

are necessary or proper for the purpose of carrying such exchanges into effect. Upland owners shall be notified of such state owned tide or shore lands to be exchanged.

SEC. 3. The Director of Conservation and Development, in addition to serving as an ex-officio member of any such committee, is hereby authorized and directed to assist any such city or town or metropolitan park district in the development and decoration of any lands so conveyed and to furnish trees, grass, flowers and shrubs therefor. Development  
of lands.

Passed the Senate February 23, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.

---

## CHAPTER 158.

[S. B. 25.]

### UNIFORM MOTOR VEHICLE SAFETY RESPONSIBILITY ACT.

AN ACT relating to the giving of proof of financial responsibility by owners and operators of motor vehicles, providing penalties for certain offenses.

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

SECTION 1. That the following words and phrases, wherever used in this act, shall have the meaning as in this act ascribed to them, unless where used the context thereof shall clearly indicate to the contrary. Definitions.

SEC. 2. "Director." The Director of Licenses of the State of Washington or any duly authorized assistant. "Director."

SEC. 3. (a) "Person." Every natural person, firm, copartnership, association or corporation. "Person."

(b) "Operator." Every person who is in actual "Operator."

physical control of a motor vehicle upon a public highway.

“Registra-  
tion  
certificate.”

(c) “Registration Certificate” shall mean the registration certificate for a motor vehicle issued by the Director of Licenses of this state.

“Owner.”

(d) “Owner.” A person who holds a certificate of ownership of a vehicle, or in the event the vehicle is subject to an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with the 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 any such conditional vendee or lessee or mortgagor having a lawful right of possession or use and control for a period of ten or more successive days.

“Non-  
resident.”

(e) “Non-resident.” Any person whose residence is outside this state and who is temporarily sojourning within this state for a period of not to exceed ninety (90) days in any one (1) year.

“Vehicle.”

SEC. 4. (a) “Vehicle.” Every device capable of being moved upon a public highway and 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 or animal power or used exclusively upon stationary rails or tracks.

“Motor  
vehicle.”

(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.

“Street or  
highway.”

SEC. 5. “Street or Highway.” The entire width between boundary lines of every way or place, publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

“State.”

SEC. 6. “State.” Any state of the United States, the District of Columbia, or any province of the Dominion of Canada.

(b) "Revoke." In all its forms shall mean the invalidation and cancellation for a period of one calendar year and thereafter until reissue. "Revoke."

(c) "Suspend." In all its forms shall mean invalidation for any period less than one calendar year and thereafter until reinstated. "Suspend."

(d) "Cancel." In all its forms shall mean the invalidation and cancellation for an indefinite period and until on proper application new privilege is granted. "Cancel."

(e) "Peace Officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the public highways of this state. "Peace officer."

SEC. 7. DIRECTOR TO ADMINISTER ACT. (a) The Director shall administer and enforce the provisions of this act. Administration of act.

(b) The Director is hereby authorized to adopt and enforce such rules and regulations as may be necessary for the administration of this act.

SEC. 8. PROOF REQUIRED UPON CERTAIN CONVICTIONS. (a) The motor vehicle operator's license, and all of the motor vehicle registration certificates of any person shall be suspended forthwith without notice or hearing by the Director whenever such person shall by final order or judgment have been convicted of or shall have pleaded guilty to or shall have forfeited any bail or collateral deposited to secure his appearance for trial as defendant (where such forfeiture shall not have been vacated) for any offense hereafter committed which requires suspension or revocation of the licenses of such person in this state, or any offense in any other state which, if committed in this state, would require suspension or revocation of the licenses of such person in this state. License suspended when.

(b) Such operator's license and registration certificates shall remain suspended and shall not at any time thereafter be renewed, nor shall any such license be thereafter issued to such person (including any such person not previously licensed who shall by final order or judgment have been convicted of, pleaded guilty to or forfeited any bail or collateral deposited to secure his appearance for trial, where such forfeiture shall not have been vacated, for any such offense or for operating a motor vehicle upon the public highways without being licensed to do so, or for operating an unregistered motor vehicle upon the public highways), nor shall any motor vehicle be thereafter registered in the name of such person until he shall have given proof of his ability to respond in damages for any liability thereafter incurred, resulting from the ownership, maintenance, use or operation thereafter of a motor vehicle, for personal injury to or death of any one person in the amount of at least \$5,000, and, subject to the aforesaid limit for any one person injured or killed, of at least \$10,000 for personal injury to or death of two or more persons in any one accident, and for damage to property in the amount of at least \$1,000 resulting from any one accident.

Proof of ability to respond in damages.

(c) Such proof in said amounts shall be furnished for each motor vehicle registered by such person.

Suspension upon failure to satisfy judgment.

SEC. 9. PROOF REQUIRED IN THE EVENT OF CERTAIN JUDGMENTS. The motor vehicle operator's license and all of the registration certificates of any person shall (except as provided in section 12) be forthwith suspended by the Director upon receiving from the court in which rendered a certificate, in the form prescribed by the Director, showing that such person failed to satisfy within thirty (30) days any judgment which shall have become final by expiration without appeal within the time in which

appeal might have been perfected, or by final affirmance on appeal, rendered against him by a court of competent jurisdiction in this state or in any other state, or in any District Court of the United States, for damages in any amount on account of personal injury, including death, or damage to property in excess of \$100.00, resulting from the ownership, maintenance, use or operation of a motor vehicle.

SEC. 10. SUSPENSION EFFECTIVE UNTIL JUDGMENT SATISFIED AND PROOF GIVEN OF FINANCIAL RESPONSIBILITY. Such operator's license and registration certificates shall remain so suspended and shall (except as provided in section 12) not be renewed, nor shall any such license be issued to such person nor shall any motor vehicle be thereafter registered in the name of such person (including any such person not previously licensed) while any such judgment remains unstayed, unsatisfied and subsisting nor until every such judgment is satisfied or discharged, except that a discharge in bankruptcy shall not be deemed a satisfaction of such judgment, and until the said person gives proof of his ability to respond in damages as required in this act, for future accidents. If, after such proof has been given, any other such judgment shall be recovered against such person resulting from an event occurring before such proof was given but after this act shall take effect, such licenses and certificates shall again be and remain suspended, and no other such license or certificates shall be issued to such person while any such judgment remains unsatisfied and subsisting, as aforesaid.

Suspension effective until judgment satisfied.

SEC. 11. PAYMENTS SUFFICIENT TO SATISFY REQUIREMENTS OF ACT. Every judgment herein referred to shall, for the purposes of this act, be deemed satisfied:

Satisfaction of judgment.

(1) When \$5,000 has been credited upon any

judgment or judgments rendered in excess of that amount for bodily injury to or the death of one person as the result of any one accident; or

(2) When, subject to said limit of \$5,000 as to one person, the sum of \$10,000 has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of more than one person as the result of any one accident; or

(3) When \$1,000 has been credited upon any judgment or judgments rendered in excess of that amount for damage to property of others in excess of \$100 as a result of any one accident.

Credit for such amounts shall be deemed a satisfaction of any such judgment or judgments in excess of said amounts only for the purposes of this act.

Payment of  
judgment in  
installments.

SEC. 12. SUSPENSION WAIVED UPON PAYMENT OF JUDGMENT IN INSTALLMENTS. (a) A judgment debtor to whom this act applies may, for the sole purpose of giving authority to the Director to authorize the judgment debtor to operate a motor vehicle thereafter, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying such judgment in installments, and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order, fixing the amounts and times of payment of the installments. While the judgment debtor is not in default in payments of such installments, the Director, upon his giving proof of ability to respond in damages for future accidents, as herein provided, shall restore his license and registration certificates; but such license and certificates shall be suspended, as herein provided, if the judgment debtor has failed to comply with the terms of the court order.

(b) Nothing in this act shall be construed as authority for reinstatement or re-issue of an operator's license by the Director to any operator, whose operator's license has been suspended or revoked by order of any court as a result of violation of any other law of this state, until the expiration of the period for which such operator's license has been suspended or revoked.

(c) The suspension or revocation of the operator's license provided for in this act shall be in addition to and independent of the suspension or revocation of the operator's license by any court as a penalty for violation of any other law of this state.

SEC. 13. DUTY OF COURTS TO REPORT CONVICTIONS AND JUDGMENTS. The clerk of a court or the judge of a court which has no clerk in which any person is convicted of any offense under the laws of this state which requires the Director to suspend or revoke the operator's license of any person shall, when such conviction has become final, or in such other event as stated in section 8 hereof, forthwith forward to the Director a certified record of any judgment for damages, the rendering and non-payment of which judgment requires the Director to suspend the operator's license and registrations in the name of the judgment debtor hereunder, such record to be forwarded to the Director immediately upon the expiration of 30 days after such judgment has become final and when such judgment has not been stayed or satisfied within the amounts specified in this act, as shown by the records of the court.

Courts  
to report  
convictions  
and  
judgments to  
director.

SEC. 14. REQUIRED SUSPENSION AND PROOF UPON SECOND JUDGMENT NOT SATISFIED. Whenever, after one judgment is satisfied and proof of ability to respond in damages is given as herein required, another such judgment is rendered against the judgment debtor for any accident occurring prior to the date of the giving of said proof and such person fails

Unsatisfied  
second  
judgment.

to satisfy the latter judgment within the amounts specified herein within 30 days after the same becomes final, then the Director shall again suspend the operator's license of such judgment debtor and the registration of any vehicle registered in the name of such judgment debtor as owner and shall not renew the same and shall not issue to him any operator's license or registration of any vehicle while such latter judgment remains in effect and unsatisfied within the amounts specified herein.

Action  
against non-  
resident.

SEC. 15. ACTION AGAINST NON-RESIDENT. (a) All of the provisions of this act shall apply to any person who is not a resident of this state, and if such non-resident has been convicted of any offense which would require the suspension or revocation of the license of a resident or if such non-resident has failed to satisfy a judgment within 30 days after the same became final, which would require suspension or revocation hereunder in respect to a resident, then in either such event such non-resident shall not operate any motor vehicle in this state nor shall any motor vehicle owned by him be operated within this state by any person and the Director shall not issue to such non-resident any operator's license or register any motor vehicle owned by such non-resident unless and until such non-resident shall give proof of his ability to respond in damages for future accidents and shall satisfy any such judgment, all as required with respect to a resident of this state.

(b) The Director shall transmit a certified copy of any record of any such conviction of a non-resident to the motor vehicle commissioner or state officer performing the functions of a commissioner in the state in which such non-resident resides and shall likewise forward to such officer a certified record of any unsatisfied judgment rendered against such non-resident which requires suspension or revo-



cation of such non-resident's driving privileges in this state.

SEC. 16. OWNER MAY GIVE PROOF FOR CHAUFFEUR OR MEMBER OF FAMILY. If it shall be duly established to the satisfaction of the Director, (a) that any person, whether a resident or non-resident of this state, who shall have been convicted, pleaded guilty or forfeited bail or collateral, as aforesaid, was, upon the occasion of the offense upon which such conviction, plea or forfeiture was based, a chauffeur or motor vehicle operator, however designated, in the employ of the owner of the motor vehicle involved in such offense or a member of the immediate family or household of the owner of such motor vehicle, and (b) that there was not, at the time of such offense or subsequent thereto, up to the date of such finding, any motor vehicle registered in this state (or if a non-resident, in the state of his residence) in the name of the person who has been convicted, pleaded guilty or forfeited bail or collateral as aforesaid, then and in that event, if the person in whose name such motor vehicle is registered shall give proof of ability to respond in damages according to the provisions of this act, which proof the Director shall accept, such chauffeur or other person, as aforesaid, shall be relieved of the necessity of giving such proof in his own behalf, so long as he is operating a motor vehicle for which the owner has given proof of his ability to respond in damages.

Owner may give proof of ability to respond in damages for chauffeur or member of family.

SEC. 17. SURRENDER OF LICENSE AND EVIDENCES OF REGISTRATION. Any operator or any owner, whose operator's license or certificate of registration shall have been suspended as herein provided, or whose policy of insurance, or bond, when same is required under this act, shall have been cancelled or terminated, or who shall neglect to furnish other evidence of ability to respond in damages upon request of

Surrender of license and evidences of registration upon suspension.

the Director shall immediately return to the Director his operator's license, certificate of registration and the number plates issued thereunder. If any person shall wilfully fail to return to the Director the operator's license, certificate or certificates of registration and the number plates issued thereunder as provided herein, the Director shall forthwith direct any peace officer to secure possession thereof and to return the same to the office of the Director. Any person wilfully failing to return such operator's license or such certificate or certificates and number plates shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or imprisoned in the county jail for not to exceed ninety (90) days, and such penalty shall be in addition to any penalty imposed for any violation of the motor vehicle laws of this state.

Penalty for failure to return operator's license.

Establishment of proof to respond in damages.

SEC. 18. ESTABLISHMENT OF PROOF. Proof of ability to respond in damages, when required under this act, may be evidenced by any of the following:

(a) The written certificate or certificates of any insurance carrier duly authorized to do business within this state, that it has issued to or for the benefit of the person named therein a motor vehicle liability policy or policies in the form hereinafter prescribed, which, at the date of the certificate or certificates, are in full force and effect, and designating therein by explicit description or by other adequate reference, all motor vehicles to which the policy or policies apply. The Director shall not accept any certificate or certificates unless the same shall specify the name, address, and the business, if any, of the insured, the kind of insurance afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, nor unless the same shall cover all motor vehicles then regis-

tered in this state in the name of the person furnishing such proof. Additional certificates, as aforesaid, shall be required as a condition precedent to the registration of any additional motor vehicle or motor vehicles in the name of such person required to furnish proof as aforesaid. Said certificate or certificates shall certify that the motor vehicle liability policies therein cited shall not be cancelled or expire except as hereinafter provided, and that every motor vehicle liability policy therein cited complies with the requirements of this act. The issuance of a certificate to serve as proof of ability to respond in damages under this act shall be conclusive evidence that every motor vehicle liability policy therein cited fully conforms to all the requirements of this act.

If such person be a non-resident, a certificate as aforesaid, of any insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate is registered, or if none be described, then in the state in which the insured resides, shall be accepted if such carrier shall (1) execute a power of attorney authorizing the Director to accept service of notice or process in any action arising out of a motor vehicle accident in this state, and (2) duly adopt a resolution providing that its policies shall be deemed to be varied to comply with the law of this state relating to the terms of motor vehicle liability policies issued therein, and (3) agree to accept as final and binding any final judgment duly rendered in any action arising out of a motor vehicle accident in any court of competent jurisdiction in this state. If any foreign insurance carrier which has qualified to furnish proof of ability to respond in damages as hereinbefore required defaults in any of said undertakings or agreements, the Director shall not thereafter accept any certificate of said carrier, whether theretofore filed or thereafter ten-

Non-resident  
persons.

dered, as proof of ability to respond in damages so long as such default continues.

Notice before  
cancellation  
of policy.

When an insurance carrier has certified a motor vehicle liability policy under this act, it shall give ten (10) days written notice to the Director before cancellation of such policy and the policy shall continue in full force and effect until the date of cancellation specified in such notice, unless it expires before that date.

Surety bond.

(b) A bond executed by the person giving such proof and by a surety company duly authorized to do business in this state, or by the person giving such proof and by two individual sureties, each having clear title to real estate within this state in the amount of such bond, which real estate shall be scheduled therein, and the Director shall not accept any such real estate bond unless it is first approved by a judge of the Superior Court of the State of Washington.

Real estate  
bond.

(c) The Director shall not accept any such bond unless it is conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy furnished by the person giving such proof under this act.

(d) No such bond shall be cancelled unless 10 days prior written notice of cancellation is given the Director but cancellation of such bond shall not prevent recovery thereon with respect to any right or cause of action arising prior to the date of cancellation.

(e) Before any said real estate bond is accepted by the Director it shall be recorded as other instruments affecting real property in the county or counties wherein any real estate described therein is located. Any liability covered by the conditions of said bond shall constitute a lien upon such real estate effective as of the date said bond is so recorded.

(f) If a judgment is rendered against the principal of any such surety or real estate bond upon

a liability covered by the conditions of such bond and such judgment is not satisfied within 30 days after it becomes final, then the judgment creditor may, for his own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons who executed such bond including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond, which foreclosure action shall be brought in like manner and subject to all the provisions of law applicable to an action to foreclose a mortgage upon real estate.

(g) The certificate of the State Treasurer that the person therein has deposited with him a sum of money or collateral for money approved by him in the amounts as specified in sections 8 and 9 of this act. The State Treasurer shall accept any such deposits and issue a certificate therefor, and the Director shall accept such certificate if accompanied by evidence that there are no unsatisfied judgments against the depositor registered in the office of the County Clerk of the county where the depositor resides.

Collateral  
deposited  
with state  
treasurer.

SEC. 19. IF PROOF FAILS DIRECTOR MAY REQUIRE OTHER PROOF. Whenever any evidence of proof of ability to respond in damages filed under the provisions of this act no longer fulfills the purposes for which required, the Director shall, for the purposes of this act, require other evidence of ability to respond in damages as required by this act, and shall suspend the operator's license and registration certificates pending such proof.

Requirement  
of other  
proof.

SEC. 20. MONEY OR SECURITIES DEPOSITED AS PROOF OF FINANCIAL RESPONSIBILITY. A bond, money or collateral filed or deposited by or on behalf of any person under the provisions of this act, shall be held by the Director or said Treasurer to satisfy, in accordance with the provisions of this act, any

Money  
or securities  
deposited.

execution issued against such person on a judgment for damages as aforesaid arising out of the ownership, maintenance, use or operation of a motor vehicle as aforesaid. Money or collateral so deposited shall not be subject to attachment or execution unless such attachment or execution arise out of a suit for damages as aforesaid. Accruals of interest thereon, if any, shall be the property of the depositor and shall be paid over by the State Treasurer to him, or his order as received.

Director  
to furnish  
operating  
record.

SEC. 21. DIRECTOR TO FURNISH OPERATING RECORD. The Director shall upon request furnish any insurance carrier, person or surety a certified abstract of the operating record of any person subject to the provisions of this act, which abstract shall fully designate the motor vehicles (if any) registered in the name of such person, and if there shall be no record of any conviction of such person of a violation of any provision of any statute relating to the operating of a motor vehicle or of any judgment rendered against such person as herein provided, the Director shall so certify. The Director shall collect for each such certificate the sum of one dollar (\$1.00).

Such record shall not be admissible as evidence in any action for damages or criminal proceeding arising out of a motor vehicle accident.

Director  
to furnish  
record of  
proof.

SEC. 22. DIRECTOR TO FURNISH RECORD OF PROOF. The Director shall furnish any person who may have been injured in person or property by any motor vehicle, upon written request, with all information of record in his office pertaining to the evidence of the ability of any operator or owner of any motor vehicle to respond in damages. The Director shall collect for each such report the sum of one dollar (\$1.00).

Motor  
vehicle  
liability  
policy.

SEC. 23. MOTOR VEHICLE LIABILITY POLICY. (a) A motor vehicle liability policy as said term is used

in this act shall mean a policy of liability insurance issued by an insurance carrier authorized to transact business in this state to or for the benefit of the person named therein as insured which policy shall meet the following requirements:

(1) Said policy shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby intended to be granted.

(2) Said policy shall insure the person named therein and any other person using or responsible for the use of said motor vehicle or motor vehicles with the express or implied permission of said insured.

(3) Said policy shall insure every said person on account of the maintenance, use or operation of said motor vehicle or motor vehicles within the continental limits of the United States or the Dominion of Canada against loss from the liability imposed by law arising from such maintenance, use or operation to the extent and aggregate amount, exclusive of interest and costs, with respect to each such motor vehicle, of \$5,000.00 for bodily injury to or death of one person as a result of any one accident and, subject to said limit as to one person, the amount of \$10,000.00 for bodily injury to or death of all persons as a result of any one accident and the amount of \$1,000.00 for damage to property of others as a result of any one accident.

(b) When an operator's policy is required it shall insure the person named therein as insured against the liability imposed by law upon the insured for bodily injury to or death of any person or damage to property to the amounts and limits set forth above and growing out of the use or operation by the insured within the continental limits of the United States or the Dominion of Canada of any motor vehicle not owned by him.

(c) Any liability policy or policies issued hereunder need not cover any liability of the insured assumed by or imposed upon said insured under any workman's compensation law nor any liability for damage to property in charge of the insured or the insured's employees.

(d) Any such policy may, however, grant any lawful coverage in excess of or in addition to the coverage herein specified or contain any agreements, provisions or stipulations not in conflict with the provisions of this act and not otherwise contrary to law.

(e) Any motor vehicle liability policy which by endorsement contains the provisions required hereunder shall be sufficient proof of ability to respond in damages.

(f) The Director of Licenses may accept several policies of one or more such carriers which together meet the requirements of this section.

(g) Any binder pending the issuance of any policy, which binder contains or by reference includes the provisions hereunder shall be sufficient proof of ability to respond in damages.

Additional  
requisites  
of motor  
vehicle  
liability  
policy.

SEC. 24. ADDITIONAL REQUISITES OF MOTOR VEHICLE LIABILITY POLICY. No motor vehicle liability policy or operator's policy shall be accepted as proof of ability to respond in damages hereunder unless and until all of the following requirements of this section shall be complied with:

(a) Any said form of policy shall specify the name, address, and business, if any, of the insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability and shall contain an agreement that the insurance thereunder is provided in accordance with the coverage defined in this act as respects bodily injury and death or property damage or both and is subject to all the provisions of this act.



(b) Every motor vehicle liability policy accepted as proof under this act and every operator's policy accepted as proof under this act shall be subject to the following provisions whether or not contained therein:

(1) The liability of the insurance carrier under any such policy shall become absolute whenever loss or damage covered by such policy occurs and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or obligation of the carrier to make payment on account of such loss or damage.

(2) The insurance carrier shall, however, have the right to settle any claim covered by the policy, and if such settlement is made in good faith the amount thereof shall be deductible from the limits of liability specified in the policy.

(3) No such policy shall be canceled or annulled as respects any loss or damage by any agreement between the carrier and the insured after the said insured has become responsible for such loss or damage and any such cancellation or annulment shall be void.

(4) The policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy; and further, if the policy shall provide for limits in excess of the limits specified in this act, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the pro-rating of the insurance thereunder with other applicable valid and collectible insurance.

(5) The policy, the written application therefor, if any, and any rider or endorsement which does not

conflict with the provisions of this act shall constitute the entire contract between the parties.

Insurance carrier to issue certificate, when.

SEC. 25. WHEN INSURANCE CARRIER TO ISSUE CERTIFICATE. An insurance carrier who has issued a motor vehicle liability policy or policies or any operator's policy meeting the requirements of this act shall upon request of the insured therein deliver to the insured for filing, or at the request of the insured shall file direct with the Director of Licenses, an appropriate certificate showing that such policy or policies have been issued, which certificate shall meet the requirements of this act.

Restrictions in operating motor vehicle when certain type of policy issued.

SEC. 26. RESTRICTIONS IN OPERATING MOTOR VEHICLES WHEN CERTAIN TYPE OF POLICY ISSUED. (a) When a certificate is filed showing that a policy or policies have been issued covering all motor vehicles owned by the insured but not insuring such person when operating any motor vehicle not owned by him it shall be unlawful for such person to operate any motor vehicle not owned by him or not covered by such certificate. In such event the Director of Licenses shall designate the above restriction upon the motor vehicle operator's license of such person.

(b) In the event the owner of a motor vehicle or motor vehicles desires to be relieved of the foregoing restriction and to be permitted to drive any other motor vehicle he may have such restrictions removed upon filing a certificate showing that there has been issued to him a policy of insurance insuring him as insured against liability imposed by law upon such insured for bodily injury to or death of any person or damage to property to the amounts and limits as provided under section 23 of this act with respect to any other vehicle operated by him and which otherwise complies with the requirements of this act with respect to such type of policy.

Such policy is hereinafter referred to as an operator's policy.

(c) When the person required to give proof of ability to respond in damages is not the owner of a motor vehicle then an operator's policy of the type and coverage described in the preceding paragraph shall be sufficient under this act.

SEC. 27. ACT NOT TO AFFECT OTHER POLICIES. Nothing in this act contained shall be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if endorsed to conform to the requirements of this act shall be accepted as proof of ability to respond in damages when required under this act.

Act not to affect other policies.

SEC. 28. TRANSFER AFTER SUSPENSION OF REGISTRATION. If an owner's certificate of registration has been suspended under the provisions of this act, such certificate shall not be transferred nor the motor vehicle, in respect of which such certificate was issued, registered in another name where the Director has reasonable grounds to believe that such transfer or registration is intended to defeat or will have the effect of defeating the purposes of this act: *Provided, however,* That such transfer of registration shall be permitted upon the furnishing of proof of ability to respond in damages to the Director by such transferee whenever the Director shall deem it necessary in furtherance of the purposes of this section.

Transfer after suspension of registration.

SEC. 29. PERSON HAVING GIVEN PROOF MAY SUBSTITUTE OTHER PROOF. The Director shall cancel any bond or return any certificate of insurance, or the Director shall direct and the State Treasurer shall return any money or collateral to the person entitled thereto, upon the acceptance and substitution of other adequate proof of financial responsibility pursuant to this act.

Person having given proof may substitute other proof.

When  
director may  
release proof.

SEC. 30. WHEN DIRECTOR MAY RELEASE PROOF.

(1) The Director shall, upon request, cancel any bond or return any certificate of insurance, or the Director shall direct and the State Treasurer shall return to the person entitled thereto any money or collateral, deposited pursuant to this act as proof of ability to respond in damages, or waive the requirement of filing proof of ability to respond in damages in any of the following events:

(a) At any time after three years from the date such proof was required: *Provided*, That the person on whose behalf such proof was given has not, during the three years period immediately preceding the request, been convicted of any offense referred to in section 8;

(b) In the event of the death of the person on whose behalf such proof was filed, or the permanent incapacity of such person to operate a motor vehicle;

(c) Upon the filing with the Director by the person on whose behalf such proof of financial responsibility was furnished of an affidavit that he does not own and will not operate any motor vehicle in this state for a period of one year or longer;

(d) In the event the person who has given proof of ability to respond in damages surrenders his operator's license, registration certificates, and registration plates to the Director;

(e) Upon the bona fide removal to another state, or country of the person on whose behalf such proof was filed:

*Provided, however*, That no action for damages is pending against such person on whose behalf such proof of financial responsibility was furnished and no judgment against such person is outstanding and unsatisfied in respect to personal injury, or in respect to damage to property resulting from the ownership, maintenance, use or operation hereafter of a motor vehicle: *And provided, also*, That no notice has been filed with the Director of an acci-

dent involving such person occurring within the three month period immediately preceding such request resulting from the ownership, maintenance, use or operation of a motor vehicle. An affidavit of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Director.

Whenever any person to whom proof has been surrendered, as provided in this section, applies for an operator's license or the registration of a motor vehicle within a period of three years from the date proof of financial responsibility was originally required any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such period.

SEC. 31. VOLUNTARY DEPOSIT OF PROOF. (a) Proof of financial responsibility may be made voluntarily by or on behalf of any person. The privilege of operation of any motor vehicle within this state by such person shall not be suspended or withdrawn under the provisions of this act if such proof of financial responsibility has been voluntarily filed or deposited prior to the offense or accident out of which any conviction, judgment, or order arises and if such proof, at the date of such conviction, judgment, or order is valid and sufficient for the requirements of this act.

Voluntary  
deposit of  
proof.

(b) If the Director receives record of any conviction, forfeiture of bail or collateral, or judgment against such person which, in the absence of such proof of financial responsibility would have caused the suspension of the operator's license of such person, the Director shall forthwith notify the insurer or surety of such person of the conviction or judgment so reported.

SEC. 32. OPERATING WITHOUT GIVING PROOF WHEN PROOF REQUIRED. Any person whose operator's license or registration certificate or other privilege to

Operating  
without  
giving proof.

operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of a new license or registration is contingent upon the furnishing of proof of ability to respond in damages and who during such suspension or revocation or, in the absence of full authorization from the Director, drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway except as permitted hereunder, shall be punished by imprisonment for not less than two (2) days nor more than six (6) months and there may be imposed in addition thereto a fine of not more than Five Hundred Dollars (\$500.00).

Forgery-  
perjury.

SEC. 33. FORGING OR WITHOUT AUTHORITY SIGNING EVIDENCE OF ABILITY TO RESPOND IN DAMAGES. Any person who shall forge, or materially alter, or without authority sign or alter, any proof or evidence of ability to respond in damages, or any affidavit required or referred to in this act, shall upon conviction thereof be guilty of perjury.

Penalties.

SEC. 34. VIOLATIONS AND PENALTIES. (a) It shall be a misdemeanor for any person to violate any of the provisions of this act unless violation is by this act or other law of this state declared to be a felony or a gross misdemeanor.

(b) Unless another penalty is in this act provided, every person convicted of a misdemeanor for violation of any provisions of this act shall be punished accordingly.

Disposition  
of fines.

SEC. 35. DISPOSITION OF FINES. All fines and forfeitures collected for violation of any of the provisions of this act shall be paid into the highway safety fund.

Rights of  
plaintiff.

SEC. 36. Nothing in this act contained shall be construed as preventing the plaintiff in any action at law from relying for security upon any other processes provided by law.

SEC. 37. ACT NOT TO REPEAL OTHER MOTOR VEHICLE LAWS. This act shall in no respect be considered as a repeal of the provisions of the state motor vehicle laws but shall be construed as supplemental thereto. Act supplemental.

SEC. 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. °Uniformity of interpretation.

SEC. 39. SHORT TITLE. This act may be cited as the Uniform Motor Vehicle Safety Responsibility Act. Short title.

SEC. 40. ACT NOT RETROACTIVE. This act shall not have a retroactive effect and shall not apply to any judgment or cause of action arising out of an accident occurring prior to the effective date of this act. Act not retroactive

SEC. 41. That if any section, sentence, clause or phrase of this act should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this act. Partial invalidity.

Passed the Senate February 8, 1939.

Passed the House March 5, 1939.

Approved by the Governor March 16, 1939.