

THE NATIONAL CONFERENCE on Street and Highway Safety was organized in 1924 under the chairmanship of Secretary of Commerce Hoover. General sessions of the Conference were held in December, 1924, and March, 1926, at which a comprehensive program for traffic improvement was adopted, including a Uniform Vehicle Code of proposed state laws. The Conference has also prepared a Model Municipal Traffic Ordinance for use of cities and towns.

These reports, as well as other material bearing on the traffic problem, are obtainable from the National Conference on Street and Highway Safety, 1615 H Street, N W, Washington, D C, or directly from any of the following associations cooperating in the organization and financing of the Conference:

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 and Surety Underwriters
National Safety Council

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REGULATION OF VEHICLE OPERATION ON HIGHWAYS

Explanatory Notes on Act IV of the Uniform Vehicle Code

“UNIFORMITY of traffic regulations is essential,” declared the First National Conference on Street and Highway Safety in 1924. This general principle has since been amplified by the Conference. Rejecting the thought of attempted uniformity by Federal enactment, it is generally agreed that the foundation for this uniformity should be legislation in each state covering the broad duties and responsibilities of the motor vehicle operator anywhere on a public highway, supplemented by local ordinances adapted to the needs of their various communities, but uniform in their essential requirements.

To these ends the Conference, jointly with the National Conference of Commissioners on Uniform State Laws, has developed a Uniform State Vehicle Code, which has been endorsed by the American Bar Association, and there has also been developed by the Conference a Model Municipal Traffic Ordinance. The State Code is believed to be complete in itself with respect to matters that should be covered by state law. The Model Municipal Traffic Ordinance is supplemental to and consistent with the Uniform Code, and is for adoption by cities and towns.*

The State Code is divided into four Acts as follows:

- A Uniform Motor Vehicle Registration Act
- A Uniform Motor Vehicle Anti-Theft Act
- A Uniform Operators' and Chauffeurs' License Act
- A Uniform Act Regulating the Operation of Vehicles on Highways

The purpose of this pamphlet is to set forth and explain the reasons which led to adoption of the provisions of the fourth or Operation of Vehicles Act in the Uniform Code

*There has furthermore been developed for the Conference by a committee of the American Engineering Council a manual of recommended practice in street traffic signs, signals and markings. While this does not call for legislation, its general adoption will greatly further the principle of uniformity.

It is in the first part of this Act, or the provisions embodying the rules of the road, that the need for uniformity—exact uniformity—is particularly apparent. The Model Municipal Traffic Ordinance has been worked out in harmony with this Act, and without this uniformity the motorist or pedestrian away from home cannot know what he is required to do. He, therefore, endangers and is endangered by traffic, and may contribute greatly to congestion. Moreover, if he finds that what is permitted or even required at home is declared a misdemeanor elsewhere, distrust of and contempt for the traffic laws are engendered and traffic control breaks down, for it is evident that the streets and highways cannot be constantly officered at all points and the regulations must be largely self-enforcing.

DEFINITIONS

Section 1 of the Act consists of definitions. It is suggested that in considering the Act its substantive matters be first read without prior detailed consideration of the definitions. Standing alone these definitions might raise numerous questions, but they are prepared to fit the context of the Act. Consequently, while such terms as “highway” and “vehicle” might with equal logic be defined in several ways, changes in the definitions presented without regard to the Act might alter the substantive provisions of the Act in a manner not desired. It is suggested that, upon reading the provisions of the Act, if any question arises as to the meaning of a term used therein, reference then be made to the particular definition to determine whether or not the provision is clear and explicit and means what is intended.

RULES OF THE ROAD

The most fundamental and necessary provisions of motor vehicle legislation are the rules of the road—the instructions the operator must obey in driving on the public highways. Such rules properly follow immediately after the definitions, and in this Act constitute Title II, Sections 2 to 35.

Driving While Intoxicated

Nearly all, if not all, state laws prohibit driving a motor vehicle while under the influence of intoxicating liquor or narcotic drugs. It is believed that not all of the state laws sufficiently penalize this dangerous practice. The Act declares the practice unlawful in Section 2, and provides in Section 63 special and severe penalties for violation of Section 2.

The courts have held this provision to mean that the operator must have imbibed enough intoxicating liquor to have disturbed the actions of his physical or mental faculties so that they were no longer in their natural or normal condition. The courts have further said with respect to the meaning of the phrase "under the influence of intoxicating liquor," that

"If intoxicating liquor has so far affected the nervous system, brain or muscles of an operator as to impair to an appreciable degree his ability to operate his car in the manner that an ordinarily prudent and cautious driver in the full possession of his faculties, using reasonable care, would operate or drive a similar vehicle under like conditions, then such driver is under the influence of intoxicating liquor within the meaning of the statute"

There are many who advocate a mandatory jail sentence for every conviction for driving while intoxicated. In practice, however, it has been found that juries are reluctant to convict a first offender when conviction means a jail sentence, and the offender is too often acquitted. Therefore the Act makes the penalty for a first violation a heavy fine, a jail sentence or both. For a second offense, however, imprisonment is mandatory. The revocation of the offender's operating license is also mandatory in states where the law provides for the licensing of operators.

Reckless Driving

Reckless driving is also prohibited in the majority of states, but there are two conflicting theories as to what

constitutes reckless driving. Under the one theory it is wilful or wanton driving in a manner endangering life, limb or property Under the other it is broadly defined to include simple negligence and practically every violation of any of the rules of the road

The Act in Section 3 takes the former interpretation and in Section 64 provides severe minimum penalties, increasing with second and subsequent offenses. Violations involving only carelessness or negligence are treated in subsequent sections of the Act and are classed as misdemeanors. (See discussion of penalties, page 37)

Speed Restrictions

With the advent of the motor vehicle came laws restricting its speed These laws in general followed the example of speed restrictions for horse-drawn vehicles and imposed absolute limits. Unfortunately they were laid down largely when the motor vehicle was regarded as a luxury and have in most cases not been adjusted to the reasonable demands of modern traffic. Probably every motorist, however careful and safe an operator he is, is a technical violator at times, and excessive speed does not always constitute reckless driving. Frequently, however, less careful operators, looking upon the restrictions as unreasonable, throw aside restraint and drive in a manner which makes them guilty both of speeding and of reckless driving

The situation with regard to speed limits is made the more unsatisfactory because the legislative authorities have reached so many different conclusions in states and municipalities as to what is a safe maximum speed We thus have maximum legal speeds ranging from 25 to 45 miles per hour in open country, and have had until recently in one state a maximum speed limit of 12 miles per hour in built-up portions of towns and cities

Recognizing the unfairness and inadequacy of absolute limits, students of the problem have in late years advocated requiring each operator so to restrict his own speed as to drive at all times in a manner safe for the conditions

Act IV of the Uniform Vehicle Code in paragraph (a) of Section 4 sets forth as the basic speed law the proposition that the operators of vehicles shall at all times drive at a careful and prudent speed not greater than is reasonable and proper, having due regard for the traffic, surface and width of the highway and of any other conditions then existing. In further emphasis of this point the section declares that no person shall drive any vehicle at such a speed as to endanger the life, limb or property of any person. This is the vital and guiding principle of the speed regulation. The Act requires of operators obedience to this rule and it is the rule set forth for the guidance of traffic officers and courts in making arrests and determining convictions.

As a further guide to the judgment of both operators and enforcement officers and courts, the section sets forth *prima facie* limits graduated from 15 miles per hour to 35 miles per hour, the latter applicable in open territory. The effect of the basic rule in conjunction with the *prima facie* limits is twofold. *First*, a speed may be less than the *prima facie* limit but in fact excessive because of the particular conditions existing. In such case a conviction can be had upon the charge of excessive speed under the basic speed law of paragraph (a) of Section 4. The burden of proof then rests upon the officer to establish that the speed was unreasonable under the conditions. *Second*, a speed in excess of a *prima facie* limit is presumed to be illegal. A person charged with such speed, however, may offer evidence that his actual speed, though in excess of the miles per hour stated in the *prima facie* limit, was reasonable and proper and not dangerous to life and limb under the conditions prevailing at the time and place. The matter then rests with the court or jury to determine from all of the evidence whether it is true that the speed was reasonable or unreasonable.

The *prima facie* speed provisions of the Uniform Code thus meet the needs both for permitting faster speeds under safe conditions than are allowed by the usual type of fixed speed limits and also for placing a special responsi-

bility upon those who drive at high rates of speed to be sure that the conditions are in fact safe for such speeds.

Railroad Crossings

Section 5 requires any person driving a vehicle approaching an interurban or steam railway grade crossing to bring the vehicle to a complete stop before traversing the crossing if a clearly visible and positive signal is at the time giving warning of the immediate approach of a railway train or car.

Consideration was given to the fact that the laws in several states require all vehicles to come to a complete stop at all railway grade crossings. This requirement was deemed an unnecessary impediment to vehicular traffic at the great majority of grade crossings, where either the train movement is infrequent or there is ample view of trains approaching from either direction. It was further deemed open to question whether requiring a vehicle to stop before proceeding over the crossing is in all cases a safeguard, or whether it does not introduce a new danger of stalling on the tracks; and it was felt that a blanket requirement to stop at all grade crossings would be difficult to enforce, would be widely disregarded, and would thus fail to protect the relatively few grade crossings in need of such precautions.

The Act, therefore, authorizes the State Highway Commission or other proper authorities to concentrate on the particularly dangerous crossings and empowers them to designate certain crossings at which vehicles must come to a complete stop. When such a crossing is so designated signposts to that effect must be erected, and the vehicle must stop within fifty feet of but not less than ten feet from the railway tracks.

Speed Limits According to Weight and Tire Equipment

Recognizing the fact that thirty states impose special speed limits on vehicles exceeding certain sizes or weights,

but noting that the specifications differ widely, the Act includes a blank section (No. 7) on this subject.

Special Speed Limitation on Bridges

To safeguard bridges not designated to sustain traffic movement at speeds otherwise permissible, Section 8 declares it unlawful to drive any vehicle upon a public bridge, causeway or viaduct at a speed greater than the maximum which can with safety to such structure be maintained thereon. Thus the law declares what is unlawful, while the administrative authority is vested in the Highway Commission to determine simply the facts as to the ability of the structure to withstand certain speeds and to announce such facts by signposting the approaches to the bridge.

When Speed Limit Not Applicable

Section 9 is inserted in recognition of the need for exempting certain public employees and others in emergencies from the speed restrictions without, however, authorizing them to throw aside restraint and endanger others unnecessarily. It is provided that the speed limitations in the Act shall not apply to vehicles operated under the direction of the police in the chase or apprehension of violators of the law, or suspected violators, or to fire department or fire patrol vehicles responding to a fire alarm, or to ambulances traveling in emergencies; but that the exemption does not protect the driver of such a vehicle from the consequences of reckless disregard of the safety of others, and does not apply to these vehicles when not responding to emergencies.

Drive on Right Side of Highway

The rule in Section 10, as in many of the succeeding sections, originated in custom and was later embodied in statutory regulations in practically every state. It requires that, except on one-way streets, except when overtaking and passing another vehicle in a legal manner, and except

where it is impracticable to do so, operators shall drive on the right half of all highways of sufficient width. It further requires that slow moving vehicles shall drive as closely as possible to the right-hand side of the highway in order to afford faster traffic the maximum opportunity to overtake and pass them.

It is important that every state have the same wording for rules of this nature in order that the application of the general rules and their exceptions may be the same in all states

Keep to the Right at Crossings

It is required in Section 11 that on all intersections or railroad crossings the driver of a vehicle must keep to the right half of the highway unless it is obstructed or impassable. It is apparent that at points where vehicles may be approaching from several directions and turning movements are permitted, each operator must for safety be on the proper side of the roadway

Meeting of Vehicles

Section 12 is the standard requirement that a driver shall pass to the right when meeting another vehicle, with the added specific requirement that each must give the other at least one-half of the traveled portion of the roadway if possible, so that neither operator can properly assume that the other will yield him more than half of the roadway

Overtaking and Passing

Specific rules for and limitations on overtaking and passing other vehicles are provided in Sections 13, 14 and 15. Full responsibility is imposed on the operator of the overtaking vehicle to do this only when it can be done with complete safety both to the vehicle overtaken and to traffic coming in the opposite direction. The operator overtaken, however, must cooperate in giving the overtaker reasonable opportunity so to overtake and pass safely. Section 13 thus requires that an overtaking vehicle shall pass at a safe dis-

tance to the left and not return to the right side until safely clear. If outside of a business or residence district he must give audible warning of his intention before overtaking. Within built-up districts, where, as in some localities, the audible warning is similarly required, the noise has been found to be very objectionable.

Attempting to overtake and pass where there is not a clear view ahead and the overtaker is suddenly confronted with a vehicle coming in the opposite direction, so that he must either crowd that vehicle into the ditch or endanger traffic going his direction by forcing his way back into the line he has left, is a prolific source of accidents. Under the provisions of Section 14 an operator must not overtake and pass another vehicle unless the left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be done in safety. Specifically, he must not do this on a curve or hillcrest where his view along the highway is obstructed within a distance of 500 feet; and he must not do so at a railway grade crossing or highway intersection unless permitted to do so by a traffic or police officer.

The driver of the vehicle overtaken is required in Section 15 to give way to the right on suitable signal and he must not increase his speed until completely passed.

It is well known that on wide streets in some cities there is much overtaking and passing on the right. Careful consideration has been given to the question whether this can safely be legalized. The conclusion of the National Conference on Street and Highway Safety, reiterated in July, 1928, by the Committee which developed the Model Municipal Traffic Ordinance, is that it cannot safely be legalized. It is obvious that on a two-lane rural highway overtaking and passing can be permitted only on the left, and the operator on audible signal from behind must yield to the right. Such a signal in a city street where passing on the right was permitted would have a totally different meaning; it would forbid him to yield to the right without first seeing that the way was clear. Since driving is recognized to be largely instinctive, it is questioned whether the average

operator could be depended upon, or whether it would be fair to require him, to select the safe course according to the varying conditions. It is believed that the rule would introduce a serious element of danger

Recognizing the importance, however, of making the maximum safe use of wide roadways in city streets of heavy traffic, the Committee on Municipal Traffic Ordinances and Regulations, in the text accompanying the Model Ordinance, stated that it "is particularly impressed with the advantage arising from marking definite lanes of traffic on the pavement on main thoroughfares carrying a large volume of traffic. Such marked lanes are of material aid in inducing traffic to follow them without weaving in and out in overtaking and passing other vehicles. With such established lanes it is recommended that slow moving traffic, if there be such on the thoroughfare, be required to occupy the righthand lane marked for slow speed, while fast moving traffic uses the central lanes "

Following Too Closely

The first paragraph of Section 16 is a standard provision prohibiting an operator from following so closely as to risk a collision if the first vehicle stops or slows down unexpectedly

The second paragraph is intended to meet the difficulty frequently encountered by traffic following, particularly on winding roads, when two or more trucks are proceeding slowly and so close together that they cannot be overtaken and passed safely by faster vehicles. The paragraph requires them outside of built-up urban areas to maintain a distance of at least one hundred feet between trucks, save only when one truck is overtaking and passing another

Turning at Intersections

In the absence of markers or direction signs indicating a different method, Section 17 requires that operators of vehicles intending to turn to the right at an intersection

must approach it in the traffic lane nearest the right-hand side of the highway, and that similarly those intending to turn to the left shall approach the intersection in the lane nearest the center line of the highway and shall furthermore pass to the right of the center of the intersection.

The purpose of the parts of these provisions designating the proper lanes for turning is to insure that an operator in turning cannot lawfully cross the path of another operator proceeding lawfully in a straight line in the same direction. The requirement that the operator turning left pass around the center of the intersection serves the double purpose of protecting vehicles approaching the intersection from the left-hand street, and protecting pedestrians by keeping the turning vehicle on the right side of the roadway at the crosswalks.

The Act empowers the local authorities to modify this method of making turns by clearly indicating by buttons, markers or other direction signs within the intersection the course to be followed. This permits use of the four-button system, in which protection for vehicles and pedestrians is afforded, in that the vehicle turning left is required to pass to the right of a turning marker in the center of the roadway at or near each curb line crossed in making the turn. This method, which is coming into wider use, gives the added safety feature that vehicles turning simultaneously from north to west and south to east will not encounter and pass around each other.

It does not sanction, unless direction signs or markers are placed within each intersection, a method in effect at controlled intersections in a few cities requiring an operator intending to turn left to approach on the extreme right, stop on the "Go" signal and complete the turn on the "Stop" signal. The explanatory text accompanying the Model Municipal Traffic Ordinance, which follows the standard practice of the Uniform Vehicle Code in requiring the approach for a left-hand turn to be made from the center lane, points out that to make the left turn from the extreme right necessitates crossing the path of other vehicles and also interferes with right turns

Signals on Starting, Stopping or Turning

Two distinct sets of hand signals to be given by motorists before starting, stopping or turning have been developed in different sections of the country. These two systems are in partial conflict, and deviations from both are found in certain states.

Experience and judgment indicate that so many different signals are confusing, particularly in view of the fact that where required they are often inaccurately given; and that a simpler and safer plan is to require a single signal warning other motorists that the operator is about to change his direction or speed. Section 18 so provides, requiring the operator to extend his arm horizontally from and beyond the left side of the vehicle whether he intends to start, stop or turn. Other operators and pedestrians in the vicinity are warned to be on their guard. The lane in which, in accordance with Section 17, an operator intending to turn approaches an intersection will indicate in which direction he intends to turn.

Recognizing the difficulty of giving hand signals from closed cars in inclement weather and from certain types of commercial vehicles, the section makes it optional with the operator of the vehicle to substitute an approved mechanical or electrical device. It makes it imperative that such device be provided if the vehicle is so constructed or loaded that a hand signal could not be seen.

Right of Way

One of the most necessary rules of the road is that determining the relative rights of the operators of two vehicles approaching a common point from intersecting streets. The prevailing rule has been that a vehicle on the left shall yield the right of way to that on the right. The rule, phrased variously in different states, has been difficult to enforce. The courts have generally declared that a vehicle approaching from the right may not legally take the right of way from one on the left already within the intersection.

The Committee on Municipal Traffic Ordinances and Regulations, recognizing the fairness of this attitude, has developed and incorporated in the Model Municipal Traffic Ordinance a modified version of the first two paragraphs of Section 19 as originally presented in the Uniform Vehicle Code. The revised paragraphs read as follows:

“(a) The operator of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection. When two vehicles enter an intersection at the same time, the operator of the vehicle on the left shall yield the right of way to the vehicle on the right.

“(b) The operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction may make such left turn only after giving a signal as required by law, and after affording a reasonable opportunity to the operator of such other vehicle to avoid a collision.”

The revised and simplified wording is intended to give the section exactly the meaning which is usually given by the courts; namely, that the vehicle arriving first in the intersection shall have the right of way, that on the right having it if they arrive simultaneously.

Section 19 also contains in paragraph (c) a general provision defining the respective rights of motorists and pedestrians. Except at policed or signaled intersections, the pedestrian shall have the right of way on crosswalks, the extension of sidewalk lines across intersections constituting crosswalks whether marked or not. Pedestrians shall yield the right of way to vehicles at all other points in the roadways in built-up sections of municipalities.

An important feature of the right of way rule is that it requires the one party to yield the right of way, but does not authorize the other to take it. This wording leaves upon each operator the responsibility of avoiding a collision if possible.

Exceptions to Right of Way Rule

Two exceptions to the right of way rule are provided in Section 20. The first is that the driver of a vehicle

entering a public highway from a private road or drive shall yield to all vehicles approaching on the public highway, thus placing upon the operator emerging from a private road or drive responsibility for entering the public highway without endangering the traffic thereon. The other is that drivers shall yield to certain types of emergency vehicles when given audible warning. This section, like Section 9, requires that the emergency vehicle be on official business and does not exempt its operator from driving with due regard for the safety of all persons using the highways

Fire Apparatus

Section 21 contains two paragraphs of obvious importance, that other vehicles shall draw out of the way of approaching fire apparatus, and that they shall not follow it closely

Through Highways

The through highway, protected at all entrances from intersecting streets by stop signs, has come into wide use as a means of speeding up traffic on major thoroughfares. Section 22 legalizes such protection, empowering the state highway authorities and the local authorities respectively with reference to highways under their jurisdictions to designate through highways and erect stop signs at each entering street. The section also makes it unlawful for an operator to fail to obey such a stop sign. The signs, however, must be illuminated at night either directly or by reflection.

Two conflicting interpretations have been given to the through street stop requirement. One is that the through traffic has an unqualified right of way on the through street and vehicles on the cross streets may enter or cross only when they can do so without interfering with the through traffic. The other is that the operator on the cross street has discharged his duty when he has come to a complete stop and that he may then proceed with due regard for the traffic on the through street. The Model Municipal

Traffic Ordinance accepts this latter view and contains a paragraph reading as follows:

“The operator of any vehicle who has come to a full stop as required above, upon entering the through street as well as operators of vehicles on such through street, shall be subject to the usual right of way rule prescribed by law and applicable to vehicles at intersections”

Such a provision is believed desirable for insertion as paragraph (b) in Section 22, as otherwise it is difficult or virtually impossible for vehicles to enter or cross through streets carrying heavy traffic. Furthermore, pedestrians are likely to have infrequent or no opportunity to cross through streets in safety if the through traffic has an absolute right of way. The inclusion of this provision of the Ordinance, while not found in the Uniform Vehicle Code, is believed to be in harmony with its intent

Passing Street Cars

The Act in Section 23 contains one paragraph prohibiting the overtaking and passing of a street car on the left where it is possible to do this on the right, and another prescribing the conditions under which vehicles may overtake and pass street cars standing to load or unload passengers, and the conditions under which they must stop behind the street car while loading or unloading is taking place

Discussion of this subject during the preparation of the Model Municipal Traffic Ordinance indicated the desirability of modification of the language of both of these paragraphs to clarify the intent without essentially changing that intent

Section 23, to be in complete harmony with the Model Municipal Traffic Ordinance, should read as follows:

- “(a) The driver of a vehicle shall not overtake and pass upon the left any interurban or street car proceeding in the same direction, whether actually in motion or temporarily at rest. This provision shall not apply on one-way streets

“(b) The driver of a vehicle overtaking any railway, interurban or street car stopped or about to stop for the purpose of receiving or discharging any passenger shall stop such vehicle to the rear of the nearest running board or door of such street car and keep it stationary until any such passenger has boarded such car or reached a place of safety, except that where a safety zone has been established, a vehicle need not be stopped before passing any such street car, but may proceed past such car at a speed not greater than reasonable or proper, and with due caution for the safety of pedestrians. This provision shall not apply to passing upon the left any street car on a one-way street.”

The changes in paragraph (a) from the original text of the Code are the exception made of one-way streets and the elimination of the clause “when a travelable portion of the highway exists to the right of such street car” It was felt that the inclusion of this clause makes it uncertain whether or not it is permissible to overtake on the left merely because the paved roadway on the right is obstructed by other vehicles. It was felt that it should not be permissible and that this loophole should be removed.

With respect to paragraph (b), the changes permit vehicles to approach to the nearest point where car riders can be encountered, which may be well forward from the rear of the car in the case of cars with center doors. It also eliminates as unnecessary the requirement that the vehicle stop ten feet behind the point used by the car rider; and it eliminates as unnecessary and unenforceable the restriction to a speed of ten miles an hour in passing a safety zone, but retains the requirement of caution for the safety of pedestrians. As an added safety measure, permission in the original draft to overtake and pass street cars at signaled or officered intersections even where safety zones are not provided is eliminated. It is believed that to permit this practice is greatly to endanger car riders, and that if to avoid congestion it is imperative that motor traffic be permitted to proceed without delay on the “Go” signal, safety zones must be established.

Driving Through Safety Zone Prohibited

Section 24 prohibits driving through a safety zone at any time, whether occupied or unoccupied

The Committee on Municipal Traffic Ordinances and Regulations in its report accompanying the Model Municipal Traffic Ordinance, says on this point:

“In some cities vehicles are permitted to drive through safety zones indicated only by markings when they are not occupied by pedestrians. The Committee believes, however, that this practice is fraught with danger to pedestrians about to enter the zone, and that it is unsafe to leave the matter to the discretion of the motorist.”

Stopping on Highway

The details of parking restrictions and prohibitions in municipalities are obviously matters for local determination. The subject is covered in considerable detail in the Model Municipal Traffic Ordinance, which also prohibits even stopping momentarily at various points, such as within intersections and on crosswalks.

The fourth Act of the Uniform Code contains a general prohibition against parking or leaving standing any vehicle, whether attended or unattended, on the improved or main traveled portion of a highway, outside of a built-up district, when it is practicable to use an area off such traveled portion, and prohibits in any event such parking or standing unless a clear and unobstructed width of fifteen feet is left and unless a clear view of the vehicle may be obtained from a distance of 200 feet in each direction on the highway. Peace officers are authorized to remove, or require the driver of any such vehicle standing upon a highway in violation of the provision to remove, such vehicle to a position permitted under this section. The provision is not applicable to the operator of any vehicle so disabled as to make it impossible to avoid such standing.

The 15-foot minimum which must be left alongside the vehicle is necessary to permit vehicles traveling in opposite directions to pass at that point. A narrower width would

create danger of a head-on collision through attempts so to pass. The 200-foot clear view required along the highway in each direction is in harmony with the overtaking and passing provision of the Act, and in recognition of the danger involved when an operator on his own side of the roadway suddenly meets a vehicle running around an obstruction in the roadway.

In Section 26 the Act contains an additional prohibition against parking in front of a fire hydrant, fire station or private driveway. This is obviously a precautionary requirement not to be left to the chance of omission from the local ordinance. It is repeated and amplified in the Model Municipal Traffic Ordinance.

Vehicle Left Unattended

The Act requires in Section 27 that wherever a vehicle is left unattended on a public highway the brakes must first be effectively set and the motor stopped. Furthermore, if the vehicle is on a grade, the front wheels must be turned to the curb or side of the highway. The need for such a precautionary requirement is obvious.

Driving on Mountain Highways

Section 28 requires operators of vehicles traversing mountain highways and winding roads to keep their vehicles under control and to keep as near to the right hand side as is reasonably possible.

This section is in substance a reiteration of Section 10, but is included for emphasis and special consideration under conditions where driving on the wrong side may result in sudden and unavoidable disaster.

Coasting Prohibited

While the extreme danger of traveling down grade with the gears in neutral is well known to experienced operators, it is not always fully understood by the less experienced. It is therefore expressly prohibited in Section 19.

Duty to Stop in Event of Accident

The laws in practically every state impose the duty to stop and give name and other information in the event of accident, and prescribe severe penalties for violation of such duties. Some confusion has arisen, however, as to whether the same responsibility exists regardless of the seriousness of the accident.

Section 30 attempts to clarify this by making it a misdemeanor to fail to stop after an accident resulting in damage to property, but a special offense subject to severe punishment in case of accident resulting in injury or death to any person. The respective penalties are prescribed in Sections 62 and 65 of the Act.

Section 30 specifically prescribes that the driver of any vehicle involved in either type of accident shall give his name, address and the registration number of his vehicle, and exhibit his operator's or chauffeur's license to the person struck or the driver or occupants of any vehicle collided with, and that he shall render reasonable assistance to any person injured, including the carrying of such person to a physician or surgeon for treatment if it is apparent that such treatment is necessary or requested by the injured person.

Duty to Report Accidents

It is well recognized that one of the weaknesses in traffic regulation is the meagerness of authentic information as to traffic accidents and their causes. Accurate reporting and analysis of accidents is essential if effective remedies are to be found. While city administrations to a greater or less degree investigate the accidents within their jurisdictions, and should continue to do so, it is believed that as a part of a general plan of centering control of the vehicle operator as far as possible in the State Vehicle Department, reports of all important accidents should go to and be analyzed by the Vehicle Department.

Section 31, therefore, requires that the driver of any vehicle involved in an accident resulting in injury, death or property damage to an apparent extent of \$50 or more

shall report it within twenty-four hours to the Vehicle Department or to police headquarters, and that if the report is made to police headquarters a copy is to be filed with the Department. The section furthermore empowers the Department to require a driver involved in an accident, or the police department, to file a supplemental report when the original report is deemed insufficient. To safeguard against prejudicial use of this information in either civil or criminal actions, the section provides that the information shall not be open to public inspection and shall not be admissible in evidence in any trial, civil or criminal, arising out of such accident.

As an important means of detecting unreported accidents Section 32 requires garage keepers to report within twenty-four hours any vehicle brought to them showing evidence of having been in a serious accident or struck by a bullet.

It is recognized that reports to the Vehicle Department would be valueless if not analyzed with care, and that to make them of the highest value the results of the analyses should be published from time to time. In the separation of the Uniform Vehicle Code into four Acts it is assumed that this analysis of accident statistics is most appropriate in the Act providing for uniform motor vehicle registration and prescribing the general powers and duties of the motor vehicle administration. In the absence of such requirement in the existing law, it is recommended that there be embodied in the Operation of Vehicles Act paragraphs (a) and (b) of Section 7 (Accident Statistics and Reports) of the Uniform Motor Vehicle Registration Act. These paragraphs read as follows:

“(a) The department shall prepare and may supply to police and sheriffs’ offices and other suitable agencies forms for accident reports calling for sufficiently detailed information to disclose with reference to a highway accident the cause, conditions then existing and the persons and vehicles involved.

“(b) The department shall receive accident reports required to be made by law and shall tabulate and analyze such reports and publish annually or at more

frequent intervals statistical information based thereon as to the number, cause and location of highway accidents ”

Drivers of State, County and City Vehicles Subject to Act

Section 33 makes the drivers of vehicles owned by the state or any political subdivision thereof subject to the Act. The provisions are not applicable to persons and vehicles while actually engaged in work on the surface of a highway, but are applicable when such persons or vehicles are traveling to or from work.

Powers of Local Authorities

Section 34 gives local authorities power to put into effect certain necessary local traffic regulations and regulatory methods.

Rights of Owners of Real Property

Section 35 empowers owners of real property traversed by private roads used by the public for vehicular traffic to impose additional regulations as they see fit.

SIZE, WEIGHT, CONSTRUCTION AND EQUIP- MENT OF VEHICLES

Uniformity in size, weight, construction and equipment requirements of vehicles is of great importance for a somewhat different reason from that attaching to rules of the road. Variation in rules of the road leads directly to misunderstanding and confusion among drivers and pedestrians, and to accidents. Variation in equipment requirements works hardship upon operators as well as manufacturers and dealers.

There is the added reason that much thought has been given to the determination of proper and safe equipment requirements and restrictions, and carrying out the rules of the road safely depends to no small extent on these equipment requirements and restrictions. It is therefore

believed appropriate that they be included in the same Act with the rules of the road, and they are so included under a separate title, as Sections 36 to 57.

Section 36 is a necessary provision to make it specifically unlawful to operate or permit to be operated on the highways a vehicle not conforming to the succeeding provisions

Size of Vehicles and Loads

As a result of extended conferences between representatives of the manufacturers and operators of motor equipment and representatives of the state and federal highway departments, agreement has been reached as to proper limiting sizes of vehicles and loads. These limits are specified in Section 37.

Widths—Subject to certain exceptions, the limiting width as stated in paragraph (a) is 8 feet. While there are still many improved highways only 15 or 16 feet wide, recent construction of two-lane highways is mostly 18 or 20 feet. On such a roadway two 8-foot vehicles can pass without serious difficulty, and the narrower private vehicles likely to be under less skillful guidance can meet and pass 8-foot vehicles without reducing speed. This would not be true if the large vehicles were much wider, but an increased width of one foot is deemed permissible in the case of the infrequent farm tractor, and no limiting width is felt necessary with regard to implements of husbandry temporarily propelled or moved upon the public highway.

Heights—Heights, whether of unladen vehicles or vehicles with loads, are limited in paragraph (b) to 14 feet 6 inches. Prevailing clearances for overhead structures have a large bearing on this height. Chief among such structures are bridges carrying railroad tracks or major highways in grade separations, and the wind bracing of large steel bridges. The specified limit also takes into consideration the heights of street cars which must be accommodated by many of these structures. The limit established is therefore more liberal than is likely to be needed by very many

motor vehicles, and there are doubtless many overhead structures which vehicles of this height could not pass under. It is believed that state highway departments, municipal authorities, railroad commissions and the railroads themselves should cooperate with a view to providing ultimately clearances on all major highways to meet this limit. Until that is accomplished it will obviously often be necessary for the routes of vehicles of maximum height to be worked out in accordance with existing clearances.

Lengths—Paragraph (c) limits the length of a single vehicle to 33 feet and that of a combination of vehicles coupled together to 85 feet. The length for a single vehicle takes into account maximum standards that have been developed for buses and trucks, while the length of train is sufficient to accommodate a motor truck with standard semi-trailer and one additional trailer, which is the maximum permitted under Section 44 to be referred to. It is believed that these lengths are economically desirable and are permissible in accordance with present highway standards, and that to exceed them will introduce serious hazards, particularly in view of the large radius required in making turns.

Overhanging Loads—Paragraphs (d) and (e) restrict overhanging loads. The former paragraph prohibits a load projecting beyond the front of the vehicle more than three feet, on account both of the danger of such a projection not being observed by other operators or pedestrians and because of the likelihood of miscalculation in approaching other vehicles or making turns on the part of the operator of the vehicle carrying the load. Similar considerations have led to the prohibition of a load on the left side extending beyond the line of the fenders or on the right side extending more than six inches beyond the line of the fenders. The prohibition of any overhang whatever on the left side is in recognition of the danger of collision between two vehicles meeting and passing on a narrow highway. The danger exists to a lesser degree with respect to overtaking and passing other vehicles, hence the six-inch limitation on the right-hand side.

Flag or Light at End of Load

While the Act in Section 37 prohibits a load projecting more than 3 feet beyond the front of a vehicle under any conditions, it is recognized that it is necessary to transport poles, structural steel and other long, rigid commodities on the highways, and that it would work unnecessary hardship to require that they in all cases be supported at both ends through the use of equally long vehicles or trailers. Section 38 permits loads overhanging at the rear of the vehicle, establishing no limit to such overhang other than the total restricting lengths provided in paragraph (c) of Section 37. To warn other traffic, however, any load extending more than 4 feet beyond the rear of the bed or body of a motor vehicle must carry at all times a conspicuous warning signal. By day this must be a red flag not less than 12 inches in each dimension, while after dark it must be a (yellow or red) light plainly visible for at least 200 feet under normal atmospheric conditions.

Weight of Vehicles and Loads

It is evident that to permit on the one hand the most economical use of motor equipment feasible on our highways and on the other hand to prevent the rapid destruction of highways by motor equipment for which they were not designed, there should be a definite relationship between the design of each highway and the weight of the vehicle and load permitted upon it. Representatives of the motor vehicle manufacturers and users and the highway engineers have given extended consideration to this relationship and have evolved a suggested classification of highways, according to use, into four groups. At the time the Uniform Vehicle Code was drafted the details of this classification had not been entirely worked out, and it was furthermore believed desirable that weight restrictions should be more or less flexible to meet changing conditions and should be left in the hands of the state highway commissions. Section 39 on weight of vehicles and loads is therefore indicated by title only, but details of a suggested classification

and the desirable wheel-load and axle-load limits corresponding to each class are presented in an extended note to the section.

Peace Officer May Weigh Vehicle

If weights of vehicles and loads are restricted by law or by regulations having the effect of law, it is important that practical means be provided for enforcement of the restrictions and prevention of destruction of the highways. Section 40 therefore provides that any peace officer having reason to believe that the weight of a vehicle and load is unlawful may weigh the same or require it to be weighed and may require the immediate removal of any excess load.

Permits for Excessive Size and Weight

There are occasions when it is virtually necessary to move on the highways dynamos or other pieces of machinery or structural material heavier than might legally be transported. Section 41 empowers the state highway authorities with respect to rural highways and the local authorities in their respective jurisdictions to grant special permits for moving such heavy loads. The section as written provides the desirable safeguards that each permit shall be for a single trip and that the route to be traversed and any other restrictions or conditions deemed necessary must be stipulated. Such a provision recognizes the fact determined by repeated tests that a limited degree of overloading of a properly constructed highway does not result in immediate breaking down of the highway structure although repeated overloading is accompanied by gradual and increasingly rapid breaking down.

When Local Authorities May Restrict Use of Highways

Research has determined definitely that under certain conditions, as when the frost is coming out of the ground in early spring, a roadway can safely sustain only a small percentage of what it can carry under normal conditions

A large part of the destruction of highways has been observed to take place under such abnormal conditions. Section 42 therefore empowers local authorities to impose special weight restrictions or even prohibit the operation of vehicles on a given highway for a period not to exceed 90 days in any calendar year when they believe it necessary to protect the highway.

The same section empowers the local authorities to prohibit the operation of trucks or other commercial vehicles, or impose limitations as to the weight thereof, on designated highways. This part of the section recognizes the desirability of permitting municipalities both to set aside certain thoroughfares for private or passenger car use and to confine commercial-vehicle operation in certain residential areas as far as practicable to certain thoroughfares. Such prohibitions or restrictions must, however, be clearly indicated by appropriate signs.

Restrictions as to Tire Equipment

Tests on the wearing power of highways have shown that the type and condition of the tires on motor vehicles has a large bearing. Section 43 imposes the tire requirements found to be necessary to prevent undue damage to the highway. Paragraph (a) requires a minimum thickness of rubber on the entire traction surface of solid rubber tires. Paragraph (b) prohibits protuberances other than rubber beyond the tread of the traction surface of the tire, except that farm machinery may have protuberances which will not injure the highways, and except also that tire chains of reasonable proportions may be used when required for safety. Paragraph (c) empowers the proper authorities to issue special permits to allow the movement on a highway of traction engines or tractors on movable tracks with transverse corrugations.

Trailers and Towed Vehicles

Section 44 recognizes the necessity of providing for the towing of disabled vehicles and also the economy of utiliz-

ing trailers in transporting freight on the highways. It is deemed fair, however, and necessary in the interest of safety to prohibit towing of more than one other vehicle, a vehicle with semi-trailer being regarded as a single vehicle in this connection.

Recognizing the disaster which will result if an operator attempts to cross between a towing vehicle and one being towed at the end of a long line, the section provides that the towing line shall not exceed 15 feet in length and that it shall be plainly marked by a red flag or other cloth not less than 12 inches both in length and width.

Brakes

Section 45 relating to brakes recognizes the fact that research work is being done constantly by the vehicle manufacturers and their engineers, making it undesirable to attempt to put into inflexible law the detailed requirements regarding braking performance. It is accepted as essential and put into the law that each motor vehicle other than a motorcycle must have two separate means of applying the brakes, that they shall be maintained in good working order and that they shall conform to regulations not inconsistent with this section to be promulgated by the commissioner. The section does not state, as is stated in some existing laws, the distances within which vehicles moving at different speeds must be capable of being stopped. These details are intended to be included in the rules promulgated by the commissioner, so that they can readily be modified from time to time if conditions make it advisable.

Note—As a guide in determining reasonable requirements, the normal braking distance for a speed of 20 miles per hour is defined as 50 feet in the National Code on Brakes and Brake Testing

Horns and Warning Devices

It is apparent that the operator of every motor vehicle must have available a horn or similar device to give audible warning on occasions demanding it, as when overtaking

and passing outside of a built-up urban district Section 13 of the Act requires that such warning be given. Section 46 therefore requires that each vehicle have a horn.

It also provides that certain specified emergency vehicles shall be equipped with a bell, siren or exhaust whistle of a type approved by the commissioner, and that other vehicles shall not carry such warning devices.

In the Act as printed it was the intent to exclude from use on other than emergency vehicles any warning device making an unreasonably loud or harsh sound, and this was phrased to include exhaust, compression or spark plug whistles as well as sirens. It has since been pointed out that exhaust horns are available which produce a harmonious sound, and at the meeting of the National Conference of Commissioners on Uniform State Laws, in Buffalo, August 23-29, 1927, the following revision of paragraph (a) of Section 46 was adopted, and endorsed by the American Bar Association:

“(a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order, capable of emitting sound audible under normal conditions from a distance of not less than 200 feet, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, or any compression or spark plug whistle or any exhaust horn or whistle which does not produce a harmonious sound, or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device ”

Mirrors

It is deemed imperative for safety that vehicle operators shall be able to see other vehicles approaching from the rear in order to avoid swerving into their paths. In some states it is required that every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway to the rear. It is not deemed necessary to impose this requirement on all vehicles, but

Section 47 requires a mirror on every motor vehicle so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking backward from the driver's position. Such mirror must reflect a view of the highway for a distance of at least 200 feet to the rear.

Windshields and Wipers

Further recognizing the importance of a clear view from the driver's position, Section 48 prohibits carrying any poster or any non-transparent material either upon the front windshield, side wings or side or rear windows other than a certificate or other paper required by law to be so displayed. The section also requires that every windshield shall be equipped with a device controlled by the operator for cleaning rain, snow or other moisture from the windshield. It is recognized that the danger of a collision either with another vehicle or with a pedestrian is greatly increased if the operator can see ahead only dimly or scarcely at all.

Noise, Smoke and Muffler Cut-Outs

It is assumed in Section 49 that a reasonable condition under which a motor vehicle may be operated on a public highway is that it shall be equipped with a muffler capable of preventing excessive or unusual noise and annoying smoke. It is further made unlawful to use a muffler cut-out.

Unless prohibited by law, vehicles might be so constructed or carelessly loaded as to scatter their contents along the roadway to an objectionable or dangerous extent. This is prohibited in paragraph (c) of the section.

Lighting Equipment of Vehicles

The laws of probably every state include provisions requiring that vehicles on the highways shall be adequately illuminated at night. The requirements vary greatly, however, failing in some cases to cover the possibilities and desirable limitations pertaining to the various kinds of ve-

hicles using the highways In developing the Act much thought has been applied to providing adequate minimum requirements for each type of vehicle, permissible additional lights, suitable restrictions in the use of lights and means for holding the lighting equipment to reasonable requirements without imposing rigid specifications which would hamper further improvement in lighting These various provisions are contained in Sections 50 to 57

Required Lighting Equipment.—Paragraph (a) of Section 50 requires that every vehicle on the highway during periods of darkness shall be equipped with one or more lighted front and rear lamps, subject to an exemption with regard to parked vehicles treated in a separate section. This paragraph is all-inclusive, embracing four-wheeled motor vehicles, motorcycles, bicycles and horse-drawn vehicles It also defines the period of darkness. Paragraph (b) requires that every motor vehicle other than a motorcycle and certain special vehicles shall have two and only two head lamps on opposite sides, such lamps to comply with requirements and limitations set forth in succeeding sections Paragraph (c) requires each motorcycle to have at least one and not more than two head lamps Paragraph (d) provides that each motor vehicle and each trailer or semi-trailer at the end of a train of vehicles must carry a (yellow or red) rear light plainly visible under normal atmospheric conditions from a distance of 500 feet, such light also to illuminate the rear number plate by a white light to make it legible at a distance of 50 feet

The foregoing are the standard requirements for the two general classes of vehicles which constitute a large percentage of all the vehicles on the highways It is obvious that a motor vehicle of four or more wheels must display during periods of darkness two head lamps, one on each side, in order that its character and position can be determined It is also obvious that a single head lamp on a motorcycle is sufficient, and that it is sufficient for either type of vehicle to display from the rear one tail light which also suitably illuminates the rear number plate

Paragraph (e) applies only to buses, motor trucks or other vehicles exceeding a width of 80 inches. Section 37 permits widths of such vehicles up to 8 feet (96 inches), but head lamps alone do not reveal these extra wide vehicles as such, and in states where there is no special indication required there is a serious element of danger arising from attempts to meet or overtake and pass them where the roadway is of insufficient width. Paragraph (e) of Section 50 therefore requires that each such vehicle carry a white clearance lamp on the left side visible from the front and a (yellow or red) light also on the left side visible from the rear.

Under present conditions of heavy motor traffic, it is evidently unsafe to allow any vehicle upon the highway without lights. Paragraph (f) therefore requires that each bicycle must carry a lighted lamp visible from the front and either a lamp or a reflex mirror which shall show a (yellow or red) light from the rear, and paragraph (g) requires that every other vehicle shall display a white light visible from the front and a (yellow or red) light visible from the rear.

Attention is directed to the note to Section 50 This indicates the reason for the expression (yellow or red) appearing in Section 50 and succeeding sections

Additional Permissible Lights—Section 51 authorizes and places restrictions upon additional lights The usefulness of spot lamps for night driving, particularly on narrow or winding roads, is recognized, as is also the great danger to approaching traffic if the spot lamp is used indiscriminately and without proper regard for other traffic Paragraph (a) therefore limits the number of allowable spot lamps to one on a motorcycle and two on any other motor vehicle, and prescribes that every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed to the left of the center of the highway or more than 100 feet ahead of the vehicle

Auxiliary driving lamps where properly used have been found both to conserve power and to make driving conditions for approaching traffic less difficult Paragraph (b)

therefore authorizes the equipment of a motor vehicle with not more than two such lamps, subject to certain restrictions

Signal lamps are similarly recognized as an aid to other traffic when properly used and paragraph (c) authorizes them subject to reasonable restrictions indicated

Paragraph (d) provides that any other lighting device projecting a beam of greater than twenty-five candlepower shall be directed in a manner described so as not to be objectionable to approaching traffic

Requirements as to Head Lamps and Auxiliary Driving Lamps—Section 52 relates to detailed requirements of head lamps and auxiliary driving lamps. They are based on consultation with lighting experts, vehicle manufacturers and others affected. They take into account the construction, arrangement and adjustment of the lamps, all of which must be such as to produce a driving light sufficient to reveal clearly a person 200 feet ahead but not project a glaring or dazzling light. What constitutes a glaring or dazzling light is carefully defined. The conditions under which head lamps may be dimmed, or beams tilted downward or one or both replaced by the light of an auxiliary driving lamp or lamps, are also set forth. Auxiliary lamps must also be free from glare and must render a person clearly discernible 75 feet ahead.

Acetylene Lights—Section 53 recognizes acetylene lights as acceptable subject to well standardized requirements set forth.

Test and Approval of Lamps—Many types of lamps, lenses and bulbs and arrangements of same have been developed and placed on the market to meet the universal demand for adequate lighting without glare. Section 54 has been developed on the principle that it is desirable to encourage further effort along these lines, at the same time safeguarding the public against unsatisfactory lighting devices or use of same. It is therefore made unlawful to sell or offer for sale any lamp for motor vehicle use not certified by

the commissioner as approved. The commissioner is required to adopt and enforce standard specifications as to the amount, color and direction of the light to be emitted, determine whether a type submitted complies with these specifications, and publish lists of approved devices, indicating in each case the permissible candlepower rating of the bulbs. Provision is made for the testing of such devices by the Bureau of Standards or other recognized testing laboratory approved by the commissioner and the rendering of proper reports covering such tests. The commissioner is empowered to disregard favorable reports of devices tested and to suspend or revoke approval issued on devices believed not to be meeting the requirements as they are being sold commercially.

As a guide to the commissioner in the specifications he is required to adopt, the specifications recommended by the Illuminating Engineering Society and approved by the American Engineering Standards Committee (now designated the American Standards Association) are presented in full in the note to Section 54.

Enforcement of Provisions.—It is apparent that lighting equipment meeting the requirements fully as to design may give wholly unsafe results if not properly adjusted. Section 55 therefore authorizes the commissioner to establish and supervise official adjusting stations and issue certificates of adjustment. The section further provides that when a driver equipped with approved lamps is arrested on the charge that they are not properly adjusted or equipped with proper bulbs, it shall be a defense that the person arrested produce a certificate from an official adjusting station showing that within 48 hours after such arrest the lamps have been made to conform with such requirements.

Lights on Parked Vehicles.—Vehicles are ordinarily parked at the curb, and, except on one-way streets, with the left side outward. Under such conditions it is important that the left side be marked but unnecessary that the rear license plate be legible. It is believed that the requirements

for safety are met by the single standard parking light showing (yellow or red) in the rear and white in front, and Section 59 authorizes such a light on parked vehicles.

It stipulates that such a light must be shown on a parked vehicle under any conditions under which lights would be required on moving vehicles, except that it empowers local authorities to provide by ordinance that no lights need be displayed on vehicles parked lawfully where sufficient light reveals a person at a distance of 200 feet

Colored Lights Visible from Front—Colored lights visible from the front of a vehicle are likely to be misunderstood. Red or yellow lights are in direct conflict with the standard significance of such lights as marking the rear of a vehicle, while green lights are subject to possible interpretation as a signal to proceed. Such lights are therefore prohibited in Section 57.

HIGHWAY TRAFFIC SIGNS

Title IV consists of four short sections relating to highway traffic signs.

At the time the Code was drafted a study was in progress by a joint board representing state highway officials and the United States Bureau of Public Roads to develop a standard code of highway signals. This code has since been completed, and a separate study made in harmony therewith by a committee of the American Engineering Council to cover street traffic signs, signals and markings is now being prepared. It is not contemplated that either of these codes should necessarily be specified by law. It is deemed highly desirable, however, that they be adopted as rapidly as possible by the proper authorities, state and municipal, taking into account existing installations and the cost of replacing them by the standards.

Section 58 authorizes the adoption of a uniform system of marking and signing and stipulates that such system shall, so far as possible, conform to the system adopted in other states. Section 59, recognizing the need for signs in municipalities not required in rural districts, empowers the

local authorities in their respective jurisdictions to erect and maintain such other signs as they deem necessary. Sections 60 and 61 are obviously desirable provisions prohibiting the erection of other than official signs and prohibiting the injuring of signs.

PENALTIES

As previously stated, special penalties are provided in Sections 63, 64 and 65 for the particularly serious offenses of driving while under the influence of intoxicating liquor or narcotic drugs, reckless driving and failing to stop in the event of an accident involving injury or death to a person. For each of these offenses minimum as well as maximum penalties are provided, in order to make certain that a person guilty of such an offense may not escape with an inadequate sentence if he happens to come before a court not thoroughly conversant with the seriousness of the offense.

All other traffic violations are classed as misdemeanors. For these only maximum penalties are provided, the belief being that within the maximum limits the precise penalties should be left to the discretion of the court.

These four sections constitute Title V

PROCEDURE UPON ARREST AND DISPOSITION OF FINES

Title VI relates to procedure upon arrest, reports and disposition of fines and forfeitures.

Section 66 covers appearance upon arrest for a misdemeanor. In the case of a major offense, the arresting officer is required to take the offender before the nearest and most accessible magistrate, but otherwise he shall issue a summons to the offender to appear in court, allowing him at least five days for such appearance unless he desires earlier action.

This section as framed permits the adoption of violations bureaus as now in successful use in a number of cities. Under this system the advantages of such bureaus are set forth in the following paragraphs quoted from the explana-

tory text accompanying the Model Municipal Traffic Ordinance:

“Where the traffic court is clogged with minor infractions, making it impossible to give adequate attention to serious cases and also consuming valuable time of police officers, it is often desirable to establish a traffic violations bureau in which minor cases may be settled on payment of a predetermined fine. This bureau should form a part of and be under the jurisdiction of the traffic court. The defendant may, of course, demand a regular trial if he wishes. Such a bureau may in some cities be first established by a simple order of the court; in other cases an ordinance may be required; in all cases it is desirable that the bureau eventually be recognized and established by ordinance.

“Neither a traffic violations bureau nor a special traffic court is a panacea for the evil of fixing or otherwise improperly handling traffic violations; nor should it be looked upon as a convenience for the violator. It is simply a means of improving the efficiency of handling traffic cases. It will be successful in proportion to the intelligence and sincerity with which it is directed. Careful and accurate records are essential, including an index file of individuals, to yield prompt and accurate information on repeated violations.”

Section 67 requires that reports of convictions be sent to the department. The importance of this is manifest as a means of keeping a record of past performances in any state where, as provided in the third act of the Code, it is required that operators be licensed. Such records will afford the basis for cooperation between the states in enforcement of the motor vehicle laws.

Section 68 provides that fines and forfeitures for traffic violations be deposited in a special fund for highway work. It is felt that it is wrong in principle to permit the prosecuting authorities to derive any benefit from fines or forfeitures collected, inasmuch as the purpose of such penalties is solely to protect the public.

EFFECT OF ACT

Sections 69, 70, 71, 72 and 73, grouped as Title VII, are standard provisions the desirability of which is apparent.

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