

thirty-seven minutes, fifty-eight seconds west (N. 48° 37' 58" W.) a distance of fifty-nine and seventy-five one-hundredths (59.75) feet to a point on the westerly margin of the Northern Pacific Railway Company's present right-of-way; thence northerly along said westerly margin on a curve to the left having a uniform radius of four thousand fifty-three (4053) feet a distance of two hundred four and eighty-eight one-hundredths (204.88) feet to the true point of beginning; and further to confirm in the city of Seattle by quit-claim deed for public park and parkway purposes the property so to be deeded by the Northern Pacific Railway Company, a corporation, to the said The City of Seattle.

Quit claim
to City of
Seattle.

Passed the Senate March 4, 1915.

Passed the House March 10, 1915.

Approved by the Governor March 17, 1915.

CHAPTER 142.

[S. H. B. 121.]

MOTOR VEHICLES.

AN ACT relating to the use of the public highways, and the rights and remedies of persons thereon, and fixing penalties for a violation of the conditions imposed; and providing for the licensing of motor vehicles and the collecting of fees therefor and repealing sections 5562, 5563, 5564, 5565, 5566, 5567, 5568, 5569, 5570, 5571, 5572, 5573 and 5574 of Remington & Balinger's Annotated Codes and Statutes of Washington.

Repeals
Rem.-Bal.
§§ 5562-5574.

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

SECTION 1. Except as otherwise provided by law this act shall be controlling: Scope of act.

(1) Upon the registration and numbering of motor vehicles;

(2) Upon the use of motor vehicles upon the public highways;

(3) Upon penalties for the violation of any of the provisions of this act.

SEC. 2. 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" defined.

(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 rails or tracks.

"Automobile" defined.

(2) "Automobile" shall mean the ordinary four wheeled motor vehicle, and shall be synonymous with the term "motor vehicle" except as otherwise herein provided;

"Motor cycle" defined.

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

"Auto stage" defined.

(4) "Auto stage" as distinguished from "automobile" shall mean a motor vehicle used for the purpose of carrying passengers, baggage or freight on a regular schedule of time and rates;

"Motor truck" defined.

(5) "Motor truck" shall mean a motor vehicle intended for the purpose of transporting any commodity, produce or freight;

"Public highway" defined.

(6) "Public highway" or "public highways" 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;

"Local authorities" defined.

(7) "Local authorities" shall include the officers of counties, cities or towns or other municipal sub-divisions of the state having control, power or authority over any of the subject matter embraced within this act;

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

"Peace officer" defined.

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

"Dealer" defined.

(10) "Privately owned" shall include all motor vehicles not offered for hire.

"Privately owned" defined.

(11) "For hire" shall be taken to mean all motor vehicles, other than auto stages, operated for hire.

"For hire" defined.

SEC. 3. The secretary of state, acting through the county auditors of the several counties of the State of Washington, as hereinafter provided, shall have the general supervision of the issuing of motor vehicle licenses and of the collecting of fees therefor and shall have full power to do all things necessary and proper to carry out the provisions of this act; he shall have the power to appoint a deputy and such clerk or clerks as may be required from time to time, and may purchase all materials and make all expenditures as may be necessary hereunder.

Supervision of fees and licenses by secretary of state.

It shall be the duty of the secretary of state to make and furnish to each county auditor, and to such other persons as may be in any manner responsible for the collecting of the motor tax hereinafter provided for, a tabulated list of all motor vehicles, except motor cycles, giving the make, model, the year built, the weight and horse power and setting opposite each such description the license fee charged therefor.

Lists furnished county auditors.

SEC. 4. No person under fifteen years of age shall operate or drive a motor vehicle upon a public highway unless such person is accompanied by his or her parent, guardian or the owner of such vehicle; no motor vehicle shall be operated upon a public highway without a license having been first obtained therefor, except as hereinafter provided.

Operation by person under 15 years of age.

Necessity of license.

License ap-
plication in
triplicate.

SEC. 5. Application for a motor vehicle license shall be made in triplicate to the county auditor of the county in which the applicant resides, on blanks to be furnished by the secretary of state.

Attestation
of signature.

Such application shall be made by the owner of the vehicle, or his duly authorized agent, over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge; such signature shall be attested without charge by the county auditor or by one of his deputies, but it may be attested by a notary public or other officer authorized to administer oaths.

Showing to
be made by
applicant.

The application must show:

(1) The name of the owner, with the business or residence address thereof, or both if there be such;

(2) The nature of the license required; whether a license has heretofore been issued for such vehicle, and if so, the number of such license;

(3) The trade name of such vehicle, the factory number thereof and the name and address of the manufacturer;

(4) The kind of vehicle, whether a motor cycle, automobile, auto stage, auto truck or other motor vehicle;

(5) The rated carrying capacity of such vehicle;

(6) The purpose for which the same is to be used, and whether for public or private use; if for public, the nature of the same and the city or community to be served;

(7) The power to be used, whether electric, steam, gas or other power;

(8) The horse power rating, which in case of internal combustion engines, shall be determined in accordance with the formulae of the association of American licensed automobile manufacturers, and in all other engines or motor vehicles, the rating as advertised by the maker thereof, and if two ratings are claimed, the highest one stated shall be given in the application, and in case fractional horse power rating is claimed, the whole number next above such fractional number shall be the one given;

(9) Such other information as shall be required by the secretary of state.

SEC. 6. Upon receipt of such application accompanied by the proper fee, the county auditor shall give one copy to the applicant, retain one for the county files, and immediately forward the original together with the proper fee, to the secretary of state.

Filing application.

The county auditor shall, at the expense of the county issuing the same, furnish the applicant with a temporary number printed upon durable cardboard, which number shall be displayed always on the vehicle and shall entitle the licensee to operate the same for a period of thirty days from and after the date of such application, or until the permanent number shall have been received from the secretary of state at which time it must be replaced by the permanent number, and the temporary number card returned to the county auditor.

Temporary number plates.

All temporary number plates shall contain the name of the county issuing the same; the letters "Wn" and the year in which such license shall expire; and shall be displayed upon said vehicle in the same relative position as is hereinafter provided for the displaying of the permanent number.

SEC. 7. The secretary of state shall, upon receipt of the application for a motor vehicle license accompanied by the required fee, place the original application on file in his office and thereupon issue to such applicant a license for such motor vehicle, stating therein the number to be displayed on such motor vehicle, as hereinafter provided, and authorizing the use of such vehicle upon the public highways until and including the last day of February after the issuance of such license.

License issued by secretary of state.

SEC. 8. No license shall be transferred from one person to another person, but may be transferred from one vehicle to another vehicle, when duly authorized by the secretary of state on application therefor, through the county auditor, accompanied by the proper fee, and in case such vehicle to which it is desired to have such license transferred is of higher horse power rating than the vehicle for which the original license was issued, the appli-

Transfer of licenses to other vehicles.

cant shall accompany such application with the additional amount required to cover the difference between the license fees for the two ratings.

Duty to carry license.

SEC. 9. A license to be valid must have indorsed thereon the signature of the owner or the duly authorized agent of such owner. Such license must be carried upon the vehicle for which it was issued at all times when such vehicle is being operated on the public highways. Any person in charge of such vehicle shall, upon demand of any of the local authorities or of any peace officer, or of any representative of the secretary of state's office permit an inspection of the same. Upon application supported by affidavit of loss or destruction of a license and upon payment of a fee required therefor, a duplicate copy thereof shall be issued.

Right of inspection.

Duplicates in case of loss.

Demonstrating license to dealers.

SEC. 10. A demonstrating license shall be issued to an actual dealer only for any make of motor vehicle handled or dealt in by him, and for the fee as hereinafter specified, but shall not be used upon any vehicle while the same is being operated for hire; nor shall more than one vehicle be operated at the same time under such license, except that an additional license may be issued as hereinafter provided.

Right of foreign residents.

SEC. 11. Any person resident of another state or country may bring into this state any motor vehicle and operate the same without obtaining a license therefor for a period of ninety (90) days in any one calendar year: *Provided*, Such person has complied in all respects with the laws of his own state or country as to the registration or licensing of motor vehicles: *And provided further*, That such motor vehicle is not used in this state for hire.

Number plates furnished by secretary of state. (Repetition.)

SEC. 12. The secretary of state shall furnish to each licensee of a motor vehicle two number plates containing the number to be displayed on such vehicle [to be displayed upon such vehicle], as hereinafter provided. The number shall be in Arabic numerals not less than four inches in height nor less than one-half inch stroke, and shall be pre-

ceded by the letters "Wn" and followed by the year in which such license shall expire, and such number plates if issued to a dealer shall contain the word "dealer." The secretary of state may put such other marks or characters on such plates or fix the color of same as he may determine to properly identify the kind of license issued or the period for which the same was issued; and the size of the numerals for motor cycles shall be two and one-half inches high and three-eighths inch stroke.

SEC. 13. Upon the sale of any motor vehicle the delivery thereof shall not be deemed to have been made until the vendor shall have removed his number plates therefrom and the vendee shall have secured a license therefor and placed the new number plates thereon.

Removal of number on sale.

SEC. 14. Upon the loss of any number plate or the defacement or destruction thereof, the secretary of state shall be notified without delay. The notice shall be accompanied by the requisite fee and upon receipt of the same the secretary of state shall issue a duplicate of such plate, and in case such duplication cannot be furnished at once the secretary of state shall furnish to such person a certificate stating therein the loss or destruction of such plate and authorizing the applicant to use a temporary number plate until the receipt of such duplicate from the secretary of state, which shall be immediately placed on such vehicle.

Duplicate plates in case of loss.

SEC. 15. All fees herein authorized to be collected shall be as follows:

Schedule of fees.

ANNUAL FEES.

MOTOR CYCLES.

All \$2 50

AUTOMOBILES.

Automobiles—25 horse power, or under..... 3 00
 Over 25 horse power and under 40 horse power..... 5 00
 40 horse power and over..... 7 50

AUTOMOBILES FOR HIRE.

Automobiles for hire shall pay at the rate of, per horse power 50

MOTOR TRUCKS.

Under 2 ton capacity.....	\$10 00
2 ton and under 3 ton.....	15 00
3 ton and under 4 ton.....	20 00
4 ton and (not over 5 ton capacity).....	25 00

MOTOR TRUCKS FOR HIRE.

Under 2 ton capacity.....	20 00
2 ton and under 3 ton.....	30 00
3 ton and under 4 ton.....	40 00
4 ton and not over 5 ton.....	50 00

AUTO STAGES.

Auto stages for hire shall pay at the rate of, per horse power 50
 And in addition thereto \$1.00 per passenger capacity of any such auto stage.

DEMONSTRATION.

Motor cycles	3 00
All other motor vehicles regardless of horse power or capacity	5 00
Additional demonstrating license, except motor cycle demonstrating license	3 00

GENERAL FEES.

Duplication of number plates, each.....	50
Duplication of motor vehicle license.....	50
Transfer of motor vehicle license, each.....	50
<i>Provided</i> , That the provisions of this section relating to automobiles for hire shall not apply to private automobiles that shall be operated for hire for a period of ten days or less, and for which a special permit so to operate shall have been obtained from the county auditor. The fee for any such permit shall be for each automobile the sum of.....	1 00

SEC. 16. For all motor vehicle licenses except those on motor cycles and privately owned automobiles issued after the first day of September of any year only one-half the rates named in section 15 shall be charged.

Half rates for partial year.

SEC. 17. Motor vehicles owned by any city for the police or fire department thereof, and used exclusively in these departments; and all motor vehicles owned by the United States government and used exclusively in its service, shall be exempt from payment of license fees as herein provided: *Provided, however*, They must be registered as provided for in this act and display the number assigned by the secretary of state upon the machine; nor

Exemption from license.

Necessity of registration and number.

shall the said motor vehicles or any motor ambulance for the relief of sick or injured persons, when the emergencies of the occasion demand, be limited to the speed regulations provided as authorized.

SEC. 18. All fees collected by the secretary of state as herein provided shall be paid into the state treasury as other funds are paid and after returning to the general fund the amounts appropriated therefrom each biennium for the expenses of the issuing of such licenses the surplus shall go to the permanent highway fund, for the maintenance and repair of permanent highways in addition to the fund heretofore provided by law, to be distributed in accordance with the amounts of money paid in to the permanent highway fund by the various counties of the state.

Disposition
of fees.

SEC. 19. The authorized number plate of each motor vehicle shall be attached conspicuously to both the front and rear of such vehicle, at least two feet above the ground and so fastened as to prevent swinging thereof, and each number plate shall be kept clean so as to be plainly seen and read at all times.

Number
plates, how
attached.

SEC. 20. Every motor vehicle, using an internal combustion engine, shall use an exhaust muffler, and the same shall not be cut out or disconnected within the limits of any incorporated city within the state.

Use of
exhaust
muffler.

SEC. 21. Every motor vehicle shall exhibit during the hours of darkness, at least two lamps showing white lights visible two hundred feet or more in advance of said vehicle, and one or more lamps in the rear thereof, showing a red light visible at least two hundred feet in the rear of such machine, and the same light or additional light casting white rays of sufficient strength on the rear number plate thereof so that such number plate may be easily read at a distance of at least sixty feet: *Provided*, That motor cycles shall be required to carry only one light in the front thereof, which shall show white rays visible at least 200 feet in advance of such motor vehicle: *Provided, further*, That it shall be unlawful to display any light showing red to the front of any motor vehicle.

Exhibition
of lights.

Brakes and
danger
signals.

SEC. 22. Every motor vehicle shall be provided with good and sufficient brakes, and with a suitable bell, horn or other signal which shall be rung or blown as a signal or warning to any person, or whenever there is danger of collision or accident.

Careful
driving.

SEC. 23. No person driving or operating any motor vehicle shall drive or operate the same in any other than a careful and prudent manner, nor at any greater speed than is reasonable or proper, having due regard to the traffic and use of the way by others, or so as to endanger the life and limb of any person.

Rate of
speed.

SEC. 24. In no case shall any motor vehicle be driven, operated or moved at a rate of speed faster than one (1) mile in five (5) minutes within the thickly settled or business portion of any city or town of the third or fourth class, nor within one hundred yards of any school house, on school days between eight o'clock in the morning and six o'clock in the afternoon within this state, nor outside of such thickly settled or business portion of any city or town on any road, street or public place at a rate of speed faster than one mile in two (2) minutes.

Racing on
public
highways.

SEC. 25. The racing of automobiles on the public highways is hereby forbidden: *Provided, however,* Local authorities may designate and set aside certain portions of the public highways for limited periods to be used for speed trials or speed contests.

Rule of
the road.

SEC. 26. It shall be the rule of the road that every person driving a motor or other vehicle or riding or driving any animal or animals upon the public highway or in any other similar use of such highway shall, upon meeting any other person so using such highway, seasonably turn to the right of the center of the highway so as to pass without interference, and any person so using the highway shall, upon overtaking any other person so using the highway, pass to the left side thereof and the person so overtaken shall as soon as practicable turn to the right so as to allow free passage on the left. Any person operating a motor or other vehicle shall, at the intersection of public

highways, keep to the right of the intersections of the centers of such highways when turning to the right and pass to the right of such intersection when turning to the left: *Provided, however,* A variance from the rules contained in this section in good faith, believing that such variance to be necessary or desirable shall not subject the offender to arrest under the criminal provisions of this act.

SEC. 27. Every person driving or operating a motor vehicle on approaching any vehicle drawn by a horse or horses or any horse upon which any person is riding, shall operate, manage and control such vehicle in such manner as to exercise reasonable precaution to prevent frightening of any such horse or horses and to insure the safety and protection of any person riding or driving the same. If such horse or horses appear frightened, the person in control of said motor vehicle shall reduce the speed thereof, and if requested by the raising of the hand or other signal of the driver of such horse or horses shall bring such motor vehicle to a full stop and shall not proceed further unless such movement be necessary to avoid accident or injury or unless such animal appears to be under the control of its rider or driver.

Precaution
against
frightening
horses.

SEC. 28. In case of accident to a person or property on the public highways due to the operation thereon of a motor vehicle, the person operating such vehicle shall stop, and upon request of the person injured or of any person present, shall give to such person his name and address, and if not the owner of such vehicle, the name and address of such owner, and the name and address of other persons accompanying him.

Must stop
on inflicting
accident.

SEC. 29. Every act or statement required to be made by the owner of any motor vehicle, or by the agent of such owner, shall be made or done by the owner in person unless such owner is a company or corporation or otherwise incapable of acting in person, and if the same is made or done by the agent the necessity thereof shall be stated or shown.

Acts and
statements
of owners.

Penalty for misrepresentation, or violations of act.

SEC. 30. Any person who shall make falsely any statement herein required to be made or who shall obtain any license by any misrepresentation or deceit, or who shall display any number or license not authorized by law to be used, or who shall in violation of the provisions of this act, loan or permit to be used any license or number issued to him, or who shall in any manner violate the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly: *Provided*, That in no event shall the minimum fine be less than fifteen dollars.

Disposition of fines.

SEC. 31. All monies derived from fines assessed for the violation of any of the provisions of this act shall be paid into the permanent highway fund, for the maintenance and repair of permanent highways in addition to the funds heretofore provided by law, to be distributed in accordance with the amounts of money paid in to the permanent highway fund by the various counties of the state.

Arrests by peace officers.

SEC. 32. Any peace officer may make arrests for any violation of this act with or without warrant therefor upon showing his authority as such officer, and for the purpose of enforcing the provisions of this act the secretary of state, or his appointed deputies shall be deemed peace officers and shall have the same power and authority as any peace officer within the county, city or town in which such violation occurs.

Authority of secretary and deputies.

Right of civil action.

SEC. 33. Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injury to person or property resulting from the negligent use of the public highways by the driver or operator of any motor vehicle or its owner or his employee or agent, and the owner of such vehicle shall be equally liable for the negligent operation thereof, when at the time of such injury the vehicle was operated by the agent of such owner, or by any person employed by him for the purpose of operating such vehicle.

Restriction on local license taxing.

SEC. 34. The local authorities shall have no power to pass or enforce any ordinance, rule or regulation requir-

ing of the owner or operator of any motor vehicle, any license other than an occupation license or tax which may be levied in only one city or town when such motor vehicle is engaged in inter-city service, or permit to use the public highways except as herein provided or to exclude or to prohibit any motor vehicle whose owner has complied with the provisions of this act from the free use of the public highways, and all such rules, ordinances and regulations now in force are hereby declared to be of no validity or effect: *Provided, however,* That nothing herein shall be construed as limiting the power of the county commissioners or local authorities to make, enforce and maintain ordinances, rules and regulations governing traffic in addition to the provisions of this act affecting motor vehicles.

Conflicting
local
regulations
void.

SEC. 35. That sections 5562, 5563, 5564, 5565, 5566, 5567, 5568, 5569, 5570, 5571, 5572, 5573 and 5574 of Rem. & Bal. Code, relating to the licensing of automobiles, be and the same is hereby repealed: *Provided, however,* That all licenses granted under this act, and the regulations imposed thereby shall be valid and the compliance with the conditions imposed therein shall be sufficient until this act takes effect, without further payment of any fee or fees.

Repealing
clause.

Saving
clause.

SEC. 36. If any portion of this act should be declared unconstitutional, it shall not thereby affect the constitutionality of the remaining portions.

Partial
invalidity.

Passed the House March 1, 1915.

Passed the Senate March 5, 1915.

Approved by the Governor March 17, 1915.