

public institutions and shall take effect immediately.

Passed the House March 9, 1933.

Passed the Senate March 9, 1933.

Approved by the Governor March 18, 1933.

CHAPTER 147.

[H. B. 17.]

LICENSING AND REGULATING MOTOR VEHICLE OPERATORS.

AN ACT relating to the licensing and regulation of motor vehicle operators, the collection, distribution and expenditure of fees, prescribing the powers and duties of certain officers and departments, defining offenses and fixing penalties, and repealing section 4 of chapter 96 of the Laws of 1921; sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 15, 16, 17, 18, 19 and 20 of chapter 108 of the Laws of 1921; and sections 1 and 2 of chapter 122 of the Laws of 1923 and all other laws or parts of laws in conflict herewith.

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

SECTION 1. The following words and phrases when used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

Definitions.

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

"Vehicle."

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

"Motor vehicle."

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

"Farm tractor."

- "Person." (d) "Person." Every natural person, firm, copartnership, association or corporation.
- "Owner." (e) "Owner." A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.
- "Operator." (f) "Operator." Every person, who is in actual physical control of a motor vehicle upon a highway.
- "Non-resident." (g) "Non-resident." Every person who is not a resident of the state.
- "Highway." (h) "Highway." Every way or place of whatever nature open as a matter of right to the use of the public for purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities or other institutions.
- "Department." (i) "Department." The department of licenses of this state acting directly or through its duly authorized officers and agents.
- "Director." (j) "Director." The director of licenses of this state.

License
required.

SEC. 2. No person except those expressly exempted under sections 3, 4, 6, 7 and 13 of this act and minors under the age of sixteen years when accompanied by parents or guardians shall drive any motor vehicle upon a highway in this state unless such person upon application has been licensed as an operator by the department under the provisions of this act.

SEC. 3. (a) No person shall be required to obtain an operator's license for the purpose of driv-

ing or operating a road roller, road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved or propelled on the highways.

Road machinery, farm implement, etc.

(b) Every person in the service of the army, navy, or marine corps of the United States and when furnished with a driver's permit and when operating an official motor vehicle in such service shall be exempt from license under this act.

U. S. military service.

SEC. 4. (a) A non-resident over the age of sixteen years who has been duly licensed either as an operator or chauffeur under a law requiring the licensing of operators in his home state or country and who has in his immediate possession either a valid operator's license issued to him in his home state or country shall be permitted without examination or license under this act to drive a motor vehicle upon the highways of this state.

Licensed non-resident.

(b) It shall be unlawful for any non-resident whose home state or country does not require the licensing of operators, in his home state or country, to operate any motor vehicle upon any highway in this state without first making application for and obtaining a license as an operator as required under this act, except that said unlicensed non-resident who is over the age of sixteen years and who is the owner of a motor vehicle which has been duly registered for the current calendar year in the state or country of which the owner is a resident, may operate such motor vehicle upon the highways of this state for a period of not more than thirty days in any one year without making application for or obtaining an operator's license under this act upon condition that the motor vehicle shall at all times display the license number plate or plates issued therefor in the home state or country of the owner and that the non-resident owner has in his immediate possession a registration card evidencing such

Unlicensed non-resident.

ownership and registration in his home state or country.

Not eligible under 16.

SEC. 5. (a) An operator's license shall not be issued to any person under the age of sixteen years.

Suspended or revoked.

(b) The department shall not issue an operator's license to any person whose license has been suspended during the period for which the license was suspended, nor to any person whose license has been revoked under the provisions of this act until the expiration of one year after such license was revoked.

Habitual drunkards, drug addicts.

(c) The department shall not issue an operator's license to any person who it has determined is an habitual drunkard or is addicted to the use of narcotic drugs.

Insane, epileptic, imbecile, etc.

(d) No operator's license shall be issued to any applicant who has previously been adjudged insane or an idiot, epileptic, imbecile or feeble-minded, and who has not at the time of such application been restored to competency by judicial decree or released from a hospital for the insane, or feeble-minded upon a certificate of the superintendent that such person is competent, nor then unless the department is satisfied that such person is competent to operate a motor vehicle with safety to persons and property.

Physical or mental disabilities.

(e) The department shall not issue an operator's license to any person when in the opinion of the department such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to understand highway warning or direction signs in the English language.

Illiteracy.

SEC. 6. It shall be unlawful for any person, whether licensed under this act or not, who is under

the age of eighteen years to drive a motor vehicle while in use as a school bus for the transportation of pupils to or from school or for any person, whether licensed under this act or not, who is under the age of twenty-one years to drive a motor vehicle while in use as a public passenger-carrying vehicle.

School bus.

Passenger-carrier.

SEC. 7. The department upon receiving from any person over the age of sixteen years an application for a temporary instruction permit may in its discretion issue such a permit entitling the applicant, while having such permit in his immediate possession, to drive a motor vehicle upon the highways for a period of sixty days when accompanied by a licensed operator who is actually occupying a seat beside the driver and there is no other person in the vehicle.

Temporary instruction permit.

SEC. 8. (a) Every application for an operator's license shall be made upon the approved form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths; and shall be accompanied by a certified check, postal money order or lawful money of the United States in the sum of one dollar, payable to the state treasurer.

Application :

(b) Every application shall state the name, age, sex, and residence address of the applicant, and whether or not the applicant has heretofore been licensed as an operator and if so when and by what state, and whether or not such license has ever been suspended or revoked and if so the date of and reason for such suspension or revocation.

Contents of.

SEC. 9. The department shall not grant the application of any minor under the age of twenty-one years for an operator's license unless such application is signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor

Under 21 years.

under the age of twenty-one years has no father, mother or guardian, then an operator's license shall not be granted to the minor unless his application therefor is signed by his employer.

Examination
of applicant.

SEC. 10. (a) The department shall examine every applicant for an operator's license before issuing any such license, except as otherwise provided in subdivision (b) and (c) of this section. The department shall examine the applicant as to his physical and mental qualifications to operate a motor vehicle in such manner as not to jeopardize the safety of persons or property and as to whether any facts exist which would bar the issuance of a license under section 5 of this act, but such examination shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to operate a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this act.

Renewal.

(b) The department may in its discretion waive the examination of any person applying for the renewal of an operator's license issued under this act.

Holder
of valid
unrevoked
license.

(c) The department may in its discretion issue an operator's license under this act, without examination, to every person applying therefor who is of sufficient age, as required by section 5 of this act, to receive the license applied for and who at the time of such application has a valid unrevoked license of like nature issued to such person under any previous law of this state providing for the licensing of operators or to any person who at the time of such application has a valid unrevoked license of like nature issued to such person in another state under a law requiring the licensing and examination of operators.

SEC. 11. The director of licenses is hereby authorized to designate sheriffs, chiefs of police, town marshals and highway patrolmen, or to ap-

point other persons within this state to act for the department for the purpose of examining applicants for operator's licenses. It shall be the duty of any such officer or other person so designated or appointed to conduct examinations of applicants for operator's licenses under the provisions of this act and to make a written report of findings and recommendations upon such examinations to the department.

Officers to
conduct ex-
aminations.

SEC. 12. The department shall file every application of an operator's license and index the same by name and number and maintain suitable records of all licenses issued and all applications for licenses denied, also a record of all licenses which have been suspended or revoked.

Records.

SEC. 13. (a) The department shall issue to every person qualified to be licensed as an operator an operator's license upon the receipt of the sum of one dollar in lawful money of the United States, payable to the state treasurer, which shall bear the distinguishing number assigned to the licensee and shall contain the name, age, residence address and a brief description of the licensee for the purpose of identification, also a space for the signature of the licensee.

Form of
license.

(b) The department upon determining after an examination that an applicant is mentally and physically qualified to receive a license may issue to such person a temporary driver's permit entitling such person while having such permit in his immediate possession to drive a motor vehicle upon the highways for a period of ten days before issuance to such person of an operator's license.

Temporary
permit.

SEC. 14. In the event that an operator's license issued under the provisions of this act shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate upon furnishing

Duplicate.

proof of such fact satisfactory to the department and upon payment of a fee of fifty cents.

Signing of
certificate.

SEC. 15. (a) Every person licensed as an operator shall write his usual signature with pen and ink in the space provided for that purpose on the license certificate issued to him immediately upon receipt of such certificate, and such license shall not be valid until the certificate is so signed.

(b) The licensee shall have such license in his immediate possession at all times when driving a motor vehicle and shall display the same upon demand.

Expiration.

SEC. 16. (a) Every operator's license issued hereunder shall be valid until suspended or revoked as provided in this act, provided that all licenses hereunder shall expire July 31st each odd numbered year.

Renewal.

(b) Every license issued hereunder shall run for a term of two years, except as otherwise provided, and shall be renewed for a like period on or before the first day of August of each odd numbered calendar year for a further period of two years, upon receipt of the application and fee as in case of the original application provided for herein: *Provided*, The department in its discretion may waive examination of any applicant previously licensed.

Court
action.

SEC. 17. Every court having jurisdiction over offenses committed under any act or ordinance of this state or any city therein regulating the operation of motor vehicles on highways and streets, shall forward to the department a certified copy of its judgment and sentence for a violation of any said laws or ordinances, and may suspend or revoke the operator's license of the person so convicted, and the department shall thereupon note such fact.

Revocation.

SEC. 18. (a) Every court in fixing the penalty shall forthwith revoke the license of any person upon the conviction of such person of any of the following crimes:

1. Manslaughter resulting from the operation of a motor vehicle. Revocation upon conviction:
Man-slaughter.

2. Driving a vehicle while under the influence of intoxicating liquor or narcotic drugs. Drunken driving.

3. Perjury or the making of a false affidavit to the department under this act or any other law of this state requiring the registration of motor vehicles or regulating their operation on highways. Perjury.

4. Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used. Felony.

5. Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding twelve months. Three charges of reckless driving.

6. A conviction of a driver of a motor vehicle, involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident. Hit-and-run driving.

(b) The department upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of such person is suspended or revoked, shall immediately extend the period of such first suspension or revocation for an additional like period. Conviction during suspension.

SEC. 19. (a) The department may immediately suspend the license of any person without hearing and without receiving a record of conviction of such person of crime whenever the department has reason to believe: Suspension without hearing.

1. That such person has committed any offense for which mandatory suspension or revocation of license is provided in section 18.

Death or
injury.

2. That such person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or serious property damage.

Incompetent.

3. That such person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to drive a motor vehicle upon the highways.

Habitually
reckless.

4. That such person is an habitual reckless or negligent driver of a motor vehicle or has committed a serious violation of the motor vehicle laws of this state.

With
hearing.

Whenever the department suspends the license of any person for any reason other than that set forth in paragraph one above, the department shall immediately notify the licensee and afford him an opportunity of a hearing in the county wherein the licensee resides and upon such hearing the department shall either rescind its temporary order of suspension or, good cause appearing therefor, may suspend the license of such person for a further period or revoke said license.

Conviction in
other state.

(b) The department is hereby authorized to suspend or revoke the license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator. The department is further authorized, upon receiving a record of the conviction in this state of a non-resident driver of a motor vehicle of any offense under the motor vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident; such record to consist of a copy of the judgment and sentence in the case.

Conviction
of non-
resident.

(c) The department shall not suspend a license for a period of more than one year and upon suspending or revoking any license shall require that such license be surrendered to and retained by the department except that at the end of a period of suspension such license so surrendered shall be returned to the licensee, but any suspension or revocation of such license shall be in effect notwithstanding the document itself be not delivered over or possession thereof obtained by court or officer or the director.

Period of suspension.

SEC. 20. Any person denied a license or whose license has been revoked by the department except where such revocation is mandatory under the provisions of this act shall have the right to file a petition within thirty days thereafter for a hearing in the matter in the superior court for the county wherein such person shall reside and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon ten days' written notice to the director of licenses, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to revocation of license under the provisions of this act.

Petition for hearing.

SEC. 21. Any person whose license is revoked under this act shall not be entitled to apply for or receive any new license until the expiration of one year from the date such former license was revoked.

Period of revocation.

SEC. 22. It shall be unlawful for any person to commit any of the following acts:

(a) To display or cause or permit to be displayed or to have in possession any operator's license knowing the same to be fictitious or to have been cancelled, revoked, suspended or altered;

Fictitious license.

(b) To lend to, or knowingly permit the use of, by one not entitled thereto, any operator's license

Loaning of license.

issued to the person so lending or permitting the use thereof;

License of another.

(c) To display or to represent as one's own any operator's license not issued to the person so displaying the same;

Surrender cancelled license.

(d) To fail or refuse to surrender to any court, peace or traffic officer, or the department upon demand, any operator's license which has been suspended, cancelled or revoked as provided by laws;

Fraudulent information.

(e) To use a false or fictitious name or give a false or fictitious address in any application for an operator's license, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

False affidavit.

SEC. 23. Any person who shall make any false affidavit, or shall knowingly swear or affirm falsely, to any matter or thing required by the terms of this act to be sworn or affirmed to, shall be guilty of a gross misdemeanor.

Under 18 years.

SEC. 24. It shall be unlawful for any person to cause or knowingly permit his or her child or ward under the age of eighteen years to drive a motor vehicle upon a highway as an operator, unless such child or ward shall have first obtained a license to so drive a motor vehicle under the provisions of this act.

Employers.

SEC. 25. No person shall employ any person to operate a motor vehicle who is not licensed as provided in this act.

Owners of cars.

SEC. 26. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by any person who has no legal right to do so or in violation of any of the provisions of this act.

SEC. 27. Any person whose operator's license has been suspended or revoked, as provided in this

act, and who shall drive any motor vehicle upon the highways of this state while such license is suspended or revoked, shall be guilty of a gross misdemeanor, and upon conviction shall be punished by imprisonment in the county jail for not less than two days nor more than one year and by a fine of not more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment. Penalty.

SEC. 28. (a) It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony or gross misdemeanor. Violation.

(b) Unless another penalty is in this act or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of this act shall be punished by a fine of not more than two hundred fifty dollars (\$250.00) or by imprisonment in the county jail for not more than three months, or by both such fine and imprisonment. Penalty.

SEC. 29. It shall be the duty of the director of efficiency to appoint a sufficient number of highway police who shall have the power of peace officers for the purpose of enforcing the provisions of this act and all motor vehicle laws, rules and regulations. Vetoed.

SEC. 30. The state treasurer shall, on the next business day after receiving any fees, as provided in this act, pay the same into the state treasury into the special fund known as the "highway safety fund," the existence of which is hereby continued in the state treasury, and all expenses incurred in the enforcement of the provisions of this act shall be paid from moneys appropriated from the said highway safety fund. "Highway safety fund."

SEC. 31. 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. Uniform.

Title.

SEC. 32. This act may be cited as the "Uniform Operator's License Act."

Repeals § 4, ch. 96, Laws of 1921; §§ 1-8 inc., 10 and 11, 14 to 20 inc, ch. 108, Laws of 1921; §§ 1-2, ch. 122, Laws of 1923.

SEC. 33. Section 4 of chapter 96 of the Laws of 1921; sections 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 14, 15, 16, 17, 18, 19 and 20 of chapter 108 of the Laws of 1921; and sections 1 and 2 of chapter 122 of the Laws of 1923, and all other laws or parts of laws in conflict herewith are hereby repealed.

Partial invalidity.

SEC. 34. Should any section, or sub-division of this act be held unconstitutional, the validity of the remaining parts or provisions shall not be thereby affected.

Effective July 31, 1933.

SEC. 35. This act shall take effect from and after the thirty-first day of July, A. D. 1933.

Passed the House March 2, 1933.

Passed the Senate March 8, 1933.

Approved by the Governor March 18, 1933, with the exception of section 29, which is vetoed.