



# National Conference on Street and Highway Safety

Honorable HERBERT HOOVER  
Secretary of Commerce, *Chairman*

FINAL TEXT

of

UNIFORM VEHICLE CODE

Consisting of

- (a) "A Uniform Motor Vehicle Registration Act" page 3
- (b) "A Uniform Motor Vehicle Anti-Theft Act" page 28
- (c) "A Uniform Motor Vehicle Operators' and Chauffeurs' License Act" page 43
- (d) "A Uniform Act Regulating the Operation of Vehicles on Highways" page 62

As approved by the National Conference on Street and Highway Safety  
March 23-24-25, 1926, and with modifications authorized and  
directed by the Conference.

WASHINGTON, D. C.

August 20th, 1926

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## FOREWORD

The proposed Uniform Vehicle Code here presented is the outgrowth of more than two years' work by the National Conference on Street and Highway Safety in cooperation with the National Conference of Commissioners on Uniform State Laws. 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.

A simple statement of the process by which this code has been developed is evidence of the intelligence and cooperation exerted in its formulation.

The Code, as prepared by its Committee on Uniformity of Laws and Regulations in cooperation with the corresponding committee of the National Conference of Commissioners on Uniform State Laws and submitted to the Second National Conference on Street and Highway Safety held March 23-24-25, 1926, is based on the principles adopted by the First Conference in December, 1924, and includes many provisions of existing state laws, a thorough study of which was made in the development of the Code.

As originally drafted the proposed Code was in the form of a single comprehensive motor vehicle act. On recommendation of the National Conference of Commissioners on Uniform State Laws, which gave it consideration in August, 1925, the Code was divided into three separate acts dealing respectively with registration and certificate of title, licensing of operators and chauffeurs, and operation of vehicles on highways. These acts were also further revised by the Committee on Uniformity of Laws and Regulations after widespread distribution for the purpose of securing criticism and suggestions.

On March 23-24-25, 1926, the acts as submitted by the Committee were considered in detail by the Second National Conference on Street and Highway Safety, which was participated in by nearly 1,000 delegates from every State in the Union, including official delegates appointed by the Governors of forty-three States. The Conference made certain changes in the acts, directed the

Committee on Uniformity of Laws and Regulations to make certain additional changes, and also authorized the division of the first act into two separate acts to deal with Registration and Certificate of Title respectively, if found desirable after conference with the Fire and Theft Underwriters. These changes were completed in accordance with the instructions of the Conference early in July, 1926, and the Code consisting of four separate acts was considered and approved by the National Conference of Commissioners on Uniform State Laws. It was also endorsed by the American Bar Association. The text of the Code here presented is identical with that approved and endorsed by those organizations.

The National Conference on Street and Highway Safety recommends the Uniform Vehicle Code to the Legislatures of the several States.

HERBERT HOOVER,  
*Chairman.*

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UNIFORM MOTOR VEHICLE REGISTRATION ACT  
TITLE OF ACT

An Act to require the registration of motor vehicles, trailers and semi-trailers and to require the payment of fees thereupon and to require report to be made of any accident involving a vehicle and to impose certain duties and obligations upon the owners of motor vehicles rented without drivers, and to prevent the taking, transfer of or injury to any vehicle without the consent of the owner; to provide for the office of vehicle commissioner and a department of motor vehicles and their powers and duties hereunder; to regulate court procedure in certain civil actions arising under this act; to provide penalties for violations of this act and to make uniform the law relating to the subject matter of this act.

*Be it Enacted* . . . .

TITLE 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) "*Motorcycle.*" Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

(d) "*Truck Tractor.*" Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

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

(f) "*Road Tractor.*" Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

(g) "*Trailer.*" Every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(h) "*Semi-trailer.*" Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(i) "*Specially Constructed Vehicle.*" Any vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles.

(j) "*Essential Parts.*" All integral parts and body parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

(k) "*Reconstructed Vehicle.*" Any vehicle which shall have been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models and types, or which, if originally otherwise constructed, shall have been materially altered by the removal of essential parts or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(l) "*Foreign Vehicle.*" Every motor vehicle, trailer or semi-trailer which shall be brought into this state otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(m) "*Pneumatic Tires.*" All tires inflated with compressed air.

(n) "*Solid Rubber Tire.*" Every tire made of rubber other than a pneumatic tire.

(o) "*Metal Tires.*" All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.

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

(q) "*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.

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

(s) "*Manufacturer.*" Every person engaged in the business of manufacturing motor vehicles, trailers, or semi-trailers.

(t) "*Dealer.*" Every person engaged in the business of buying, selling, or exchanging motor vehicles, trailers or semi-trailers in this state and having an established place of business in this state.

(u) "*Highway.*" Every way or place of whatever nature open to the use of the public as a matter of right 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.

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

(w) "*Commissioner.*" The vehicle commissioner of this state.

## TITLE II

### VEHICLE COMMISSIONER

#### SECTION 2. [*Vehicle Commissioner.*]

There is hereby created the office of vehicle commissioner, the holder of the office to organize and be in charge of the vehicle department of this state and to be appointed by [or elected].

## ALTERNATE PROVISION

## SECTION 2. [( ) to Perform Duties of Vehicle Commissioner.]

The [insert state authority having charge of the registration of vehicles] is hereby designated as the vehicle commissioner of this state; and he shall have all powers and perform such duties as are herein imposed upon the vehicle commissioner.

*Note to Sec. 2.*

*The National Conference on Street and Highway Safety recommended the creation of a separate department or bureau in each state to register vehicles and enforce the vehicle act.*

*At present the Secretary of State performs the duties of vehicle registrar in Ariz., Colo., Del., Ga., Idaho, Ill., Ind., Ia., Kan., La., Mich., Minn., Nev., Ohio, Ore., S. Dak., Utah, Vt., Wis., Wyo.*

*The office of commissioner or registrar of motor vehicles has been created in Calif., Conn., Md., Mass., N. H., N. Y., N. Dak., Va., Wash.*

*The Department of Public Works, State Highway Commission or an officer thereof, registers vehicles and enforces the motor vehicle laws in Ark., Me., Nebr., Okla., Penn., R. I., S. C., Tenn., Tex., W. Va.*

*The remaining states designate the following boards or officers: Ala., State Tax Comm.; Dist. of Columbia, Board of Commissioners (Director of Traffic); Fla., State Comptroller; Ky., State Tax Comm.; Miss., State Auditor; Mont., Warden of State Penitentiary; N. H., Asst. Secy. of State; N. Mex., State Comptroller; N. Car., Commissioner of Revenue.*

## SECTION 3. [Duties of Department and Vehicle Commissioner.]

(a) It shall be the duty of the department and all officers thereof to enforce the provisions of this act.

(b) The vehicle commissioner is hereby authorized to adopt and enforce such administrative rules and regulations and to designate such agencies as may be necessary to carry out the provisions of this act. He shall also provide suitable forms for applications, registration cards, license number plates and all other forms requisite for the purposes of this act, and shall prepay all transportation charges thereon.

## SECTION 4. [Officers of Department.]

The vehicle commissioner shall maintain an office in [the state capitol] and in such other places in the state as he shall deem necessary, properly to carry out the provisions of this act.

SECTION 5. [*Records of Department.*]

All registration and license records in the offices of the department shall be public records and open to inspection by the public during business hours.

SECTION 6. [*Publication or Posting of Records.*]

The department, as often as practicable but at least once each month, shall either publish or post upon public bulletin boards in each of its offices a record of stolen and recovered motor vehicles and of suspensions and revocations of operators' and chauffeurs' licenses and shall furnish copies of such records to the police departments and sheriffs' offices throughout the state, and shall forward copies of stolen and recovered motor vehicle records to the vehicle commissioner of each state.

SECTION 7. [*Accident Statistics and Reports.*]

(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.

(c) The driver of any vehicle involved in an accident resulting in injuries or death to any person or property damage to an apparent extent of fifty dollars or more shall, within twenty-four hours, forward a report of such accident to the department, except that when such accident occurs within an incorporated city or town, such report shall be made within twenty-four hours to the police department in such city or town. Every police department shall forward a copy of every such report so filed with it to the department. The department may require drivers, involved in accidents, or police departments to file supplemental reports of accidents upon forms furnished by it whenever the original report is insufficient in the opinion of the department. Such reports shall be without prejudice, shall be for the informa-

tion of the department and shall not be open to public inspection. The fact that such reports have been so made shall be admissible in evidence solely to prove a compliance with this section but no such report or any part thereof or statement contained therein shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accident.

### TITLE III

#### REGISTRATION OF MOTOR VEHICLES, TRAILERS AND SEMI-TRAILERS

##### SECTION 8. [*Owner to Secure Registration.*]

Every owner of a motor vehicle, trailer or semi-trailer intended to be operated upon any highway in this state shall, before the same is so operated, apply to the department for and obtain the registration thereof, except the owner of any vehicle which is exempted by section 9 and excepting, also, when an owner is permitted to operate a vehicle under the special provisions relating to lien holders, manufacturers, dealers and non-residents contained in sections 17 (d), 18 and 20 of this act.

##### *Note to Sec. 8.*

*A subsection (b), included in the draft submitted to the National Conference on Street and Highway Safety, was stricken out by vote of the Conference as undesirable, but is restated in this note for the benefit of any state which feels that a temporary automobile permit is necessary:—*

*“(b) The Department may make and enforce regulations providing that upon proper application for the registration of a vehicle, either new or after a transfer, such vehicle may be operated upon the highways under a temporary permit issued by the department or a duplicate application carried in the vehicle or when purchased from a dealer then under dealers’ plates issued under Section 18 of this act, pending the granting or refusal of complete registration, and receipt of registration number plates.”*

*Many states now provide for issuing temporary permits pending complete registration or operation of new vehicle under dealers’ plates for limited period. States so providing include Colo., Conn., Fla., Idaho, Ill., Ind., Ia., Kans., La., Me., Mass., Mo., N. H., N. Y., Utah, Vt. and Wyo.*

SECTION 9. [*Exempt from Registration.*]

Farm tractors, road rollers and road machinery temporarily operated or moved upon the highways need not be registered under this act.

SECTION 10. [*Application for Registration.*]

(a) Application for the registration of a vehicle required to be registered hereunder shall be made by the owner thereof upon the appropriate form approved or furnished by the department and every application shall be signed by the owner and contain his residence address and a brief description of the vehicle to be registered, including the name of the maker, the engine and serial number whether new or used and the last license number if known and the state in which issued and, upon the registration of a new vehicle, the date of sale by the manufacturer or dealer to the person first operating such vehicle. The application shall contain such other information as may be required by the department.

(b) In the event that the vehicle, for which registration is applied, is a specially constructed, reconstructed or foreign vehicle, such fact shall be stated in the application, and with reference to every foreign vehicle which has been registered theretofore outside of this state, the owner shall exhibit to the department the certificate of title and registration card or other evidence of such former registration as may be in the applicant's possession or control or such other evidence as will satisfy the department that the applicant is the lawful owner or possessor of the vehicle.

(c) In the event that the owner of a motor vehicle for which registration is applied rents or intends to rent such motor vehicle without a driver, such fact shall be stated in the application and the department shall not register such vehicle until and unless the owner shall agree to carry insurance or cause insurance to be carried as provided in Section 23 of this act or if the owner shall fail to make such agreement until and unless the owner shall demonstrate to the department his financial ability to respond in damages as follows:



(1) If he apply for registration of one motor vehicle, in the sum of at least five thousand dollars for any one person injured or killed and in the sum of ten thousand dollars for any number more than one injured or killed in any one accident;

(2) If he apply for the registration of more than one motor vehicle, then in the foregoing sums for one motor vehicle and five thousand dollars additional for each motor vehicle in excess of one; but it shall be sufficient for the owner to demonstrate his ability to respond in damages in the sum of one hundred thousand dollars for any number of motor vehicles.

The department shall cancel the registration of any motor vehicle rented without a driver whenever the department ascertains that the owner has failed or is unable to comply with the requirements of this sub-division (c).

SECTION 11. [*Register of Applicants to be Kept by Department.*]

The department shall file each application received, and when satisfied as to the genuineness and regularity thereof, and that the applicant is entitled thereto, shall register the vehicle therein described and the owner thereof in suitable books or on index cards as follows:

1. Under a distinctive registration number assigned to the vehicle and to the owner thereof hereinafter referred to as the registration number;
2. Alphabetically under the name of the owner;
3. Numerically and alphabetically under the engine and serial number and name of the vehicle.

SECTION 12. [*Registration Cards.*]

(a) The department, upon registering a vehicle, shall issue to the owner a registration card which shall contain upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner, also a description of the registered vehicle, including the engine number thereof, and with reference to every new vehicle hereafter sold in this state, the date of sale by the manufacturer or dealer to the person first operating such vehicle and such other statement of facts as may be determined by the department.

(b) The registration card shall contain upon the reverse side a form for endorsement of notice to the department upon transfer of the vehicle.

(c) The owner, upon receiving the registration card, shall sign the usual signature or name of such owner with pen and ink in the space provided upon the face of such card.

SECTION 13. [*Registration Card to be Carried.*]

The registration card issued for a vehicle required to be registered hereunder shall at all times while the vehicle is being operated upon a highway within this state be in the possession of the operator or chauffeur thereof or carried in the vehicle and subject to inspection by any peace officer.

SECTION 14. [*Number Plates to be Furnished by Department.*]

(a) The department shall also furnish to every owner whose vehicle shall be registered one number plate for a motorcycle or semi-trailer and two number plates for every other motor vehicle and trailer. The [Commissioner] shall have authority to require the return to the department of all number plates upon termination of the lawful use thereof by the owner, under this act.

(b) Every number plate shall have displayed upon it the registration number assigned to the vehicle and to the owner thereof, also the name of this state which may be abbreviated and the year number for which it is issued. Such plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of one hundred feet during daylight.

(c) The department shall issue for every passenger motor vehicle, rented without a driver, the same type of number plates as the type of plates issued for private passenger vehicles.

SECTION 15. [*Display of Plates.*]

(a) Number plates assigned to a trailer and to a motor vehicle other than a motorcycle shall be attached thereto, one in front and the other in the rear. The number plate assigned to a motorcycle or semi-trailer shall be attached to the rear thereof. Number plates shall be so displayed during the current registration year, except as otherwise provided in section 17.

(b) Every number plate shall at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a height not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

SECTION 16. [*Renewal of Registration.*]

(a) Every vehicle registration under this act shall expire December thirty-first each year and shall be renewed annually upon application by the owner and by payment of the fees required by law, such renewal to take effect on the first day of January each year.

(b) An owner who has made proper application for renewal of registration of a vehicle previous to January first but who has not received the number plates, plate or registration card for the ensuing year shall be entitled to operate or permit the operation of such vehicle upon the highways upon displaying thereon the number plates or plate issued for the preceding year for such time to be prescribed by the department as it may find necessary for issuance of such new plates.

SECTION 17. [*Registration Expires on Transfer.*]

(a) Whenever the owner of a vehicle registered under the foregoing provisions of this act transfers or assigns his title or interest thereto the registration of such vehicle shall expire and such owner shall remove the number plates therefrom and forward the same to the department or may have such plates and the registration number thereon assigned to another vehicle upon payment of the fees required by law and subject to the rules and regulations of the department.

ALTERNATE PROVISION

SECTION 17 (a).

(a) Whenever the owner of a vehicle registered under the foregoing provisions of this act transfers or assigns his title or interest thereto, the registration of such vehicle, together with the number plates originally assigned thereto, shall be transferred to the transferee as hereinafter provided. The number

plates originally assigned to the vehicle must remain attached thereto until the end of the current registration year.)

*Note to Sec. 17 (a).*

*The National Conference on Street and Highway Safety and the National Conference of Commissioners on Uniform State Laws recommends that Sec. 17 (a) be adopted as first appearing in this Act, as it renders identification of the owner of a motor vehicle more positive than the alternate section. However, in some states in which certificate of title laws are not in force, it may be deemed desirable to adopt the alternate section.*

*In the event that Alternate Sec. 17 (a) is adopted, the following changes should also be made in the Uniform Motor Vehicle Registration Act to perfect the application of Alternate Sec. 17 (a) to the remainder of the Act:*

*Section 15 Paragraph (a):*

*Strike out the final clause reading as follows:  
"except as otherwise provided in Section 17"*

*Section 17 Paragraph (c)*

*should be amended to read as follows:*

*"(c) The Department on receipt of such registration card bearing the endorsement of the name and address of the transferee, shall at once enter record transferring to the name of the transferee, the registration number appearing on the said registration card and the number plates corresponding thereto, and shall forward to the transferee a new registration card after the usual manner and bearing the registration number thereby transferred to his name."*

*Section 17 Paragraph (d)*

*Following the word "obtain" in the 8th line of said section, insert the words:*

*"proper transfer to himself of"]*

(b) An owner upon transferring a registered vehicle shall endorse the name and address to the transferee and the date of transfer upon the reverse side of the registration card issued for such vehicle and shall immediately forward such card to the department.

(c) The transferee, before operating or permitting the operation of such vehicle upon a highway, shall apply and obtain the registration thereof as upon an original registration, except as provided in section 18. In the event the department does not receive the former registration card properly endorsed, as pro-

vided in subsection (b), the department may reregister the vehicle provided it is satisfied as to the genuineness and regularity of the transfer.

(d) In the event of the transfer by operation of law of the title or interest of an owner in and to a vehicle as upon inheritance, devise or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performing the terms of a lease or executory sales contract, or otherwise, the registration thereof shall expire and the vehicle shall not be operated upon the highways until and unless the person entitled thereto shall apply for and obtain the registration thereof, except that an administrator, executor, trustee or other representative of the owner, or a sheriff or other officer, or any person repossessing the vehicle under the terms of a conditional sale contract, lease, chattel mortgage or other security agreement, or the assignee or legal representative of any such person may operate or cause to be operated any vehicle upon the highways for a distance not exceeding seventy-five miles from the place of repossession or place where formerly kept by the owner to a garage, warehouse or other place of keeping or storage, either upon displaying upon such vehicle the number plates issued to the former owner or without number plates attached thereto but under a written permit first obtained from the department or the local police authorities having jurisdiction over such highways and upon displaying in plain sight upon such vehicle a placard bearing the name and address of the person authorizing and directing such movement, and plainly readable from a distance of one hundred feet during daylight.

SECTION 18. [*Registration by Manufacturers and Dealers.*]

(a) A manufacturer of or dealer in motor vehicles, trailers or semi-trailers, owning or operating any such vehicle upon any highway in lieu of registering each such vehicle may obtain from the department upon application therefor upon the proper official form and payment of the fees required by law and attach to each such vehicle one or duplicate number plates, as required for different classes of vehicles by section 14 (a), which plate or set of plates shall each bear thereon a distinctive number,

also the name of this state, which may be abbreviated, and the year for which issued, together with the word "dealer" or a distinguishing symbol indicating that such plate or plates are issued to a manufacturer or dealer, and any such plates so issued may, during the calendar year for which issued, be transferred from one such vehicle to another owned or operated by such manufacturer or dealer who shall keep a written record of the vehicles upon which such dealers' number plates are used and the time during which each set of plates is used on a particular vehicle, which record shall be open to inspection by any police officer or any officer or employee of the department.

(b) No manufacturer of or dealer in motor vehicles, trailers or semi-trailers shall cause or permit any such vehicle owned by such person to be operated or moved upon a public highway without there being displayed upon such vehicle a number plate or plates issued to such person, either under section 14 or under this section, except as otherwise authorized in subdivision (c) or (d) of this section.

(c) Any manufacturer of motor vehicles, trailers or semi-trailers may operate or move or cause to be operated or moved upon the highways for a distance of [seventy-five] miles or for such further distance as may be authorized by the [Commissioner] any such vehicle, from the factory where manufactured, to a railway depot, vessel or place of shipment or delivery without registering the same and without number plates attached thereto under a written permit first obtained from the local police authorities having jurisdiction over such highways and upon displaying in plain sight upon each such vehicle a placard bearing the name and address of the manufacturer authorizing or directing such movement, and plainly readable from a distance of one hundred feet during daylight.

(d) Any dealer in motor vehicles, trailers or semi-trailers may operate or move, or cause to be operated or moved, any such vehicle upon the highways for a distance of [twenty-five miles,] or for such further distance as may be authorized by the [Commissioner] from a vessel, railway depot, warehouse or any place of shipment to a sales room, warehouse or place of shipment, or

trans-shipment without registering such vehicle and without number plates attached thereto, under a written permit first obtained from the local police authorities having jurisdiction over such highways and upon displaying in plain sight upon each such vehicle a placard bearing the name and address of the dealer authorizing and directing such movement, and plainly readable from a distance of one hundred feet during daylight.

SECTION 19. [*Manufacturer to Give Notice of Sale or Transfer.*]

Every manufacturer or dealer, upon transferring a motor vehicle, trailer or semi-trailer, whether by sale, lease or otherwise, to any person other than a manufacturer or dealer, shall immediately give written notice of such transfer to the department upon the official form provided by the department. Every such notice shall contain the date of such transfer, the names and addresses of the transferor and transferee and such description of the vehicle as may be called for in such official form.

SECTION 20. [*Registration by Non-Residents.*]

(a) A non-resident owner, except as otherwise provided in this section, owning any foreign vehicle which has been duly registered for the current calendar year in the state, country or other place of which the owner is a resident and which at all times when operated in this state has displayed upon it the number plate or plates issued for such vehicle in the place of residence of such owner, may operate or permit the operation of such vehicle within this state without registering such vehicle or paying any fees to this state.

(b) A non-resident owner of a foreign vehicle operated within this state for the transportation of persons or property for compensation or for the transportation of merchandise, either regularly according to a schedule or for a consecutive period exceeding thirty days, shall register such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this state.

(c) Every non-resident, including any foreign corporation carrying on business within this state and owning and regularly operating in such business any motor vehicle, trailer or semi-

trailer within this state, shall be required to register each such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this state.

SECTION 21. [*Lost Certificates or Number Plates—Duplicates to be Obtained.*]

In the event that any number plate or registration card issued hereunder shall be lost, mutilated or shall have become illegible, the person who is entitled thereto shall make immediate application for and obtain a duplicate or substitute therefor upon furnishing information of such fact satisfactory to the department and upon payment of the required fees.

SECTION 22. [*Department to Suspend Registration Upon Notice of Theft or Embezzlement.*]

Whenever the owner of any motor vehicle, trailer or semi-trailer which is stolen or embezzled files an affidavit alleging either said fact with the department it shall immediately suspend the registration of such vehicle and shall not transfer the registration of or reregister such vehicle until such time as it shall be notified that the owner has recovered such vehicle, but notices given as heretofore provided shall be effective only during the current registration year in which given, but if during such year such vehicle is not recovered a new affidavit may be filed with like effect during the ensuing year. Every owner who has filed an affidavit of theft or embezzlement must immediately notify the department of the recovery of such vehicle.

SECTION 23. [*Owners of For Rent Cars Liable for Negligence of Drivers.*]

(a) The owner of a motor vehicle engaged in the business of renting motor vehicles without drivers, who rents any such vehicle without a driver to another, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, permitting the renter to operate the vehicle upon the highways and who does not carry or cause to be carried public liability insurance in an insurance company or companies approved by the insurance commissioner of this state insuring the renter against liability arising out of his negligence in the operation of such rented vehicle in limits of not less than \$5,000 for



any one person injured or killed and \$10,000 for any number more than one injured or killed in any one accident and against liability of the renter for property damage in the limit of not less than \$1,000 for one accident, shall be jointly and severally liable with the renter for any damages caused by the negligence of the latter in operating the vehicle and for any damages caused by the negligence of any person operating the vehicle by or with the permission of the person so renting the vehicle from the owner, except that the foregoing provisions shall not confer any right of action upon any passenger in any such rented vehicle as against the owner, but nothing herein contained shall be construed to prevent the introduction as a defense of [comparative or] contributory negligence to the extent to which such defense is allowed in other cases. Such policy of insurance shall inure to the benefit of any person operating the vehicle by or with the permission of the person so renting the vehicle in the same manner and under the same conditions and to the same extent as to the renter. The insurance policy or policies above referred to need not cover any liability incurred by the renter of any vehicle to any passenger in such vehicle provided the owner upon renting any such vehicle without driver to another shall give to the renter a written notice of the fact that such policy or policies do not cover the liability which the renter may incur on account of his negligence in the operation of such vehicle to any passenger in such vehicle.

When any suit or action is brought against the owner under this section, it shall be the duty of the judge or court before whom the case is pending to cause a preliminary hearing to be had in the absence of the jury for the purpose of determining whether the owner has provided or caused to be provided insurance covering the renter in the limits above mentioned. Whenever it appears that the owner has provided or caused to be provided insurance covering the renter in the sums above mentioned, it shall be the duty of the judge or court to dismiss as to the owner the action brought under this section.

(b) It shall be unlawful for the owner of any motor vehicle engaged in the business of renting motor vehicles without

drivers, to rent a motor vehicle without a driver, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, unless he shall have previously notified the department of the intention to so rent such vehicle and shall have complied with the requirements as to the showing of his financial responsibility as provided in Section 10 (c) of this act.

SECTION 24. [*Owner of For Rent Cars to Maintain Records.*]

Every person engaged in the business of renting motor vehicles without drivers who shall rent any such vehicle without a driver, otherwise than as a part of a bona fide transaction involving the sale of such motor vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented and the exact time the vehicle is the subject of such rental or in possession of the person renting and having the use of the vehicle and every such record shall be a public record and open to inspection by any person and it shall be a misdemeanor for any such owner to fail to make or have in possession or to refuse an inspection of the record required in this section. If the [Commissioner] prescribes a form for the keeping of the record provided for in this section, the owner shall use said form.

TITLE IV

REFUSAL OR CANCELLATION OF REGISTRATIONS AND  
VIOLATIONS OF PROVISIONS RELATING THERETO

SECTION 25. [*When Registration Shall be Refused.*]

The department shall not grant an application for the registration of a vehicle in any of the following events:

- (a) When the applicant therefor is not entitled thereto under the provisions of this act.
- (b) When the applicant has neglected or refused to furnish the department with the information required in the appropriate official form or reasonable additional information required by the department.
- (c) When the fees required therefor by law have not been paid.

SECTION 26. [*When Registration Shall be Rescinded.*]

(a) The department shall rescind and cancel the registration of any vehicle which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law.

(b) The department shall rescind and cancel the registration of a vehicle whenever the person to whom the registration card or registration number plates therefor have been issued shall make or permit to be made any unlawful use of the same or permit the use thereof by a person not entitled thereto.

SECTION 27. [*Violations of Registration Provisions.*]

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

*First.* To operate or for the owner thereof knowingly to permit the operation upon a highway of any motor vehicle, trailer or semi-trailer which is not registered or which does not have attached thereto and displayed thereon the number plate or plates assigned thereto by the department for the current registration year, subject to the exemptions allowed in sections 17 (d), 18 and 20 of this act:

*Second.* To display or cause or permit to be displayed or to have in possession any registration card, or registration number plate knowing the same to be fictitious or to have been cancelled, revoked, suspended or altered.

*Third.* To lend to or knowingly permit the use by one not entitled thereto any registration card or registration number plate issued to the person so lending or permitting the use thereof.

*Fourth.* To fail or refuse to surrender to the department, upon demand, any registration card or registration number plate which has been suspended, cancelled or revoked as in this act provided.

*Fifth.* To use a false or fictitious name or address in any application for the registration of any vehicle or for 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.

## TITLE V

## REGISTRATION FEES

SECTION 28. [*Registration Fees.*]

There shall be paid to the department for the registration of motor vehicles, trailers and semi-trailers, fees according to the following schedule:

*Note to Sec. 28.*

*The revenue provisions of the vehicle statutes vary both as to character of fees imposed and amounts, and as such revenue measures have no relation to safety on highways the draft does not suggest what fees shall be imposed.*

*This title in outline is included upon request that the draft indicate the appropriate place wherein registration fees may be incorporated by each state upon adopting the Uniform Act.*

SECTION 29. [*Exempt from Registration Fees.*]

*Note to Sec. 29.*

*Vehicle statutes generally exempt vehicles owned by the state or political subdivisions thereof from payment of fees but require that all such vehicles shall be registered and display number plates usually bearing a distinct symbol.*

SECTION 30. [*When Fees Delinquent: Penalties.*]SECTION 31. [*Disposition of Registration Fees.*]

## TITLE VI

## UNLAWFUL TAKING, TRANSFER OF OR INJURY TO VEHICLE

SECTION 32. [*Driving Vehicle Without Owner's Consent.*]

Any person who shall drive a vehicle, not his own, without the consent of the owner thereof, and with intent temporarily to deprive said owner of his possession of such vehicle, without intent to steal the same, shall be guilty of a misdemeanor. The consent of the owner of a vehicle to its taking or driving shall not in any case be presumed or implied because of such owner's consent on a previous occasion to the taking or driving of such vehicle by the same or a different person. Any person who assists in, or is a party or accessory to or an accomplice in any such unauthorized taking or driving shall also be guilty of a misdemeanor.

SECTION 33. [*Receiving or Transferring Stolen Vehicle.*]

Any person who with intent to procure or pass title to a motor vehicle which he knows or has reason to believe has been stolen shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be guilty of a felony and upon conviction shall be punished as provided in section 37 of this act.

SECTION 34. [*Injuring Vehicle.*]

Any person who shall individually, or in association with one or more others, wilfully break, injure, tamper with or remove any part or parts of any vehicle for the purpose of injuring, defacing or destroying such vehicle, or temporarily or permanently preventing its useful operation, or for any purpose against the will or without the consent of the owner of such vehicle or who shall in any other manner wilfully or maliciously interfere with or prevent the running or operation of such vehicle shall be guilty of a misdemeanor.

SECTION 35. [*Tampering with Vehicle.*]

Any person who shall without the consent of the owner or person in charge of a vehicle climb into or upon such vehicle with the intent to commit any crime, malicious mischief, or injury thereto, or who while a vehicle is at rest and unattended shall attempt to manipulate any of the levers, starting crank or other starting device, brakes or other mechanism thereof, or to set said vehicle in motion, shall be guilty of a misdemeanor, except that the foregoing provisions shall not apply when any such act is done in an emergency in furtherance of public safety or convenience or by or under the direction of an officer in the regulation of traffic or performance of any other official duty.

## TITLE VII

## PENALTIES

SECTION 36. [*Penalty for Misdemeanor.*]

(a) It shall be unlawful and constitute 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 [five hundred dollars] or by imprisonment for not more than six months, or by both such fine and imprisonment.

SECTION 37. [*Penalty for Felony.*]

Any person who shall be convicted of a violation of any of the provisions of this act herein or by the laws of this state declared to constitute a felony shall, unless a different penalty is prescribed herein or by the laws of this state, be punished by imprisonment for a term not less than one year nor more than five years, or by a fine of not less than five hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment.

## TITLE VIII

## EFFECT OF AND SHORT TITLE OF ACT

SECTION 38. [*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 39. [*Short Title.*]

This act may be cited as the Uniform Motor Vehicle Registration Act.

SECTION 40. [*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 41. [*Repeal.*]

The [existing registration act] is hereby repealed except [revenue or other provisions in existing laws not embraced in the present act] and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 42. [*Time of Taking Effect.*]

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

### NOTES TO UNIFORM MOTOR VEHICLE REGISTRATION ACT

*Note to Sec. 3.*

Motor vehicle statutes quite generally authorize the registrar to adopt and enforce rules and regulations and appoint such assistants and agencies throughout the state as may be necessary to carry out registration and licensing provisions.

*Note to Sec. 6.*

Vehicle statutes in 19 states require posting or publication of records. Sending stolen and recovered car records to other states is required by certificate of title act in Ala., Fla., Mont., N. C., S. C.

*Note to Sec. 7.*

The department of motor vehicles is required or authorized to investigate accidents and compile statistics based thereon in La., Mass., N. Y., R. I., Vt. The National Conference on Street and Highway Safety emphasized the need for this service.

*Note to Sec. 10 (c).*

With reference to owners of motor vehicles rented without drivers see also sections 14 (c), 23 and 24.

*Note to Sec. 10.*

Every state requires that substantially the detailed description of the vehicle, set forth in (a) and (b) of this section, shall be included in the application for registration.

*Note to Sec. 11.*

In numerous states registration records are indexed in two or three ways. The method above required is intended to afford quick information under the following circumstances: (1) Police authorities, having secured license number only of a vehicle involved in an accident or violation of law, wire the number to the department and immediately secure complete registration data; (2) Police authorities find stolen car without license plates or registration card. By sending engine number to department information as to owner may be obtained; (3) Upon attachment or otherwise, it may be

important to know if a certain person owns a vehicle. By sending the name of person to department information as to ownership of a vehicle may be obtained.

*Note to Sec. 12.*

This section designates the form of registration cards usually specified in the motor vehicle statutes.

*Note to Sec. 13.*

Similar requirement is found in most vehicle statutes while a few specify that registration card shall be carried in plain sight in driver's compartment. This is for the purpose of identifying the vehicle and the owner and no hazard is incurred as a thief can not effect a transfer of the vehicle by means of the registration card without procuring also and forging an assignment upon the certificate of title which is not required to and should not be carried in the vehicle.

*Note to Sec. 14.*

Every state requires two number plates, one to be displayed in front and one in the rear of every motor vehicle, other than a motorcycle, except that only one plate is required on a motor vehicle in Ga., N. Car., Okla., and Tex.

*Note to Sec. 16.*

Practically every state requires annual renewal of registration upon the first of January.

*Note to Sec. 17 (a).*

Twenty-seven states now provide that upon a sale or transfer the number plates remain upon the vehicle during the remainder of the current year and the new owner secures a registration in his name under the existing license number. This is true in Ala., Ariz., Calif., Fla., Ga., Idaho, Ia., Kan., Ky., La., Mich., Miss., Mont., Nev., N. Mex., N. Y., N. Dak., Okla., Ore., S. Car., S. Dak., Tenn., Tex., Utah, Vt., W. Va., and Wis.

Twenty-one states require that upon a sale or transfer the plates must be removed and forwarded to the department or in some instances they may be assigned to another vehicle. These include Colo., Conn., Del., D. C., Ill., Ind., Me., Md., Mass., Minn., Mo., Nebr., N. H., N. J., N. Car., Ohio, Penn. R. I., Va., Wash., and Wyo. The statute in Ark. is not clear.

The latter practice is recommended and section 15 so provides.

*Note to Sec. 32.*

Vehicle statutes in 24 states prohibit driving another's vehicle without consent of owner and variously define the offense as misdemeanor, felony or larceny, and prescribe different penalties.

*Note to Sec. 33.*

This is a usual provision particularly in those states having certificate of title laws.

*Note to Secs. 40 and 41.*

It may be desirable to provide that this act shall go into effect on the 1st of January next succeeding the adoption of the act and that provisions of existing laws on the subjects embraced in this act be repealed on such 1st of January.



UNIFORM MOTOR VEHICLE ANTI-THEFT ACT

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## UNIFORM MOTOR VEHICLE ANTI-THEFT ACT

## TITLE OF ACT

An Act to require certificates of title for registered motor vehicles; to facilitate the recovery of stolen or unlawfully taken motor vehicles; to provide for the licensing of dealers in used motor vehicles, trailers or semi-trailers; to prescribe the powers and duties of the Vehicle Department; to impose certain fees to carry out the purpose of this act; to impose penalties for violations of this act and to make uniform the law relating to the subject matter of this act.

*Be it Enacted . . . .*

## TITLE I

## DEFINITIONS OF TERMS AND APPLICATION OF ACT

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) "*Used Vehicle.*" Every motor vehicle, which has been sold, bargained, exchanged, given away or title transferred from the person who first acquired it from the manufacturer or importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second hand" within the ordinary meaning thereof.

(d) "*Person.*" Every natural person, firm, co-partnership, 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) "*Manufacturer.*" Every person engaged in the business of manufacturing motor vehicles.

(g) "*Dealer.*" Every person engaged in the business of buying, selling or exchanging motor vehicles.

(h) "*State.*" A state, territory, organized or unorganized, or district of the United States of America.

(i) "*Department.*" The Department or branch of the Government of this state charged by law with the duty of registering motor vehicles.

(j) "*Commissioner.*" The officer of this state in charge of the Department.

SECTION 2. [*Application of Act to Certain Vehicles—Exemptions.*]

The provisions of this act shall apply to every motor vehicle required to be registered with the Department under the laws of this state except any said vehicles owned by the Federal Government or by this state or any political subdivision thereof or any state institution or municipality in this state and excepting also any traction engine, road roller or any motorcycle operated by a police officer in the performance of his duty as such officer.

TITLE II

CERTIFICATES OF TITLE AND REGISTRATION CARDS

SECTION 3. [*Certificates of Title Must be Obtained for Registered Vehicles.*]

(a) The Department shall not after [date] register or renew the registration of any motor vehicle, unless and until the owner thereof shall make application for and be granted an official certificate of title for such vehicle or present satisfactory evi-

dence that a certificate of title for such vehicle has been previously issued to such owner by the Department.

(b) The owner of a motor vehicle registered in this state shall not after [date] operate or permit the operation of any such vehicle upon any highway without first obtaining a certificate of title therefor from the Department, nor shall any person operate any such vehicle upon the highways knowing or having reason to believe that the owner has failed to obtain a certificate of title therefor and any person violating this subsection shall be punished as provided in section 19 of this act.

SECTION 4. [*Application for a Certificate of Title.*]

(a) The application for a Certificate of Title shall be made upon the appropriate form furnished or approved by the Department and shall contain a full description of the motor vehicle including the name of the maker, the engine and serial numbers and any distinguishing marks thereon and whether the vehicle is new or used, together with a statement of the applicant's title and of any liens or encumbrances upon said vehicle and the name and address of the person to whom the Certificate of Title shall be delivered and such other information as the Department may require [and every application shall be accompanied by a fee of one dollar, which shall be in addition to any fee charged for the registration of such vehicle.]

Whenever a new motor vehicle is purchased from a dealer the application for a Certificate of Title shall include a statement of transfer by the dealer and of any lien retained by such dealer.

[ (b) The owner shall verify every application for a Certificate of Title before a person authorized to administer oaths, and officers and employees of the Department designated by the [Commissioner] are hereby authorized to administer oaths and it is their duty to do so without fee for the purpose of this act.]

SECTION 5. [*Department to Issue Certificate of Title.*]

(a) The Department shall maintain an engine and serial number index of registered motor vehicles and upon receiving an application for a Certificate of Title shall first check the engine and serial number shown in the application against said

index and against the Stolen and Recovered Motor Vehicle Index, required to be maintained by section 12 of this Act. The Department when satisfied that the applicant is the owner of the vehicle, shall thereupon issue in the name of the owner a certificate of title bearing a serial number and the signature of the Commissioner and the seal of his office and setting forth the date issued and a description of the vehicle as determined by the Department, together with a statement of the owner's title and of all liens or encumbrances upon the vehicle therein described and whether possession is held by the owner under a lease, contract of conditional sale, or other like agreement. The Certificate of Title shall also contain, upon the reverse side, forms for assignment of title or interest and warranty thereof by the owner with space for notation of liens and encumbrances upon such vehicle at the time of a transfer. The Department shall deliver the Certificate of Title to the person designated for that purpose in the application.

(b) Said certificate shall be good for the life of the vehicle so long as the same is owned or held by the original holder of such certificate.

SECTION 5½. [*Registration Cards.*]

(a) The Department upon registering a motor vehicle shall issue to the owner a registration card which shall set forth upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner, also a description of the registered vehicle, including the engine and serial numbers and with reference to every new vehicle hereafter sold in this state, the date of sale by the manufacturer or dealer to the person first operating such vehicle and such other statement of facts as may be determined by the Department, and shall provide a space for the signature of the owner and upon the reverse side a form for endorsement of notice to the Department upon a transfer of the vehicle.

(b) An owner upon receiving a registration card shall sign the usual signature or name of such owner with pen and ink in the space provided upon such card.

(c) The registration card issued for a vehicle shall at all times while the vehicle is being operated upon a highway within this state be in the possession of the operator or chauffeur thereof or carried in the vehicle and subject to inspection by any peace officer.

*Note to Sec. 5½.*

*This section may be omitted from this act in those states where the Uniform Motor Vehicle Registration Act, which contains identical provisions, is enacted.*

SECTION 6. [*Endorsement and Delivery of Certificate of Title Upon a Transfer of Title or Interest.*]

(a) The owner of a motor vehicle for which a certificate of title is required hereunder shall not, after [date], sell or transfer his title or interest in or to such vehicle unless he shall have obtained a certificate of title thereto nor unless having procured a certificate of title he shall in every respect comply with the requirements of this section and any person who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 19 of this act.

(b) The owner who sells or transfers his title or interest in or to such motor vehicle after [date] shall endorse an assignment and warranty of title upon the certificate of title for such vehicle with a statement of all liens or encumbrances thereon [which statement shall be verified under oath by the owner] and the owner shall deliver the certificate of title to the purchaser or transferee at the time of delivering the vehicle.

(c) The transferee except as provided in the next succeeding paragraph shall thereupon present such certificate endorsed and assigned as aforesaid to the Department [accompanied by a transfer fee of one dollar] and make application for and obtain a new certificate of title for such vehicle.

(d) When the transferee of a vehicle is a dealer who holds the same for resale and operates the same only for purposes of demonstration under dealer's number plates, or when the transferee does not drive such vehicle nor permit such vehicle to be

driven upon the highways, such transferee shall not be required to forward the certificate of title to the Department, as provided in the preceding paragraph, but such transferee upon transferring his title or interest to another person shall execute [and acknowledge] an assignment and warranty of title upon the certificate of title and deliver the same to the person to whom such transfer is made.

(e) Whenever the ownership of any motor vehicle shall pass otherwise than by voluntary transfer, the new owner may obtain a certificate of title therefor from the Department upon application therefor [and payment of a fee of one dollar] accompanied with such instruments or documents of authority, or certified copies thereof, as may be required by law to evidence or effect a transfer of title or interest in or to chattels in such case. The Department, when satisfied of the genuineness and regularity of such transfer shall issue a new certificate of title to the person entitled thereto.

SECTION 7. [*Department to Maintain Transfer File.*]

(a) The Department shall retain and appropriately file every surrendered certificate of title, such file to be so maintained as to permit the tracing of title of the vehicles designated therein.

(b) The Department within thirty days after the taking effect of this act shall have printed copies of this act and shall mail a copy thereof with a blank form of application for a certificate of title to every owner of a registered motor vehicle in this state.

SECTION 8. [*Refusal to Issue Certificate of Title or Register Car or Rescission of Registration or Certificate of Title.*]

If the Department shall determine that an applicant for a Certificate of Title to a motor vehicle is not entitled thereto, it may refuse to issue such certificate or to register such vehicle, and in that event unless the Department reverses its decision or its decision be reversed by a Court of competent jurisdiction the applicant shall have no further right to apply for a Certificate of Title or registration on the statements in said application. The Department may for a like reason after notice and hearing revoke registration already acquired or any outstanding Certificate of



Title. Said notice shall be served in person or by registered mail. An appeal may be taken from any decision of the Department as from the decision of a [Justice of Peace].

SECTION 9. [*Duplicate Certificates Where Original is Lost.*]

In the event of the loss of a certificate of title or registration card, the loss of which is accounted for to the satisfaction of the Department, a duplicate or substitute may be issued [the charge therefor to be fifty cents].

SECTION 10. [*Making False Statement.*]

It shall be unlawful for any person knowingly to make any false statement in any application or other document required by the terms of this act and any person violating this provision shall upon conviction be punished as provided in section 18.

SECTION 11. [*Altering or Forging Certificate of Title a Felony.*]

Any person who shall alter with fraudulent intent any certificate of title or registration card issued by the Department, or forge or counterfeit any certificate of title or registration card purporting to have been issued by the Department under the provisions of this act or who shall alter or falsify with fraudulent intent or forge any assignment thereof, or who shall hold or use any such certificate, registration card or assignment knowing the same to have been altered, forged or falsified, shall be guilty of a felony and upon conviction thereof shall be punished as provided in section 20 of this act.

### TITLE III

#### SPECIAL ANTI-THEFT PROVISIONS

SECTION 12. [*Report of Stolen and Recovered Motor Vehicles.*]

(a) Every county sheriff and every police commissioner and chief of police or peace officer of every jurisdiction, upon receiving information that a motor vehicle has been stolen or that a motor vehicle having been stolen has been recovered shall immediately report such information upon the appropriate official form to the Department.

(b) The Department shall file all such reports of stolen or recovered motor vehicles and appropriately index the same

and shall also file similar reports received from other states. The Department at least once each month shall either publish or post upon public bulletin boards in each of its offices a report of stolen and recovered motor vehicles and shall furnish copies of such records to every county sheriff and the police department in every municipality of over [ ] population within this state and shall forward copies of such records to the motor vehicle department of each other state.

SECTION 13. [*Altered or Changed Engine or Serial Numbers.*]

(a) The owner of a motor vehicle, the engine or serial number of which has been altered, removed or defaced, may, within thirty days from the date this act takes effect, make application in form prescribed by the Department [accompanied by a fee of one dollar] for a special number. He shall furnish such information as will satisfy the Department that he is the owner, whereupon the Department shall assign a special number for the motor vehicle preceded by a symbol indicating this State. A record of special numbers so assigned shall be maintained by the Department

The owner shall stamp said number upon the engine or otherwise as directed by the Department and upon receipt by the Department of a certificate by a peace officer that he has inspected and found said number stamped upon the motor vehicle as directed in a workmanlike manner, together with application for a certificate of title such special number shall be regarded as the engine or serial number of said motor vehicle.

(b) Any person who with fraudulent intent shall deface, destroy or alter the engine or serial number of a motor vehicle or shall place or stamp other than the original engine or serial number upon a motor vehicle, or shall sell or offer for sale any motor vehicle bearing an altered or defaced engine or serial number or a number other than the original or a number assigned as above provided shall be guilty of a felony and upon conviction shall be punished as provided in section 20 of this act.

This section is not intended to prohibit the restoration by the owner of an engine or serial number of a motor vehicle for which a certificate of title has been issued by this State, nor to

prevent any manufacturer or importer, or agents, thereof, other than a dealer, from placing or stamping in the ordinary course of business, numbers on motor vehicles, or parts thereof removed or changed and replacing the numbered parts.

SECTION 13½. [*Receiving or Transferring Stolen Vehicles.*]

Any person who with intent to procure or pass title to a motor vehicle which he knows or has reason to believe has been stolen shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen and who is not an officer of the law engaged at the time in the performance of his duty as such officer shall be guilty of a felony and upon conviction shall be punished as provided in Section 20 of this act.

*Note to Sec. 13½.*

*This section may be omitted from this act in those states where the Uniform Motor Vehicle Registration Act, which contains identical provisions, is enacted.*

#### TITLE IV

##### LICENSES FOR DEALERS IN USED MOTOR VEHICLES AND AUTO THEFT FUND

SECTION 14. [*Dealers in Used Vehicles Must be Licensed.*]

(a) It shall be unlawful for any person from and after the [date] to carry on or conduct the business of buying, selling or dealing in used motor vehicles, trailers or semi-trailers, unless licensed so to do by the Department under the provisions of this act except that any manufacturer, or importer of motor vehicles or his subsidiary or selling agent may buy or take in trade and sell any used motor vehicle of his own make without such license.

(b) Application for a dealer's license required hereunder shall be made upon the form prescribed by the Department and shall contain the name and address of the applicant and when the applicant is a partnership the name and address of each partner or when the applicant is a corporation the names of the principal officers of the corporation and the state in which

incorporated and the place or places where the business is to be conducted and such other information as may be required by the Department. Every such application shall be verified by the oath or affirmation of the applicant if an individual or in the event the applicant is a partnership or corporation then by a partner or officer thereof.

(c) The Department before issuing a license shall collect from the applicant a fee of [five dollars] except that when application is made after July first of any year the fee for a license shall be [three dollars.]

SECTION 15. [*Department to Issue License Certificate.*]

(a) The Department upon receiving an application for a license accompanied by the proper fee and when satisfied that the applicant is of good character and so far as can be ascertained has complied with and will comply with the laws of this state with reference to the registration of vehicles and certificates of title therefor, shall issue to the applicant a license certificate which shall entitle the licensee to carry on and conduct the business of a dealer in used vehicles during the calendar year in which the license is issued. Every such license shall expire on December 31st of each year and may be renewed upon application and payment of the fee required herein.

(b) The Department may refuse to issue a license or after notice by registered mail to the licensee and a hearing, may cancel a license when satisfied that the applicant for a license or the licensee has failed to comply with the provisions of this act.

(c) Supplemental Licenses. Any licensee before removing any one or more of his places of business or opening any additional place of business shall apply to the department for and obtain a supplemental license, for which no fee shall be charged.

SECTION 16. [*Records of Purchases and Sales and Possession of Certificates of Title.*]

(a) Every licensee shall maintain a record in form as prescribed by the Department of every used motor vehicle, trailer or semi-trailer bought, sold or exchanged by the licensee or

received or accepted by the licensee for sale or exchange, which record shall contain a description of every said vehicle, including the name of the maker, type, engine and serial number and other distinguishing marks and whether any numbers thereon have been defaced, destroyed, or changed and shall state with reference to each such vehicle the name and address of the person from whom purchased or received and when sold or otherwise disposed of by the licensee the name and address of the person to whom sold or delivered.

(b) Every licensee shall have in possession a separate certificate of title assigned to such licensee or other documentary evidence of his right to the possession of and for every motor vehicle in his possession.

SECTION 17. [*Auto Theft Fund and Enforcement.*]

[The Department shall deposit all fees and revenues received under this act in the state treasury and such monies shall be placed in the "Auto Theft Fund," which is hereby created, and said fund shall be used and expended by and under the direction of the Department in paying the expenses which it may incur in carrying out the provisions of this act. Initial expenses incurred hereunder may be paid in the first instance out of the registration fee receipts, the latter to be reimbursed as sufficient funds accrue under this act.]

The Department is hereby authorized with the written approval of the Governor to appoint all necessary deputies and other assistants to carry out the provisions of this act in addition to the present officers of the law and such deputies, assistants and existing officers of the law are hereby declared to be peace officers and are hereby given police power and authority throughout the state to arrest without writ, rule, order or process, any person in the act of violating or attempting to violate in the presence of such officer any of the provisions of this act.

[Any money remaining in the "Auto Theft Fund" and not expended or obligated at the end of each fiscal year shall thereupon be transferred to and deposited in the [State Highway Fund.] ]

## TITLE V

## PENALTIES

SECTION 18. [*Punishment for False Statement.*]

Any person convicted of making a false statement in any application or document under Section 10 of this act shall be punished by a fine of not more than [one thousand dollars] or imprisonment for not more than one year, or by both such fine and imprisonment.

SECTION 19. [*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 [five hundred] dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

SECTION 20. [*Penalty for Felony.*]

Any person who shall be convicted of a violation of any of the provisions of this act herein or by the laws of this state declared to constitute a felony shall, unless a different penalty is prescribed herein or by the laws of this state, be punished by imprisonment for a term not less than one year nor more than five years, or by a fine of not less than five hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment.

## TITLE VI

## EFFECT OF AND SHORT TITLE OF ACT

SECTION 21. [*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 22. [*Short Title.*]

This act may be cited as the Uniform Motor Vehicle Anti-Theft Act.

SECTION 23. [*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 24. [*Repeal.*]

The [existing Certificate of Title Act, or Anti-Theft Act] is hereby repealed and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 25. [*Time of Taking Effect.*]

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

NOTES TO UNIFORM MOTOR VEHICLE  
ANTI-THEFT ACT

*General Note.*

Laws substantially similar to the Uniform Anti-theft Act have been adopted in Alabama, Florida, Michigan, Montana, North Carolina, South Carolina, South Dakota and Virginia. The Uniform Act, however, contains provisions that are not found in many of the Acts adopted in such States.

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* . . . .

TITLE 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.

## TITLE 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 the owner of a motor vehicle which has been duly registered for the current calendar year in the state or country of which the owner is a resident, may operate such motor vehicle upon the highways of this state for a period of not more than thirty days in any one year without making application for or obtaining an operator's or chauffeur's license under this act upon condition that the motor vehicle shall at all times display the license number plate or plates issued therefor in the home state or country of the owner and that the non-resident owner has in his immediate possession a registration card evidencing such ownership and registration in his home state or country.

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 pre-requisite 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 licensee 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 Chauffeur's 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 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 offense 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.

### TITLE 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.

## TITLE 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.

TITLE 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.

UNIFORM ACT REGULATING THE OPERATION  
OF VEHICLES ON HIGHWAYS

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UNIFORM ACT REGULATING THE OPERATION  
OF VEHICLES ON HIGHWAYS

## TITLE OF ACT

An act regulating the operation of vehicles on highways and providing for traffic signs and signals and defining the power of local authorities to enact or enforce ordinances, rules or regulations in regard to matters embraced within the provisions of this act and to provide for the enforcement of this act and the disposition of fines and forfeitures collected hereunder and to make uniform the law relating to the subject matter of this act.

*Be it Enacted* . . . .

## TITLE 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; provided, that for the purposes of (Title II of) this act, a bicycle or a ridden animal shall be deemed a vehicle.

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

(c) "*Motorcycle.*" Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

(d) "*Truck Tractor.*" Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

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

(f) "*Road Tractor.*" Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

(g) "*Trailer.*" Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

(h) "*Semi-trailer.*" Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(i) "*Pneumatic Tires.*" All tires inflated with compressed air.

(j) "*Solid Rubber Tire.*" Every tire made of rubber other than a pneumatic tire.

(k) "*Metal Tires.*" All tires the surface of which in contact

with the highway is wholly or partly of metal or other hard, non-resilient material.

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

(m) "*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.

(n) "*Highway.*" Every way or place of whatever nature open to the use of the public, as a matter of right, 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.

(o) "*Private Road or Driveway.*" Every road or driveway not open to the use of the public for purposes of vehicular travel.

(p) "*Intersection.*" The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other.

(q) "*Safety Zone.*" The area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

(r) "*Right of way.*" The privilege of the immediate use of the highway.

(s) "*Business District.*" The territory contiguous to a highway when fifty per cent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.

(t) "*Residence District.*" The territory contiguous to a highway not comprising a business district when the frontage on



such highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

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

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

(w) "*Local Authorities.*" Every county, municipal and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.

## TITLE II

### OPERATION OF VEHICLES—RULES OF THE ROAD

#### SECTION 2. [*Persons Under the Influence of Intoxicating Liquor or Narcotic Drugs.*]

It shall be unlawful and punishable as provided in Section 63 of this act for any person whether licensed or not who is an habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to drive any vehicle upon any highway within this state.

#### SECTION 3. [*Reckless Driving.*]

Any person who drives any vehicle upon a highway carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving and upon conviction shall be punished as provided in Section 64 of this act.

#### SECTION 4. [*Restrictions as to Speed.*]

(a) Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions then existing, and no person shall drive any vehicle upon a highway

at such a speed as to endanger the life, limb or property of any person.

(b) Subject to the provisions of subdivision (a) of this section and except in those instances where a lower speed is specified in this act, it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not exceeding the following, but in any case when such speed would be unsafe it shall not be lawful.

1. Fifteen miles an hour when approaching within fifty feet of a grade crossing of any steam, electric or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last two hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in each direction from such crossing;

2. Fifteen miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours;

3. Fifteen miles an hour when approaching within fifty feet and in traversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his approach to such intersection, he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;

4. Fifteen miles an hour in traversing or going around curves or traversing a grade upon a highway when the driver's view is obstructed within a distance of one hundred feet along such highway in the direction in which he is proceeding;

5. Twenty miles an hour on any highway in a business district, as defined herein, when traffic on such highway is controlled at intersections by traffic officers or stop-and-go signals;

6. Fifteen miles an hour on all other highways in a business district, as defined herein;

7. Twenty miles an hour in a residence district, as defined herein, and in public parks unless a different speed is fixed by local authorities and duly posted;

8. Thirty-five miles an hour under all other conditions.

It shall be prima facie unlawful for any person to exceed any of the foregoing speed limitations, except as provided in subdivision (c) of this section. In every charge of violation of this section the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the speed which this section declares shall be prima facie lawful at the time and place of such alleged violation.

(c) Local authorities in their respective jurisdictions are hereby authorized in their discretion to increase the speed which shall be prima facie lawful upon through highways at the entrances to which vehicles are by ordinance of such local authorities required to stop before entering or crossing such through highways. Local authorities shall place and maintain upon all through highways upon which the permissible speed is increased adequate signs giving notice of such special regulations and shall also place and maintain upon each and every highway intersecting any said through highway, appropriate stop signs which shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights.

SECTION 5. [*Railroad Warning Signals Must be Obeyed.*]

Whenever any person driving a vehicle approaches a highway and interurban or steam railway grade crossing and a clearly visible and positive signal gives warning of the immediate approach of a railway train or car, it shall be unlawful for the driver of the vehicle to fail to bring the vehicle to a complete stop before traversing such grade crossing.

SECTION 6. [*Vehicles Must Stop at Certain Railway Grade Crossings.*]

The [State Highway Commission] is hereby authorized to designate particularly dangerous grade crossings of steam or

interurban railways by highways and to erect signs thereat notifying drivers of vehicles upon any such highway to come to a complete stop before crossing such railway tracks, and whenever any such crossing is so designated and signposted it shall be unlawful for the driver of any vehicle to fail to stop within fifty feet but not less than ten feet from such railway tracks before traversing such crossing.

SECTION 7. [*Speed Limit for Vehicles Regulated According to Weight and Tire Equipment.*]

*Note to Sec. 7.*

*Approximately thirty states impose special speed limits on vehicles exceeding certain sizes or weights according to schedules which widely differ. The section is left blank pending further developments.*

SECTION 8. [*Special Speed Limitation on Bridges.*]

It shall be unlawful to drive any vehicle upon any public bridge, causeway or viaduct at a speed which is greater than the maximum speed which can with safety to such structure be maintained thereon, when such structure is signposted as provided in this section.

The State Highway Commission [or other proper state body] upon request from any local authorities shall, or upon its own initiative may, conduct an investigation of any public bridge, causeway or viaduct, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this act, the Commission shall determine and declare the maximum speed of vehicles which such structure can withstand, and shall cause or permit suitable signs stating such maximum speed to be erected and maintained at a distance of one hundred feet before each end of such structure. The findings and determination of the Commission shall be conclusive evidence of the maximum speed which can with safety to any such structure be maintained thereon.

SECTION 9. [*When Speed Limit not Applicable.*]

The speed limitations set forth in this act shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation,

nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. This exemption shall not however protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

SECTION 10. [*Drive on Right Side of Highway.*]

Upon all highways of sufficient width, except upon one way streets, the driver of a vehicle shall drive the same upon the right half of the highway and shall drive a slow moving vehicle as closely as possible to the right-hand edge or curb of such highway, unless it is impracticable to travel on such side of the highway and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing set forth in Sections 13 and 14 of this act.

SECTION 11. [*Keep to the Right in Crossing Intersections or Railroads.*]

In crossing an intersection of highways or the intersection of a highway by a railroad right of way, the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such right half is obstructed or impassable.

SECTION 12. [*Meeting of Vehicles.*]

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main traveled portion of the roadway as nearly as possible.

SECTION 13. [*Overtaking a Vehicle.*]

(a) The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle.

(b) The driver of an overtaking motor vehicle not within a business or residence district as herein defined shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.

SECTION 14. [*Limitations on Privilege of Overtaking and Passing.*]

(a) The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another

vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

(b) The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 500 feet.

(c) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any steam or electric railway grade crossing nor at any intersection of highways unless permitted so to do by a traffic or police officer.

SECTION 15. [*Driver to Give Way to Overtaking Vehicle.*]

The driver of a vehicle upon a highway about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

SECTION 16. [*Following Too Closely.*]

(a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and condition of the highway.

(b) The driver of any motor truck when traveling upon a highway outside of a business or residence district shall not follow another motor truck within one hundred feet, but this shall not be construed to prevent one motor truck overtaking and passing another.

SECTION 17. [*Turning at Intersections.*]

(a) Except as otherwise provided in this section, the driver of a vehicle intending to turn to the right at an intersection shall approach such intersection in the lane for traffic nearest to the right-hand side of the highway, and in turning shall keep as closely as practicable to the right-hand curb or edge of the highway, and when intending to turn to the left shall approach such intersection in the lane for traffic to the right of and

nearest to the center line of the highway and in turning shall pass beyond the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left.

For the purpose of this section, the center of the intersection shall mean the meeting point of the medial lines of the highways intersecting one another.

(b) Local authorities in their respective jurisdictions may modify the foregoing method of turning at intersections by clearly indicating by buttons, markers or other direction signs within an intersection the course to be followed by vehicles turning thereat, and it shall be unlawful for any driver to fail to turn in a manner as so directed when such direction signs are installed by local authorities.

SECTION 18. [*Signals on Starting, Stopping or Turning.*]

(a) The driver of any vehicle upon a highway before starting, stopping or turning from a direct line shall first see that such movement can be made in safety and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement shall give a signal as required in this section plainly visible to the driver of such other vehicle of the intention to make such movement.

(b) The signal herein required shall be given either by means of the hand and arm in the manner herein specified, or by an approved mechanical or electrical signal device, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible both to the front and rear the signal shall be given by a device of a type which has been approved by the Department.

Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to start, stop, or turn by extending the hand and arm horizontally from and beyond the left side of the vehicle.

SECTION 19. [*Right of Way.*]

(a) When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the

left shall yield the right of way to the vehicle on the right except as otherwise provided in Section 20. The driver of any vehicle traveling at an unlawful speed shall forfeit any right of way which he might otherwise have hereunder.

(b) The driver of a vehicle approaching but not having entered an intersection shall yield the right of way to a vehicle within such intersection and turning therein to the left across the line of travel of such first mentioned vehicle, provided the driver of the vehicle turning left has given a plainly visible signal of intention to turn as required in Section 18.

(c) The driver of any vehicle upon a highway within a business or residence district shall yield the right of way to a pedestrian crossing such highway within any clearly marked crosswalk or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a highway within a business or residence district at any point other than a pedestrian crossing, crosswalk or intersection shall yield the right of way to vehicles upon the highway.

SECTION 20. [*Exceptions to the Right of Way Rule.*]

(a) The driver of a vehicle entering a public highway from a private road or drive shall yield the right of way to all vehicles approaching on such public highway.

(b) The driver of a vehicle upon a highway shall yield the right of way to police and fire department vehicles when the latter are operated upon official business and the drivers thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not operate to relieve the driver of a police or fire department vehicle from the duty to drive with due regard for the safety of all persons using the highway nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right of way.

SECTION 21. [*What to do on Approach of Police or Fire Department Vehicle.*]

(a) Upon the approach of any police or fire department



vehicle giving audible signal by bell, siren or exhaust whistle, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right hand edge or curb of the highway, clear of any intersection of highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until the police or fire department vehicle shall have passed.

(b) It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or to drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

SECTION 22. [*Vehicles Must Stop at Certain Through Highways.*]

The [State Highway Commission] with reference to state highways and local authorities with reference to highways under their jurisdictions are hereby authorized to designate main traveled or through highways by erecting at the entrances thereto from intersecting highways signs notifying drivers of vehicles to come to a full stop before entering or crossing such designated highway, and whenever any such signs have been so erected it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto. All such signs shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights.

SECTION 23. [*Passing Street Cars.*]

(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 when a travelable portion of the highway exists to the right of such street car.

(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 bring such vehicle to a full stop at least ten feet in the rear of such street car and remain stationary until any such passenger has boarded such car or reached the adjacent sidewalk, except that where a safety zone has been established, or at an intersection where traffic is

controlled by an officer or a traffic stop-and-go signal, a vehicle need not be brought to a full stop before passing any such railway, interurban or street car, but may proceed past such car at a speed not greater than is reasonable or proper and in no event greater than ten miles an hour and with due caution for the safety of pedestrians.

SECTION 24. [*Driving Through Safety Zone Prohibited.*]

The driver of a vehicle shall not at any time drive through or over a safety zone as defined in Section 1 of this act.

SECTION 25. [*Stopping on Highway.*]

(a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any highway, outside of a business or residence district, when it is practicable to park or leave such vehicle standing off of the paved or improved or main traveled portion of such highway; provided, in no event shall any person park or leave standing any vehicle, whether attended or unattended, upon any highway unless a clear and unobstructed width of not less than fifteen feet upon the main traveled portion of said highway opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of 200 feet in each direction upon such highway.

(b) Whenever any peace officer shall find a vehicle standing upon a highway in violation of the provisions of this section, he is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under this section.

(c) The provisions of this section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position.

SECTION 26. [*Parking in Front of Fire Hydrant, Fire Station or Private Driveway.*]

No person shall park a vehicle or permit it to stand, whether

attended or unattended, upon a highway in front of a private driveway or within fifteen feet in either direction of a fire hydrant or the entrance to a fire station nor within twenty-five feet from the intersection of curb lines or if none then within fifteen feet of the intersection of property lines at an intersection of highways.

SECTION 27. [*Motor Vehicle Left Unattended. Brakes to Be Set and Engine Stopped.*]

No person having control or charge of a motor vehicle shall allow such vehicle to stand on any highway unattended without first effectively setting the brakes thereon and stopping the motor of said vehicle and when standing upon any grade without turning the front wheels of such vehicle to the curb or side of the highway.

SECTION 28. [*Driving on Mountain Highways.*]

The driver of a motor vehicle traversing defiles, canyons or mountain highways shall hold such motor vehicle under control and as near the right-hand side of the highway as reasonably possible and upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway shall give audible warning with a horn or other warning device.

SECTION 29. [*Coasting Prohibited.*]

The driver of a motor vehicle when traveling upon a down grade upon any highway shall not coast with the gears of such vehicle in neutral.

SECTION 30. [*Duty to Stop in Event of Accident.*]

(a) The driver of any vehicle involved in an accident resulting in injury or death to any person shall immediately stop such vehicle at the scene of such accident and any person violating this provision shall upon conviction be punished as provided in Section 65 of this act.

(b) The driver of any vehicle involved in an accident resulting in damage to property shall immediately stop such vehicle at the scene of such accident and any person violating this provision shall upon conviction be punished as provided in Section 62 of this Act.

(c) The driver of any vehicle involved in any accident resulting in injury or death to any person or damage to property shall also 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 shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

SECTION 31. [*Duty to Report Accidents.*]

The driver of any vehicle involved in an accident resulting in injuries or death to any person or property damage to an apparent extent of fifty dollars or more shall within twenty-four hours forward a report of such accident to the Department, except that when such accident occurs within an incorporated city or town such report shall be made within twenty-four hours to the police headquarters in such city or town. Every police department shall forward a copy of every such report so filed with it to the Department.

The Department may require drivers, involved in accidents, or police departments to file supplemental reports of accidents upon forms furnished by it whenever the original report is insufficient in the opinion of the Department. Such reports shall be without prejudice, shall be for the information of the Department and shall not be open to public inspection. The fact that such reports have been so made shall be admissible in evidence solely to prove a compliance with this section but no such report or any part thereof or statement contained therein shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of such accidents.

SECTION 32. [*Garage Keeper to Report Damaged Vehicles.*]

The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station or sheriff's office within twenty-four

hours after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of such vehicle.

SECTION 33. [*Drivers of State, County and City Vehicles Subject to Provisions of the Act.*]

The provisions of this act applicable to the drivers of vehicles upon the highways, shall apply to the drivers of all vehicles owned or operated by this state or any county, city, town, district or any other political subdivision of the state subject to such specific exceptions as are set forth in this act. The provisions of this act shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

SECTION 34. [*Powers of Local Authorities.*]

Local authorities except as expressly authorized by Sections 4 (c) and 22 shall have no power or authority to alter any speed limitations declared in this act or to enact or enforce any rule or regulation contrary to the provisions of this act, except that local authorities shall have power to provide by ordinance for the regulation of traffic by means of traffic officers or semaphores or other signaling devices on any portion of the highway where traffic is heavy or continuous and may prohibit other than one-way traffic upon certain highways and may regulate the use of the highways by processions or assemblages. Local authorities may also regulate the speed of vehicles in public parks and shall erect at all entrances to such parks adequate signs giving notice of any such special speed regulations.

SECTION 35. [*This Act Not to Interfere with Rights of Owners of Real Property with Reference Thereto.*]

Nothing in this act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use nor from requiring other or different or additional conditions than those specified in this act or otherwise regulating such use as may seem best to such owner.

## TITLE III

THE SIZE, WEIGHT, CONSTRUCTION AND EQUIPMENT OF  
VEHICLESSECTION 36. [*Scope and Effect of Regulations in This Title.*]

It shall be unlawful and constitute a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this title or any vehicle or vehicles which are not so constructed or equipped as required in this title or the rules and regulations of the Commissioner adopted pursuant thereto and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this act.

SECTION 37. [*Size of Vehicles and Loads.*]

(a) No vehicle shall exceed a total outside width, including any load thereon, of eight feet, except that the width of a farm tractor shall not exceed nine feet, and excepting further, that the limitations as to size of vehicles stated in this section shall not apply to implements of husbandry temporarily propelled or moved upon the public highway.

(b) No vehicle unladen or with load shall exceed a height of fourteen feet and six inches.

(c) No vehicle shall exceed a length of thirty-three feet, and no combination of vehicles coupled together shall exceed a total length of eighty-five feet.

(d) No train of vehicles or vehicle operated alone shall carry any load extending more than three feet beyond the front thereof.

(e) No passenger vehicle shall carry any load extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fender on the right side thereof.

SECTION 38. [*Flag or Light at End of Load.*]

Whenever the load on any vehicle shall extend more than four

feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load a red flag not less than twelve inches both in length and width, except that between one-half hour after sunset and one-half hour before sunrise there shall be displayed at the end of any such load a [yellow or red] light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle.

SECTION 39. [*Weight of Vehicles and Loads.*]

*Note to Sec. 39.*

*The Committee on Uniformity of Laws and Regulations of the National Conference on Street and Highway Safety recommended that every state legislature give consideration to the adoption of legislation authorizing the Highway Commission or other appropriate body having jurisdiction over highways to classify highways and to enforce limitations as to the weight of vehicles operated thereon in accordance with the following plan:*

*The State Highway Commission shall be authorized to classify the public highways under its jurisdiction as follows:*

*Class A, or terminal highways, which shall be highways in industrial areas or which connect centers of population not widely separated, where there is need for the trucking of heavy loads in many large capacity trucks requiring pavements not less than eighteen feet wide and as wide as the traffic warrants and of strength sufficient to serve the vehicular units of four wheels or less not exceeding 32,000 pounds gross weight including load.*

*Class B, highways which shall be highways where there is a considerable amount of heavy truck hauling but not so great as on terminal highways and requiring pavements not less than eighteen feet in width and as wide as traffic warrants and of such strength as to serve single vehicular units of four wheels or less not exceeding 26,000 pounds gross weight including load.*

*Class C, highways which shall be highways where there is a comparatively small volume of heavy truck hauling of a type not necessitating the use of extremely heavy units and requiring pavements not less than eighteen feet in width and as wide as traffic warrants and of such strength as to serve single vehicular units of four wheels or less not exceeding 21,000 pounds gross weight including load.*

*Class D, highways which shall be highways not included in Classes A, B or C, where traffic consists chiefly of passenger automobiles and single vehicular units of four wheels or less not exceeding 16,000 pounds gross weight including load, which highways should be not*

less than sixteen feet in width and as wide as traffic warrants and of sufficient strength to serve the traffic as herein stated.

The legislation should also provide that upon the highways classified as above provided the maximum gross weight limit of any vehicle should not exceed the following:

*On Class A Highways:* No vehicle of four wheels or less whose gross weight including load is more than 32,000 pounds; no vehicle having a greater weight than 25,600 pounds on one axle, and no vehicle having a load of over 800 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway (said width in the case of solid rubber tires to be measured between the flanges of the rim) should be permitted on roads of this class. In any combination of vehicles containing more than one two-wheeled trailer the axle for each succeeding two-wheeled trailers shall not exceed 16,000 pounds. When axles are spaced less than eight feet apart, the load on each axle shall not exceed 12,800 pounds. In a combination of vehicles, the gross load on the first two vehicles shall not exceed 64,000 pounds and in each succeeding sixteen feet, the gross load shall not exceed 32,000 pounds. Single vehicular units of more than four wheels operated without trailer or semi-trailer shall be permitted a gross weight not exceeding 38,400 pounds provided the gross weight on any axle does not exceed 16,000 pounds.

*On Class B Highways:* No vehicle of four wheels or less whose gross weight including load is more than 26,000 pounds; no vehicle having a greater weight than 20,800 pounds on one axle, and no vehicle having a load of over 800 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway (said width in the case of solid rubber tires to be measured between the flanges of the rim) should be permitted on roads of this class. In any combination of vehicles containing more than one two-wheeled trailer, the axle load for each succeeding two-wheeled trailer shall not exceed 13,000 pounds. When axles are spaced less than eight feet apart the load on each axle shall not exceed 10,400 pounds. In a combination of vehicles the gross load on the first two vehicles shall not exceed 52,000 pounds, and in each succeeding sixteen feet the gross load shall not exceed 26,000 pounds. Single vehicular units of more than four wheels operated without trailer or semi-trailer shall be permitted a gross weight not exceeding 31,200 pounds provided the gross weight on any axle does not exceed 13,000 pounds.

*On Class C Highways:* No vehicle of four wheels whose gross weight including load is more than 21,000 pounds; no vehicle having a greater weight than 16,800 pounds on one axle, and no vehicle having a load of over 800 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway (said width in the case of solid rubber



tires to be measured between the flanges of the rim) should be permitted on roads of this class. In any combination of vehicles containing more than one two-wheeled trailer, the axle load for each succeeding two-wheeled trailer shall not exceed 10,500 pounds. When axles are spaced less than eight feet apart the load on each axle shall not exceed 8,400 pounds. In a combination of vehicles the gross load on the first two vehicles shall not exceed 42,000 pounds and in each succeeding sixteen feet the gross load shall not exceed 21,000 pounds. Single vehicular units of more than four wheels operated without trailer or semi-trailer shall be permitted a gross weight not exceeding 25,200 pounds provided the gross weight on any axle does not exceed 10,500 pounds.

*On Class D Highways:* No vehicle of four wheels or less whose gross weight including load is more than 16,000; no vehicle having a greater weight than 12,800 pounds on one axle, and no vehicle having a load of over 800 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway (said width in the case of solid rubber tires to be measured between the flanges of the rim) shall be permitted on roads of this class. In any combination of vehicles containing more than one two-wheeled trailer the axle load for each succeeding two-wheeled trailer shall not exceed 8,000 pounds. When axles are spaced less than eight feet apart the load on each axle shall not exceed 6,400 pounds. In a combination of vehicles the gross load on the first two vehicles shall not exceed 32,000 pounds and on each succeeding sixteen feet the gross load shall not exceed 16,000 pounds. Single vehicular units of more than four wheels operated without trailer or semi-trailer shall be permitted a gross weight not exceeding 19,200 pounds, provided the gross weight on any axle does not exceed 8,000 pounds.

SECTION 40. [*Peace Officer May Weigh Vehicle and Require Removal of Excess Load.*]

Any [peace officer] having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh the same either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scales in the event such scales are within two miles. The officer may then require the driver to unload immediately such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum therefor specified in this act.

SECTION 41. [*Permits for Excessive Size and Weight.*]

The State Highway Commission [or other proper state authority]

and local authorities in their respective jurisdictions may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle of a size or weight exceeding the maximum specified in this act, upon any highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible. Every such permit shall be issued for a single trip and may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting such permit. Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any [peace officer], and it shall be a misdemeanor for any person to violate any of the terms or conditions of such special permit.

SECTION 42. [*When Local Authorities May Restrict Right to Use Highways.*]

Local authorities may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period not to exceed ninety days in any one calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which such local authorities are responsible whenever any said highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. Such local authorities enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby and the ordinance or resolution shall not be effective until or unless such signs are erected and maintained. Local authorities may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

SECTION 43. [*Restrictions as to Tire Equipment.*]

(a) Every solid rubber tire on a vehicle moved on any high-

way shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(b) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway and except also, that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to slide or skid.

(c) The State Highway Commission (or other proper state body) and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.

#### SECTION 44. [*Trailers and Towed Vehicles.*]

(a) No motor vehicle shall be driven upon any highway drawing or having attached thereto more than one other vehicle, except that a motor vehicle with semi-trailer may draw in addition thereto one other vehicle.

(b) The draw bar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, shall not exceed fifteen feet in length from one vehicle to the other. Whenever such connection consists of a chain, rope or cable, there shall be displayed upon such connection a red flag or other signal or cloth not less than twelve inches both in length and width.

#### SECTION 45. [*Brakes.*]

Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels and so constructed that

no part which is liable to failure shall be common to the two, except that a motorcycle need be equipped with only one brake. All such brakes shall be maintained in good working order and shall conform to regulations not inconsistent with this section to be promulgated by the commissioner.

SECTION 46. [*Horns and Warning Devices.*]

(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 two hundred 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, exhaust, compression or spark plug whistle 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.

(b) Every police and fire department and fire patrol vehicle and every ambulance used for emergency calls shall be equipped with a bell, siren or exhaust whistle of a type approved by the Commissioner.

SECTION 47. [*Mirrors.*]

No person shall drive a motor vehicle on a highway which motor vehicle is 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, unless such vehicle is equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

SECTION 48. [*Windshields Must be Unobstructed and Equipped with Wipers.*]

(a) It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster or other non-transparent material upon the front windshield, side wings, side or rear windows of such motor vehicle other than a certificate or other paper required to be so displayed by law.

(b) Every windshield on a motor vehicle shall be equipped

with a device for cleaning rain, snow or other moisture from the windshield which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

SECTION 49. [*Prevention of Noise, Smoke, Etc.; Muffler Cut-Outs Regulated.*]

(a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke

(b) It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon a highway.

(c) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.

SECTION 50. [*Required Lighting Equipment of Vehicles.*]

(a) When Vehicles Must Be Equipped.

Every vehicle upon a highway within this state during the period from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred feet ahead, shall be equipped with lighted front and rear lamps as in this section respectively required for different classes of vehicles and subject to exemption with reference to lights on parked vehicles as declared in Section 56.

(b) Head Lamps on Motor Vehicles.

Every motor vehicle other than a motorcycle, road-roller, road machinery, or farm tractor shall be equipped with two head lamps, no more and no less, at the front of and on opposite sides of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in Section 52 or Section 53 and except as to acetylene head lamps shall be of a type which has been approved by the Commissioner.

(c) Head Lamps on Motorcycles.

Every motorcycle shall be equipped with at least one and not more than two head lamps which shall comply with the require-

ments and limitations set forth in Section 52 or Section 53 and except as to acetylene head lamps shall be of a type which has been approved by the Commissioner.

(d) Rear Lamps.

Every motor vehicle and every trailer or semi-trailer which is being drawn at the end of a train of vehicles shall carry at the rear a lamp of a type which has been approved by the Commissioner and which exhibits a [yellow or red] light plainly visible under normal atmospheric conditions from a distance of five hundred feet to the rear of such vehicle and so constructed and placed that the number plate carried on the rear of such vehicle shall under like conditions be so illuminated by a white light as to be read from a distance of fifty feet to the rear of such vehicle.

(e) Clearance Lamps.

Every motor vehicle, other than any road-roller, road machinery or farm tractor, having a width at any part in excess of eighty inches shall carry two clearance lamps on the left side of such vehicle, one located at the front and displaying a white light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, and the other located at the rear of the vehicle and displaying a [yellow or red] light visible under like conditions from a distance of 500 feet to the rear of the vehicle.

(f) Lamps on Bicycles.

Every bicycle shall be equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least three hundred feet in front of such bicycle and shall also be equipped with a reflex mirror or lamp on the rear exhibiting a [yellow or red] light visible under like conditions from a distance of at least two hundred feet to the rear of such bicycle.

(g) Lights on Other Vehicles.

All vehicles not heretofore in this section required to be equipped with specified lighted lamps shall carry one or more lighted lamps or lanterns displaying a white light visible under normal atmospheric conditions from a distance of not less than 500 feet to the front of such vehicle and displaying a [yellow or red] light visible under like conditions from a distance of not less than 500 feet to the rear of such vehicle.

*Note to Sec. 50.*

*The National Conference on Street and Highway Safety adopted the principle that yellow should be the color of cautionary lights, and that red should indicate positive danger. In view, however, of reported technical difficulties involved in a rigid application of this principle and the existing widespread use of red for rear lights, such conference, pending further study and recommendation by qualified engineering experts as to the most desirable and feasible color of rear lights, directed that the color of rear lights be designated in the draft as [yellow or red].*

SECTION 51. [Additional Permissible Lights on Vehicles.]

(a) Spot Lamps.

Any motor vehicle may be equipped with not to exceed two spot lamps, except that a motorcycle shall not be equipped with more than one spot lamp, and 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 nor more than 100 feet ahead of the vehicle.

(b) Auxiliary Driving Lamps.

Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than 24 inches above the level surface on which the vehicle stands and every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in Section 52 (c).

(c) Signal Lamps.

Whenever a motor vehicle is equipped with a signal lamp to comply with the provisions of Section 18, the signal lamp shall be so constructed and located on the vehicle as to give a signal (yellow or red) in color, which shall be plainly visible in normal sunlight, from a distance of 100 feet to the rear of the vehicle but shall not project a glaring or dazzling light and shall be of a type approved by the commissioner.

(d) Restrictions on Lamps.

Any device, other than head lamps, spot lamps or auxiliary driving lamps, which projects a beam of light of an intensity greater than twenty-five candlepower, shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than 50 feet from the vehicle.

*Note to Sec. 51.*

*The National Conference on Street and Highway Safety adopted the principle that red should indicate positive danger and that yellow should be the color of the cautionary lights. Pending further study and recommendation by qualified engineering experts as to the most desirable and feasible color of signal lights, such Conference directed that the color of signal lights be designated in the draft as [yellow or red].*

SECTION 52. [*Requirements as to Head Lamps and Auxiliary Driving Lamps.*]

(a) The head lamps of motor vehicles shall be so constructed, arranged, and adjusted that, except as provided in subsection (c) of this section, they will at all times mentioned in Section 50 and under normal atmospheric conditions and on a level road produce a driving light sufficient to render clearly discernible a person two hundred feet ahead, but shall not project a glaring or dazzling light to persons in front of such head lamp.

(b) Head lamps shall be deemed to comply with the foregoing provisions prohibiting glaring and dazzling lights if none of the main bright portion of the head lamp beams rises above a horizontal plane passing through the lamp centers parallel to the level road upon which the loaded vehicle stands and in no case higher than forty-two inches, seventy-five feet ahead of the vehicle.

(c) Whenever a motor vehicle is being operated upon a highway, or a portion thereof, which is sufficiently lighted to reveal a person on the highway at a distance of 200 feet ahead of the vehicle it shall be permissible to dim the head lamps or to tilt the beams downward or to substitute therefor the light from an auxiliary driving lamp or pair of such lamps, subject to the restrictions as to tilted beams and auxiliary driving lamps set forth in this subsection.

Whenever a motor vehicle meets another vehicle on any highway it shall be permissible to tilt the beams of the head lamps downward or to substitute therefor the light from an auxiliary



driving lamp or pair of such lamps subject to the requirement that the tilted head lamps or auxiliary lamp or lamps shall give sufficient illumination under normal atmospheric conditions and on a level road to render clearly discernible a person 75 feet ahead, but shall not project a glaring or dazzling light to persons in front of the vehicle, provided that at all times required in Section 50 at least two lights shall be displayed on the front of and on opposite sides of every motor vehicle other than a motorcycle, road-roller, road machinery, or farm tractor.

SECTION 53. [*Acetylene Lights.*]

Motor vehicles may be equipped with two acetylene head lamps of approximately equal candlepower when equipped with clear plane glass fronts, bright six-inch spherical mirrors and standard acetylene five-eighths foot burners not more and not less and which do not project a glaring or dazzling light into the eyes of approaching drivers.

SECTION 54. [*Test and Approval of Lamps.*]

(a) It shall be unlawful for any person to sell or offer for sale, either separately or as a part of the equipment of a motor vehicle, or to use upon a motor vehicle upon a highway, any electric head lamp, or any auxiliary driving lamp, rear lamp or signal lamp, unless of a type which has been submitted to the Commissioner for test and for which a certificate of approval has been obtained from the Commissioner as hereinafter provided.

(b) The Commissioner is hereby authorized and required to adopt and enforce standard specifications as to the amount, color and direction of light to be emitted by head lamps, auxiliary driving lamps, rear lamps and signal lamps for compliance with the requirements and limitations set forth in Sections 50, 51 and 52; and the Commissioner is authorized and required to determine whether any head lamps, auxiliary driving lamps, signal lamps and rear lamps submitted will comply with the requirements of this act and the specifications adopted by the Commissioner and to approve such head lamps, auxiliary driving lamps, signal lamps and rear lamps, and to publish lists of such devices by name and type together with the permissible

candlepower rating of the bulbs as he shall determine are lawful hereunder, and to forward such lists to the [County Clerk] of every county within the state, who shall file the same, and to every state, county and city police department or others whose duty it is to enforce the provisions of this act.

(c) Any person, firm or corporation desiring approval of a device shall submit to the Commissioner two sets of each type of device upon which approval is desired, together with a fee of \$25.00 for each type of head lamp and auxiliary driving lamp and a fee of \$10.00 for each type of rear lamp or signal lamp submitted. Within 30 days the Commissioner shall, upon notice to the applicant submit such device to the United States Bureau of Standards or to such other recognized testing laboratory as he may elect for a report as to the compliance of such type of device with the standard specifications and the provisions of this act as to lighting performance. The Commissioner is authorized and required to accept the certificate of the United States Bureau of Standards or of some other recognized testing laboratory as to compliance with the specifications and requirements; provided, however, that in cases of dispute as to the findings of such other laboratory appeal may be made to the United States Bureau of Standards; and provided, also, that the Commissioner is authorized to refuse approval of any device, certified as complying with the specifications and requirements, which the Commissioner determines will be in actual use unsafe or impracticable or would fail to comply with the provisions of this act.

(d) The Commissioner shall request the testing agency to submit a report of each type of device to the Commissioner. For those which are found to comply with the specifications and requirements the report shall include any special adjustments required and the candlepower rating of the bulbs for such performance. Reports of all tests shall be accessible to the public and a copy thereof shall be furnished by the Commissioner to the applicant for the test.

(e) The Commissioner, when having reason to believe that an approved device as being sold commercially does not comply

with the requirements of this act, may after 30 days' notice to the manufacturer thereof, suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this act. The Commissioner may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices and if such device upon such retest fails to meet the requirements of this act, the Commissioner may refuse to renew the certificate of approval of such device.

(f) It shall be unlawful for any person to sell or to offer for sale either separately or as a part of the equipment of a motor vehicle any head lamp, auxiliary driving lamp, rear lamp or signal lamp approved by the Commissioner unless such device bears thereon the trade-mark or name under which it is approved so as to be legible when installed, and is accompanied by printed instructions as to the candlepower of bulbs to be used therewith as approved by the Commissioner and any particular methods of mounting or adjustment as to focus or aim necessary for compliance with the requirements of this act.

*Note to Sec. 54.*

*It is recommended that the Motor Vehicle Commissioner in each state adopt standard current specifications for head lamps, auxiliary driving lamps, rear lamps and signal lamps.*

*In those states where constitutional provisions require that the statute set forth the detailed specifications relative to head lamps and other devices, it is suggested that the specifications set forth in this note subject to such revision as may be recommended by the recognized engineering societies be included in the statute. This would require a change in the wording of section 54 (b) and the inclusion as an additional section of the specifications for laboratory test of head lamps, auxiliary driving lamps, signal lamps and rear lamps.*

*The specifications for head lamps recommended by the Illuminating Engineering Society and approved by the American Engineering Standards Committee are as follows:*

*Head lamps by laboratory test shall meet the following requirements and limitations when tested in pairs:*

*1. In the median vertical plane parallel to the lamps on a level with the centers of the lamps, not less than eighteen hundred and not more than six thousand apparent candlepower.*

2. In the median vertical plane, one degree of arc below the level of the center of the lamps, not less than seven thousand two hundred apparent candlepower, and there shall not be less than seven thousand two hundred apparent candlepower anywhere on the horizontal line through this point, one degree of arc to the left and to the right of this point.

3. In the median vertical plane, one degree of arc above the level of the center of the lamps, not more than twenty-four hundred nor less than eight hundred apparent candlepower.

4. Four degrees of arc to the left of the median vertical plane and one degree of arc above the level of the center of the lamps, not more than eight hundred apparent candlepower.

5. One and one-half degrees of arc below the level of the center of the lamps and three degrees of arc to the left and to the right, respectively, of the median vertical plane, not less than five thousand apparent candlepower nor less than this amount anywhere on the line connecting these two points.

6. Three degrees of arc below the level of the center of the lamps and six degrees of arc to the left and to the right, respectively, of the median vertical plane, not less than two thousand apparent candlepower nor less than this amount anywhere on the line connecting these two points.

Specifications for depressible beam head lamps, auxiliary driving lamps, rear lamps and signal lamps recommended by the Automotive Lighting Association are as follows:

(a) Depressible Beam Head Lamps.

These should be tested in pairs and the main or upper beams of such head lamps shall meet the requirements as to light intensity and distribution provided in the foregoing I. E. S. specifications for fixed beam head lamps. The depressed or lower beams shall meet the requirements as to light intensity and distribution provided in (b) of this note for auxiliary driving lamps.

(b) Auxiliary Driving Lamps.

Auxiliary driving lamps shall be tested singly or in pairs as to be used and shall meet the following requirements as to light intensity and distribution:

1. In the median vertical plane, one degree of arc above the level of the centers of the lamps, not more than eight hundred nor less than three hundred apparent candlepower.

2. Four degrees of arc to the left of the median vertical plane and one degree of arc above the level of the centers of the lamps, not more than four hundred apparent candlepower.

3. Three degrees of arc to the left and to the right, respectively, of the median vertical plane and one and one-half degrees of arc below the level of the centers of the lamps, not more than two thousand nor less than eight hundred apparent candlepower.

4. Six degrees of arc to the left and to the right, respectively, of the median vertical plane and three degrees of arc below the level of the centers of the lamps, not less than two thousand apparent candlepower, nor less than this amount anywhere on the line connecting these two points.

5. In no direction shall there be more than twenty-five thousand apparent candlepower.

In the case of both head lamps and auxiliary driving lamps the Commissioner will, in determining whether a device is likely in practice to prove unsafe or impracticable, inspect for defects such as:

Unnecessary loss of light in the device due to absorption or diffusion.

Abnormal or unduly complicated adjustment.

Unstable or bad mechanical construction.

Unduly bright or dark areas or excessive contrast in the illuminated field.

Indefinite pattern at top of beam making aiming uncertain.

(c) Signal Lamps shall be tested singly and shall meet the following requirements as to light intensity and distribution:

1. On a line perpendicular to the center of the lamp face a minimum average brightness of two candlepower per square inch over a minimum illuminated area of three and one-half square inches.

2. At all points at an angle of thirty degrees to the perpendicular through the center of the lamp face a minimum average brightness of fifteen-hundredths candlepower per square inch over a minimum illuminated area of three and one-half square inches.

3. In no direction shall there be more than twenty-five apparent candlepower.

(d) Rear Lamps shall be tested singly and shall meet the following requirements as to construction, light intensity and distribution:

1. Rear lamps shall emit a yellow (or red) light which on a line perpendicular to the center of the lamp face shall be not less than one-tenth apparent candlepower, and which in all directions at thirty degrees to the perpendicular through the center of the lamp face shall be not less than five-hundredths apparent candlepower. In no direction shall there be more than five apparent candlepower.

2. The rear lamp shall have an opening covered with colorless glass sufficiently large to permit light to cover the entire surface of the registration number plate, which for the purpose of the test shall be represented by a plane surface sixteen inches long by six and one-half inches wide in the case of a device for motor vehicles and ten inches long by five inches wide in the case of a device for motorcycles.

3. The registration plate holder shall be an integral part of the lamp and constructed in such a manner that the major portion of the light incident at any point on the registration plate shall make an angle of not less than eight degrees with the plane of the plate.

4. *The lamp shall be weather and dust proof and so constructed as to withstand the shock and vibration to which it is ordinarily subjected in use.*

5. *When tested with a bulb of two spherical candlepower the illumination as measured on white blotting paper placed in the location of the registration plate shall not be less than five-tenths foot-candles at any point and the ratio of maximum to minimum shall not exceed thirty.*

6. *In the case of rear lamps the Commissioner will, in determining whether a device is likely in practice to prove unsafe or impracticable inspect for defects such as:*

*Unstable or bad mechanical construction.*

*Unduly dark or bright areas or excessive contrast in the illumination on the registration number plate.*

*Cut-off of illumination within one and one-half inches of the plate measured perpendicular to the plane of the plate at the edge farthest from the lamp.*

SECTION 55. [Enforcement of Provisions.]

(a) The Commissioner is authorized to designate, furnish instructions to and to supervise official stations for adjusting head lamps and auxiliary driving lamps to conform with the provisions of Section 52. When head lamps and auxiliary driving lamps have been adjusted in conformity with the instructions issued by the Commissioner a certificate of adjustment shall be issued to the driver of the motor vehicle on forms issued in duplicate by the Commissioner and showing date of issue, registration number of the motor vehicle, owner's name, make of vehicle and official designation of the adjusting station.

(b) The driver of any motor vehicle equipped with approved head lamps, auxiliary driving lamps, rear lamps or signal lamps, who is arrested upon a charge that such lamps are improperly adjusted or are equipped with bulbs of a candlepower not approved for use therewith, shall be allowed 48 hours within which to bring such lamps into conformance with the requirements of this act. It shall be a defense to any such charge that the person arrested produce in Court or submit to the prosecuting attorney a certificate from an official adjusting station showing that within 48 hours after such arrest such lamps have been made to conform with the requirements of this act.

SECTION 56. [*Lights on Parked Vehicles.*]

Whenever a vehicle is parked or stopped upon a highway whether attended or unattended during the times mentioned in Section 50 there shall be displayed upon such vehicle one or more lamps projecting a white light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle and projecting a [yellow or red] light visible under like conditions from a distance of five hundred feet to the rear, except that local authorities may provide by ordinance that no lights need be displayed upon any such vehicle when parked in accordance with local ordinances upon a highway where there is sufficient light to reveal any person within a distance of two hundred feet upon such highway.

*Note to Sec. 56.*

*The National Conference on Street and Highway Safety directed that the color of the rear parking light on a vehicle be designated as [yellow or red] pending further study and recommendation by qualified engineers as to the most desirable and feasible color of the rear parking light.*

SECTION 57. [*Red or Green Light Visible from in Front of Vehicle Prohibited.*]

It shall be unlawful for any person to drive or move any vehicle upon a highway with any red or green light thereon visible from directly in front thereof. This section shall not apply to police or fire department or fire patrol vehicles.

## TITLE IV

## HIGHWAY TRAFFIC SIGNS

SECTION 58. [*Uniform Marking of and Erection of Signs on Highways.*]

[The State Highway Commission] is hereby authorized to classify, designate and mark both intrastate and interstate highways lying within the boundaries of this state and to provide a uniform system of marking and signing such highways under the jurisdiction of this state, and such system of marking and signing shall correlate with and so far as possible conform to the system adopted in other states.

SECTION 59. [*Local Traffic Signs.*]

Local authorities in their respective jurisdictions may cause appropriate signs to be erected and maintained, designating residence and business districts, highway and steam or interurban railway grade crossings and such other signs as may be deemed necessary to carry out the provisions of this act, and such additional signs as may be appropriate to give notice of local parking and other special regulations. Local parking and other special regulations shall not be enforceable against an alleged violator if, at the time and place of the alleged violation, an appropriate sign giving notice thereof, is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

SECTION 60. [*Other than Official Signs Prohibited.*]

No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light in imitation of any official sign, marker, signal or light erected under the provisions of this act, and no person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial advertising, provided nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the [State Highway Commission] or any local authority as defined in this act.

SECTION 61. [*Injuring Signs.*]

Any person who shall deface, injure, knock down or remove any sign posted as provided in this act shall be guilty of a misdemeanor.

## TITLE V

## PENALTIES

SECTION 62. [*Penalties for Misdemeanors.*]

(a) It shall be unlawful and constitute 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) Every person convicted of a misdemeanor for a violation of any of the provisions of this act for which another penalty is not provided shall for a conviction thereof be punished by a fine of not more than one hundred dollars or by imprisonment in the county or municipal jail for not more than ten days; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars or by imprisonment in the county or municipal jail for not more than twenty days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county or municipal jail for not more than six months or by both such fine and imprisonment.

SECTION 63. [*Penalty for Driving While Under the Influence of Intoxicating Liquor or Narcotic Drugs.*]

Every person who is convicted of a violation of Section 2 of this act relating to habitual users of narcotic drugs and driving while under the influence of intoxicating liquor or narcotic drugs shall be punished by imprisonment in the county or municipal jail for not less than thirty days nor more than [one year] or by fine of not less than one hundred dollars nor more than [one thousand] dollars or by both such fine and imprisonment. On a second or subsequent conviction he shall be punished by imprisonment for not less than ninety days nor more than one year, and, in the discretion of the court, a fine of not more than one thousand dollars.

The Commissioner shall revoke the operator's or chauffeur's license of the person so convicted.

SECTION 64. [*Penalty for Reckless Driving.*]

Every person convicted of reckless driving under Section 3 of this act shall be punished by imprisonment in the county or municipal jail for a period of not less than five days nor more than ninety days or by fine of not less than twenty-five dollars nor more than [five hundred] dollars or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished

by imprisonment for not less than ten days nor more than six months or by a fine of not less than fifty dollars nor more than [one thousand] dollars, or by both such fine and imprisonment.

SECTION 65. [*Penalty for Failure to Stop in Event of Accident Involving Injury or Death to a Person.*]

Every person convicted of violating Section 30 (a) of this act relative to the duty to stop in the event of certain accidents shall be punished by imprisonment in the county or municipal jail for not less than thirty days nor more than one year or in the state prison for not less than one nor more than five years or by fine of not less than one hundred dollars nor more than five thousand dollars or by both such fine and imprisonment. The Commissioner shall revoke the operator's or chauffeur's license of the person so convicted.

TITLE VI

PROCEDURE UPON ARREST, REPORTS, DISPOSITION OF FINES  
AND FORFEITURES

SECTION 66. [*Appearance Upon Arrest for Misdemeanor.*]

(a) Whenever any person is arrested for a violation of any provision of this act punishable as a misdemeanor, the arresting officer shall, except as otherwise provided in this section, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five days after such arrest unless the person arrested shall demand an earlier hearing, and such person shall, if he so desire, have a right to an immediate hearing or a hearing within twenty-four hours at a convenient hour and such hearing to be before [a magistrate within the township or county wherein such offense was committed]. Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place forthwith, release him from custody.

Any person refusing to give such written promise to appear shall be taken immediately by the arresting officer before the nearest or most accessible magistrate.

Any person who wilfully violates his written promise to appear, given in accordance with this section, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

(b) The provisions of subsection (a) of this section shall not apply to any person arrested and charged with an offense causing or contributing to an accident resulting in injury or death to any person nor to any person charged with reckless driving or driving in excess of thirty miles per hour within a business or residence district or in excess of forty-five miles per hour outside of a business or residence district nor to any person charged with driving while under the influence of intoxicating liquor or narcotic drugs nor to any person whom the arresting officer shall have good cause to believe has committed any felony, and the arresting officer shall take such person forthwith before the nearest or most accessible magistrate.

(c) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and shall be subject to removal from office.

SECTION 67. [*Report of Convictions to be Sent to Department.*]

(a) Every [justice of the peace or police judge or court] in this state shall keep a full report of every case in which a person is charged with violation of any provision of this act, and in the event that such person is convicted or that his bail is forfeited, an abstract of such report shall be sent forthwith by the [justice of the peace or police judge or court] to the Department but this requirement shall not be deemed to make such court a court of record.

(b) Abstracts required by this section shall be made upon forms prepared by the Department and shall include all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, the amount of the fine or forfeiture, as the case may be, and every such abstract shall be certified by the [justice of the peace, police judge or clerk of such police court] as a true abstract of the record of the court.

(c) Each clerk of any court of record of this state shall also, within ten days after any final judgment of conviction of any violation of any of the provisions of this act, send to the Department a certified copy of such judgment of conviction. Certified copies of the judgment shall also be forwarded to the Department upon conviction of any person of manslaughter or other felony in the commission of which a vehicle was used. The said Department shall keep such records in its office, and they shall be open to the inspection of any person during reasonable business hours.

(d) Failure, refusal or neglect to comply with any of the provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom.

SECTION 68. [*Fines and Forfeitures.*]

All fines or forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this act constituting a misdemeanor, shall be deposited in the treasury of the state [(or the county, city, or town maintaining the court wherein such conviction or forfeiture was had) in a special fund to be known as the "highway improvement fund," which is hereby created and which shall be used exclusively in the construction, maintenance and repair of public highways, bridges and culverts within such respective jurisdictions].

Failure, refusal or neglect to comply with any of the provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom.

TITLE VII

EFFECT OF AND SHORT TITLE OF ACT

SECTION 69. [*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 70. [*Short Title.*]

This act may be cited as the Uniform Motor Vehicle Act Regulating the Operation of Vehicles.

SECTION 71. [*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 72. [*Repeal.*]

The (existing statutes covering the same matters as embraced in this act) are hereby repealed and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 73. [*Time of Taking Effect.*]

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

## NOTES TO UNIFORM ACT REGULATING THE OPERATION OF VEHICLES ON HIGHWAYS

*Note to Sec. 2.*

Substantially the same prohibition is contained in the great majority of motor vehicle statutes.

*Note to Sec. 3.*

Motor vehicle statutes define reckless driving differently according to two theories not always clearly distinguished.

FIRST. Wilfully and wantonly driving a vehicle recklessly and thereby endangering life, limb or property. Such provisions carry severe minimum and maximum penalties.

SECOND. Reckless driving broadly defined to include simple negligence and practically every violation of any of the rules of the road. Actually as well as theoretically such provisions carry lower penalties. When thus defined it frequently occurs that a charge of reckless driving is made in a large percentage of traffic violations which do not involve actual danger to life, limb or property.

*Note to Sec. 4.*

Vehicle statutes in practically every state prohibit excessive speed in general terms as stated in subdivision (a) of this section. The definite limits or limits excess of which are prima facie evidence of unsafe driving in the statutes vary to such an extent that it is impractical to set forth a complete detailed comparison.

For example, the speed limit in open country territory in N. H. is 25 m. p. h. and in Va. speed in excess of 30 m. p. h. is conclusive evidence that speed is greater than is reasonable and proper. On the contrary Calif., declares a speed in excess of 35 m. p. h. prima facie but not conclusive evi-

dence of speeding, Kan. allows 40 m. p. h., Fla. 45 m. p. h. and Mont. declares no definite limit. Special limits applicable in residential or business districts and under particular conditions vary to practically the same extent. A prima facie rule has been adopted in a number of states, including the following: Ala., Calif., Conn., Del., Fla., Ind., Ill., Ky., La., Me., Md., Mass., Mo., N. Y., Ohio, S. Dak. and Vt.

*Note to Sec. 7.*

Approximately thirty states impose special speed limits on vehicles exceeding certain sizes or weights according to schedules which widely differ. The section is left blank pending further developments.

*Note to Sec. 10.*

This section and those following to and including Sec. 16 set forth standard rules of the road found subject to variations as to phraseology in practically every vehicle statute.

*Note to Sec. 16 (b).*

This subdivision is inserted to insure that trucks will not follow one another so closely as to prevent other vehicles from obtaining an opportunity to pass the same in safety during breaks in oncoming traffic. Many motorists have reported that it is practically impossible to overtake and pass a long line of slow moving trucks in the face of oncoming traffic.

*Note to Sec. 18.*

The majority of states prescribe merely that "a timely warning or plainly visible signal of intention to stop or turn shall be given."

A three way hand and arm signal practically uniform has been adopted by statute in Calif., Idaho, Ind., Ky., Mo., Ore., Utah, Wash., W. Va.

The National Conference on Street and Highway Safety recommend a single cautionary signal as required in the draft.

*Note to Secs. 25 and 26.*

Otherwise than as provided in these two sections no attempt has been made in this draft to regulate the parking of vehicles. Provisions similar to this section are found in the vehicle statutes of Ark., Cal., Colo., Conn., Idaho, Ky., Mich., N. Car., Ohio, Ore., Penna., Utah, Vt., Wash., W. Va., and possibly in additional states.

*Note to Sec. 30.*

The vehicle statutes in practically every state impose the duty to stop and give name and address in the event of accident and severe penalties are prescribed for violations of such duty.

*Note to Sec. 31.*

The majority of states require reports of accidents generally limited to serious accidents or those resulting in death or personal injuries.

*Note to Sec. 36.*

Municipalities and counties, either by constitutional or legislative grant, are generally vested with power to enact local police regulations not in con-

flict with state laws. In the event that a state declares only certain maximum limitations upon the size and weight of vehicles, local authorities may add further restrictions. The State Legislature may prevent this by covering the entire field of legislation with reference to the particular subject matter. This the Legislature may do by declaring what size and weight shall be lawful as well as what shall be unlawful.

The text in Section 36 is so worded as to preclude local authorities from altering the limitations referred to therein except in those particulars expressly authorized by the Legislature in this act.

*Note to Sec. 37.*

The motor vehicle statutes in practically all states prescribe a limitation as to width of vehicles and in most instances as to height and length. The section imposes limitations corresponding to the average maximum permitted in the states.

*Note to Sec. 38.*

Similar provisions are in force in Calif., Conn., Ky., Me., Md., Mo., R. I., Utah, W. Va., and possibly additional states.

*Note to Sec. 40.*

Similar authorization is given to enforcement officers in Ark., Calif., Del., D. C., Ill., Nev., R. I., and possibly in additional states.

*Note to Sec. 41.*

Vehicle statutes authorize state or local bodies to issue special permits for excess size and weight in 27 states.

*Note to Sec. 42.*

Vehicle statutes contain special provisions relative to the power of local bodies to decrease weight limits corresponding in general with this section in at least nineteen states.

*Note to Sec. 43.*

Similar provisions are imposed in 17 states.

*Note to Sec. 45.*

At least 40 states require "adequate brakes in good working order," some requiring two independent sets and a few specifying the distances within which brakes shall be capable of stopping a vehicle.

*Note to Sec. 46.*

Practically every state requires horns and many impose restrictions on use of sirens, exhaust or spark plug whistles.

*Note to Sec. 47.*

Mirrors are required under conditions stated or on commercial vehicles in 27 states.

*Note to Sec. 49.*

Regulations as to noise, use or equipment with muffler cut-outs are imposed in 24 states.