

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the House, January 31, 1919.

Passed the Senate, February 11, 1919.

Approved by the Governor February 28, 1919.

CHAPTER 59.

[S. B. 221.]

AMENDMENTS OF MOTOR VEHICLE LAWS.

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; amending sections 5, 14 and 26, of chapter 142, Laws of 1915, and sections 2, 3, 4, 8, 11, 12, 19, 21, 30 and 34 of chapter 142, Laws of 1915, as amended by chapter 155, Laws of 1917, and repealing section 6, chapter 142, Laws of 1915 as amended by chapter 155, Laws of 1917, and section 21, chapter 155, Laws of 1917.

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

SECTION 1. That section 2 of chapter 142, Laws of 1915, as amended by chapter 155, Laws of 1917, be amended to read as follows:

Section 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: Definitions.

(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 ma- Motor vehicle.

chines, and motor vehicles that run upon rails or tracks;

Automobile. (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. (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;

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

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

Trailer. (5a) "Trailer" shall mean any vehicle which is attached to a motor vehicle for the purpose of being drawn or propelled by such motor vehicle;

Public highway. (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. (7) "Local authorities" shall include the officers of counties, cities or towns or other municipal subdivisions of the state having control, power or

authority over any of the subject matter embraced in this act;

(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.

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

Dealer.

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

Privately owned.

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

For hire.

SEC. 2. [Vetoed.]

SEC. 3. That section 4, chapter 142, Laws of 1915, as amended by chapter 155, Laws of 1917, be amended to read as follows:

Section 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, excepting as hereinafter provided: *Provided, however*, no motor vehicle for hire or auto stage shall be operated by any person under the age of twenty-one years.

Minors as drivers.

SEC. 4. That section 5, chapter 142, Laws of 1915 is hereby amended to read as follows:

Section 5. Application for a motor vehicle license shall be made to the secretary of state on blanks to be furnished by him.

Applications for license.

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.

The application must show:

Contents.

(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;

Weight of
vehicles, de-
termination.

(8) The weight of all automobiles for private use which shall be determined by the shipping weight thereof as given by the manufacturer: *Provided, however,* that if the secretary of state is unable to obtain such shipping weight on any particular make or model of automobile the owner of any such automobile when making application for license thereon shall cause said vehicle to be duly weighed upon a public scale and attach the certificate of weight to his application for license, which certificate must accompany such application for license when the same is forwarded to the secretary of state and the owner of the vehicle shall pay the

license fee in accordance with weight shown on such certificate.

The weight of all automobiles For Hire, Auto Stages and Motor Trucks which shall be determined by the weighing of such vehicles upon a public scale and the owner of any such automobile For Hire, Auto Stage or Motor Truck shall furnish to the secretary of state at the time application for license is made certificate of weight of such vehicle, said certificate to be signed by the person in charge of such public scale, his agent or employes.

Certification
of weight..

The certificate of weight herein provided for must be attached to and accompany the application for license which is forwarded to the secretary of state.

The secretary of state is hereby forbidden to accept application for license unless such certificate of weight as provided for herein is furnished him at the time the application is made and the fee paid in accordance with weight given upon such certificate: *Provided, however,* that in determining the weight of vehicles as provided for in this section that no fraction of 100 pounds shall be taken into consideration but where such fractions occur the fee shall obtain upon the next lowest hundred pounds;

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

SEC. 5. That section 8 of chapter 142, Laws of 1915, as amended by chapter 155, Laws of 1917, be amended to read as follows:

Section 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 secretary of state on application therefor, accompanied by the proper fee, and in case such vehicle to which it is desired to have such license transferred is of greater weight than the vehicle for which the original license was issued, the

Transfer of
licenses.

applicant shall accompany such application with the additional amount required to cover the difference between the license fees for the two ratings. A license may be transferred from one classification to a different classification upon application to the secretary of state and the payment of the difference between the license fee originally paid and the fee provided by this act for the class to which the transfer is made, together with an additional transfer fee of one dollar (\$1.00): *Provided*, that no refund shall be made if the fee fixed by this act for the class to which such transfer is made be less than the fee originally paid: *Provided, however*, the original license and the number plates must be returned at the time application for transfer is made.

SEC. 6. That section 11 of chapter 142 of the Laws of 1915 be amended to read as follows:

Nonresidents
exempt from
license.

Section 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: *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 a motor vehicle is not used in this state for hire, and: *Provided, further*, that any owner of a motor vehicle who resides in this state for a period exceeding ninety days shall not come under the exemption provided for herein and any motor vehicle used in this state for a continuous period exceeding ninety days shall be subject to the license fees as provided for in this statute.

SEC. 7. That section 12 of chapter 142, Laws of 1915, as amended by chapter 155, Laws of 1917, be amended to read as follows:

Number
plates, how
marked.

Section 12. On and after March 1, 1920, 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 as herein-after provided. The number shall be in block numerals and of such size as the secretary of state may determine, and shall be preceded by the letters "Wn" and by the last numeral of the year in which such license shall expire, and such number plate if issued to a dealer, shall contain the word "Dealer." The secretary of state may put such other mark or character on such plates or fix the color of same as he may determine, to properly identify the kind of license issued. Such plates shall be obtained by the secretary of state on competitive bids.

The size of the numerals for motor cycles shall be $2\frac{1}{2}$ inches high and $\frac{3}{8}$ inch stroke,

Provided, however, that the secretary of state may, at his option, accept prior to March first of any year applications for renewal of licenses expiring on the last day of February of that year, and may issue licenses in renewal thereof which licenses shall expire on the last day of February of the year following, but no cancellation of licenses so issued shall be made and no fees paid therefor shall be refunded.

Renewal of
licenses.

SEC. 8. That section 14 of chapter 142 of the Laws of 1915 be amended to read as follows:

Section 14. Upon the loss of any number plate or the defacement or destruction thereof, or when, for any reason, the letters or figures upon any number plate become illegible or in such condition as to be difficult to distinguish, application for a duplicate thereof must be made to the secretary of state. The application 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

Duplicate
number
plates,
issuance.

temporary number plate until the receipt of such duplicate from the secretary of state, which shall be immediately placed on such vehicle.

SEC. 9. That section 19 of chapter 142, Laws of 1915, as amended by chapter 155, Laws of 1917, be amended to read as follows:

Number plates, how attached.

Section 19. The authorized number plates of each motor vehicle shall be attached conspicuously to both front and rear of such vehicle and in such manner that they can be plainly seen and read at all times. Each number plate shall hang in a horizontal position at a distance of not less than one foot nor more than four feet from the ground, and each number plate shall be kept clean so as to be plainly seen and read at all times.

Illegal plates.

It shall be unlawful to display upon the front or rear of any motor vehicle any number plate other than those furnished by the secretary of state or to display upon any motor vehicle any such number plates which have in any manner been changed, altered or disfigured, or have become illegible.

SEC. 10. That section 21 of chapter 142 of the Laws of 1915 be amended to read as follows:

Lights to be exhibited.

Section 21. Every motor vehicle operated or driven upon the public highways of the state shall exhibit during the period from one-half hour after sunset to one-half hour before sunrise and at all times when fog or other atmospheric conditions render the operation of said vehicle dangerous to traffic or the use of the highways at least two head-lamps, one on each side of said vehicle, showing white or yellow tinted lights visible at least five hundred feet or more in advance of said vehicle. Such motor vehicle or any trailer attached thereto shall have attached to the rear not less than one lamp showing a red light visible at least two hundred feet in the rear of such vehicle, 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 or yellow tinted rays visible at least five hundred 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. Every motor truck, the body of which exceeds six (6) feet in width shall exhibit during the hours of darkness, in addition to the above required lights, a white light on the left side of the machine defining the limit of the body of the machine or the overhanging load, if any there be, and beyond the outside thereof, and said light shall be so fixed or carried that the light therefrom may be seen both from the front and rear of said motor truck. Every motor truck, automobile or trailer carrying a load which projects over the rear end three feet or more shall be required to display a red flag by day and a red light by night, on the extreme end of such overhanging load. No person shall install or use a light of more than twenty-seven candle power in any motor vehicle headlamp equipped with a reflector. It shall be unlawful to use on a motor vehicle of any kind operated on the public highways of this state any lighting device of over four candle power equipped with a reflector, unless the same shall be so designed, deflected or arranged as to deflect or diffuse the light and to produce sufficient light to reveal objects at least one hundred and fifty feet ahead thereof and ten feet on either side of the center line of said vehicle measured at a distance of ten feet in front thereof and in such manner that the beam of light therefrom, when measured seventy-five feet or more ahead of the lamps shall not rise above forty-two

Display of
flags and
lights for
projecting
loads.

Character
of lighting
devices.

inches from the level surface on which the vehicle stands under all conditions of road.

“Beam of light” defined.

The term “beam of light” shall be construed to mean the reflected rays of light which are projected approximately parallel to the optical axis of the reflector.

“Diffused” defined.

A light shall be deemed “diffused” when produced by a headlamp which has the entire surface of the glass front etched, ground, sand blasted or so formed that the light emitted therefrom is entirely dispersed.

Spot lights.

The above provisions of this act shall not apply to spot lights but all spot lights shall, while in use upon the highways of this state, be so directed that the beam of light therefrom shall strike the roadway at a point at least six (6) feet to the right and not more than seventy-five feet in front thereof when approaching a vehicle.

Evidence of candle power.

In any prosecution under this act, the candle power indicated on the headlight bulb from any electric headlamp shall be and constitute *prima facie* evidence of the light candle power of such headlamp.

From and after the first day of July, 1918, it shall be unlawful to sell or offer for sale, or have in possession with intent to sell, any vehicle of any kind for operation on the public highways of this state equipped with any lighting device of over four candle power with a reflector unless such lighting device shall conform to the provisions of the preceding paragraphs of this section.

SEC. 11. That section 26 of chapter 142, Laws of 1915, be amended to read as follows:

Rule of the road.

Section 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, in good faith, from the rules herein relating to the turning to the left of a vehicle when overtaking another going in the same direction where the exigencies of the situation permit shall not subject the offender to arrest under the criminal provision of this act.

SEC. 12. That section 30 of chapter 142, Laws of 1915, as amended by chapter 155, Laws of 1917, be amended to read as follows:

Section 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 loan or permit to be used any license or number whether issued to him or to any other person, firm or corporation 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, either by a fine or imprisonment or both such fine and imprisonment: *Provided*, that in no event shall the minimum fine be less than fifteen dollars (\$15.00).

Violations
of act.

Penalty.

SEC. 13. That section 34 of chapter 142, Laws of 1915, as amended by chapter 155, Laws of 1917, be amended to read as follows:

Local regulations restricted.

Section 34. The local authorities shall have no power to pass or enforce any ordinance, rule or regulation governing the speed of any motor vehicle in conflict with the provisions of this act or requiring of the owner or operator of any motor vehicle, any license other than an occupation license or a tax which may be levied in only one city or town when such motor vehicle is engaged in inter-city service, or permitted 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, but not in conflict therewith.

Nonconflicting local regulations.

Extension of licenses.

SEC. 14. All licenses expiring on the last day of February, 1919, are hereby continued in full force and effect up to and including the last day of March, 1919.

SEC. 15. [Vetoed.]

SEC. 16. [Vetoed.]

Emergency.

SEC. 17. This act is necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 25, 1919.

Passed the House February 27, 1919.

Approved by the Governor with the exceptions of sections 2, 15 and 16, which were vetoed, February 28, 1919.