

Act III

UNIFORM MOTOR VEHICLE CIVIL LIABILITY ACT

This Act is a part of a
Uniform Vehicle Code

CONSISTING OF

- I.—“Uniform Motor Vehicle Administration, Registration,
Certificate of Title, and Antitheft Act”
- II.—“Uniform Motor Vehicle Operators’ and Chauffeurs’
License Act”
- III.—“Uniform Motor Vehicle Civil Liability Act”
- IV.—“Uniform Motor Vehicle Safety Responsibility Act”
- V.—“Uniform Act Regulating Traffic on Highways”

As revised and approved by the Fourth National Conference on Street
and Highway Safety, May 23-25, 1934

U. S. DEPARTMENT OF AGRICULTURE
BUREAU OF PUBLIC ROADS



ACT III—UNIFORM MOTOR VEHICLE CIVIL LIABILITY ACT

TITLE OF ACT

An act relating to civil liability of owners and operators of motor vehicles, service of civil process on nonresidents and requirement that owners of for rent vehicles give proof of financial responsibility and to make uniform the law with reference thereto

Be it enacted * * *

ARTICLE I

WORDS AND PHRASES DEFINED

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 article

SEC 2 (a) *Commissioner*—The commissioner of motor vehicles of this State

(b) *Department*—The department of motor vehicles of this State acting directly or through its duly authorized officers and agents.

SEC 3 (a) *Person*—Every natural person, firm, copartnership, association, or corporation

(b) *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

SEC 4 (a) *Vehicle*—Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks

(b) *Motor vehicle*—Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails

SEC 5 *Street or Highway*—The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public as a matter of right, for purposes of vehicular traffic

ARTICLE II

CIVIL LIABILITY OF OWNERS AND OPERATORS OF MOTOR VEHICLES

SEC 6 *Liability of State, counties, municipalities, and other public corporations*—(a) This State and every county, incorporated city,

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PUBLISHED UNDER AUTHORITY CONTAINED IN
THE FEDERAL HIGHWAY ACT (42 STAT 212)
APPROVED NOVEMBER 9, 1921

FOREWORD

This act is one of five acts which constitute the uniform vehicle code as revised and recommended for State enactment as the foundation for uniform traffic regulation

The uniform vehicle code was originally prepared in 1925-26 by the National Conference on Street and Highway Safety in cooperation with the National Conference of Commissioners on Uniform State Laws. It was reviewed and revised by the National Conference on Street and Highway Safety in 1930 and again this year. In each case the revisions were based upon thorough study by a representative committee, extending over a period of months, of the provisions of the various acts in the light of experience and changed conditions.

The changes in substance in the present code from the 1930 draft are few. The speed restrictions have been rewritten to make them simpler and more easily understood. The lighting provisions for motor vehicles have been revised in recognition of recent mechanical developments. Changes have been made in the sections dealing with sizes and weights of motor vehicles. There has been incorporated provision for periodic inspection of motor vehicles.

The first two acts of the 1930 draft, covering respectively vehicle registration and certificate of title, have been consolidated and amplified to provide for a highway patrol and new administrative features. Two new acts have been added, dealing respectively with civil liability and safety responsibility. Former acts III and IV, covering respectively drivers' licenses and regulation of traffic on highways, have been renumbered acts II and V. In all of the acts long sections have been broken up into shorter sections for clarity.

The National Conference on Street and Highway Safety as heretofore recommends two other sets of standards to supplement the uniform vehicle code—a model municipal traffic ordinance for municipalities and a manual of uniform traffic control devices—the latter now covering conditions both in rural areas and in cities.

The importance of uniform legislative standards in reducing accidents and facilitating the movement of traffic cannot be overestimated, and the adoption of these standards by all States and municipalities is earnestly recommended.

DANIEL C. ROPER,
*Secretary of Commerce, Chairman,
National Conference on Street and Highway Safety.*

WASHINGTON, D. C., July 31, 1934

NOTE.—The following associations have cooperated with the Department of Commerce in conducting the Conference: Bureau of Public Roads, United States Department of Agriculture; American Association of Motor Vehicle Administrators; American Automobile Association; American Mutual Alliance; American Railway Association; American Transit Association; Chamber of Commerce of the United States; National Automobile Chamber of Commerce; National Bureau of Casualty and Surety Underwriters; and National Safety Council. The Automobile Club of Southern California has made substantial contributions to the staff work of the Uniform Vehicle Code and Model Municipal Traffic Ordinance.

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ARTICLE II

CIVIL LIABILITY OF OWNERS AND OPERATORS OF MOTOR VEHICLES

SEC 6. *Liability of State, counties, municipalities, and other public corporations*—(a) This State and every county, incorporated city,

town or village and every other public corporation within this State shall be liable for civil damages on account of bodily injury to or death of any person or damage to property resulting from the operation of a motor vehicle by any officer, agent or employee of such public entity or corporation when acting within the scope of his office, agency or employment to the same extent that liability is imposed by law on such operator. The liability of any said public entity or corporation and its officers, agent, or employee shall be joint and several.

(b) Any person having a claim against any such public entity or corporation under this section may present the same to such public entity or corporation in the same manner as other claims are presented and if thereupon such claim is not acted upon within 30 days after said presentation or is rejected in whole or in part, then said person may sue such public entity or corporation in a court of competent jurisdiction in the manner prescribed by law for the commencement and maintenance of such a suit against a private individual.

(c) Any such public entity or corporation may insure against the liability imposed by this section in any insurance carrier duly authorized to transact business in this State and the premium for such insurance shall be a proper charge against the general fund of such public entity or corporation.

SEC 7 *Imputing negligence or willful misconduct of operator to owner*—(a) Any negligence or willful misconduct of a person operating a motor vehicle with the express or implied permission of the owner shall be imputed to said owner for all purposes of civil damages and said owner shall be liable for civil damages caused by such negligence or willful misconduct to the extent that liability is imposed by law on such operator subject to the limit in amount of \$5,000 for bodily injury to or death of one person in any one accident and, subject to said limit as to one person, the amount of \$10,000 for bodily injury to or death of all persons as a result of any one accident and \$1,000 for damage to property of others as a result of any one accident.

(b) The foregoing limits as to liability shall not apply with respect to the liability of an owner for the negligence or willful misconduct of an agent or servant operating a motor vehicle in the scope of his employment.

(c) This section shall not impose liability upon the owner of a motor vehicle when the same is being operated by the keeper of a garage, repair shop or service station or by the employees of such keeper in the course of storing, servicing or repairing such vehicle or when the same is being operated by any bailee, pledgee, mortgagee, or other lien holder of such vehicle.

(d) An owner so subject to liability under this section may settle and pay any bona fide claims for damages under this section, whether reduced to judgment or not, and to that extent discharge the liability imposed upon him under this section.

(e) An owner so subject to liability under this section shall be subrogated to all bona fide claims for damages reduced to judgment to the extent that he has paid or discharged the same and upon such subrogation may recover from such operator the total amount so paid by him.

(f) This section shall not be deemed to relieve the operator of a motor vehicle from any liability imposed upon him by law

SEC 8 *Liability for bodily injury to or death of guest*—No guest riding in or upon any vehicle without giving compensation for such ride or riding in or upon any vehicle while engaged in a joint enterprise with the owner or driver of such vehicle shall have, nor shall any other person have, any right of action for civil damages against the driver of such vehicle, or against any other person legally liable for the conduct of such driver, on account of bodily injury to or the death of such guest during such ride, unless the plaintiff in any such action establishes that such injury or death proximately resulted from the intoxication or willful misconduct of said driver¹

SEC 9 *Service of process on nonresident*—(a) The acceptance by a nonresident of any right or privilege conferred upon him by the laws of this State to operate a motor vehicle upon the highways within this State, or the operation by a nonresident or his duly authorized agent or employee of a motor vehicle upon the highways of this State, or in the event such nonresident is the owner of a motor vehicle, then also the operation of such vehicle upon a highway of this State by any person with such owner's express or implied permission shall be deemed equivalent to an appointment by such nonresident of the commissioner or his successor in office to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against said nonresident growing out of any accident or collision resulting from the operation of a motor vehicle upon any highway of this State by said owner or other person as above mentioned

(b) Said acceptance or use of any said highways shall be signification of the agreement of said nonresident that any such process against him which is served in the manner herein provided shall be of the same legal force and validity as if served on said nonresident personally

(c) Service of such process shall be made by leaving a copy of the summons and complaint with a fee of \$2 with the commissioner or in his office and such service shall be sufficient service on said nonresident subject to compliance with the other provisions of this section. The plaintiff shall likewise and at the same time file with the commissioner or in his office a bond in the sum of \$500 with sureties to be approved by the commissioner, conditioned that upon the failure of the plaintiff to prevail in the action said plaintiff shall reimburse the defendant for the expenses necessarily incurred by him in defending the action in this State

(d) The plaintiff or his attorney shall forthwith send a notice of such service and a copy of the summons and complaint by registered mail to the defendant or in the alternative such notice and copy of the summons and complaint may be served personally upon the defendant wherever found outside of this State by any duly constituted public officer qualified to serve like process of and in the State or in the jurisdiction where such personal service is made

(e) Proof of compliance with subsection (d) hereof shall be made in the event of service by mail by affidavit of said plaintiff or his attorney, showing said mailing, to which shall be attached

¹ This section would not be valid in those States where the State constitution creates a right of action based upon negligence

the return receipt of the United States post office bearing the signature of said defendant, which affidavit and receipt shall be appended to the original summons, which shall be filed with the court from out of which such summons issued within the time allowed by law for the return of such summons, or in the event of personal service outside this State by the return of any duly constituted public officer, qualified to serve like process of and in the State or jurisdiction where the defendant is found, showing such service to have been made at least 15 days before the return day of the process, which return shall be so appended to the original summons, which shall be so filed as aforesaid

(f) The court in which the action is pending may order such continuance as may be necessary to afford the defendant a reasonable opportunity to defend the action

(g) The commissioner shall keep a record of all processes so served upon him, which record shall show the day and hour of service²

ARTICLE III

OWNERS OF FOR-RENT VEHICLES

SEC. 10 *Owner of for-rent motor vehicle to give proof of financial responsibility*—(a) 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 has previously notified the department of the intention to so rent such vehicle and has given proof of financial responsibility, and the department shall not register any such vehicle unless and until the owner gives proof of financial responsibility either as provided in this section or in the alternative, as provided in section 11. 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 give and maintain such proof of financial responsibility

(b) Such owner shall submit to the commissioner evidence that there has been issued to him by an insurance carrier authorized to do business in this State a public liability insurance policy or policies covering each such motor vehicle so rented in the amounts as hereinafter stated and insuring every person operating such vehicle under a rental agreement or operating the vehicle with the express or implied permission of the owner against loss from the liability imposed by law upon such person arising out of the operation of said vehicle in the amount of \$5,000 for bodily injury to or death of one person and subject to said limit as respects bodily injury to or death of any one person the amount of \$10,000 on account of bodily injury to or death of more than one person in any one accident and \$1,000 for damage to property of others in any one accident.

(c) The owner shall maintain such policy or policies in full force and effect during all times that he is engaged in the business of rent-

² The validity of the above method of service has been sustained by the U S Sup Ct in *Hess v Pawloski* (1927), 274 U S. 352, 71 Law Ed 1091

ing any motor vehicle without a driver unless said owner shall have given proof of financial responsibility as provided in section 11.

(d) Said policy or policies need not cover any liability incurred by the renter of any vehicle to any passenger in such vehicle

(e) When any suit or action is brought against the owner of a for-rent motor vehicle upon a liability under this act, it shall be the duty of the judge of the 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 obtained and there is in full force and effect a policy or policies of insurance covering the person operating the vehicle under a rental agreement in the limits above mentioned. When it appears that the owner has obtained such policy or policies and that the same are in full force and effect, the judge or magistrate before whom such action is pending shall dismiss the action as to the owner of the motor vehicle

(f) Whenever the owner of a motor vehicle rents such vehicle without a driver to another it shall be unlawful for the latter to permit any other person to operate such vehicle without the permission of the owner

(g) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500 or by imprisonment for not more than six months or by both such fine and imprisonment

SEC 11 *Owner of for-rent vehicle liable when no policy obtained—*

(a) In the event the owner of a for-rent motor vehicle has not given proof of financial responsibility as provided in section 10, then the commissioner shall not register any motor vehicle owned by such person and rented, or intended to be rented, to another unless such owner shall demonstrate, to the satisfaction of the commissioner, his financial ability to respond in damages as follows:

(1) If he applies for registration of 1 motor vehicle, in the sum of at least \$5,000 for any 1 person injured or killed and in the sum of \$10,000 for any number more than 1 injured or killed in any 1 accident;

(2) If he applies for the registration of more than 1 motor vehicle, then in the foregoing sums for 1 motor vehicle and \$5,000 additional for each motor vehicle in excess of 1, but it shall be sufficient for the owner to demonstrate ability to respond in damages in the sum of \$100,000 for any number of motor vehicles

(b) 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 section

(c) Any owner of a for-rent motor vehicle who has given proof of financial responsibility under this section or who in violation of this act has failed to give proof of financial responsibility shall be jointly and severally liable with any person operating such vehicle for any damages caused by the negligence of any person operating the vehicle by or with the permission of the owner, except that the foregoing provision shall not confer any right of action upon any passenger in any such rented vehicle as against the owner

(d) Nothing in this section shall be construed to prevent an owner from making defense in any such action upon the ground of com-

parative or contributory negligence to the extent to which such defense is allowed in other cases

ARTICLE V

EFFECT OF AND SHORT TITLE OF ACT

SEC 12 *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

SEC 13 *Short title*—This act may be cited as the Uniform Motor Vehicle Civil Liability Act

SEC 14 *Act not retroactive*—This act shall not have a retroactive effect and shall not apply to any cause of action arising out of a traffic accident occurring prior to the effective date of this act.

SEC 15 *Constitutionality*—If any part of this act shall be held 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 hereof would be declared unconstitutional.

SEC 16 (*Repeal acts inconsistent herewith*)

SEC 17 *Time of taking effect*—This act shall take effect from and after the ----- day of -----

Table showing source of present provisions of act III of the Uniform Vehicle Code

[This act III contains provisions in part from former acts I and III, also certain new matter as indicated in the following table]

Section of act III as revised	Source—act, section, and subdivision	Explanation
1 to 5.....	(1).....	Amplified
6.....	III, 24.....	
7.....	New.....	
8.....	do.....	Reworded Do
9.....	do.....	
10.....	I, 10c, 23.....	
11.....	do.....	
12 to 17.....	New.....	

¹ Definitions consistent with those in the other acts

