

SEC. 12. Should any section or parts of sections of this act be declared unconstitutional it shall in no case affect the validity of other provisions of this act.

Repeals Rem.  
Comp. Stat.  
§ 10127 to  
10130;  
Pierce's Code  
§ 4451 to 4454.

SEC. 13. Sections 10127, 10128, 10129, and 10130 of Remington's Compiled Statutes are hereby repealed.

Passed the Senate February 9, 1923.

Passed the House March 5, 1923.

Approved by the Governor March 19, 1923.

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## CHAPTER 181.

[S. B. 266.]

### MOTOR VEHICLES.

AN ACT relating to the use of the public highways and the rights and remedies of persons thereon, and amending Sections 6313, 6328, 6330, 6332, 6335, 6339, 6340, 6355 and 6358 of Remington's Compiled Statutes, adding thereto a new section to be known as Section 6358-1 and declaring that this act shall take effect immediately.

*Be it enacted by the Legislature of the State of Washington:*

Amends Rem.  
Comp. Stat.  
§ 6313;  
Pierce's Code  
§ 197.

SECTION 1. That section 6313 of Remington's Compiled Statutes of Washington be amended to read as follows:

Definitions.

Section 6313. The words and phrases herein used, unless the same be clearly contrary to or inconsistent with the context of the act or section in which used, shall be construed as follows:

Motor vehicle.

(1) "Motor vehicle" shall include all vehicles or machines propelled by any power other than muscular, used upon the public highways for the transportation of persons, freight, produce or any commodity, except traction engines temporarily upon the public highway, road rollers or road making

machines, and motor vehicles that run upon fixed rails or tracks.

(2) "Automobiles" shall mean the ordinary Automobiles. four-wheel motor vehicles, and shall be synonymous with the term "motor vehicle" except as otherwise herein provided;

(3) "Motor cycle" shall mean a motor vehicle Motorcycle. of two or three wheels intended for the carrying of one, two or three persons, or operated by one person for the carrying of parcels or packages;

(4) "Auto stage" as distinguished from "auto- Auto stage. mobile" shall mean a motor vehicle used for the purpose of carrying passengers, baggage and freight on a regular schedule of time and rates; *Provided, however,* that no motor vehicle shall be considered an auto stage where the whole route traveled by such vehicle is within the corporate limits of any incorporated city;

(5) "Motor truck" shall mean any motor vehicle Motor truck. designed or used for the transportation of commodities, merchandise, produce, freight or animals;

(6) "Trailer" shall mean any vehicle which is Trailer. attached to a motor vehicle for the purpose of being drawn or propelled by such motor vehicle;

(7) "Public highway" or "public highways" Public highway. shall include any highway, state road, county road, public street, avenue, alley, driveway, boulevard or other place built, supported, maintained, controlled or used by the public or by the state, county, district or municipal officers for the use of the public as a highway, or for the transportation of persons or freight, or as a place of travel or communication between different localities or communities;

(8) "Local authorities" shall include the officers Local authorities. of counties, cities or towns or other municipal subdivisions of the state having control, power or authority over any of the subject matter embraced in this act;

Peace officer. (9) "Peace officer" or "peace officers" shall be taken to mean any officer or officers authorized by law to execute criminal process or to make arrest for the violation of the statutes generally or of any particular statutes relative to the public highways of the state;

Dealer. (10) "Dealer" shall be taken to mean any person, firm or corporation engaged in the sale of new or second-hand motor vehicles;

Privately owned. (11) "Privately owned" shall include all motor vehicles not operated for hire, and shall include hearses, ambulances, or any other motor propelled vehicle used exclusively in connection with the conduct of funerals;

For hire. (12) "For hire" shall be taken to mean all motor vehicles other than auto stages, used for the transportation of persons, for which transportation remuneration of any kind is received, either directly or indirectly.

Operator. (13) The word "Operator" wherever used in this act shall be held to mean any person who operates or drives a motor vehicle.

Axle. (14) The word "axle" when used in this act shall be held to mean any axle supported by one or more wheels or any combination of two or more axles built in the same or approximately the same line, or in the same or approximately the same plane normal to the frame of the vehicle.

Wheel base. (15) The words "wheel base" when used in this act shall be held to mean the horizontal distance between any two axles.

Amends Rem.  
Comp. Stat.  
§ 6328;  
Pierce's Code  
§ 211.

SEC. 2. That section 6328 of Remington's Compiled Statutes of Washington be amended to read as follows:

See Rem.  
Comp. Stat.  
§ 6326;  
Pierce's Code  
§ 210.

Section 6328. For all motor vehicles registered between the first day of August and the thirtieth day of November of any year only one-half the rate

named in section 6326 of Remington's Compiled Statutes shall be charged.

SEC. 3. That section 6330 of Remington's Compiled Statutes be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 6330;  
§ 213.

Section 6330. There is hereby created in the state treasury a state fund to be known as the "motor vehicle fund". All fees collected by the state treasurer, as herein provided, shall be paid into the state treasury and placed to the credit of the motor vehicle fund, from which shall be paid or transferred annually:

Motor vehicle  
fund, created.

(a) The amount required to be repaid to the counties entirely surrounded by water, as provided by law.

Counties  
surrounded  
by water.

(b) To each city of the first or second class in the state in which there are streets forming a part of the route of any primary state highway through such city, there shall be remitted by the state auditor, annually, by warrant drawn on the state treasurer and payable from the motor vehicle fund, a sum equal to five hundred dollars (\$500) per mile for each mile of primary state highway in such city, to be expended for the maintenance and improvement of streets in such city;

First and  
second class  
cities.

(c) To each city of the third or fourth class in which there are streets forming a part of the route of any primary state highway through such city, there shall be remitted by the state auditor, annually, by warrant drawn on the state treasurer and payable from the motor vehicle fund, a sum equal to three hundred dollars (\$300) per mile for each mile of primary state highway in such city, to be expended for the maintenance and improvement of the streets forming a part of primary state highways in such city; *Provided*, the state highway engineer may give the city authorities permission to expend said maintenance money upon the other streets in such city.

Third and  
fourth class  
cities.

Standard of construction required.

All streets, in order to come under the foregoing provisions for maintenance purposes, must be of a character equal to the standard of permanent highway construction. The state highway engineer shall determine what streets in cities form a part of the route of any primary highway and shall, between the fifteenth day of February and the fifteenth day of March of each year, certify in duplicate, one copy to the state treasurer, and one copy to the clerk of each city affected by the foregoing provisions, the number of miles of such constructed highways within such city forming a part of the route of a primary state highway.

Balance, disposal.

(d) The balance remaining in the motor vehicle fund, after the payments and remittances hereinabove provided for, less any sums appropriated for administrative expenses in the office of the state treasurer, the department of licenses and the office of the state highway engineer shall be applied annually to construction and/or paving and maintenance of the state primary highways, and the construction of secondary state highways, as provided by appropriation.

Primary and secondary highways.

Amends Rem. Comp. Stat. § 6332: Pierce's Code § 214a.

SEC. 4. That section 6332 of Remington's Compiled Statutes of Washington be amended to read as follows:

Load limit.

Section 6332. It shall be unlawful for any person, firm or corporation to operate any vehicle of four wheels or less or any device not equipped with wheels over and along the roads in this state whose gross weight, including load, is more than 24,000 pounds, or any vehicle having a greater weight, including load, than 18,500 pounds on one axle, or any vehicle having a combined weight, including load, of over 800 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway (said width of tire in the case of solid rubber tires to be measured between the flanges of the rim), or

any vehicle or combination of vehicles whose gross weight including load is in excess of the following or whose wheel base or wheel bases are less than the following:

Any vehicle having a gross weight, including load, of 12,000 pounds or more shall have a wheel base of not less than 10 feet.

Any vehicle or combination of vehicles having three axles and a gross weight, including load, on all axles of more than 24,000 pounds and not more than 42,500 pounds, shall have a wheel base between the first and second axles of not less than 10 feet and between the second and third axles of not less than 12 feet. The gross weight, including load, of any vehicle or combination of vehicles having three axles shall not exceed 42,500 pounds.

Any vehicle or combination of vehicles having four axles and a gross weight, including load, on all axles of more than 24,000 pounds and not more than 44,000 pounds shall have a wheel base between the first and second axles of not less than ten feet, between the second and third axles of not less than six feet six inches and between the third and fourth axles of not less than twelve feet. The gross weight, including load, on the third and fourth axles of a vehicle or combination of vehicles having four axles shall not exceed 20,000 pounds nor 10,000 pounds on either axle. The gross weight, including load, of any vehicle or combination of vehicles having four axles shall not exceed 44,000 pounds.

Any vehicle or combination of vehicles having five axles and a gross weight, including load, on all axles of more than 24,000 pounds and not more than 51,000 pounds shall have a wheel base between the first and second axles of not less than ten feet, between the second and third axles of not less than twelve feet, between the third and fourth axles of not less than six feet six inches and between the

fourth and fifth axles of not less than twelve feet. The gross weight, including load, on the third, fourth and fifth axles of any vehicle or combination of vehicles having five axles shall not exceed 27,000 pounds nor 9,000 pounds on any one of the third, fourth or fifth axles. The gross weight, including load, of any vehicle or combination of vehicles having five axles shall not exceed 51,000 pounds.

Any vehicle or combination of vehicles having six axles and a gross weight, including load, on all axles of more than 24,000 pounds and not more than 56,000 pounds shall have a wheel base between the first and second axles of not less than ten feet, between the second and third axles of not less than six feet six inches, between the third and fourth axles of not less than twelve feet, between the fourth and fifth axles of not less than six feet six inches and between the fifth and sixth axles of not less than twelve feet. The gross weight, including load, on the third, fourth, fifth and sixth axles shall not exceed 32,000 pounds nor 8,000 pounds on any one of the third, fourth, fifth or sixth axles. The gross weight, including load, of any vehicle or combination of vehicles having six axles shall not exceed 56,000 pounds.

**Trailers.**

The wheel base between the rear axle of a truck and the front axle of a trailer having two axles and the wheel base between two trailers having two axles to each trailer shall not be less than six feet six inches. Each trailer having two axles shall have a chain connection, to the motor truck or other trailer drawing it, in addition to the draw bar connection, which chain connection shall have sufficient strength to hold the trailer or trailers on the maximum grade on which the vehicles are to be operated; trailers shall not whip, weave or oscillate: *Provided*, that in special cases, vehicles that do not come within the classifications herein prescribed; or vehicles whose

gross weight, including load, exceeds those herein prescribed, may operate under special written permits, which must be first obtained and under such terms and conditions as to time, route, equipment, speed and otherwise as shall be determined by the State Highway Engineer if it is desired to use a state highway; the county commissioners, if it is desired to use a county road; and the city or town council, if it is desired to use a city or town street; from each of which officer or officers such permit shall be obtained in the respective cases. *Provided*, that no motor truck or trailer shall be driven over or on a public highway with a load exceeding the licensed capacity.

No vehicles whose width over all, including load, exceeds eight feet shall be driven over or on a public highway (Farm machinery moving from one farm or section of farm to another not included); and no vehicle having two axles and having a length of more than thirty feet shall be driven over or on a public highway; and no vehicle or combination of vehicles having more than two axles and having a length including load of more than eighty-five feet shall be driven over or on a public highway; and no vehicle or combination of vehicles having more than six axles shall be driven over or on a public highway: *Provided, further*, upon the conviction of any person, firm or corporation for the violation of the provisions of this section, a fine shall be imposed of not less than twenty-five dollars (\$25); *Provided, further*, upon the conviction of any person, for a second violation of the provisions of this section, the court or judge before whom such conviction is had may in its or his discretion impose a fine of not to exceed fifty dollars (\$50) and shall in addition to any fine imposed suspend the license covering the vehicle involved in such violation for a period of

Width.

Penalties.



thirty days, and upon a third conviction, the court or judge may in its or his discretion impose a fine of not to exceed one hundred dollars (\$100) and shall in addition to any fine imposed suspend said license covering the vehicle involved in such violation for a period of three months.

Metal tires.

It shall be unlawful for any person, firm or corporation to operate any vehicle equipped with metal tires over and along any paved public highway in this state whose gross weight including load is more than 10,000 pounds or any vehicle having a gross weight, including load, of over 625 pounds per inch width of tire.

Solid rubber tires.

It shall be unlawful for any person, firm or corporation to operate over and along any public highway any vehicle equipped with tires of solid rubber or other elastic material and having upon the wheels thereof any tire of a less thickness of solid rubber, or other equally elastic material or composition, than will insure and maintain a cushion of elastic material between the surface of the highway and every metal part of every wheel of such vehicle of not less than the following:

(a) When the gross weight, including load, on any one wheel is less than 6,000 pounds, one and one-quarter inches.

(b) When the gross weight, including load, on any one wheel is 6,000 pounds or more, one and one-half inches.

Amends Rem.  
Comp. Stat.  
§ 6335;  
Pierce's Code  
§ 217.

SEC. 5. That section 6335 of Remington's Compiled Statutes of Washington be amended to read as follows:

Brakes.

Section 6335. Every motor vehicle or combination of vehicle operated or driven upon the public highways of this state, shall be equipped with brakes as follows:

Motorcycles shall be equipped with one brake capable of controlling the vehicle at all times.

Vehicles or combinations of vehicles having two, three or four axles shall be equipped with two independently operated brakes controlling the wheels of one axle, either of which shall be capable of controlling the vehicle or combination of vehicles at all times.

Vehicles or combinations of vehicles having five or six axles; the wheels on the second axle shall be equipped with two independently operated brakes; the wheels on the fifth axle of a vehicle or combination of vehicles having five axles, and the wheels on the fourth and sixth axles of a vehicle or combination of vehicles having six axles shall be equipped with either air or electric brakes; either brake on the wheels of the second axle when operated in connection with the brake on the wheels of the fifth axle of a vehicle or combination of vehicles having five axles and either brake on the wheels of the second axle when operated in connection with the brakes on the wheels of the fourth and sixth axles of a vehicle or combination of vehicles having six axles shall be capable of controlling the vehicle or combination of vehicles at all times.

SEC. 6. That section 6339 of Remington's Compiled Statutes of Washington be amended to read as follows:

Amends Rem.  
Comp. Stat.  
§ 6339;  
Pierce's Code  
§ 219.

Section 6339. It shall be the duty of every person operating a motor vehicle on the public highways of this state to drive the same in a careful and prudent manner. It shall be unlawful for any person to operate or move any motor vehicle at a rate of speed faster than thirty miles per hour, or, within any corporate limits of any city or town, at a rate of speed faster than twenty miles per hour, or, over or across any street intersection within the corporate limits of any city or town, or within one hundred

Speed limit.

yards of any school house, on school days between eight o'clock in the morning and five o'clock in the evening, at a rate of speed faster than twelve miles per hour, or in any case at a rate of speed that will endanger the property of another or the life or limb of any person. It shall be unlawful to operate any motor truck equipped with pneumatic tires over or along the highways of this state at a greater rate of speed than twenty-five miles per hour; or any motor truck having two axles and a gross weight including load as hereinafter provided, equipped with solid rubber tires at a greater rate of speed than the following:

4,000 pounds and under.....	25 miles per hour
Over 4,000 pounds and up to 8,000 pounds.....	20 miles per hour
Over 8,000 pounds and up to 12,000 pounds.....	18 miles per hour
Over 12,000 pounds and up to 16,000 pounds.....	16 miles per hour
Over 16,000 pounds and up to 20,000 pounds.....	14 miles per hour
Over 20,000 pounds and up to 24,000 pounds.....	12 miles per hour

It shall be unlawful for any person, firm or corporation to operate any vehicle or combination of vehicles of a gross weight, including load, as hereinafter provided at a greater rate of speed than that stated in the following tables for the class and gross weight, including load, of vehicle or combination of vehicles stated:

Vehicles or combinations of vehicles having three or four axles:

24,000 pounds and under.....	20 miles per hour
Over 24,000 pounds and up to 28,000 pounds.....	18 miles per hour
Over 28,000 pounds and up to 32,000 pounds.....	16 miles per hour
Over 32,000 pounds and up to 38,000 pounds.....	14 miles per hour
Over 38,000 pounds and up to 42,500 pounds for vehicles having three axles.....	12 miles per hour
Over 38,000 pounds and up to 44,000 pounds for vehicles having four axles.....	12 miles per hour

Vehicles or combinations of vehicles having five axles:

- 30,000 pounds and under.....20 miles per hour
- Over 30,000 pounds and up to 35,000 pounds.....18 miles per hour
- Over 35,000 pounds and up to 40,000 pounds.....16 miles per hour
- Over 40,000 pounds and up to 46,000 pounds.....14 miles per hour
- Over 46,000 pounds and up to 51,000 pounds.....12 miles per hour

Vehicles or combinations of vehicles having six axles:

- 36,000 pounds and under.....20 miles per hour
- Over 36,000 pounds and up to 41,000 pounds.....18 miles per hour
- Over 41,000 pounds and up to 46,000 pounds.....16 miles per hour
- Over 46,000 pounds and up to 51,000 pounds.....14 miles per hour
- Over 51,000 pounds and up to 56,000 pounds.....12 miles per hour

*Provided*, that any vehicle or combination of vehicles, having three or more axles and not more than six axles, and having a gross weight, including load, on any two adjacent axles that falls within the gross weights, including loads, hereinbefore provided in the table of speeds for a motor truck, shall not be operated at a greater rate of speed than the corresponding rate of speed in the table of speeds for a motor truck hereinbefore provided.

*Provided*, that it shall be unlawful to operate any vehicle or combination of vehicles having a gross weight, including load, of 12,000 pounds or more over or on any bridge on a public highway at a greater rate of speed than 8 miles per hour.

It shall be unlawful to operate or drive any motor vehicle used for carrying passengers for hire and having a capacity for more than ten passengers at a speed faster than twenty-five miles per hour, on and over any unpaved highway.

Passenger vehicles.

It shall be unlawful to operate or drive any vehicle or combination of vehicles equipped with metal tires over or on any public highway at a greater rate of speed than the following:

2,500 pounds gross weight, including load, or  
 less.....10 miles per hour;  
 Over 2,500 pounds gross weight, including load,  
 and not over 7,000 pounds gross weight,  
 including load ..... 6 miles per hour;

Amends Rem.  
 Comp. Stat.  
 § 6340;  
 Pierce's Code  
 § 222.

SEC. 7. That section 6340 of Remington's Com-  
 piled Statutes of Washington be amended to read  
 as follows:

Rules of  
 the road.

Section 6340. It shall be the duty of every per-  
 son using the highways of this state to observe the  
 "rules of the road" as hereinafter prescribed:

1. Vehicles and persons, driving or riding any,  
 animals proceeding in opposite directions shall pass  
 to the right giving one-half of the road to each.

2. Vehicles proceeding in the same direction on  
 overtaking another vehicle or overtaking any person  
 riding or driving any animal shall pass to the left;  
*Provided, however,* a variance in good faith from  
 the rules herein relating to the turning to the left of  
 a vehicle when overtaking another vehicle, or any  
 person riding or driving an animal, going in the  
 same direction where the exigencies of the situation  
 permit, shall not subject the offender to arrest under  
 the criminal provisions of this act; but it shall be  
 unlawful for any person to pass any moving vehicle  
 or animal overtaken unless he has a clear view ahead  
 of not less than two hundred yards.

3. The overtaking vehicle shall maintain its  
 speed until clear of the vehicle or animal overtaken  
 and the vehicle or animal being overtaken shall turn  
 to the right and give one-half of the road, and shall  
 not increase its speed while being passed.

4. The signal of an intention to pass shall be  
 given by one blast or stroke of the horn, bell, whis-  
 tle, gong or other signaling device.

5. Should the overtaking [overtaken] vehicle  
 then not give way, three such blasts or signals shall

be given, and upon the failure to comply therewith, the overtaking vehicle may at the next suitable place safe for both vehicles go by without further signal.

6. Drivers, when approaching highway intersections, shall look out for and give right of way to vehicles on their right, simultaneously approaching a given point; *Provided, however*, that street and interurban cars and emergency vehicles shall have the right of way at all times at such highway intersections.

7. Pedestrians on the public highways between the period from one-half hour after sunset to one-half hour before sunrise shall travel on and along the left side of said highway, and the pedestrians upon meeting an oncoming vehicle shall step off the travelled portion of the highway.

8. It shall be the duty of every person operating or driving any motor or other vehicle, or riding or driving any animal along or over any public highway when approaching any curve of such highway where for any reason a clear view for a distance of three hundred yards cannot be had, to hold such vehicle under control and to give signals with frequent blasts or strokes of a horn, whistle, bell, gong or other signalling device, and to keep to the extreme inside of all curves to the right and upon the extreme outside of all curves to the left.

9. It shall be unlawful to operate or drive any vehicle or combination of vehicles over or along any pavement or gravel or crushed rock surface on a public highway with one wheel or all of the wheels on one side of said vehicle or combination of vehicles off of the pavement or gravel or crushed rock surface except for the purpose of turning off or passing on the highway or for the purpose of stopping off the pavement or gravel or crushed rock surface.

Amends Rem. Comp. Stat. § 6355; Pierce's Code § 227.

SEC. 8. That section 6355 of Remington's Compiled Statutes of Washington be amended to read as follows:

Fines and forfeitures, disposal.

Section 6355. Fifty per cent of all the fines and forfeitures for violations of the provisions of this act outside of incorporated cities and towns shall be paid to the current expense fund of the county wherein collected, and the remaining fifty per cent thereof shall be paid to a special fund to be known as the "State Parks and Parkway Fund", which fund is hereby created in the state treasury. Fifty per cent of all fines and forfeitures collected for violations of this act within the limits of incorporated cities and towns shall be paid by the county treasurer to the treasurer of such incorporated city or town, and by him placed to the credit of the street repair and maintenance fund of such incorporated city or town, and the remaining fifty per cent thereof shall be paid to the state treasurer and placed in the state parks and parkway fund.

State parks and parkway fund.

SEC. 9. That section 6358 of Remington's Compiled Statutes be amended to read as follows:

Section 6358. It shall be the duty of the mayor and council or other governing authorities of every city or town to erect and maintain at the corporate limits of such city or town, on all paved highways crossing such limits, substantial wood or metal signboards placed at right angles to the highway and painted white and having thereon in black letters four inches high the following words and figures:

Vetoed L. F. H.

On the side nearest the city or town: "City limits of..... (name of city or town) speed limit 35 miles per hour";

On the side away from the city or town: "City limits of..... (name of city or town) speed limit 20 miles per hour."

SEC. 10. That Chapter II of Title XLI, of Remington's Compiled Statutes of Washington be further amended by adding thereto a new section 6358-1 to read as follows:

Rem. Comp. Stat. § 6358-1; Pierce's Code § 230-a-1.

Section 6358-1. It shall be unlawful for any person, firm or corporation to build, erect, establish, operate, maintain or conduct along side any of the public highways of this state any platform, box, stand, or any other temporary or permanent device or structure to be used for the purpose of receiving from or delivering to any vehicle mail, milk cans, vegetables, fruit, merchandise, produce or commodities of any character unless such platform, box, stand, or other temporary or permanent device or structure is so located that no portion thereof is less than four feet from the paved or main travelled portion of such highway.

Platform, box, etc.

SEC. 11. This act is necessary for the immediate preservation of the public safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the Senate March 8, 1923.

Passed the House March 3, 1923.

Approved by the Governor with the exception of Section 9, which is vetoed, March 19, 1923.