [*Examination of Applicants.*]

(a) The Department shall examine every applicant for an

operator's or chauffeur's license before issuing any such license, except as otherwise provided in subdivisions (b) and (c) of this section. The Department shall examine the applicant as to his physical and mental qualifications to operate a motor vehicle in such manner as not to jeopardize the safety of persons or property and as to whether any facts exist which would bar the issuance of a license under Section 5 of this act, but such examination shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to operate a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this act.

(b) The Department may in its discretion waive the examination of any person applying for the renewal of an operator's or chauffeur's license issued under this act.

(c) The Department may in its discretion issue an operator's or chauffeur's license under this act, without examination, to every person applying therefor who is of sufficient age, as required by Section 5 of this act, to receive the license applied for and who at the time of such application has a valid unrevoked license of like nature issued to such person under any previous law of this state providing for the licensing of operators or chauffeurs, or to any person who at the time of such application has a valid unrevoked license of like nature issued to such person in another state under a law requiring the licensing and examination of operators or chauffeurs.

Alternate to Sec. 10 (c)

Note.

(For adoption in those states not previously requiring the licensing of operators and chauffeurs.)

SECTION 10 (c)

The Department may in its discretion issue an operator's or chauffeur's license under this act without examination to every person applying therefor within three months after this section takes effect and who is of sufficient age, as required by Section 5 of this act, to receive the license applied for and who furnishes

evidence satisfactory to the Department that such applicant has previously operated any motor vehicle in a satisfactory manner within this state over a period of not less than one year.

SECTION 11. [*Designation of Local Officers.*]

The Commissioner is hereby authorized to designate sheriffs, chiefs of police, town marshals, or to appoint other persons within this state to act for the Department for the purpose of examining applicants for operators' and chauffeurs' licenses. It shall be the duty of any such sheriff, chief of police, town marshal or other person so designated or appointed to conduct examinations of applicants for operators' and chauffeurs' licenses under the provisions of this act and to make a written report of findings and recommendations upon such examination to the Department.

SECTION 12. [*Register of Operators and Chauffeurs.*]

The Department shall file every application for an operator's or chauffeur's license and index the same by name and number and maintain suitable records of all licenses issued and all applications for licenses denied, also a record of all licenses which have been suspended or revoked.

SECTION 13. [*Licenses Issued to Operators and Chauffeurs.*]

(a) The Department shall issue to every person licensed as an operator an operator's license and to every person licensed as a chauffeur a chauffeur's license. Every chauffeur before operating a motor vehicle as a public or common carrier of persons or property shall apply for and receive from the Department and at all times while so operating a motor vehicle shall display in plain sight upon the band of his cap or upon the lapel of his outer coat a chauffeur's badge. Any person licensed as a chauffeur under this act shall not be required to procure an operator's license, but no person shall drive any motor vehicle as a chauffeur unless licensed as a chauffeur.

(b) Every such license shall bear thereon the distinguishing number assigned to the licensee and shall contain the name, age, residence address and a brief description of the licensee for the purpose of identification, also a space for the signature of

the licensee, and every chauffeur's license shall bear thereon a photograph of the licensee.

(c) Every chauffeur's badge shall be of metal with a plainly readable distinguishing number assigned to the license stamped thereon.

(d) The Department, upon determining after an examination that an applicant is mentally and physically qualified to receive a license, may issue to such person a temporary driver's permit entitling such person while having such permit in his immediate possession to drive a motor vehicle upon the highways for a period of ten days before issuance to such person of an operator's or chauffeur's license.

SECTION 14. [*Duplicate License Certificates and Chauffeurs' Badges.*]

In the event that an operator's or chauffeur's license or a chauffeur's badge issued under the provisions of this act shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate or substitute thereof upon furnishing proof satisfactory to the Department that such license or badge has been lost or destroyed and upon payment of the fees required by law.

SECTION 15. [*License to Be Signed and Carried.*]

(a) Every person licensed as an operator shall write his usual signature with pen and ink in the space provided for that purpose on the license certificate issued to him immediately upon receipt of such certificate and every chauffeur shall write his usual signature with pen and ink across the face of the photograph on the license certificate issued to him immediately upon receipt of such certificate, and such license shall not be valid until the certificate is so signed.

(b) The licensee shall have such license in his immediate possession at all times when driving a motor vehicle and shall display the same upon demand of a [Justice of the Peace, a peace officer or a field deputy or inspector of the Department]. It shall be a defense to any charge under this subsection that the person so charged produce in court an operator's or chauffeur's

feur's license theretofore issued to such person and valid at the time of his arrest.

SECTION 16. [*Expiration of Licenses.*]

(a) Every operator's license issued hereunder shall be valid until suspended or revoked as provided in this act except that the Commissioner may hereafter but not more often than once every [three] years and after public notice, cancel all outstanding operator's licenses and issue in lieu thereof new operator's licenses to the persons applying therefor and entitled thereto, such new licenses to be issued without examination except in those instances when the Department has reason to believe that the applicant may not be qualified to hold an operator's license under this act.

(b) Every chauffeur's license issued hereunder shall expire [December thirty-first] each year and shall be renewed annually upon application and payment of the fees required by law, provided that the Department in its discretion may waive the examination of any such applicant previously licensed as a chauffeur under this act.

Alternate

SECTION 16.

Every operator's and chauffeur's license issued hereunder shall expire [December thirty-first] each year and shall be renewed annually upon application and payment of the fees required by law, provided that the Department in its discretion may waive the examination of any such applicant previously licensed under this act.

Note to Sec. 16.

The majority of states licensing drivers require annual renewal particularly of chauffeur's licenses on January 1st, or at another stated time of year. These include Ark., Calif., Del., Fla., Ga., Ill., Ind., Ia., Ky., La., Mich., Mo., Mont., N. H., N. J., N. Y., Ore., Penna., Tex., Vt., Va., Wash., W. Va.

SECTION 17. [*Court to Report Convictions and May Recommend Suspension of License.*]

Every court having jurisdiction over offenses committed under

this act, or any other act of this state regulating the operation of motor vehicles on highways, shall forward to the Department a record of the conviction of any person in said court for a violation of any said laws, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted, and the Department shall thereupon consider and act upon such recommendation in such manner as may seem to it best.

SECTION 18. [*Mandatory Suspension or Revocation of License by the Department.*]

(a) The Department shall forthwith revoke the license of any person upon receiving a record of the conviction of such person of any of the following crimes:

1. Manslaughter resulting from the operation of a motor vehicle.

2. Driving a vehicle while under the influence of intoxicating liquor or narcotic drug.

3. Perjury or the making of a false affidavit to the Department under this act or any other law of this state requiring the registration of motor vehicles or regulating their operation on highways.

4. Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used.

5. Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding twelve months.

6. A conviction of a driver of a motor vehicle, involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident.

(b) The Department upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of such person is suspended or revoked, shall immediately extend the period of such first suspension or revocation for an additional like period.

SECTION 19. [*Department May Suspend or Revoke Licenses.*]

(a) The Department may immediately suspend the license of

any person without hearing and without receiving a record of conviction of such person of crime whenever the Department has reason to believe:

1. That such person has committed any offenses for the conviction of which mandatory revocation of license is provided in Section 18.

2. That such person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or serious property damage.

3. That such person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to drive a motor vehicle upon the highways.

4. That such person is an habitual reckless or negligent driver of a motor vehicle or has committed a serious violation of the motor vehicle laws of this state.

Whenever the Department suspends the license of any person for any reason set forth in the above four paragraphs, the Department shall immediately notify the licensee and afford him an opportunity of a hearing before said Department in the county wherein the licensee resides, and upon such hearing the Department shall either rescind its order of suspension or, good cause appearing therefor, may suspend the license of such person for a further period or revoke said license.

(b) The Department is hereby authorized to suspend or revoke the right of any non-resident to operate a motor vehicle in this state for any cause for which the license of a resident operator or chauffeur may be suspended or revoked, and any non-resident who operates a motor vehicle upon a highway when his right to operate has been suspended or revoked by the Department shall be guilty of a misdemeanor and subject to punishment as provided in Section 32.

(c) The Department is hereby authorized to suspend or revoke the license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds

for the suspension or revocation of the license of an operator or chauffeur. The Department is further authorized, upon receiving a record of the conviction in this state of a non-resident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

(d) The Department shall not suspend a license for a period of more than one year and upon suspending or revoking any license shall require that such license and the badge of any chauffeur whose license is so suspended or revoked shall be surrendered to and retained by the Department except that at the end of a period of suspension such license and any chauffeur's badge so surrendered shall be returned to the licensee.

SECTION 20. [*Right of Appeal to Court.*]

Any person denied a license or whose license has been revoked by the Department except where such revocation is mandatory under the provisions of this act shall have the right to file a petition within thirty days thereafter for a hearing in the matter in (a court of record) in the county wherein such person shall reside and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon ten days' written notice to the Commissioner, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to revocation of license under the provisions of this act.

SECTION 21. [*New License after Revocation.*]

Any person whose license is revoked under this act shall not be entitled to apply for or receive any new license until the expiration of one year from the date such former license was revoked.

SECTION 22. [*When Parent, Guardian or Employer Liable for Negligence of Minor.*]

Any negligence of a minor under the age of eighteen years licensed upon application signed as provided in Section 9, when driving any motor vehicle upon a highway, shall be imputed to the

person who shall have signed the application of such minor for said license, which person shall be jointly and severally liable, with such minor, for any damages caused by such negligence.

SECTION 23. [*Owner Liable for Negligence of Minor.*]

Every owner of a motor vehicle causing or knowingly permitting a minor under the age of eighteen years to drive such vehicle upon a highway, and any person who gives or furnishes a motor vehicle to such minor, shall be jointly and severally liable with such minor for any damages caused by the negligence of such minor in driving such vehicle.

SECTION 24. [*State, Counties and Municipalities When Liable for Negligence of Their Employees.*]

This state and every county, city, municipal or other public corporation within this state employing any operator or chauffeur shall be jointly and severally liable with such operator or chauffeur for any damages caused by the negligence of the latter while driving a motor vehicle upon a highway in the course of his employment.

ARTICLE III

VIOLATION OF LICENSE PROVISIONS

SECTION 25. [*Violation of License Provisions.*]

It shall be unlawful for any person to commit any of the following acts:

First. To display or cause or permit to be displayed or to have in possession any operator's or chauffeur's license knowing the same to be fictitious or to have been cancelled, revoked, suspended or altered;

Second. To lend to, or knowingly permit the use of, by one not entitled thereto, any operator's or chauffeur's license issued to the person so lending or permitting the use thereof;

Third. To display or to represent as one's own any operator's or chauffeur's license not issued to the person so displaying the same;

Fourth. To fail or refuse to surrender to the Department upon

demand, any operator's or chauffeur's license which has been suspended, cancelled or revoked as provided by law ;

Fifth. To use a false or fictitious name or give a false or fictitious address in any application for an operator's or chauffeur's license, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

SECTION 26. [*Making False Affidavit Perjury.*]

Any person who shall make any false affidavit, or shall knowingly swear or affirm falsely, to any matter or thing required by the terms of this act to be sworn to or affirmed, shall be guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

SECTION 27. [*Unlawful to Permit Unlicensed Minor to Drive Motor Vehicle.*]

It shall be unlawful for any person to cause or knowingly permit any minor under the age of eighteen years to drive a motor vehicle upon a highway as an operator, unless such minor shall have first obtained a license to so drive a motor vehicle under the provisions of this act.

SECTION 28. [*Unlawful to Employ Unlicensed Chauffeur.*]

No person shall employ any chauffeur to operate a motor vehicle who is not licensed as provided in this act.

SECTION 29. [*Unlawful to Permit Violations of Act.*]

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by any person who has no legal right to do so or in violation of any of the provisions of this act.

SECTION 30. [*Unlawful to Drive While License Suspended or Revoked.*]

Any person whose operator's or chauffeur's license has been suspended or revoked, as provided in this act, and who shall drive any motor vehicle upon the highways of this state while such

license is suspended or revoked, shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in Section 32 of this act.

ARTICLE IV

PENALTIES

SECTION 31. [*Penalty for Misdemeanor.*]

(a) It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of this act shall be punished by a fine of not more than [\$500.00] or by imprisonment for not more than six months, or by both such fine and imprisonment.

SECTION 32. [*Penalty for Driving While License Suspended or Revoked.*]

Any person convicted of a violation of Section 30 of this act shall be punished by imprisonment [in the county or municipal jail] for a period not less than two days nor more than six months and there may be imposed in addition thereto a fine of not more than \$500.00.

ARTICLE V

EFFECT OF AND SHORT TITLE OF ACT

SECTION 33. [*Uniformity of Interpretation.*]

This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SECTION 34. [*Short Title.*]

This act may be cited as the Uniform Operators' and Chauffeurs' License Act.

SECTION 35. [*Constitutionality.*]

If any part or parts of this act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

SECTION 36. [*Repeal.*]

[The (existing operators' and chauffeurs' license statute) is hereby repealed, and] all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 37. [*Time of Taking Effect.*]

This act shall take effect from and after the.....day of

NOTES TO UNIFORM OPERATORS' AND CHAUFFEURS' LICENSE ACT

Note to Sec. 1 (f).

The term "Operator" is so defined as not to include drivers of vehicles drawn by animals, who are not intended to be subject to the license requirements.

Note to Sec. 2:

Motor vehicle statutes are far from uniform with respect to the licensing of operators and chauffeurs. Neither operators nor chauffeurs are required to obtain a license in Kan., Nebr., Nev., N. Mex., N. Car., S. Dak., Wyo., and N. Dak.

Operators need not secure license although chauffeurs must secure license in Ala., Ark., Col., Fla., Ga., Idaho, Ill., Ind., Ia., Ky., La., Miss., Mont., Ohio, Tex., Utah, and Va.

Both operators and chauffeurs must secure license in Ariz., Calif., Conn., Del., D. C., Md., Me., Mass., Mich., Mo., N. H., N. J., N. Y., Penn., Ore., R. I., Vt., Wash., and W. Va., except that in about one-half of these states an unlicensed person may drive when accompanied by the parent or in some states when accompanied by any licensed operator or chauffeur.

Operators' and chauffeurs' minimum age limits are noted under Sec. 5.

Note to Sec. 4.

Motor vehicle statutes generally grant limited privileges to non-residents driving their own cars varying from fifteen days to six months, while many

states extend such privileges only on condition that the home state of the non-resident grants similar privileges to non-residents.

Note to Sec. 5.

According to the best information at hand no minimum age limit for operators is required in Ariz., Ark., La., Minn., Miss., Mont., N. Dak., Ohio, Okla., Tenn., Tex., or Va., although a number of these states require a minimum age limit of 16 or 18 for chauffeurs or drivers of common carriers of persons.

Eighteen states impose a minimum age limit for operators of 16 years, eight states 15 years, six states 14 years, with the remainder ranging from 12 years, in S. Car., to 18 years in Conn. Occasionally minors below those limits may drive when accompanied by a licensed driver or parent. Chauffeurs' minimum age limits vary from 14 to 21 years, with an average requirement of 18 years.

The First National Conference on Street and Highway Safety adopted the following: "It is recommended that all states designate the minimum age limit, but that no person under sixteen years of age, and no person who cannot understand highway signs in the English language, should be permitted to operate, drive or direct a motor vehicle."

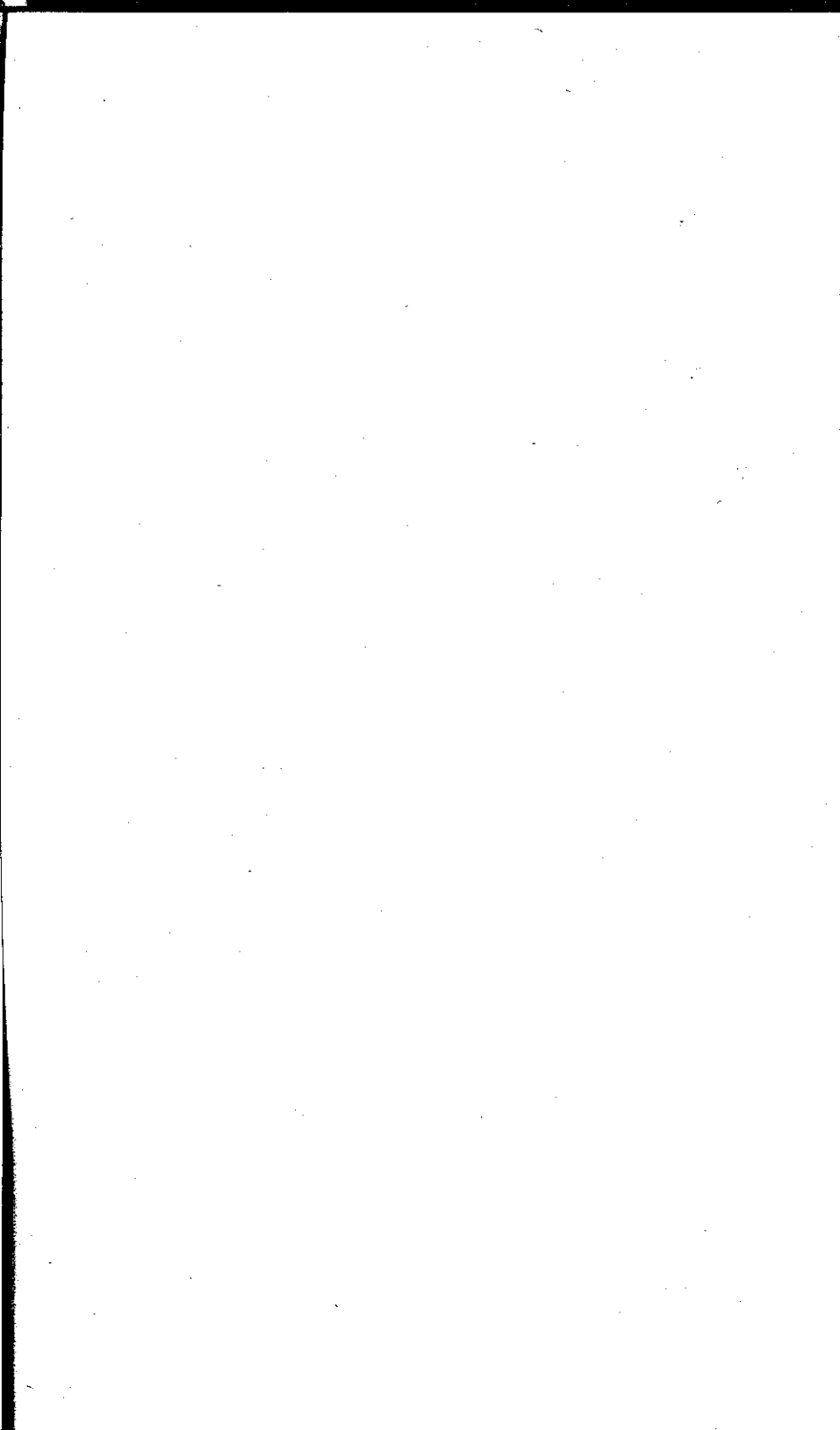
Note to Sec. 10.

Examination of every applicant for an operator's or chauffeur's license is required or authorized in the discretion of the Department in Calif., Conn., Del., D. C., Md., Mass., Mich., N. H., N. J., N. Y., Penna., R. I., and Vt., while provision is made for the examination of applicants for chauffeurs' licenses in Fla., Ill., Ind., and La., and the Vehicle Commissioner is authorized to refuse licenses to the unfit and to adopt regulations governing issuance of licenses in Colo., Me., Ore., Wash., and W. Va.

The First National Conference on Street and Highway Safety adopted the following recommendation: "Before granting an operator's license, the department or division should determine the applicant's ability to operate a motor vehicle safely by ascertaining his physical and mental fitness and his knowledge of the laws, and by requiring an actual demonstration of his ability to operate a motor vehicle."

Note to Secs. 35 and 36.

It may be desirable to provide that this act shall go into effect on the first of January next succeeding the adoption of the act and that provisions of existing laws on the subject matter of this act be repealed on such first of January.



MOTOR VEHICLE OPERATORS' AND CHAUFFEURS' LICENSE ACT

There can no longer be doubt as to the efficacy of a law requiring that no unlicensed person be permitted to operate a motor vehicle, and that all new candidates for an operator's or chauffeur's license must pass an examination to obtain this. Such a law has been in effect for several years in some eleven states (a twelfth state having adopted it too recently to show results) and in practically all cases these states show a more favorable accident record than the average for all states. A small percentage of incompetent applicants fail after repeated examinations, and are forever kept off the highways. A much larger percentage, failing once, pass ultimately, but only after diligent work to learn the regulations and the principles of safe driving. Undoubtedly another considerable number of persons who would be a menace at the driver's wheel are deterred from applying through consciousness of their inability to pass the tests. The requirement of formal application and examination serves a useful purpose with respect to those who prove themselves qualified to drive. Such applicants familiarize themselves with the regulations. They are impressed with the public concern in safe driving. They appreciate the value of the license certificate issued by the state. A license law such as is proposed has another important feature in the provisions for suspension and revocation of licenses to remove from the highways those who, after receiving licenses, prove themselves incompetent and cause accidents or commit serious violations of the motor vehicle laws.

No state having once established the licensing system has abandoned it. On the contrary, the tendency in such states is strongly in support of the licensing system, including the examination.

(Detailed information as to the tangible results of the licensing system in improved accident records, and the simplicity with which the system can be administered, is contained in the following publications obtainable from the National Conference on Street and Highway Safety, 1615 H Street, N. W., Washington, D. C.: "What Can We Expect of Drivers' License Laws," an analysis of the effect of such existing laws on the accident records; "Reducing the Toll of Traffic," a graphical summarization of the effect

of such laws; "The Administration of Drivers' License Laws" and "Weeding Out the Worthless Driver," discussions of the operation of license laws.)

While exact uniformity is less important in laws governing the licensing of operators and chauffeurs than in rules of the road, the Uniform Operators' and Chauffeurs' License Act has been developed after careful consideration of the provisions being applied successfully in the license states, and each section in the Act is believed to serve a definite purpose. Uniformity will certainly be of great convenience to vehicle operators.

Definitions

Section 1 of the Act contains the definitions. It is suggested that the other provisions of the Act be read without prior detailed consideration of the definitions. Standing alone these definitions might be misunderstood or raise questions, but they are prepared to fit the context of the Act. Consequently, while a given term might with equal logic be defined in several ways, changes made in the definitions as presented in Section 1 without regard to the Act might alter the meaning of a provision of the Act in a manner not desired. It is suggested that, upon reading the various provisions, if any question arises as to the meaning of a term, reference then be made to the definition to ascertain precisely its scope and sense as used in the Act.

Operators and Chauffeurs Must Be Licensed

Section 2 is a fundamental provision of the Act, that no person with the exception of certain ones expressly exempted in subsequent sections may operate a motor vehicle either as a private operator or as a chauffeur without having obtained a license to do so. The reasons for such a requirement have already been outlined on the preceding page, and are set forth in greater detail in pamphlets to which reference has been made.

What Persons Are Exempt

It is recognized that certain persons can and should under certain conditions be exempt from the license requirement. Subdivision (a) of Section 3 exempts persons driving or operating

road or farm machinery temporarily on the highways. It is obvious that the operator of such machinery does not have the opportunity to commit many of the violations which endanger the safety of others or interfere with the ordinary movement of traffic and that it is not necessary, therefore, that he be able to pass the test imposed upon operators of ordinary motor vehicles. Such a test, furthermore, would not insure that he could operate the special machinery in a safe manner.

Persons in the service of the Army, Navy or Marine Corps of the United States are exempted in subdivision (b) of Section 3, but only when furnished with a driver's permit and when operating an official motor vehicle in that service. It is recognized that the state authorities cannot interfere with the operations of these branches of the Federal Government and it is to be assumed that these Federal agencies will adopt whatever safeguards are necessary to qualify the operators of their vehicles.

Nonresidents

Section 4 recognizes the principle of reciprocity which is an important feature of uniform vehicle legislation. It recognizes in subdivision (a) an operator's license duly issued in one state as of equal value in any other state. A nonresident from a state not requiring an operator's license is permitted to operate a vehicle registered in the home state for 30 days without a license in the visited state, but otherwise such nonresident must obtain a license in the visited state.

While this leniency to nonresidents may for a short period permit persons to operate in a state who could not pass the examinations, it is felt that the value of the reciprocity thus accorded overshadows the danger arising from these unlicensed operators, and it is recognized that as more states adopt licensing laws these dangers are decreased.

The section in both subdivisions (a) and (b), however, requires that the nonresident to operate with or without a license from his native state must be at least sixteen years old. The Act establishes sixteen years as the minimum age at which a person can safely be permitted to drive a motor vehicle, and does not extend the reciprocity to younger persons from other states.

Assuming that an operator's or chauffeur's license has been revoked, subdivision (c) is designed to prevent such person going into another state, obtaining another license and operating in the state where the original license was revoked or suspended during the period of such suspension or within one year after the revocation.

What Persons Shall Not Be Licensed

As noted above, the Act expressly prohibits any person under sixteen years of age from operating a motor vehicle and subdivision (a) of Section 5 prohibits such a person from obtaining a license. The paragraph also makes the minimum age limit for a chauffeur's license eighteen years. While it is recognized that age limits are necessarily arbitrary, and that any limit is likely to exclude some competent operators and admit others that are incompetent, and also that some of the states have established limits considerably under sixteen and one or two deem sixteen too young, the limits established in the Act are believed to represent the consensus of the best opinion.

Subdivision (b) of Section 5 prohibits the premature restoration of a license that has been suspended or revoked. In the case of a suspension, the period of the suspension cannot be reduced. In the case of a revocation the period cannot in any event be less than one year. This provision is deemed important to relieve the Motor Vehicle Commissioner from pressure to ameliorate or nullify penalties imposed for cause.

Habitual drunkards and persons addicted to the use of narcotic drugs are prohibited in subdivision (c) from obtaining licenses. It is recognized that such persons operating while under the influence of liquor or drugs are a serious menace to traffic, and severe penalties are imposed for such operation. It is further recognized, however, that the only certain way to prevent such addicts from operating while under the influence of liquor or drugs is to bar them from obtaining licenses.

Subdivision (d) has been worded with care to exclude persons who are insane or otherwise mentally incompetent and at the same time make it possible for persons who have been so afflicted but have been restored to competency to obtain licenses. The

necessity of preventing mentally incompetent persons from operating motor vehicles needs no argument. In fairness, however, to those who have been temporarily so afflicted, it is felt that the provisions should not be so drawn up so as to prevent them permanently from obtaining licenses. It should be noted that the Vehicle Commissioner is to be the judge as to whether such an afflicted person declared to be restored to competency is qualified to operate a motor vehicle safely.

Subdivision (e) prohibits the issuing of a license to a person deemed by the Commissioner to be so afflicted with physical or mental disability or disease as to prevent him from exercising reasonable and ordinary control over the motor vehicle. The question of issuing licenses to such persons is a serious one. A simple solution would be to exclude all such persons, but careful study of the performances of many of them indicates that it is quite possible that the absence of an arm or a leg or perfect hearing may be fully compensated for by greater alertness, the sharpness of other faculties and a keen sense of responsibility. The provision is, therefore, worded to give the Vehicle Commissioner wide latitude in passing upon such applicants.

The last clause, however, of subdivision (e) prohibits the issuing of a license to a person who is unable to understand highway warning or direction signs in the English language. It is apparent that the safe movement of traffic under modern conditions, both in the country and in the cities, depends very largely on instantaneous understanding and strict observance of traffic signs and word signals and markings. The provision does not necessitate any considerable amount of schooling, but specifically requires that the candidate must be able to read or understand highway signs.

Age Limits for Drivers of School Buses and Public Vehicles

It was previously noted that Section 4 establishes a minimum age of eighteen years for a chauffeur. Section 6 increases this age to twenty-one years when applied to the driver of a vehicle in use as a public passenger carrying vehicle. It is obvious that the operator of a bus or taxicab has a heavy responsibility for the safety of

his passengers, and it is believed this work should not be intrusted to persons under twenty-one. This age limit is in accord with the experience and practice of the leading taxicab companies.

In the case, however, of school buses, it is recognized that, particularly in rural areas, it is customary for one of the older pupils to drive a bus and gather up the younger pupils. This use of buses to serve pupils in public schools is primarily on the rural highways where the hazards of operating are less numerous and complex, and the Act deems eighteen years a safe age for such operators, and so provides.

Instruction Permits

Wherever the license system is in effect, means must be afforded beginners to learn to operate in order that they may qualify for licenses. This practice in driving must generally, of necessity, be done on the public highways. Section 7 safeguards it as far as is deemed feasible by requiring that such a beginner shall first obtain a temporary instruction permit and that he may then operate a vehicle only when accompanied by a licensed operator or chauffeur who is actually occupying the seat beside him. It is further required that there shall be no other person in the vehicle. The section authorizes the Vehicle Department to issue the instruction permit "in its discretion," thus making it possible for the Department to exclude, even as a beginner, any person not deemed to meet the minimum of requirements.

Application for License

Section 8 is a standard provision that applications for licenses shall be made on approved forms furnished by the Department and shall be sworn to. It also stipulates that the form shall contain basic information regarding the applicant, including any licensing experience or record in that state or any other state.

Application of Minors

As an additional safeguard against licensing persons too young to operate safely, Section 9 prohibits applicants between the ages of sixteen (the absolute minimum) and eighteen from obtaining

a license unless the application is signed by the father of the applicant, if living and having custody of him, otherwise by the guardian having custody, or, only in the event that there is no living father, mother or guardian, by the applicant's employer. This section applies only to the granting of operators' licenses. No chauffeur's license is granted in any event to a person under eighteen.

The requirement that the parent or guardian sign the application before a license will be issued serves several useful purposes. A parent by refusing to sign may prevent issuance of a license to a minor when the parent feels that the minor is not competent, or for some other reason does not wish the child to drive. As indicated in the note to the section, it is a parental certification as to the age of the child. While the parent may refuse to sign, thus preventing the issuance of a license, if the parent does sign the application, then under Section 22 financial responsibility is incurred with respect to those who may be injured through the negligent driving of the minor, and thus protection is afforded the public.

Examination of Applicants

The Act is developed on the principle that the license is not merely a registration of the operator but that it is granted only on proof of his knowledge of the driving rules and ability to operate with reasonable safety. Therefore, Section 10 definitely provides for the examination of applicants.

Subdivision (a) sets forth the general conditions of the examination, leaving it to the Department to work out the details. It requires that the Department shall examine the applicant as to his physical and mental qualifications to operate a vehicle safely, and as to whether any facts exist which would bar him under Section 5, but the Department is to exclude from consideration facts not pertinent to either of these points.

Subdivision (b) authorizes the Department "in its discretion" to waive the examination of any person applying for the renewal of a license issued under the Act. This does not preclude the Department from requiring a candidate for renewal to qualify by further examination, but is in accord with the intent of the Act

not to subject the experienced and safe driver to unnecessary annoyance or the state to unnecessary expense.

In subdivision (c), alternate provisions are offered. The first version is intended to apply in the state which already had a licensing Act which is superseded by the present Act. In such a case the Department is permitted in its discretion to issue licenses without examination to any applicant qualified under the new Act who already has an unrevoked license issued either in this state or any other state. The second or alternate provision applies to states not previously requiring a license. It extends that discretion of the Department so that it may issue a license without examination to any applicant of sufficient age applying within three months who furnishes satisfactory evidence that he has operated a motor vehicle safely within the state for not less than one year.

The purposes of both of these paragraphs is the same. There will be many persons who at the time of the passage of the licensing law have been operating a motor vehicle successfully and safely for an extended period. It is recognized that to require them to submit to examination would work a hardship on them and cause much resentment, and that furthermore it would involve a great administrative burden and expense upon the state even if the examination were of a simple character. It is the intent of the Act that the State Department waive the examination of those previously licensed, or having satisfactory driving experience in case the law did not previously require a license, but as to those beginning to drive after the Act takes effect, examination shall be mandatory.

Designation of Local Officers

It is felt imperative that the examination of applicants for licenses be under the direction of the Motor Vehicle Department so that the standards will be the same throughout the state.

It is appreciated, however, that in states of large area or where the State Department has a limited personnel, it may be necessary as a matter of convenience to applicants to permit the Department to call upon sheriffs, chiefs of police or other agencies to assist it by conducting examinations. The Act so permits. It is recognized, however, that examinations by local agencies are

ordinarily not desirable as opening the door to local pressure or favoritism influencing approval of the application, and it is recommended that where possible the examination be conducted by state traffic officers or inspectors or other officers under the direct supervision of the Department of Motor Vehicles. In case local officials are used as examiners, they are required by the Act to conduct their examinations in accordance with the provisions of the Act and to make a written report of their findings and recommendations to the Department.

Registration of Operators and Chauffeurs

Section 12 is a provision of obvious importance, that all applications and licenses issued shall be filed and indexed by name and number. The record must also include applications denied and licenses suspended or revoked. All of these lists are evidently necessary to maintain a proper record and insure against granting of licenses to persons who should not receive them.

The maintenance by the Department of a record of operators and chauffeurs is also of primary importance in connection with other provisions of the Code requiring report of convictions and report of accidents to the Department. In fact, from the administrative standpoint, it is most desirable that the record of each operator and chauffeur be so maintained as to disclose immediately upon inspection all essential facts, including the licensee's record of accidents and convictions of offenses under the Act.

Licenses Issued

Section 13 includes details of the license as issued. Operators' and chauffeurs' licenses are differentiated. While a chauffeur's license permits its owner to operate either as a chauffeur or as a private operator, an operator's license with its lesser requirements does not permit its owner to operate as a chauffeur.

The information on the operator's license must include the owner's name, age, resident address and a brief description of the licensee. The chauffeur's license must in addition bear the photograph of the licensee. This latter requirement is deemed important with respect to chauffeurs because of the likelihood that the chauffeur will not have a permanent address and cannot as rapidly

be located as the person who operates his own vehicle. The requirement of a photograph has not been found necessary for operators other than chauffeurs, and to apply it to all such operators would involve an unwarranted volume of work and expense.

Consideration has been given to the question whether every chauffeur should be required to wear a badge or button. It has been felt that such requirement would work hardship on persons who, while coming within the range of the definition of chauffeur in the Act, nevertheless perform other important duties for their employers. It was further felt that it was not necessary to require chauffeurs in private employ to wear such a badge, but that one should in all cases be required for persons operating public or common carriers, and that where required the badge must be displayed in plain sight. The section so provides. It also provides that the badge shall be of metal with readable distinguishing numbers.

Subdivision (d) of Section 13 authorizes the Department to issue a temporary driver's permit good for a period of ten days to an applicant found to be mentally and physically qualified. This makes it possible for the Department to enable an operator believed to be properly qualified to operate a vehicle while, either because the investigation of the operator's record has not been fully completed or for any other reason, it is not feasible or desirable to grant him a permanent license immediately.

Duplicate License Certificates and Badges

Owing to the possibility of licenses or badges being lost or destroyed, Section 14 is inserted to permit the issue of duplicates or substitutes. Satisfactory proof must be furnished that the license or badge actually has been lost or destroyed, and an established fee to cover the cost of replacement must be paid.

License to Be Signed and Carried

Section 15 provides that each operator must write his usual signature in pen and ink on the license in a blank space provided for the purpose, and a chauffeur across the face of his photograph. A license will not be valid until so signed. The importance of such a provision to safeguard against transfer of a license

is obvious. It is further provided in Section 15 that the licensee must always have the license in his immediate possession while driving a motor vehicle and shall display it upon demand. In recognition, however, of the likelihood that a licensee may sometimes inadvertently fail to have the license with him, the Act makes it a defense to a charge under the provision that the person so charged produce a proper license in court, valid at the time of his arrest.

Expiration of Licenses

Alternate provisions regarding the expiration of licenses are offered as Section 16. The preferred provision is that chauffeurs' licenses shall expire and must be renewed at the end of each year, but that other operators' licenses shall not expire more frequently than once in three years, the Department in each case having authority either to reexamine or waive examination before granting a renewal. It is felt that in the case of a private operator making the period not less than three years will keep down the expense of administration and at the same time safeguard sufficiently against change in the physical or mental condition of the licensee which would make it unsafe for him to operate a motor vehicle. In the case of chauffeurs, however, it is felt that a check upon them each year is advisable.

The alternative section simply provides that all licenses shall expire annually and requires that they be renewed, December 31 being the date of expiration provided. This alternate section is inserted in recognition of the fact that a similar provision is now found in the laws of a number of states.

Convictions, Suspensions and Revocations

Careful consideration has been given to the question of whether the courts should be empowered, as they are in some states, to suspend or revoke licenses. The consensus of opinion appears to be that the power of suspension and revocation should be vested solely in the Vehicle Department. Section 17 so provides, but requires the courts to report convictions for motor vehicle or traffic offenses, and furthermore authorizes the courts to recommend the suspension or revocation of licenses of persons convicted. The

Vehicle Department is called upon to consider such recommendations and act upon them as it deems desirable.

Mandatory Revocation

After certain major offenses, however, neither the courts nor the Vehicle Department are given discretion. Revocation of the license is mandatory. These offenses, six in number, are enumerated in Section 18. It is felt that these offenses are so serious that the courts and the Vehicle Department are to be protected against any possibility of undue influence to relieve the offender of the full responsibility for his act.

In the event a person whose license has been suspended or revoked shall in violation of law operate a vehicle during the period of such suspension or revocation, then the Department shall immediately extend the period of such first suspension or revocation for an additional like period.

Department May Suspend or Revoke Licenses

While the Department is required in Section 17 to consider recommendations from the court to suspend the licenses of persons convicted, it is not felt that the Department should be required to form its conclusions solely on the court's records. Section 19 empowers the Department immediately to suspend a license without a hearing or record of conviction if for reasons enumerated it deems it unsafe to permit such persons to continue to operate. Unless the Department has such power a dangerous driver could continue to drive during the period of trial for a very serious offense irrespective of how palpably guilty he might be and how dangerous as a motor vehicle operator.

When a license has been so suspended it is provided that a licensee must immediately be notified and be given a hearing if he desires it in the county where he resides, and the Department is required to determine on the basis of the hearing whether it should rescind its previous action, continue the period of suspension or revoke the license. This is in harmony with the right of review recognized in Section 20 referred to later.

In order that the Department may have the necessary control over persons licensed in other states, it is empowered in subdivision

(b) to suspend or revoke the right of any nonresident to operate a motor vehicle within the state in question for any cause for which the license of a resident could be suspended or revoked, and for a nonresident to continue to operate under such circumstances is declared a misdemeanor.

As a part of the policy of reciprocity, subdivision (c) authorizes the Department to suspend or revoke the license of a resident upon notice of conviction of a major offense in another state, and authorizes it upon conviction of a nonresident to forward a certified copy of the record to the Vehicle Commissioner of the state in which the person is resident. Subdivision (d) of Section 19 requires the surrender of license and/or badges when a license is suspended or revoked and the return of these at the termination of the period of suspension. It also limits the period of suspension to one year. Forfeiture of license for a longer period must be through revocation.

The effect of a suspension is that at the end of the period of suspension the license is by law reinstated and the certificate shall be returned to the licensee. The effect of a revocation is a legal cancellation of the license. Reinstatement can be obtained only by new application and examination after a period of one year from date of the original revocation.

Right of Appeal to Courts

As a protection against arbitrary use of the Department's powers, Section 20 provides that any person denied a license or any person whose license has been revoked, except where such revocation was mandatory, may file a petition and obtain a hearing before the courts of record in the county in which the person resides, and the court may overrule the Department if it determines that the Department has abused its discretion. This is only the usual and reasonable provision for court review of administrative action.

New License After Revocation

Section 21 prohibits issuance of a new license within one year from the date of a revocation, as licenses are to be revoked only for very serious offenses or convincing proof of inability to drive a motor vehicle safely.

Liability of Parent, Guardian or Employer

Carrying out further the belief that minors under eighteen shall not be permitted to drive unless an adult closely associated with such minor will assume responsibility for his acts, Section 22 makes jointly liable with the minor, in case of negligence of the minor when driving, the parent or other person who signed the minor's application for a license.

Liability of Owner

Similarly, the owner of the motor vehicle causing or knowingly permitting a minor under eighteen to drive a vehicle is made in Section 23 jointly liable for damages caused by the negligence of the minor. This provision is in harmony with the policy now effective in many states of imposing upon the owner responsibility for the operation of a motor vehicle by another with the express or implied permission of the owner. In fact, New York, Michigan and Iowa have by statute broadened the liability of the owner to the extent that he is made responsible for the negligence of any other person operating the motor vehicle with the express or implied permission of the owner.

Liability for Public Employees

The state and similar political units are made jointly liable in Section 24 for the negligence of their employees while operating motor vehicles. Instances have been known of inability on the part of injured persons to recover damages for negligent injury inflicted by public employees by reason of the latter being impecunious. It is felt desirable that governmental agencies assume responsibility in such cases. Also, statutory responsibility on the part of governmental agencies will be conducive to stricter supervision of public officers and employees in operating motor vehicles in the course of their employment. There will be less likelihood of public officers and employees disregarding traffic rules and regulations. The section will operate as a protection to the public both in inducing appropriate supervision and obedience to regulations and in providing financial responsibility to compensate innocent victims.

Violation of License Provisions

It is recognized that the effectiveness of the licensing system depends upon reasonable assurance that persons cannot in any considerable numbers operate motor vehicles within the state without possessing licenses properly issued, in full effect at the time and belonging to the persons issuing them. Section 25, therefore, carefully enumerates five violations of the license provisions which are believed to cover the entire matter of improper use of a license, whether because the license itself is fictitious, expired or otherwise inadequate, or because the user is not entitled to it. It is further provided in Section 26 that making a false affidavit in obtaining or seeking a license shall be perjury.

Other Violations

Sections 27-30 are of obvious importance, declaring it unlawful to permit an unlicensed driver to drive a motor vehicle, to employ a nonlicensed chauffeur, to permit violations of the Act and to drive while the license is suspended or revoked.

Penalties

Section 31 is a standard provision, declaring it a misdemeanor to violate any provision of the Act unless such violation is a felony, and establishing maximum limits for fines and/or imprisonment. No minima are offered, and the maximum fine is bracketed to permit adaptation to the conditions in an individual state.

Driving while the license is suspended or revoked, however, is placed in Section 32 in a different category. Under such conditions the offender is knowingly violating an express order from the Vehicle Commissioner. In recognition of the seriousness of this offense it is provided that the offender shall be imprisoned for not less than two days nor more than six months, and that there may be imposed in addition a fine of not more than \$500.

Effect of and Short Title of Act

The remaining Sections of the Act, Nos. 33-37, are standard provisions which need no explanation.

PUBLICATIONS ON STREET AND HIGHWAY SAFETY

Available on Request to National Conference on Street
and Highway Safety, 1615 H Street, N. W.,
Washington, D. C.

Ways and Means to Traffic Safety—a summary of all recommendations of the National Conference on Street and Highway Safety, including the final report and resolutions adopted at the Third National Conference, May 27-28-29, 1930.

Committee reports submitted to Third National Conference, 1930:

Traffic Accident Statistics
Protection of Railway Grade Crossings and Highway Intersections
Maintenance of the Motor Vehicle
Measures for the Relief of Traffic Congestion
Uniform Traffic Regulation, accompanied by
Uniform Vehicle Code, consisting of
 Uniform Motor Vehicle Registration Act
 Uniform Motor Vehicle Anti-Theft Act
 Uniform Motor Vehicle Operators' and Chauffeurs' License Act
 Uniform Act Regulating Traffic on Highways
Model Municipal Traffic Ordinance
Manual of Street Traffic Signs, Signals and Markings

Reports of former committees and conferences:

1924	1926
Statistics	Statistics*
Traffic Control	Uniformity of Laws and Regulations*
Construction and Engineering	Enforcement
City Planning and Zoning	Causes of Accidents*
Insurance	Metropolitan Traffic Facilities
Education	Public Relations
The Motor Vehicle	Second National Conference
Public Relations	
First National Conference	

In addition to the foregoing the National Conference has available for distribution publications relative to these subjects issued by participating organizations.

* Out of print